REVISED STAFF REPORT FOR APPEAL OF A PLANNING DIRECTOR’S DECISION
FILE NO. SP-12-02 FOR ADMINISTRATIVE SITE PLAN REVIEW

APPLICANT: Jordan Cove Energy Project L.P. (JCEP)
OWNER: Fort Chicago Holdings II US, LLC (Fort Chicago)
APPEALANTS: John Clarke and Citizens Against LNG (Jody McCaffree, Representative)
REVIEWING BODY: Andrew Stamp, Hearings Officer will conduct the hearings and make a recommendation to The Board of Commissioners

STAFF CONTACT: Jill Rolfe, Planning Director

Staff has prepared this report by first explaining the applicant’s request and thus moving on to the basic findings, applicable criteria to be addressed, zoning, special considerations, history and background. Then staff sets out the criteria and findings as they connect through the ordinance to show why each criteria is relevant. Staff has made some suggested conditions of approval. The applicant has submitted a revised supplemental narrative and site plan to address changes being made in the course of the Energy Facility Siting Council (EFSC) review process and issues raised by the appellants.

MAP NUMBER(S) / LEGAL DESCRIPTION & PROPERTY LOCATION
The property is described as Township 25S Range 13W Section 03/04 Tax Lots 200/100 and is located north of the City of North Bend immediately east of Jordan Cove Road. The property was a mill site that has been demolished.

APPLICANT’S REQUEST
The applicant has requested to site a utility facility project that will include the generation and distribution of electricity plus the processing of natural gas. Even though these are uses listed as permitted uses 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; Chapter V, Administration (Article 5.6 Design and Site Plan Review); and Article 4.4 General Development Standards which requires Chapter X to be addressed. Supplemental applicable provisions listed in Chapter III have been considered in conjunction with the review. The Roadmaster has specifically identified that LDO Section 3.3400 Vision Clearance Triangle, LDO Section 7.1.550(13) Site Plan Review Procedures for Access Management, LDO Section 10.1.300 Parking Area Design and LDO Section 7.1.1000 Responsibility for Determining Compliance.

The proposed South Dunes Power Plant Project ("Project") has been revised and amended to address comments, concerns or issued by interested parties to avoid or settle appeals and to provide for a comprehensive inventory of prior land use decisions that have previously been referred to in the application. The current revision titled Administrative Site Plan Review Application Third Amended Re-Revised Supplemental Narrative dated August 9, 2013. This staff report will cross-reference related application file numbers, exhibits and findings of consistency with applicable criteria.

The original applicant for this proposal was SHN Consulting Engineers & Geologist INC. on behalf of the property owner Weyerhaeuser NR Company (Weyerhaeuser). However, since the time the application was filed, Jordan Cove Energy Project, L.P. (JCEP) exercised its option to purchase the land formerly known as Weyerhaeuser Liner Board
Site, and now commonly known as the Mill Site (the “Site”), from Weyerhaeuser following which JCEP assigned its interest to Fort Chicago. Fort Chicago then purchased the land from Weyerhaeuser and authorized JCEP to be the applicant. The prior approvals run with the land and not the owner.

## APPLICABLE CRITERIA

<table>
<thead>
<tr>
<th>Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)</th>
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</thead>
<tbody>
<tr>
<td>LDO Section 4.2.600, Table 4.2e</td>
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<td>Section 4.2.100</td>
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<td>Article 4.6</td>
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<td>Article 4.7</td>
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<td>LDO Table 4.4-c</td>
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<td>Chapter V, Article 5.6</td>
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<td>Chapter X</td>
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<td>Chapter III</td>
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<td>Article 7.1</td>
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<td>Article 5.8</td>
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</table>

## 1. BASIC FINDINGS

A. **Lawfully Created Parcel:** The property was lawfully created in accordance with LDO Section 3.3.800.

B. **Zoning Background:** the Coos County Comprehensive Plan is presented in three volumes. Each volume is coordinated with the other two.

<table>
<thead>
<tr>
<th>Volume</th>
<th>Description</th>
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<tbody>
<tr>
<td>I</td>
<td>Coos County Comprehensive Plan (excludes estuarine coastal shorelands)</td>
</tr>
<tr>
<td>II</td>
<td>Coos Bay Estuary Management Plan</td>
</tr>
<tr>
<td>III</td>
<td>Coquille River Estuary Management Plan</td>
</tr>
</tbody>
</table>

Section 2 of Part 1, Volume I of the Coos County Comprehensive Plan (CCCP) explains the land use designations used on the map, and specifically describes the uses allowed under each designation. The designations have names such as "Rural Center," "Urban Residential," "Agriculture," "Natural Resource Conservation," and so forth. The specific uses that are allowed by each land use designation on the Comprehensive Plan Map are presented in explicit detail in the Coos County Zoning and Land Development Ordinance (LDO). The Coos County Zoning and Land Development Ordinance (LDO) implements the CCCP with the detailed uses. Section 5 of Part 1, Volume I of the CCCP presents adopted plan policies for the Balance of County zoning (which are interchangeably called "goals" and "strategies"). These policies modify the uses and activities that may otherwise be allowed at a given site; for example, special restrictions may apply to property if it is located in an area of known hazards or special environmental sensitivity. The policies also give direction regarding other critical planning concerns, such as the provision of public facilities, and so forth; these policies have been adopted within Appendix I of the LDO as local goals and implementation strategies.

Volume I, Part 2 contains the inventories and factual bases that support management decisions presented in Part
I, Volume I. Volume I, Part 2, Section 3 is divided into twelve subsections each taking a detailed inventory of the known information about a particular natural resource or hazard, as well as a discussion of potential problems and opportunities for each. The detailed inventories, also referred to as special considerations or special regulatory considerations, were used to develop the CCCP maps\(^1\). When a use\(^2\) or activity\(^3\) is proposed on a property then staff is able to review the CCCP maps to determine if a property is subject to further special regulatory review. If the proposed development is located in an area identified as an area of special consideration, the development is limited by the regulations prescribed by the “Special Regulatory Considerations” set forth in Tables 4.7a, b, and c. Table 4.7a shall apply to the Balance of County and Table 4.7c shall apply to the Coos Bay Estuary Management Plan (CBEMP) (Table 4.7 b applies to the Coquille River Estuary Management Plan (CREMP) and that does not apply to the subject property). Table 4.7 lists out each phenomenon, special regulatory consideration, and the Appendix that applies by page number and applicable strategy or policy number. The strategies are policies that provide specific guidance or criteria that apply to the phenomenon.

The applicant has coordinated with the Planning Department to obtain the Balance of County inventory maps referenced in Table 4.7a and they have included copies of those maps in their application. Therefore, staff has made reference to the inventory maps and exhibits instead of replicating the information. Staff hereby adopts and incorporates by reference the application narrative, together with its findings, exhibits, attachments and figures, as part of the staff's findings in support of the decision to approve the application with conditions.

**Property Zoning**

The majority of the property has been zoned for industrial use since 1975. The Coos County Comprehensive Plan was adopted and acknowledged by the Land Conservation and Development Commission (LCDC) to be consistent with the statewide planning goals in 1985. The Coos County Zoning and Development Ordinance (LDO) was enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan (Plan). The Plan and LDO were updated in periodic review under state land use statutes which was completed in 2000. Historically the property has been zoned IND (Industrial). The IND zone has both historically and currently allowed utility facilities, including utility facilities for the generation of power for public sale, plus other types of industrial facilities for the assembly, manufacturing, processing or production of a variety of products as permitted uses. All provisions of the LDO remain in compliance with the Plan. The Plan and LDO have been amended to adopt any new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals that would be applicable to the development of the property for the proposed use.

This property has been an established industrial property prior to applied zoning in 1975. The use and future uses of the property were taken into consideration when the CCCP and the LDO were developed and acknowledged by LCDC. The zoning is very specific about the appropriate permitted uses for industrial zoning. Processing and utility facilities are permitted in the IND without public hearing requirements. The other review processes listed were developed to ensure that all development will address any special or unique consideration that apply to all properties.

The owner’s property has split zoning, but the development under review is limited to the IND zoning. The zoning is described below.

**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).

\(^1\) SPECIAL CONSIDERATIONS MAP: A map, or series of maps, or map overlays identifying areas in Coos County which may have an impact on development. The phenomena identified on the Special Considerations Map identified for the Balance of County in Table 4.7a which may have an impact include: mineral resources, water resources, archaeological and historical resources, dunes and non-estuarine coastal shorelands, significant wildlife habitat and natural hazards.

\(^2\) As defined in the LDO a “use” often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

\(^3\) As defined in the LDO, an “activity” is any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling, fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.
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.

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.

ARTICLE 4.6 OVERLAY ZONES
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. The portions of the property that are zoned 7-D contain a floodplain. However, the application only addresses the IND zoned portions of the subject property. This has been addressed in this applicable under Section II of this report.

ARTICLE 4.7 SPECIAL CONSIDERATIONS
This property contains some special considerations called phenomenon. In LDO Article 4.7 Special Considerations prescribes 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 Volume III (Coquille River Estuary Management Plan) of the Comprehensive Plan.

Development in areas identified on the Special Considerations Map shall be limited by the regulations prescribed by the “Special Regulatory Considerations” set forth in Tables 4.7a, b, and c. Table 4.7a shall apply to the Balance of County and Table 4.7c shall apply to the Coos Bay Estuary Coastal Shoreland Boundary (Table 4.7b relates does not apply to the subject property). Table 4.7 lists out each phenomenon, special regulatory consideration, and Appendix that applies by page number and applicable strategy number. Staff has addressed the special considerations that apply to the Site under Table 4.7a which are applicable to the Site for Balance of County zoning (IND) under Section II of this report.

C. Site Description: The property is a vacant mill site. Currently there is no development on the property.

D. Surrounding Land Uses: The North Spit has a mix of industrial, recreational and natural areas.

E. Background: Fort Chicago is the owner of the subject property. This subject property has been historically used as a mill site and the ground heavily impacted from activities associated with the mill. Below are pictures of the historical uses.
On November 15, 2012, staff rendered a decision to approve the site plan with conditions. However, at the applicant's request the decision was withdrawn for reconsideration.

The applicant then submitted a supplemental narrative and modified site plans regarding compliance with the site plan’s surface water disposal system. After a complete review of the changes provided by the applicant, the Planning Director modified the approval as set forth in the prior report and issued a reconsidered decision dated December 13, 2012. Notice of the reconsidered decision was provided on that date in the same manner as the original administrative notice, with any appeal of that decision to proceed on that date pursuant to Article 5.8 of the LDO.

That December 13, 2012 decision was then appealed by Jody McCaffree, Citizens Against LNG Inc., on December 28, 2012. After reviewing the appeal issues with Ms. McCaffree and the applicant’s attorney, it was agreed that the parties could settle the appeal if the applicant would submit a revised, supplemental narrative which would invite a new condition requested by the applicant, to the effect that the applicant shall comply with applicable local, state and federal regulations and laws including regulations regarding impacts to jurisdictional wetlands and natural hazard areas under ORS 455.466 through ORS 455.449, as required by local, state and federal agencies having jurisdiction. It was agreed that this new condition would replace the condition of approval number two that was made in the December 13, 2012 staff report.

After reviewing the, revised condition of approval and with all parties in agreement, staff then issuing a staff report and notice of revised, reconsidered decision on file number SP-12-02 which improved the, agreed upon condition of approval. The appeal filed on December 28, 2012 was withdrawn. A decision notice was mailed on January 22, 2013 approving the request with a modified condition of approval. However, after taking into consideration interested parties request to have one comprehensive decision with findings to address compliance with all applicable regulations for this project, the applicant agreed and requested that the Planning Director revise the decision once again to address these concerns. The Planning Director then withdrew the decision on February 6, 2013, within the required time frame pursuant to LDO Section 5.8.250. The decision on reconsideration was rendered on March 6, 2013, which was within thirty days of the withdrawal. On March 21, 2013, at the applicant’s request, the Planning Director withdrew the March 6, 2013, decision within the required time frame pursuant to LDO Section 5.8.250. The decision on reconsideration must be rendered within thirty days of the withdrawal notice; however, at the request of the applicant: this decision was withdrawn on March 21, 2013, in order to try to work with appellants. The last notice of decision was mailed out on April 18, 2013 which included the applicant’s revisions to their application in an attempt to address the appellants concerns. This decision was appealed and is under that appeal review.

PRIOR APPROVALS THAT RELATE TO THIS PROJECT
Staff concurs with the chronology of prior authorizations detailed out in Exhibit 1 of the applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013. All of these prior authorizations were approved activities to prepare the Site for the industrial use. This application is for the proposed industrial use of the property. Please note that the proposed use is subject to the same additional regulations under LDO Section 4.2.100 as the activity of fill previously approved in prior application for the International Port of Coos Bay and Weyerhaeuser.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
<thead>
<tr>
<th>LDO Section 4.2.600, Table 4.2e</th>
<th>Commercial-Industrial Zoning Districts – Utility Facility Generation of Power for public sale</th>
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<tbody>
<tr>
<td>LDO Section 4.2.600, Table 4.2e</td>
<td>Commercial-Industrial Zoning Districts – Processing of a resource</td>
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</table>

**FINDING:** The applicant is requesting to site a utility facility project that will include the generation and
distribution of electricity plus the processing of natural gas, a natural resource, into a condition suitable for liquefication prior to distribution. The production or generation of conditioned gas for distribution also falls within the definition of "utility facility". A utility facility has several different definitions in LDO Section 2.1.100. The purpose of the facility is for the generation and distribution of a public or private service, including electricity and conditioned gas, and may include the generation and distribution of power for public sale. This type of utility 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 either a mineral processing or general processing facility use that are also listed in Table 4.2e as permitted uses. Whether the gas conditioning is characterized as a utility facility use or a resource processing facility use is not meaningful, because either use characterization is subject to the same review criteria under an integrated site plan. Even though these are listed as permitted uses 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; Chapter V, Administration (Article 5.6 Design and Site Plan Review); and Article 4.4 General Development Standards which requires Chapter 10 to be considered in this review process as well. After reviewing all of the applicable sections it was determined that an administrative site plan review was required by LDO Section 4.4.610 which request all uses within the IND District to be reviewed pursuant to Article 5.6. Staff has reviewed the application under all applicable standards and criteria found in this report.

Article 4.6

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<tr>
<th>Overlay Zones</th>
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**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.

**DESIGNATION: /FP**

**SECTION 4.6.200 Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**FINDING:** A portion of the subject property is located within the floodplain (FP); however, the development Site is within the IND zoning district. Staff determined in county file number ABI-12-01 that the IND portion of this property was located outside of the floodplain.¹

**FLOATING ZONE: AIRPORT SURFACES**

**DESIGNATION: /AS**

**SECTION 4.6.300 Purpose.** The purpose of the Airport Surface Floating zone is to protect public health, safety

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¹ "Natural resources" are defined in the LDO as air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.

² An Administrative Boundary Interpretation (County File No. ABI-12-01) that was approved on March 22, 2012. The Planning Director made an interpretation to correct the location of the Coastal Shoreline Boundary (CSB), the northern boundary of the 7-D zone (common boundary of 7-D zone and the Industrial zone) and the location of the 100-year floodplain. The proposal was found to be consistent with the factors of Statewide Planning Goal 17 for the CSB. The applicant provided accurate detail data that identified where the 100-year floodplain boundary was actually located on the property. Evidence relied on for this approval included aerial photographs, U. S. Fish and Wildlife Service National Wetland Inventory, FEMA Maps, Planning Department records, and the applicants’ submitted evidence. The adopted boundary is found at "Attachment B" of the applicant’s Re-Revised Supplemental Narrative, dated March 5, 2013.
and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport’s vicinity, an obstruction may affect future instrument approach minimums; and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

Section 4.6.305 Designation of Airport Surfaces: Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the "Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map" shall be subject to the requirements of this floating zone.

FINDING: The Site does not lie beneath any of the Airport Surfaces (AS) Floating zones as designated by this ordinance. As stated in §4.3.305 of the LDO, the AS Floating zone only applies to Bandon, Lakeside and Powers Airports. Lakeside Airport is located within the city limits. The applicant has addressed all of the criteria in this section in detail. Staff finds that the Airport Surfaces ordinance does not apply to this property or the proposed power plant site.

SECTION 4.6.330. Use Restrictions. Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport light and other, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

FINDING: LDO Section 4.6.330 does not apply to this application because the Airport Surface Floating zone (AS) has not been applied to the development site. As explained in Sections 4.6.305 and 4.6.310 this ordinance only applies airports limitations and restrictions to those lands lying beneath the various AS zones as they apply to Bandon, Lakeside and Powers Airports. As read in conjunction with Section 4.6.320 regarding permitted uses and Section 4.6.325 regarding conditional uses, the use restrictions of Section 4.6.330 only apply to any zone established by this Ordinance with which the AS zone has been applied to. The AS floating zone is not combined with and applied to the this IND zoning Site, therefore, the use restrictions of Section 4.6.330 do not apply to this application and the criteria in Section 4.6.330 are satisfied.

However, the North Bend Airport is across the Bay from the Site. Staff has placed a condition of approval that the applicant will comply with any applicable federal, state and local regulations which would include [the] Federal Aviation Administration (FAA) regulations. The applicant has provided Exhibits 4 & 7 of the August 9, 2013, Amended Re-Revised Supplemental Narrative to show that it has been working with FAA to ensure full compliance with all applicable FAA regulations, and the County finds that nothing legally precludes the applicant from complying with applicable FAA regulations.

SECTION 4.6.345. 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, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

FINDING: The site is not within the Airport Operations (AO) District. The applicant has provided Exhibit 4 of the August 9, 2013, Amended Re-Revised Supplemental Narrative, to show the areas in Coos County which are subject to the AO. Again, this ordinance provision does not apply to this proposal but

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[^6]: LDO §4.1.100(A)(19) The purpose of the Airport Operation "AO" district is to recognize those areas devoted to or most suitable for immediate operational facilities necessary for commercial and non-commercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the "AO" district is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft.
the applicant will be required to comply with applicable FAA regulations. The applicant has provided Exhibit 7 of the August 9, 2013, Amended Re-Revised Supplemental Narrative to show that the applicant has been working with the FAA to ensure full compliance with the FAA regulations, and the County finds that nothing legally precludes the applicant from complying with applicable FAA regulations.

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, provided that 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. Since those prior reviews have occurred over time and are in separate case files, interested parties have expressed a desire in seeing a complete set of findings in one decision. The applicant has agreed to provide an omnibus set of findings of 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. The applicant has labeled copies of the relevant portions of those maps as figures and attached them to the narrative. Staff has cross-referenced the figures below regarding each listed phenomenon.

**TABLE 4.7a**

<table>
<thead>
<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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<tr>
<td></td>
<td>1b. Agriculture &amp; forestry uses are acceptable per zone and use district requirements.</td>
<td>1-12</td>
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<tr>
<td></td>
<td>1c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.</td>
<td>1-12</td>
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<td></td>
<td>1d. Non-exploratory mining operations are conditional uses, where allowed</td>
<td>1-13</td>
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1. Mineral & Aggregate – Appendix I, Pages 12-13, Strategy Nos. 1 & 2
Applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 1 and 1-A.

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 use on public service delivery, the general compatibility of the proposed use 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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</tr>
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<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>

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

Applicant's Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 2 and 2-A.
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

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Historical/Archeological</td>
<td>3a. Manage these for their original resource value.</td>
<td>1-19</td>
</tr>
<tr>
<td>Sites &amp; Structures</td>
<td></td>
<td>1-20</td>
</tr>
<tr>
<td></td>
<td>b. Develop proposals in identified archaeological areas must have a &quot;sign-off&quot; by qualified person(s).</td>
<td>1-19</td>
</tr>
<tr>
<td></td>
<td>c. Historical structures and sites can only be expanded, enlarged or modified if Coos County finds the proposal to be consistent with the original historical character of the structure or site.</td>
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<td>2</td>
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</tbody>
</table>

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

Applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 3 and 3-A.

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;
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: There are no historical sites or structures identified on this site to be protected. However, this area is in a potentially significant archeological site. There is an archeological site in the southeast corner; therefore, as a condition of approval that applicant is required to confer with the affected local tribe prior to the issuance of a zoning compliance letter. The applicant will be required to comply with the procedures in the following condition:

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 for the 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 historical, cultural or archaeological 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.
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).

Please note that the same condition of approval was previously imposed as a condition No. 1 of the previous authorization to fill the site in File Numbers ACU-12-16/ACU-12-17/ACU-12-18.

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

4. Beaches & Dunes Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4

Applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 4 and 4-A.

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
   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:** 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 current proposal is not in an inventoried Beach and Dune Areas with Limited Development Suitability; therefore, these strategies have been satisfied.

**TABLE 4.7a**

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix 1</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.  
                                     | c. Permits subdivision, major and minor partitions only upon findings.  
                                     | d. Maintain, restore or enhance riparian vegetation as consistent with water dependent uses. Requires Administrative Conditional Use. | 1-25  | 5 |
|                                   |                                                                                                          | 1-26  | 7 |
|                                   |                                                                                                          | 1-27  | 8 |
|                                   |                                                                                                          | 1-28  | 11 |

5. **Non-Estuarine Shoreland Boundary Appendix I, Pages 25-28, Strategy Nos. 5, 7, 8 & 11**  
   Applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 5 and 5-A.

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.
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 Site is outside of the coastal shorelands and contains no coastal lakes or minor estuaries. Therefore, these strategies do not apply.
<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
</table>
| 6. Significant Wildlife Habitat 1 ORD 85-08-011L | 6a. Conserve riparian vegetation adjacent to salmonid spawning and rearing areas; density restriction in Big Game Range.  
b. Protect "wet meadows" for agricultural use  
c. Manage riparian vegetation and nonagricultural wetland areas so as to preserve their significant habitat value, and to protect their hydrologic and water quality benefits.  
d. Restrict conflicting uses on "5c" bird sites except as permitted with EESE balancing. 300 ft. setback from Bald Eagle nests. |            |
|                                                 |                                                                                                          | 1-14       |
|                                                 |                                                                                                          | 1-18       |
|                                                 |                                                                                                          | 1-17       |
|                                                 |                                                                                                          | 1-14       |
| 6. Significant Wildlife Habitat 1 ORD 85-08-011L |                                                                                                          | 1          |
| Strategy Nos. 1, 1a, 2 & 4:                     |                                                                                                          | 4          |
|                                                |                                                                                                          | 2          |

Applicant's Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 6 and 6-A.

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. 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>
</tr>
<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:** 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.

**TABLE 4.7a**

<table>
<thead>
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<th>Appendix I</th>
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</thead>
<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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<td></td>
<td>b. Support structural protection measures for bankline stabilization projects requiring state and federal permits when the applicant establishes that non-</td>
<td>1-29</td>
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<td>5</td>
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</table>
structure measures either are not feasible or inadequate to provide the necessary degree of protection.
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.*

| 1-30 | 6 |

*Requires Administrative Conditional Use

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

Applicant’s Amended Re-Revised Supplemental Narrative dated August 9, 2013, Figures 7 and 7-A.

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 life 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 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-structural 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:

- if dwellings are otherwise allowed by this comprehensive plan; and
- after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:
  - his/her professional qualifications to perform foundation engineering and soils analysis; and
  - 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

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."
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 is no criteria for the applicant to address for this type of natural hazard. These strategies are satisfied.

<table>
<thead>
<tr>
<th>LDO Table 4.4-c</th>
<th>Property Development Standards Commercial – Industrial zones</th>
</tr>
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</table>

**FINDING:** The Site does not have any setbacks because it does not abut residential or controlled development zoning districts. The applicant is required to address Chapter X of the LDO.

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<tr>
<th>Chapter V, Article 5.6</th>
<th>Design and Site Plan Review</th>
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**SECTION 5.6.100 Purpose.** The purpose and objectives of site development requirements and the site review design procedure:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development...

**FINDING:** The application proposes an innovative site plan for an integrated utility and processing facility with shared access, parking, landscaping and other amenities. The proposed site plan is consistent with this stated purpose.

**SECTION 5.6.200 Site Review and Approval Criteria.** The County finds that ... the lack of proper attention to site development and landscaping ... limits the opportunity to attain the optimum use of value of land and improvement...

**FINDING:** An integrated site plan for the utility and processing facilities achieves the optimum use and value of the land and improvements in satisfaction of the County's statement of purpose for the site review and approval criteria.

**SECTION 5.6.400. Site Development Criteria and Standards.** These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under Section 5.6.500:

1. **Landscaping.**
   a. The landscape shall be such to minimize soil erosion and lessen the visual impact;

**FINDING:** The area will be landscaped with native dune vegetation seed mix, American dune grass plantings and gravel surfacing to ensure that there will be no erosion problems. The landscaping will be located around the perimeter of the private access road to provide at-grade visual buffering, erosion control, and will comply with the landscaping requirements of Chapter X. The interior of the industrial facility will not be open to the public and landscaping should only be regulated around the perimeter for
the purpose of lessening visual impacts at grade level from that view perspective.

In past applications, the County has applied the visual impact criterion on-site and has not taken into consideration visual relationships outside of the subject property and proof of prior visual impacts can be found on page 4 of this staff report. The applicant has prepared a detailed site plan to show how vegetation will be utilized around the northern boundary of the subject property to lessen the visual impact.

The native plantings will continue to flourish even if the development does not remain in use and this is very important to conserve the County’s natural beauty and visual character and aesthetic charm especially by taking into consideration the qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of the subject property.

The IND zone abuts the 7-Development Shorelands Development (7-D) on the south and east sides which is a development segment of the Coos Bay Estuary Management Plan. It would be impractical to add screening vegetation to buffer the development from the 7-D zone because of the grade changes and because it is not consistent with the purpose of the site plan criteria. The applicant will utilize dune grasses in some areas to lesson an impact to the subject property as much as possible without compromising the intent of IND zoning. Therefore, this criterion has been satisfied.

b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

**FINDING:** The Site is situated within the northern portion of the North Spit of Coos Bay, an area designated for industrial development. Most of the neighboring areas remain covered with undulating dune formations which are varying in heights and grades, so the proposed grades on the site are in keeping with the general appearance of the neighboring areas.

2. **Structures.**

a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;

**FINDING:** The current terrain is barren, with hardscape covering much of the subject property with no existing buildings on subject property or in the vicinity of the subject property to create a visual relationship with. The terrain on the subject property and in the immediate vicinity of the subject property has been taken into consideration with the majority of the subject property remaining vegetated sand blending with the surrounding native dune and deflation plan environment. The applicant is proposing to use native plantings which will further blend the new development with the existing terrain. In the background section of the report staff provided some pictures of what the development on the subject property used to look like. The new development is a visual improvement. Therefore, staff finds that this criterion has been met.

b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

**FINDING:** In the past there were no screening or visual buffers at ground level from the development. The proposed development takes into consideration the visual impacts at grade level and works with sloping and native grass plantings to make the site blend in with the existing terrain at the outer edge of the development. The applicant has satisfactorily addressed these criteria.

3. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient.
FINDING: The applicant has submitted a parking plan as required to address Chapter X. The parking plan provided contains all of the components as required to show that the parking areas are safe and convenient. The revised site plans submitted with the supplemental narrative incorporates the revision to the internal circulation and site access previously requested by the Roadmaster in his comments to the original site plans. Staff finds that this criterion is duplicated and will be addressed in more detailed under the Chapter X review.

4. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring property, the public storm drainage system, or create environmental problems.

**FINDING:** The applicant’s site plan depicts a surface water drainage system in drawing 5. The system will catch all of the storm water generated from impervious surfaces. The majority of the subject property will remain vegetated sand blending with the surrounding native dune and deflation plan environment. The applicant is proposing to use native plantings which will simulate natural drainage in those areas.

Any area that may be impacted by potential contaminants such as lubrication oil will be paved and curbed to contain the stormwater. The storm water resulting from impervious areas will be collected, treated and detained to be discharged on subject property pursuant to a stormwater management plan approved by DEQ or pumped to the Pacific Ocean via the exiting industrial waste water pipeline (IWP) that is located on subject property. The treated stormwater will be discharged to the Pacific Ocean as currently practiced pursuant to NPDES permit No. 101499; thereby, avoiding any adverse effects to neighboring property, the public storm drainage system, or the environment. Therefore, this criterion has been satisfied.

5. **Utility Service.**
   a. Whenever feasible, electric, telephone and other utility lines shall be underground;
   b. Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;
   c. The proposed method of sanitary sewage disposal from all buildings shall be indicated.

**FINDING:** All utilities lines to the power plant will be located underground in a 60 foot utility right-of-way. The method of sanitary sewage disposal has been indicated; however, sewage disposal is regulated by Oregon Department of Environmental Quality. Therefore, this criterion has been satisfied.

6. **Special Features.**
   a. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties;
   b. Service, processing, and storage on property abutting a residential zone or commercial zone shall be wholly within an enclosed building or screened from view from such zone, street or highway by a permanently maintained, sight obscuring device or vegetation.

**FINDING:** The applicant has explained the background of the subject property and the fact that historically the subject property has been used as an industrial mill site as shown in the pictures. The surrounding properties are being utilized for industrial uses. None of the other existing uses have screen plantings or other screening methods, nor does the industrial zone have required setbacks. The subject property does not abut residential or commercial zoning. The applicant has worked to screen the power plant from on site visual impacts from the area of the subject property open to the public. The majority of the subject property is not open to the public and will have a perimeter fence with privacy slats to obscure the visibility into the subject property. This criterion has been met.
7. **Application of Design Standards.** The standards of review outlined in (1) to (6) above also apply to all accessory buildings, structures, exterior signs and other site features however related to the major buildings or structures.

**FINDING:** The applicant has submitted plans to show all elements of the facility including the exterior sign. The sign will be compatible with the design of the facility as well as the subject property; therefore, this criterion has been satisfied.

8. **Riparian Vegetation Protection:**
   a. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
      1) Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
      2) Riparian vegetation may be removed to provide direct access for a water-dependent use; or
      3) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
      4) Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan; or
      5) Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose; or
      6) Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water for the minimum amount necessary to site or maintain irrigation pumps.
   b. The 50’ riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint.” [OR 92-05-009PL]

**FINDING:** The site plan shows no proposed impacts to riparian vegetation within 50 feet of a wetland, stream, lake or river; therefore, criterion has been met.

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<th>Chapter X</th>
<th>Offstreet Parking</th>
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**SECTION 10.1.300. Parking Area Design.**

1. **Ingress and Egress.** In any zoning district, driveways or access ways providing ingress and egress for private parking areas or garages, 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.

**FINDING:** John Rowe, Coos County Roadmaster has reviewed the site plans and made some comments
to ensure safety. The applicant has provided more than the required number of parking and bicycle spaces. The applicant has provided all of the required design elements for the Roadmaster to review. The Roadmaster commented on August 5, 2013, the revised site plans meet the parking requirements. Therefore, these criteria have been addressed.

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.

**FINDING:** The Site does not abut any residential; therefore, this criterion does not apply.

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.

**FINDING:** The applicant has submitted a plan for landscaping for 0.68 acres which exceeds the amount of landscaping that is required. Therefore, this criterion has been met.

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<th>Chapter III</th>
<th>SUPPLEMENTAL PROVISIONS</th>
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**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 staff report and related decision indicate the regulations that have been complied with by this decision and the prior decision affecting the Site.

**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 zoning compliance letter prior to submitting an application with the State of Oregon for a building code permit.

**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 3.1.400. Lot Coverage. All buildings designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall not exceed the maximum lot coverage regulations of the district in which the buildings are to be located.

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 feet 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. All accessory uses will be located on the same or contiguous tracts land under the same ownership. The applicant has addressed in detail the components and accessory uses in Exhibit 3 of the August 9, 2013 submittal which has been attached to this staff report.

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 proposes a condition of approval to coordinate notice to and response(s) from the Tribe(s).

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.
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.

Section 3.3.300. Fences, Hedges, and Walls. This section provides for the regulation of the height and location offences, hedges, and walls and safeguards the public welfare. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency.

1. Visual Obstructions. Visual obstructions at street and highway intersections are governed by Section 3.3.400 (Vision Clearance Triangle).

2. Required Fences and Walls. A fence or wall shall be constructed along the perimeter of all areas considered by the Hearings Body or Planning Director to be dangerous to the public health and safety. The height of such wall shall be determined by the Hearings Body or Planning Director in relation to the danger or hazard involved. This fence or wall may be required if a use requires a permit, or at the discretion of the Hearings Body.

Section 3.3.400. 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.

FINDING: Staff has not placed any requirements for fencing or walls. The Roadmaster has already reviewed the access to ensure that there will be no obstruction in the vision clearance triangle. Therefore, these criteria have been met.

Section 3.3.500. Maintenance of Minimum Requirements

FINDING: The proposed development area is located outside of the Urban Growth Boundary, and all minimum requirements will be met as described in detail above.

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<th>Article 7.1</th>
<th>General Provisions</th>
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ARTICLE 7.1      GENERAL PROVISIONS
SECTION 7.1.100. Rural and Urban Street and Road Provisions. Road and street development standards shall be divided into two categories:
1. Rural standards (See Article 7.2).
2. Urban road standards (See Article 7.3).
Policy matters regarding required road improvements are set forth and summarized in Table 7.1.

FINDING: The property is rural and not in an urban area. Therefore, only the applicable rural standards of this section apply.

SECTION 7.1.200. Required Dedication of Streets or Roads. When a land division is reviewed by the County, the Board of Commissioners, Hearings Body or TRC may require design and public dedication of streets or roads to ensure the development and continuance of a convenient roadway network.

FINDING: This section does not apply to the proposed development.

SECTION 7.1.300. Public and Private Roads. For the purpose of this ordinance, streets and road shall be divided into two major types:
1. Private roads (i.e., private access easements);
2. Public roads (created by public dedication or easement, or by fee title transfer to the public);

NOTE: New public roads created pursuant to this ordinance will not become part of the Coos County road maintenance system without specific action by the Board of Commissioners adopting such new roads into the maintenance system.

FINDING: This project contains a private access off of a public road (TransPacific Parkway).
SECTION 7.1.400.  **New Private Roads in Conjunction with Land Divisions.** New private roads may be created to provide access to proposed land divisions in urban or rural areas only when the Planning Director finds that the private road will not be needed for proper development of the surrounding sub-area. The Planning Director's decision shall be made only after receiving and reviewing a written recommendation from the Roadmaster.

The Planning Director's decision to allow or not allow creation of a private road to access proposed new lots or parcels is a land use action that shall be supported by written findings and subject to the notice provisions of Article 5.7. Notice of the decision shall be provided at the same time that notice is given for approval or denial of the tentative partition plat for the proposed land division related to the proposed private road.

**FINDING:** The application is not a land division; therefore, this section does not apply.

SECTION 7.1.500.  **Special Provisions for New Private Roads.** When new private roads may be created to provide access to proposed land divisions in urban or rural areas:

1. The proposed private road shall be clearly designated as a private road on any required map or plat as shall any reservations or restrictions relating to its use and, if named, the private road shall end with the designation "Lane" or "Way";
2. All new lots and parcels proposed to be served by any new private road shall have a non-exclusive easement covering the entire private road to be created, and this easement shall be made a part of the legal description for the new lots or parcels at the time of title transfer;
3. If an existing private road is to be used as access to the proposed land division, then the property to be divided must also enjoy a non-exclusive easement covering the entire existing private road being used to access the property being divided;
4. Road maintenance agreements are required for new private roads;
5. The following notice shall appear in legible print on the face of any proposed final plat containing a lot or parcel to be served by a private road: "Coes County hereby gives notice to all developers, purchasers, potential purchasers and all third parties whatsoever that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division." In addition, and for all partitions approved after January 1, 1996, the following shall also appear on the face of any proposed final plat containing a lot or parcel to be served by a private road: "Confirmation is required from the County Roadmaster that all road and driveway requirements of the Coos County Zoning and Land Development Ordinance have been met prior to the issuance of a Zoning Compliance Letter." Finally, the developer is required to post and provide for the maintenance of signs on the road stating that the County does not maintain the facility. Such signs might say "This road is privately maintained by surrounding property owners. All costs for roadway maintenance and upkeep are assessed to each individual property owner".

**FINDING:** The application is not a land division; therefore, this section does not apply. However, the Roadmaster has approved the proposed private road access as it connects to TransPacific Parkway.

SECTION 7.1.550  **Access Management.**

Section 1.  **Intent and Purpose**

The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including arterials, and collectors, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of the county and the State of Oregon to safe and efficient travel. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.
Section 2.  Applicability
This ordinance shall apply to all arterials and collectors within the county and to all properties that abut these roadways.

Section 3.  Conformance with Plans, Regulations, and Statutes
This ordinance is adopted to implement the access management policies of the county as set forth in the Transportation System Plan.

FINDING:  According to the Coos County Transportation System Plan TransPacific Parkway is considered a major collector. Therefore, the applicable portions of LDO § 7.1.550 would apply. To further clarify, there are portions of LDO § 7.1.550 that only apply to land divisions and are not applicable to the proposed development.

Section 4.  Definitions
1.  Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
2.  Access Classification. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
3.  Access Connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
4.  Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
5.  Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
6.  Corner Clearance. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
7.  Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
8.  Easement. A grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.
9.  Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)
10.  Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
11.  Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
12.  Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.
13.  Lot. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, and which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.
14.  Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.
15.  Lot Depth. The average distance measured from the front lot line to the rear lot line.
16.  Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a
narrow, private right-of-way line.  

17. Lot, Through. (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

18. Lot Frontage. That portion of a lot extending along a street right-of-way line.

19. Non-conforming Access Features. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.

20. Parcel. A division of land comprised of one or more lots in contiguous ownership.


22. Private Road. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

23. Public Road. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

24. Reasonable Access. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the county.

25. Right-of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

26. Stub-out (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

27. Substantial Enlargements or Improvements. A 10 percent increase in existing square footage or 50 percent increase in assessed valuation of the structure.

Section 5. Joint and Cross Access

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks) shall provide a cross access drive and pedestrian access to allow circulation between sites.

**FINDING:** The proposal is not for a commercial or office property. This is an industrial property and the use is permitted as an Industrial use; therefore, this section is not applicable.

2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
   a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
   b. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
   c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
   d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

**FINDING:** Cross access is defined as a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system. There is no cross accesses proposed; therefore, this section is not applicable.

3. A reduction in required parking spaces in shared parking areas shall be permitted if peak demands do not occur at the same time periods.

**FINDING:** This is not a shared parking area between independent developments; therefore, this provision does not apply.

4. For County road facilities, Coos County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   a. Joint access driveways and cross access easements are provided in accordance with this section;
   b. The site plan incorporates a unified access and circulation system in accordance with this section;
   c. The property owner enters into a written agreement with Coos County, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint
use driveway.

**FINDING:** The Roadmaster has reviewed the revised site plan for access and parking. He found there was no joint access driveways or cross access easements required.

7. The County Road Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**FINDING:** The Roadmaster has reviewed the revised site plan for access and parking. He found that this section did not apply because there were no shared accesses.

**Section 6. Access Connection and Driveway Design**

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.

**FINDING:** "Driveway" is defined in the LDO as a "private vehicular travel surface accessing a single residence." This section does not apply to the development. However, the unobstructed view of the access has been addressed in LDO § 3.3.400.

**Section 7. Requirements for Phased Development Plans**

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted provides reasonable access to these properties, not simply the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans.

2. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

**FINDING:** This is not a phased development and this section does not apply to site plans.

**Section 8. Non-conforming Access Features**

Legal access connections in place as of the date of adoption of this ordinance that do not conform with the standards herein are considered non-conforming features and shall be brought into compliance with applicable standards under the following conditions:

a. When new access connection permits are requested;

b. Change in use or enlargements or improvements that will increase trip generation by 50% or more; or

c. When trips increase or the character of traffic changes on ODOT facilities.

**FINDING:** This is not a non-conforming access.

**Section 9. Reverse Frontage**

1. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower average daily traffic. Where safety concerns exist, the County Roadmaster, and/or ODOT will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the County and recorded with the deed.

**FINDING:** The property does not abut more than one street and is not a residential subdivision. Therefore, this does not apply.
Section 10. Shared Access
Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. A maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

FINDING: The proposed development is not a subdivision. Therefore, this does not apply.

Section 11. Connectivity

1. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area.
3. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

FINDING: The proposal is not a subdivision and is not residentially zoned. TransPacific Parkway has been identified as a major collector. Therefore, this does not apply.

Section 12. Subdivisions

A subdivision shall conform to the following standards:

a. Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations;
b. Each lot shall abut a local public or private street for the required minimum lot frontage for the zoning district where the lots are located;
c. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

FINDING: The proposal is not a subdivision. Therefore, this section does not apply.

Section 13. Site Plan Review Procedures for Access Management

1. Applicants shall submit a preliminary site plan for review by the planning department. At a minimum, the site plan shall show:

   a. Location of existing and proposed access point(s) on both sides of the road where applicable;
   b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
   c. Number and direction of lanes to be constructed on the driveway plus striping plans;
   d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
   e. Parking and internal circulation plans including walkways and bikeways, in UGBs and unincorporated communities;
   f. A detailed description of any requested variance and the reason the variance is requested.

2. Subdivision and site plan review shall address the following access criteria:

   a. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading;
   b. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access;
   c. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency
vehicles, and garbage collection;
d. Within UGBs and unincorporated communities an internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development;
e. For purposes of State-controlled facilities, driveway and roadway spacing standards shall be consistent with ODOT access management standards as contained in the Oregon Highway Plan.

3. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

FINDING: The applicant has submitted a site plan for review by the Planning Department and Roadmaster meeting all of the requirements of this section. The Roadmaster has visited the site and review the site plan. He has determined that the site is impacted from the prior development. The Roadmaster is requiring the applicant restripe TransPacific Parkway at the Box Car Hill Campground to allow a left turn movement from east bound traffic on TransPacific Parkway. The left turn from west bound TransPacific Parkway into the mill site will be eliminated. The applicant is also required to restripe the fog line to close the old Weyerhaeuser mill site entrance and remove the pavement from the old drive. The applicant has revised the site plan to show the changes and new proposed development will meet the applicable access requirements. The Roadmaster is responsible for determining compliance with this chapter pursuant to LDO § 7.1.1000.

Section 14. Variance Standards on County Facilities

1. The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored, as determined by the County.

2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that;
   a. Indirect access cannot be obtained;
   b. No financially reasonable engineering or construction solutions can be applied to mitigate the condition; and
   c. No alternative access is available from a street with a lower functional classification than the primary roadway.

3. No variance shall be granted where such hardship is self-created.

FINDING: There is no request for a variance; therefore, this section is not applicable.

SECTION 7.1.555 Plan Amendments Affecting the Transportation System. A plan or land use regulation amendment significantly affects a transportation facility if it:
   a. Changes the functional classification of an existing or planned transportation facility;
   b. Changes standards implementing a functional classification system;
   c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
   d. Would reduce the performance of the facility below the minimum acceptable standards identified in the Transportation System Plan.

Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standard of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
**b. Amending the Transportation System Plan to ensure that existing, improved, or new
transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
d. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

**Note:** The Coos County Planning Commission opposes this requirement as stated in the Transportation Planning Rule.

**FINDING:** There is no request for a plan amendment; therefore, this section is not applicable.

**SECTION 7.1.560 Bicycle and Pedestrian Circulation.** The Transportation Planning Rule specifies that, at a minimum, sidewalks and bikeways be provided along arterials and collectors within urban growth boundaries and unincorporated communities with pedestrian facilities being appropriate in most residential areas as well.

**FINDING:** This section only applies to arterials and collectors within urban growth boundaries and unincorporated communities. This project area is not with an urban growth boundary or unincorporated community. Therefore, this section is not applicable to this review.

**SECTION 7.1.600 Forestry, Mining or Agricultural Access.** A private way which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. The categorical exemption provided by this section does not apply to ingress and egress to land for forestry, mining or agricultural purposes when that ingress and egress also provides access to one or more dwellings.

**FINDING:** The property is not being utilized for forest, mining or agricultural use; therefore, this section is not applicable to this application.

**SECTION 7.1.700 Bridge Standards for Roads.** Bridges in conjunction with required road improvements shall conform to the following design standards and requirements:
1. The travel surface width of the bridge deck shall not be less than the required travel surface width of the roadway.
2. The bridge and its support components shall be designed to meet or exceed H-20 AASHTO loading requirements.
3. A registered professional engineer shall certify that the bridge is safe and that it meets or exceeds H-20 AASHTO loading requirements. The engineer's stamp shall be placed on all designs. Design specifications for prefabricated bridges shall be presented with an engineer's stamp attached.
4. Notwithstanding the above, other bridge designs, including railroad flatcars, may be approved by the Coos County Roadmaster when such alternative designs are found to be safe and adequate to accomplish their purpose.

**FINDING:** There is no bridge proposed; therefore, this provision does not apply.

**SECTION 7.1.800 Standards for Driveways and Driveway Bridges.** When driveway improvements, including driveway bridges, are required by this ordinance, such improvements shall conform to the following design standards:
1. The provisions of Table 7.2 concerning rural driveways shall apply to both rural and urban driveways; and
2. When driveway bridges are necessary, then:
   a. The provisions of Section 7.1.700 shall apply when the subject driveway exceeds 450 feet in length; or
   b. When the subject driveway does not exceed 450 feet in length, designs shall be approved when certified by the Roadmaster to safely carry a 10-ton load.
FINDING: There are no residential driveways or driveway bridges. Therefore, this does not apply.

SECTION 7.1.900 Circumstances Requiring Road Improvements; Extent of Required Road Improvements.
Public and private road and street improvements are required by this ordinance when the circumstances set forth in Table 7.1 exist. If and when public or private road improvements are required, then such improvements shall be back to the intersection with an opened public road. This may include road improvements to a series of public roads or streets and private access easements. When road improvements are required within city urban growth boundaries, including the Coos Bay Area Urban Growth Boundary, road construction shall be required to the extreme point of physical access (i.e., driveway), and not to the furthermost property line. "Opened road," as used in this ordinance, means a rocked or paved road which has an all-weather year-round maintained travel surface. The determination of whether a road is "opened" shall be made by the Roadmaster.

SECTION 7.1.1000 Responsibility for Determining Compliance with this Chapter. The Coos County Roadmaster shall be responsible for determining compliance with the provisions of this chapter. When road and driveway improvements are required by this ordinance, the Roadmaster shall provide the Planning Director with written notice when the provisions of this chapter have been satisfied with respect to an application or other matter under review.

<table>
<thead>
<tr>
<th>TABLE 7.1 ROAD STANDARD POLICY MATRIX</th>
<th>When a new road is created or an unopened road is opened...</th>
<th>When a legally created road already exists...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rural</td>
<td>City – UGB</td>
</tr>
<tr>
<td>1. Must a road be improved in conjunction with a partition?</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A. Before a dwelling may be authorized in a partition created after 1/1/96, to what extent shall roads be improved?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Before a dwelling may be authorized in a partition created after 1/1/96, what road standards are required?</td>
<td>Table 7.2</td>
<td>Table 7.3</td>
</tr>
<tr>
<td>2. Must a road be improved in conjunction with a subdivision at the time of final plat?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>A. To what extent shall roads be improved?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. What road improvement standards are required?</td>
<td>Table 7.2</td>
<td>Table 7.3</td>
</tr>
<tr>
<td>3. Must unopened roads in existing platted subdivisions be improved before a dwelling may be authorized?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>A. To what extent shall roads be improved?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. What road improvement standards are required?</td>
<td>Table 7.2</td>
<td>Table 7.3</td>
</tr>
</tbody>
</table>

FINDING: Table 7.1 does not provide for any circumstances that would require improvement to the road. Therefore, Table 7.1 does not apply.

The Roadmaster determined on August 5, 2013, that the proposed development meets all of the requirements of Section 7.1.550(13) and related provision of Section 3.3.400. He may have imposed some safety requirements that the applicant has agreed to that were not covered by this article. Therefore, all applicable section of this article has been complied with.
1. 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 for the 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 historical, cultural or archaeological 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).

2. The applicant shall comply with applicable local, state and federal regulations and laws including FAA regulations and regulations regarding impacts to jurisdictional wetlands and natural hazard areas under ORS 455.446 through ORS 455.449, as required by local, state and federal agencies having jurisdiction.

Prior to issuance of a building or grading permit the applicant must file FAA Form 7460-1 Notice of Proposed Construction or Alteration with the FAA and the Oregon Department of Aviation as required by OAR 738-070-0060 and ORS 836-530.

3. The applicant will provide a stormwater management plan approved by DEQ.

4. The site plan for the power plant may be modified during EFSC’s energy facility siting process as needed to comply with EFSC’s siting standards. Any modification that would change the use or expand the approved industrial use site plan into the adjacent 7-D zone would require an amended site plan application approval by Coos County.

5. The applicant shall restripe TransPacific at the Box Car Hill Camp Ground to allow a left turn movement from east bound traffic on TransPacific. The left turn from west bound TransPacific into the mill site will be eliminated. The applicant is also required to restripe the fog line to close the old Weyerhaeuser mill site entrance and remove the pavement from the old drive.

<table>
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<tr>
<th>Article 5.8</th>
<th>Appeals of Discretionary Decision</th>
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</table>
| The final decision on this matter was rendered on April 18, 2013 and the two appeals were filed within the 15-day appeal deadline. The applicant’s attorney raised some objections regarding standing of the appellants and a hearing to determine standing was held on June 13, 2013 and on June 18, 2013, the hearings officer made a recommendation to the Board of Commissioners finding that John Clarke and Citizens Against LNG had standing but Mr. Netkirk and Mr. Knabin did not have standing pursuant to LDO Section 5.8.150.

LDO Section 5.8.400 allows for multiple appeals of the same land use decision to be consolidated into one hearing. All hearing procedures shall be in accordance with Section 5.7.300. This is an appeal of an administrative decision; however, the Board of Commissioners reserves the right to pre-empt any permit review process or appeal process and hear any permit directly. The Board also reserves the right to appoint a Hearings Officer to hear and consider any permit application or appeal. In this case the Board of Commissioners chose to pre-empt the permit process and hire a hearing officer to hear the matters.

All notice requirements have been followed pursuant to LDO § 5.0.900.
This project has unique circumstances that apply to possible appeals of this decision. If the Board of Commissioners final decision is appealed the power plant component is only appealable to the Oregon Supreme Court pursuant to ORS 469.504(8) and ORS 469.403(3).

### ISSUES RAISED AT THE TIME THE APPEAL WAS FILED

The issues raised by Mr. Clarke in his appeal at this time seem to be Coos County Zoning and Land Development Ordinance (LDO) Section 4.6.300 which is the purpose of the Airport Surfaces Floating Zone (AS) and LDO Section 4.6.345 Conformance Requirements. The Site does not lie beneath any of the Airport Surfaces (AS) Floating zones as designated by this ordinance. As stated in Section 4.3.305 of the LDO, the AS Floating zone only applies to Bandon, Lakeside and Powers Airports. Staff has provided notice to Oregon Department of Aviation as well as the Federal Aviation Administration to allow for comments on the proposed development. On July 15, 2013, Oregon Department of Aviation provide a letter that states prior to issuance of a building or grading permit the applicant must file FAA Form 7460-1 Notice of Proposed Construction or Alteration with the FAA and the Oregon Department of Aviation as required by OAR 738-070-0060 and ORS 836.530. Staff conditioned the approval of the site plan by requiring the applicant to comply with applicable local, state and federal regulations and laws including FAA regulations and regulations regarding impacts to jurisdictional wetlands and natural hazard areas under ORS 455.446 through ORS 455.449, as required by local, state and federal agencies having jurisdiction.

The issues raised by Citizens Against LNG in the Notice of Appeal (NOA) were LDO Section 1.1.200 which is the purpose statement of the Ordinance, LDO Section 5.6 Design and Site Plan Review, LDO Section 4.6.345 Conformance Requirements, LDO Appendix 1, Policy 5.19(1) & (6), LDO Sections 4.5.285 & 4.5.286 (zoning for CBEMP segment 7-D), LDO Section 6.2.400 Improvement Specifications, LDO 7.1.550 Access Management, LDO Section 4.7.120 Goal #5 Conflict Resolution Process, OAR 660-16-0005 (Statewide Planning Goal 5), and Multi-jurisdictional Natural Hazards Mitigation Plan & Emergency Operation Plan. The appeal also states that maps are not legible regarding LDO 5.6.

LDO § 1.1.200 states the purpose of the ordinance and is not relevant review criteria. LDO Section 5.6 has been covered in the decision and the appellant has failed to provide enough information to address any concerns.

Staff addressed LDO Section 4.6.345 Conformance Requirements under the issues raised by Mr. Clarke above.

The appellant cites LDO Appendix 1, Policy 5.19(1) states that Coos County shall strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services. This is a purpose statement and is not relevant criteria. LDO Appendix 1, Policy 5.19(6) states that Coos County shall continue to support regional efforts to improve the County's air transportation facilities, recognizing the: (1) regional importance of the North Bend International Airport to Coos County's economy and transportation needs; and (2) local importance of all other existing airports within the County, which provide an important alternative mode of transportation. Coos County does support the efforts but again this is a directive and not criteria required to be addressed.

- LDO Section 4.5.285 and Section 4.5.286 are not relevant to this review. The development is within the Industrial zoned portion of the property and if it extends into the 7-D portion of the property another application to address that zoning would be required.

- LDO Section 6.2.400 this section is not relevant to the current review as explained in LDO Section 6.2.100 these sections apply to all land divisions and the applicants are not purposing a land
division.

- LDO Section 7.1.550 Access Management has been cited as relevant criteria to by the appellant. However, Article 7.1 General Provisions explains that the detailed requirements set forth in Article 7.2 Rural Standards or Article 7.3 Urban Standards depending on the zoning. In this case this property is rural and would need to comply with Article 7.2 for Rural Standards. When you review Article 7.2 it only applies to requirements for new private roads to be created in conjunction with a partition, subdivision or planned unit development. Policy matters regarding required road improvements are set forth and summarized in Table 7.1. Table 7.1 only regulates road improvement in land divisions that were created after 1/1/1996 and prior to siting a dwelling in an approved subdivision.

Even under LDO Section 7.1.550(1) Intent and Purpose states “These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.” Making reference to subdivisions. However, if you read through this section it does make references to site plan reviews and even though staff has not directly incorporated portions of LDO Section 7.1.550, the applicant provided all of the required site plan drawings and has worked with the Roadmaster on necessary revision to make sure that the development will be safe and comply with the any requirements. See Attachment B for comments from the Roadmaster. LDO Section 7.1.1000 Responsibility for Determining Compliance with this Chapter specifically states that the Coos County Roadmaster is responsible for determining compliance with the provision of this chapter (Chapter VII) and the Roadmaster shall provide the Planning Director with written notice when the provisions of this chapter have been satisfied with respect to an application or other matter under review. The Roadmaster provided comments on this proposal. The first comments requested some revisions which the applicants complied with. Therefore, this issue has been addressed and suggested conditions have been included to ensure compliance.

- LDO Section 4.7.120 states Goal #5 Conflict Resolution Process. When in the course of implementing the Comprehensive Plan it becomes evident that a conflict exists concerning the use of land identified as a LCDC Goal #5 resource that is otherwise protected pursuant to OAR 660-16-005(1), then any proposed conflicting use may only be allowed after the issuance of an Administrative Conditional Use that is based on findings that address the requirements of OAR 660-16-005(2) and OAR 660-165-010. Staff imposed the following condition to insure compliance: 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 for the 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 historical, cultural or archaeological 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).

- The Multi-jurisdictional Natural Hazards Mitigation Plan & Emergency Operation Plan referenced by the appellant is not land use criteria. Staff does not have a copy of these documents but can speculate that they are emergency management documents. They are not relevant to this review.

- The appeal also states that maps are not legible regarding LDO 5.6; however, this is not relevant criteria and there is not enough information to explain what exactly is not legible.

VII. SUMMARY

There has been an amendment completed to the current site plan criteria. At the beginning of October 2012 a worksession was held regarding industrial lands. Staff worked with the Board of Commissioners and decided that the ordinance needed to be revised. The revisions were in response to promoting economical development and streamlining planning processes. Staff received general fund money to work on this project and others. The site plan review section was identified as the section that needed to be removed because it was not based on any statutory requirements and no longer met the needs of Coos County. Therefore, staff worked on removing the language requirements for site plan review in Industrial and Airport Operation Zones but did not change the types of uses permitted in those zones. However, the applicant still must comply with the site plan review criteria because that was the applicable criteria in effect at the time the application was applied for.

If the applicant were to apply under the current criteria staff would look to see if the use is permitted and if there were any special considerations that applied. In this case the use is listed in LDO Table 4.2e as permitted and the special consideration have been addressed through the prior applications as detailed in section one of this report under prior approvals related to this project. The applicant would still have to comply with prior conditions of approval and the requirements of the Roadmaster to ensure the accesses and parking standards have been completed in compliance with the LDO prior to obtaining a Zoning Compliance Letter (ZCL).

Staff found that he applicant not only met the criteria but has exceeded the minimum applicable review criteria.

If you have any questions about this staff report please contacts me at 541-396-7770 or planning@co.coos.or.us.

Jill Rolfe
Coos County Planning Director

Attachments: “A” Applicant’s August 9th Application and Re-revised supplemental narrative
“B” Roadmaster Comments
“C” Oregon Department of Aviation July 15, 2013 letter
Attachment “A”
Applicant’s August 9th Application and Re-revised Supplemental Narrative
JORDAN COVE ENERGY PROJECT, L.P.

Administrative Site Plan Review Application
Third Amended Re-Revised Supplemental Narrative
August 9, 2013

South Dunes Power Plant Project
TABLE OF CONTENTS

I. INTRODUCTION .................................................................................................................. 3

II. APPLICABLE GENERAL COOS COUNTY STANDARDS AND CRITERIA ................................................................. 5
    A. Definitions .................................................................................................................... 5
    B. Article 5.6 – Design and Site Plan Review ................................................................ 7
    C. Section 4.2.100 – Additional Regulations for All Allowed Uses · · · · · · · · · · · · 8
    D. Chapter III – Supplemental Provisions: Structures, Uses, Lots & Yards ................ 8

III. SPECIFIC REQUESTS AND APPLICABLE APPROVAL CRITERIA ................................................................. 8
    A. Proposed Uses ......................................................................................................... 8
    B. Site Description ..................................................................................................... 8
    C. Article 5.6 – Design and Site Plan Review ............................................................... 9
    D. Section 4.2.100 – Additional Regulations for Allowed Uses .................................. 21

IV. CONCLUSION ................................................................................................................... 55
TABLE OF CONTENTS
(Cont.)

Exhibit 1: Inventory of Prior Approvals:
Attachment A: Areas of Approved Fill
Attachment B: Adopted IND Zoning District Boundary
Attachment C: Areas of Approved Fill and Previously Approved Fill

Exhibit 2: Proposed Site Plan

Exhibit 3: Major Project Components

Exhibit 4: SHN Consulting Letter re A/S & AO Districts (Note: Includes Figures 8, 8-A, 8-B & 8-C)

Exhibit 5: Table 4.4-c Property Development Standards for Commercial-Industrial Zones

Exhibit 6: Accessory Road and Utility Corridor

Exhibit 7: Compliance with FAA Regulations

Table 4.7a Phenomenon & Related Plan Inventories:
Figures 1 & 1-A: Mineral & Aggregate
Figures 2 & 2-A: Water Resources
Figures 3 & 3-A: Historical/Archeological Sites & Structures
Figures 4 & 4-A: Beaches & Dunes
Figures 5 & 5-A: Non-Estuarine Shoreland Boundary
Figures 6 & 6-A: Significant Wildlife Habitat I ORD 85-08-011L
Figures 7 & 7-A: Natural Hazards
Figure 8*: Airport Surfaces
Figure 8-A*: Airport Operations District - Bandon
Figure 8-B*: Airport Operations District - Powers
Figure 8-C*: Airport Operations District - North Bend (North Spit)

*Note: Figures 8, 8-A, 8-B & 8-C attached to Exhibit 4.
I. INTRODUCTION.

The South Dunes Power Plant project ("Project") is an integrated power plant and gas processing facility, with accessory uses and structures, all allowed in the IND zone. The power plant component of the Project is subject to the energy facility siting process of the Oregon Department of Energy ("ODOE") through the Energy Facility Siting Council ("EFSC").[1] This third amended re-revised supplemental narrative submits a revised site plan to incorporate changes being made in the course of the EFSC review process. Further, it also responds to additional issues raised by appellants regarding the need to comply with the access management provisions of Chapter VII (Streets and Roads) of the Coos County Zoning and Land Development Ordinance ("CCZLDO") in the course of this site plan review process.

This application requests design and site plan review approval under Article 5.6 of the CCZLDO, including with this amendment approval of the applicable provisions of Chapter VII, approval of the additional regulations under Section 4.2.100 applicable to all allowed uses, and approval of the applicable supplemental provisions under Chapter III, all for the proposed Project. The application also includes findings to explain the inapplicability of certain criteria or defined terms, as well as an expanded description of the Project's major components and accessory uses and structures.

The narrative also provides an inventory of the land use applications that have previously been approved to make the Site ready for development, with specific cross-references to the related case file numbers, exhibits, findings of consistency with applicable criteria, and related conditions of approval. Please note that this application does not propose to modify or amend any of those prior approvals. As those prior approvals occurred over time in different land use case files, both before and after the relocation of the IND boundary on the Site, the narrative also provides a complete set of findings of compliance with applicable IND zone criteria in one decision. A copy of the inventory of prior approvals is attached as Exhibit 1.

This is the seventh supplemental application narrative submitted in conjunction with the application. Each supplemental narrative has produced positive revisions to the application to address comments, concerns or issues raised by interested parties to avoid appeals, or with appellants to settle appeals, since the application was first filed in

[1] The South Dunes Power Plant is capable of producing up to 420 megawatts (MW) of electrical power and process steam for gas conditioning prior to delivery to the Jordan Cove LNG facility and may include distribution of power for public sale. To receive a site certificate that is required for "energy facilities" to operate, a proposed energy facility must meet the siting standards contained in OAR Chapter 345, with the statutory basis for the siting process contained in ORS 469.300 to 469.563, ORS 469.590 to 469.601 and ORS 469.992.
October, 2012. As discussed below, the prior revisions served the practical function of showing how all applicable review criteria, including the additional regulations under

By way of additional background, the previous amended application was preceded by four administrative decisions which were withdrawn prior to or during the pendency of an appeal to revise the site plan, provide additional conditions of approval, or provide additional clarity in response to interested parties. Specifically, the Notice of Planning Director's Decision of November 15, 2012 was withdrawn for reconsideration based upon the applicant's request of November 30, 2012 for the purpose of working with Oregon Shores Conservation Coalition and Oregon Coast Alliance, to avoid a potential appeal. The applicant then submitted a supplemental narrative and modified site plans regarding compliance with the site plan's surface water disposal system, for a substantial upgrade of the proposed surface water disposal system, together with a negotiated condition of approval requiring the applicant to provide a stormwater management plan approved by DEQ. In addition, the applicant also revised the proposed site plan to comply with comments from the County Roadmaster regarding refinements to the internal parking and maneuvering areas and, additionally, regarding revisions to provide new, safer vehicular access onto TransPacific Parkway. A reconsidered decision approving the revised application, with revised site plans and new conditions of approval, was issued on December 13, 2012. Notice of the reconsidered decision was provided on that date in the same manner as the original administrative notice, with any appeal of that decision to proceed pursuant to Article 5.8 of the LDO.

That December 13, 2012 decision was then appealed by Jody McCaffrey, Citizens Against LNG Inc., on December 28, 2012. After the applicant reviewed the appeal issues with Ms. McCaffrey, it was agreed that the parties could settle the appeal, without a hearing, whereby the applicant would submit a revised, supplemental narrative which would invite a new condition requested by the applicant, and agreed to by the appellant, to the effect that the applicant shall comply with applicable local, state and federal regulations and laws including regulations regarding impacts to jurisdictional wetlands and natural hazard areas under ORS 455.466 through ORS 455.449, as required by local, state and federal agencies having jurisdiction. It was agreed that this new condition would replace the prior condition of approval number 2 that was made in the December 13, 2012 staff report.

The applicant then submitted a revised, supplemental application narrative, which revision proposed a new condition of approval to settle the appeal, without a hearing, through the issuance of a revised, reconsidered decision imposing the new condition of approval agreed to by the appellant. A revised decision of approval was then issued by the Coos County Planning Department on January 22, 2013, with the new condition agreed to by the applicant and appellant, together with the other additional conditions imposed during the first reconsideration to address surface water discharge and parking circulation and access issues raised by an environmental group and the County Roadmaster.

The January 22, 2013 decision was thereafter withdrawn at the request of the applicant for further reconsideration based upon additional comments received from interested parties. The application narrative and related administrative decisions have each referred to the fact that some portion of the related review criteria regarding compliance with the development regulations under Article 4.2 applicable to all uses had been satisfied by prior applications and decisions made by the Oregon International Port of Coos Bay and Weyerhaeuser NR Company with respect to the Site. Citizens Against LNG, Inc. expressed concern over the lack of a comprehensive decision with findings to address compliance with all applicable regulations under Article 4.2 and Article 5.6 in a single decision. On February 6, 2013, the applicant requested the withdrawal of the administrative decision for further reconsideration in order to respond to those comments.

Then on March 19, 2013, the decision was appealed by John Clarke regarding purported noncompliance with LDO Section 5.8.150(3) regarding conformance requirements with Federal Aviation Administration (FAA) regulations with respect to structure height, steam or dust, and other hazards to flight and air navigation. Even though LDO Section 4.6.345 is inapplicable to this application because the Site is not within any of the County's designated Airport Operations districts, the appeal underscored the need for the applicant to make record findings of inapplicability of other review criteria and defined terms in the LDO.
Article 4.2 applicable to all allowed uses, are addressed in the IND zone. This third amended re-revised supplemental narrative further addresses how the revised site plan complies with the applicable access management standards of Section 3.3.400 and Chapter VII deemed applicable by the Roadmaster.

Since the time the application was filed, Jordan Cove Energy Project, L.P. ("JCEP"), exercised its option to purchase the land formerly known as the Weyerhaeuser Liner Board Site, and now commonly known as the Mill Site (the "Site"), from the Weyerhaeuser NR Company ("Weyerhaeuser"), the owner of the Site at the time of the initial application. Following the exercise, JCEP assigned its interest in the land to Fort Chicago Holdings II US LLC ("Fort Chicago"). Fort Chicago then purchased the land from Weyerhaeuser. A new form of owner's consent signed by Fort Chicago is attached hereto authorizing JCEP to be the applicant on its behalf.

II. APPLICABLE GENERAL COOS COUNTY STANDARDS AND CRITERIA.

The following definitions from CCOZLDO either apply to this application or are used to create an administrative record regarding the inapplicability of certain criteria or defined terms.

A. Definitions.

i. Chapter 2, Section 2.1.200

Land Transport Facilities: Bridges and associated structures, highways and railroads.

Response: This use designation does not apply to private roads or their related bridges and associated structures. As described elsewhere, the Project will include an accessory private road and utility corridor between the South Dunes Power Plant and the LNG terminal to the east. See attached Exhibits 3 & 6.

Utilities: Public service structures which fall into two categories:

1. low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines; and

2. high-intensity facilities, which consist of storm water and treated waste water outfalls (including industrial waste water).

Response: The private power line interconnecting the power plant with the LNG terminal does not fall within the scope of the definition of a low-intensity facility,

Accordingly, following the appeal the application was then withdrawn at the applicant's request in order to submit an amended, re-revised supplemental application narrative to include findings of inapplicability regarding various criteria and defined terms.
a public service structure separate and distinct from a private power line. The private power line is characterized by EFSC as a "transmission line", being a related or supporting facility of the South Dunes Power Plant.

**Utility Facility – Including Power for Public Sale:** A facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage service, and other services providing for energy or communication needs; and may include the generation and distribution of power for public sale.

**Response:** The Project will generate and distribute electrical power and conditioned gas to the Jordan Cove LNG facility, and may include the generation and distribution of power for public sale.³

**Utility Facility – Service Lines:** A distribution line for supplying a utility service including but not limited to telephone, power, water, sewer, etc.

**Response:** For the same reasons discussed above, the private power line interconnecting the power plant with the LNG terminal does not fall within the definition of a public service line. As discussed above, the private power line is an accessory component of the power plant, being characterized by EFSC as a related or supporting facility of the power plant.

**Section 4.2.600 – Permitted Industrial Use; Mineral processing, Assembly:** 
manufacturing or packaging, processing, production, storage or treatment of products such as: bone, canvas, cellophane, chemicals, clay, cork, drugs, feather, felt, fiber, fur, glass, glue, hair, horn, leather, metal, paint, paper, plastic, shell, gems, tobacco, rubber, resources, toiletries, wine, wood.

**Response:** Alternatively, the gas conditioning component of the Project can also be characterized as either a "mineral processing" or a "processing" use.⁴

**Special Considerations Map:** A map, or series of maps, or map overlays identifying areas in Coos County which may have an impact on development. The phenomena identified on the Special Considerations Map which may have an impact include: mineral resources, water resources, archaeological and

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³ Steam produced by the power plant will be used to process natural gas from the Pacific Connector gas pipeline into a condition suitable for liquefaction prior to distribution to the LNG terminal. Conditioned gas will thus be generated and distributed by the Project in addition to electrical power.

⁴ The generation of conditioned gas could also be characterized as the manufacturing, processing, production or treatment of natural gas, a natural resource, into a conditioned natural gas product that allows liquefaction, where all of those other uses are also allowed in both of the IND zone's "Processing" or "Assembly" use categories. However, whether the production of conditioned gas is deemed to be "generation and distribution" within the utility facility use category or a "processing or production" use within the IND zone's "Processing" or "Assembly" use category does not make any substantive difference, because the use is allowed outright in the IND zone in either category.
historical resources, dunes and non-estuarine coastal shorelands, significant wildlife habitat and natural hazards.

Response: As detailed below, areas of special consideration have been addressed in prior applications regarding the Site, as inventoried below in Exhibit 1, and will be the subject of the detailed review regarding the IND zone that appears below beginning at page 24 under Article 4.7 – Special Considerations.

Section 2.1.200 Accessory Use: 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. Examples of accessory structures and uses are private garages, storage sheds, playhouses, swimming pools, and parking for recreational vehicle, boat, log truck or other vehicle.

Response: The Project will incorporate a standard array of accessory uses and structures of the type and quantity typically included in an energy generating facility. An accessory road and utility corridor will connect the power plant with the LNG terminal, together with a private accessory power line and supporting poles to interconnect the power plant with the LNG terminal. See Exhibit 3 for a description of the Project's major components. See Exhibit 6 for a depiction of the accessory road and utility corridor.

B. Article 5.6 – Design and Site Plan Review.

Response: The application is subject to the action by the Planning Director under Section 5.6.5002 for an administrative approval of the application pursuant to the Site Development Criteria and Standards contained in Section 5.6.400. For the reasons discussed below, the amended application will also address Section 3.3.400, Vision Clearance Triangle, and the provisions of Chapter VII, Streets and Roads, and Chapter X, Off-Street Parking, as access management standards deemed to be applicable by the County Roadmaster to design and site plan review applications by the County Roadmaster.

Design and Site Plan Review is the only land use permit required by the CCZLDO to establish the proposed integrated utility and processing facility project. The remainder of the regulations, standards and supplemental provisions addressed below are not permit requirements but, rather, are additional reviews required by Coos County prior to the issuance of a zoning verification letter. Without the requested Design and Site Plan Review, the additional reviews below would occur at that later time.
C. Section 4.2.100 – Additional Regulations for All Allowed Uses.

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, "Administrative" (Procedural requirements)
4. Article 4.4, "General Development Standards"

Response: This application adheres to the applicable special conditions and findings prescribed in Section 4.2.900, together with all of the other limitations and regulations set forth in the articles and chapter above referenced. See the detailed discussion of Section 4.2.100 in Section III D. of this narrative at page 21 below. This determination can be made now or later at the time of the request for a zoning verification letter.


Response: This application adheres to the applicable supplemental provisions for structures, uses, lots and yards, as described below beginning at page 48 of the narrative. This determination can be made now or later at the time of the request for a zoning verification letter.

III. SPECIFIC REQUESTS AND APPLICABLE APPROVAL CRITERIA.

A. Proposed Uses.

Energy Facility: Generation of Power for Public Sale; Processing Facility.

B. Site Description.

The property subject to this application is in the Balance of County zoned Industrial (IND) (the "Site"). The Site is approximately 110-ac in size and located immediately to the east of Jordan Cove Road. The Site is the former location of a linerboard production mill that has since been demolished. However, the Site is impacted from years of industrial use and remains irrevocably committed to industrial use.

Attached as Exhibit 2 is the proposed revised site plan. The site plan combines the power plant and gas conditioning components of the Project for an integrated facility with shared access, parking and circulation and landscaping. As depicted in the proposed site plan, the majority of the Site will have no buildings, structures or parking areas available to the public. Since one of the stated
purposes of the landscaping standards is to "lessen visual impacts", the site plan has been developed to place the required landscaping amenities in the areas of the power plant accessible and visible to the public, areas effective to lessen the visual impacts. As discussed more fully in the landscaping section below, the revised site plan improves the visual buffering of the Site through placement of landscaping in different areas related to the movement and consolidation of parking lots. The site plan also provides for safe and efficient access to all buildings, and their accessory public and employee parking areas, with proximate landscaping, thus providing a harmonious relationship to the terrain and an attractive visual approach to and from buildings and the adjacent roadways. Parking areas are now located more conveniently adjacent to the administration and other buildings in a way that separates vehicular and pedestrian traffic, for safe and efficient access and maneuvering on site. A total of 60 employees are anticipated per shift, with the amended site plan proposing 291 accessory parking spaces (an increase from 146), plus bicycle parking. Landscaping is shown around the perimeter of the portions of the Site accessible by the public, with trees being planted at the entrance to the Site and in the landscape area adjacent to the administration building.

C. Article 5.6 – Design and Site Plan Review.

This section will review compliance with the applicable site plan review criteria of Article 5.6, Section 5.6.400, together with the site plan review procedures for access management and the related access management standards contained in Section 3.3.400, Vision Clearance Triangle, and in Chapter VII (Streets and Roads) that are determined to be applicable by the County Roadmaster under Section 7.1.1000.

1. Section 5.6.400. Site Development Criteria and Standards.

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

1. Landscaping.

a. The landscape shall be such to minimize soil erosion and lessen the visual impact;

Response: Landscaping has been provided throughout the Site using a dune vegetation seed mix, American dune grass plantings, dune shrubbery and native trees, and gravel surfacing for erosion control. Site access has been landscaped around the perimeter of the private access road to provide at-grade visual
buffering, erosion control, and as required by the parking lot standards in Chapter X, discussed below. The amount of Site perimeter landscaping between TransPacific Parkway and the internal access road has been increased in the revised site plan submitted with this amended narrative as described below. The amount of landscaping will continue to exceed the area of landscaping required under the parking standards in Chapter X. Specifically, the parking lot reserved for the public and workers has been relocated across the entrance road to be placed adjacent to the administration building. Landscaping surrounding the newly located parking lot will be integrated with other landscaping areas to enhance visual buffering along the entrance road. The previous location for the parking lot will now be landscaped, which will further reduce erosion potential and lessen any visual impact that the Project would have from TransPacific Parkway. In addition, the newly relocated parking lot will now have landscaping between it and the internal access road adjacent to it to the north. The relocation of this parking lot and the enhanced landscaping on both sides of the access road will also lessen the visual impact of the Project to persons entering the Site along the private access road. This criterion is satisfied.

b. any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response: Grade changes associated with the Site will generally match the elevations or angle of repose associated with the surrounding sand dunes. As stated in the response to the related considerations in Section 7.1.550, Section 13.2.a below, the Site has been previously developed for industrial use with additional fill being needed to make the Site ready for development, and without the need to grade natural topography or natural features on the Site which were previously removed decades before for the original industrial development. Specifically, the adjacent lands are contoured with a variety of undulating dune formations of varying elevations and slopes. The appearance of the Site following development will be consistent with the general appearance of neighboring areas. This criterion is satisfied.

2. Structures.

a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;

Response: There are no existing buildings in the vicinity that have a visual relationship to the proposed buildings and the proposed buildings are related harmoniously to the terrain, being clustered away from the edge of the Site and separated from the freshwater wetlands to the west. Structures will be conveniently located near the private access road to the north. This criterion is satisfied.
b. the achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

Response: As stated above, the buildings and accessory parking areas have been clustered around the access road to the facility at the northern portion of the Site, which creates an attractive focal point with respect to the entrance and primary avenue of approach. As also stated above in the revised site plan submitted with this application narrative, the focal point of the Site has been enhanced by relocating the public and employee parking lot to the south side of the private access road, allowing for increased landscaping in the area between TransPacific Parkway and the private access road to the south, thereby creating a better focal point with respect to the avenue of approach and the terrain visible from the avenue of approach on TransPacific Parkway. This criterion is satisfied.

3. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient.

Response: The revised site plan submitted with this amended narrative improves the internal site layout regarding the location of the parking lots relative to the security gate and access road, in order to provide a safer and more convenient vehicular and pedestrian access and circulation pattern internal to the Site. The Site will utilize marked walkways, drive aisles, a round-about, security check point and designated areas for employees and visitor parking, so that there is adequate separation of pedestrian and vehicular traffic on Site to provide safe and efficient access and circulation on the Site. The revised site plans submitted with this supplemental narrative continues to incorporate the revisions to internal circulation and Site access previously requested by the Roadmaster in his comments to the original site plans submitted with the application. (See Footnote 2 at pages 4-5.) Specifically, by moving the parking lot to the south of the internal access road, the potential for cross access conflicts between the access drives previously proposed to service the parking lots to the north and south of the private access road has been resolved by moving the parking lot to the south of the private access road. Further, by placing that parking lot adjacent to the administration building, it further separates pedestrian and vehicular traffic and makes the location of that parking lot more convenient for visitors and employees to access the building after parking in the lot. This criterion is satisfied.

4. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.
Response: The site plan depicts surface water drainage systems serving the impervious portions of the Site. The majority of the Site will, however, remain as vegetated sand analogous to that of the surrounding native dune and deflation plain environment. Any areas of the Site where the potential exists for stormwater to come into direct contact with equipment, lubrication oil, or any other potential industrial contaminants will be paved and curbed to contain the stormwater. The stormwater from these impervious areas (equipment pads, truck loading, liquid storage areas) will be collected, treated, and pumped to the Pacific Ocean via the existing industrial wastewater pipeline ("IWP") also located on the IND site. This stormwater will be discharged to the Pacific Ocean as currently practiced pursuant to NPDES permit No. 101499. Stormwater from other impervious areas of the Site where storm water is allowed to concentrate (paved roads, buildings, parking lots), will be detained and disposed of onsite in the IND zone in designated stormwater quality control facilities, to be located and designed subject to approval by the Oregon Department of Environmental Quality ("DEQ"), and as conceptually shown on the site plan. All stormwater systems for the Site will be addressed through the development of a Storm Water Pollution Control Plan subject to DEQ approval.

The proposed Site surface drainage system will thereby avoid any adverse effect to neighboring properties, the public storm drainage system, or the environment. This criterion is satisfied.

5. **Utility Service.**

   a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*

Response: Electric, telephone, water and other utility service lines to the power plant will be located underground in a 60 foot utility right-of-way. This criterion is satisfied.

   b. *any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*

Response: There will be no public utility service installations remaining above ground. This criterion is satisfied.

   c. *the proposed method of sanitary disposal from all buildings shall be included.*

Response: The proposed method of sanitary sewage treatment and disposal from all buildings will include an on-site treatment system with associated drain field as indicated on the site plan. This criterion is satisfied.
6. **Special Features.**

   a. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties;

**Response:** The existing and contemplated environment of the Site and surrounding properties is industrial use and development. The historic use and development on Weyerhaeuser's Mill Site was for an industrial pulp and paper plant. Other existing uses on the North Spit are engaged in the wood products industry and specialty manufacturing. None of the other existing uses have screen plantings or other screening methods, nor does the industrial zone have required setbacks. Nevertheless, the perimeter fence will be provided with privacy slats to obscure the visibility of the Site. As stated above, the site plan has been improved by relocating the public and employee parking lot to the south of the private access road, thereby making the former location of that parking lot available for enhanced landscaping, to further screen visual impacts of the Project from surrounding properties. Accordingly, the proposed power plant Project, by its nature, is compatible with the existing and contemplated environment and the industrial use of surrounding properties on the North Spit. This criterion is satisfied.

   b. service, processing, and storage on property abutting a residential zone or commercial zone shall be wholly within an enclosed building or screened from view from such zone, street or highway by a permanently maintained, sight obscuring device or vegetation.

**Response:** The Site does not abut a residential or commercial zone. This criterion is inapplicable.

7. **Application of Design Standards.** The standards of review outlined in (1) to (6) above also apply to all accessory buildings, structures, exterior signs and other site features however related to the major buildings or structures.

**Response:** The applicant has submitted drawings to show how the exterior sign for the power plant is compatible with the other elements of the proposed site development, and with the surrounding properties on the North Spit. This criterion is satisfied.
8. **Riparian Vegetation Protection.**

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

1) Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or

2) Riparian vegetation may be removed to provide direct access for a water-dependent use; or

3) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or

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

5) Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose; or

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

**Response:** The site plan indicates that there are no impacts to riparian vegetation or development activities within 50 feet of an estuarine wetland, stream, lake or river. This criterion is satisfied.

b. The 50’ riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint." [OR 92-05-009PL]
Response: There are no existing structures proposed for alteration or expansion. This criterion is satisfied.

2. **Section 7.1.500. Site Plan Review Procedures for Access Management**

While Section 5.6.400 (Site Development Criteria and Standards) contains no cross-reference to Chapter VII, sections and provisions in Chapter VII have references to "Site Plan Review," including Section 7.1.550, Subsection 13 (Site Plan Review Procedures for Access Management) and, further, at Section 7.1.560, in the unnumbered subsection titled "Site Plan Elements." However, other sections in the chapter have no applicability, including Section 7.1.800 (Standards for Driveways and Driveway Bridges) and Section 7.1.900 (Circumstances Requiring Road Improvements; Extent of Required Road Improvements).\(^5\)

The applicant has conferred with the County Roadmaster to discuss which of the above-referenced provisions are used by the County to determine compliance with the provisions of Chapter VII, as deemed by the Roadmaster to be applicable to this application for design and site plan review under the provisions of Section 7.1.1000. The County Roadmaster has determined that the revised site plan complies with the applicable provisions of Chapter VII. Based upon the applicant's consultation with the Roadmaster and planning staff, the following sections discuss how the revised site plan has been deemed to comply with the provisions of Chapter VII deemed to be applicable by the Roadmaster.

**Section 1. Intent and Purpose.** The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. ... These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

Response: Based upon the statement of intent and purpose, it appears that Section 7.1.550 is primarily intended to apply in the context of land divisions. However, in spite of that, the County Roadmaster has indicated to the applicant that he utilizes some of the provisions of Section 7.1.550 to determine the compliance of site plans with applicable County Chapter VII standards, including the additional subsections of 7.1.550 set forth below.

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\(^5\) The CCZLDO is less than clear regarding the intended applicability of Chapter VII, Streets and Roads, to the Design and Site Plan Review provisions of Article 5.6. There is no express cross-reference in Article 5.6 to Chapter VII. Most of the provisions of Chapter VII appear to apply to land divisions, as do other articles and sections of the CCZLDO, including Section 3.3.400 (Vision Clearance Triangles) and Article 7.2 (Rural Road Standards).
Section 5. Joint and Cross Access.

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks) shall provide a cross access drive and pedestrian access to allow circulation between sites.

2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
   a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
   b. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
   c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
   d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

3. A reduction in required parking spaces in shared parking areas shall be permitted if peak demands do not occur at the same time periods.

4. For County road facilities, Coos County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   a. Joint access driveways and cross access easements are provided in accordance with this section;
   b. The site plan incorporates a unified access and circulation system in accordance with this section;
   c. The property owner enters into a written agreement with Coos County, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

7. The County Road Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.
Response: Section 5 clearly is intended to apply to different circumstances where adjacent properties are being developed separately, with a requirement for cross access between the two sites. The Roadmaster acknowledges that this section does not apply to this type of application.

Section 6. Access Connection and Driveway Design. Driveway approaches must be designed and located to provide an exiting 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.

Response: "Driveway" is defined in the CCZLDO as a "private vehicular travel surface accessing a single residence." Accordingly, this subsection is inapplicable to the proposed industrial site plan. However, as stated above, the County Roadmaster has indicated to the applicant that he considers the need for unobstructed views for exiting vehicles as an important site plan element. Accordingly, the Roadmaster has applied the provisions of Section 7.1.550 13.2.b. below and Section 3.3.400 to provide unobstructed views for exiting vehicles onto TransPacific Parkway.

Section 11. Connectivity.

1. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.

2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area.

3. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

Response: With other subsections discussed above, the plain language of this subsection indicates that it is intended to apply to proposed subdivisions, proposed development abutting land which will be developed in the future, or the development of new streets, none of which circumstances are presented by this application. Further, the County Roadmaster did not indicate that he was borrowing access management concepts from this subsection. Accordingly, this subsection is inapplicable to this application.


1. Applicants shall submit a preliminary site plan for review by the planning department. At a minimum, the site plan shall show:
a. Location of existing and proposed access point(s) on both sides of the road where applicable;

b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;

c. Number and direction of lanes to be constructed on the driveway plus striping plans;

d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);

e. Parking and internal circulation plans including walkways and bikeways, in UGBs and unincorporated communities;

f. A detailed description of any requested variance and the reason the variance is requested.

Response: The applicant has submitted a preliminary site plan for review by the Planning Department showing all of the above information. This criterion is satisfied.

2. Subdivision and site plan review shall address the following access criteria:

a. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading;

Response: The Site is a previously developed industrial site with no natural topography or natural features remaining to be preserved. Grading of natural features to create roads is unnecessary and is not proposed with this application. This criterion is inapplicable to this application.

b. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access;

Response: The Site has been designed so that access is properly placed in relation to site distance, driveway spacing and other related consideration as determined by the County Roadmaster. As discussed previously, the Roadmaster required that the site plan provide safe vehicular access onto TransPacific Parkway regarding adequate site distance and turn movements. This criterion is satisfied. See comments below regarding Section 3.3.400, Vision Clearance Triangle, at page 54.
c. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection;

Response: The proposed site plan provides a road system which will provide adequate access to buildings for visitors, deliveries, emergency vehicles and employees. As also discussed above, the site plan has been improved to relocate parking lots to be closer to buildings, thereby improving the internal access road system for visitors, deliveries and employees. This criterion is satisfied.

d. Within UGBs and unincorporated communities an internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development;

Response: The Site is outside the UGB and is not within an unincorporated community. Nonetheless, the site has been designed to provide an internal pedestrian system of sidewalks to provide adequate connections to parking areas and entrances to the development for safe and efficient internal access and circulation. As discussed above, relocating the public and employee parking lot to the south side of the internal access road improves internal pedestrian connectivity to buildings and reduces conflicts between vehicles and pedestrians using parking areas and entrances to buildings. This criterion is satisfied.

Response: The Site does not access a State-controlled facility. This criterion does not apply.

3. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

Response: The application does not involve access to the State Highway System. This criterion is inapplicable.

Section 7.1.560 Bicycle and Pedestrian Circulation. The Transportation Planning Rule specifies that, at a minimum, sidewalks and bikeways be provided along arterials and collectors within urban growth boundaries and unincorporated communities with pedestrian facilities being appropriate in most residential areas as well.
Response: This section does not expressly apply because the site is not adjacent to an arterial or collector within urban growth boundaries or unincorporated communities with residential areas. However, the Roadmaster indicates that he has applied the following Site Plan Elements sections of this section to the proposed site plan.

Site Plan Elements:

1. The location and design of bicycle and pedestrian facilities shall be indicated on the site plan.

Response: The site plan designates bicycle and pedestrian facilities. This criterion is satisfied.

2. Pedestrian Access and Circulation. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques.

Response: The Roadmaster previously required revisions to the internal parking and circulation portions of the proposed site plan. The site plan was previously revised to comply with the Roadmaster's comments and has been re-revised to improve it further based upon those comments by relocating the employee and public parking lot to the south side of the internal private access road adjacent to the administration building. This criterion is satisfied.

3. All site plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems.

Response: The site plan clearly shows how the internal pedestrian and bicycle facilities on the site connect with external existing facilities. This criterion is satisfied.

Section 7.1.800 Standards for Driveways and Driveway Bridges. When driveway improvements, including driveway bridges, are required by this ordinance, such improvements shall conform to the following design standards:

1. The provisions of Table 7.2 concerning rural driveways shall apply to both rural and urban driveways; and

Response: Table 7.2, together with the related footnotes to the table, do not apply to the application because Article 7.2 applies only to land divisions and is inapplicable to this application as determined by the County Roadmaster. Likewise, Table 7.2 is also limited in its applicability to that subdivision context. Finally, pursuant to Footnote 10 of Table 7.2, the term "driveway" means a "private vehicular travel surface accessing a single residence." Accordingly, the proposed points of connection for the Site to public facilities are not "driveways."
Section 7.1.900  Circumstances Requiring Road Improvements; Extent of Required Road Improvements.

Public and private road and street improvements are required by this ordinance when the circumstances set forth in Table 7.1 exist.

Response: As determined by the County Roadmaster, this standard is inapplicable to a design and site plan review application.

Table 7.1 Road Standard Policy Matrix

Response: Table 7.1 does not apply to this application per the County Roadmaster.

D. Section 4.2.100 – Additional Regulations for Allowed Uses.

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, "Administrative" (Procedural requirements)
4. Article 4.4, "General Development Standards"

Response: The applicant is requesting site plan review and related approvals for the Project on the Site. The use is described as a utility facility: generation of power for public sale, and alternatively, as an integrated utility facility and gas processing facility, all permitted uses in the IND zone, as described in LDO Section 4.2.600, Table 4.2-e. (See response below under Section 4.2.900.) There are other sections that also apply to all uses. In addition to any applicable special condition found in Table 4.2-e, the application must be reviewed under Article 4.6, Overlay Zones; Article 4.7, Special Considerations; Chapter V, Administration (Article 5.6, Design and Site Plan Review); and Article 4.4, General Development Standards, which requires Chapter X to be considered in this review process as well.

1. Section 4.2.900 – Review Standards and Special Development Conditions.

The review standards and special development conditions referenced in Tables 4.2-a through 4.2-g are set forth in this section.

Response: As disclosed in Table 4.2-e applicable to commercial industrial zoning districts, none of the review standards or special development conditions
of this section apply to the proposed utility facility use in the IND zone. As stated above, the gas conditioning facility can be characterized as a processing use in Table 4.2-e as "mineral processing," permitted outright in the IND zone, or as "processing," permitted in the IND zone subject to special development condition #119, which condition limits the size of new industrial buildings outside a UGB to not exceed 35,000 square feet. Accordingly, however the use is described, it is a use permitted outright in the IND zone. None of the proposed buildings exceed 35,000 square feet. This criterion is satisfied.

2. **Article 4.4 – General Development Standards.**

Table 4.4-c establishes the property development standards for commercial-industrial zones through the information disclosed in the table and the related footnotes.

**Response:** The application complies with the minimum lot frontage and width standards. No other standards apply to this application. All of the above criteria are satisfied.

**Section 4.4.600. General Standards for Commercial-Industrial Zoning Districts.** The general standards set forth in Tables 4.2-c shall apply to the zoning districts and uses addressed in Table 4.2-e.

**Response:** This application will comply with the applicable property development standards for commercial-industrial zoning districts as required in the IND zone by Table 4.4-c as follows: no minimum lot size; no minimum lot depth; minimum street frontage and minimum lot widths of 20 feet each; no maximum building height based upon the circumstances identified in Footnote 3; and off-street parking and loading requirements identified in Footnote 7 as being set forth in Chapter X. All of those requirements are complied with by the revised site plan, with the off-street parking requirements being addressed below at Section 10.1.300. This determination can be made now or later at the time of the request for a zoning verification letter.

**Section 4.4.610. Site Plan Review.** *A Site Plan Review pursuant to Article 5.6 shall be required for all uses within the IND District.*

**Response:** The application contains a concurrent application for site plan review. This criterion is satisfied.

**Section 4.4.620. Site Plan Review.** *A Site Plan Review pursuant to Article 5.6 shall be required for all uses within the AO District.*

**Response:** The Site is not within an AO district. This criterion is satisfied.

**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.

Response: The Site is not within an Airport Operations (AO) district. However, the applicant will comply with all applicable FAA regulations. See attached Exhibit 7. The applicant has designed the height of Project's structures to comply with FAA regulations. This criterion is satisfied.

3. **Section 10.1.300 – Parking Area Design.**

1. **Ingress and Egress.** In any zoning district, driveways or access ways providing ingress and egress for private parking areas or garages, 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.

Response: The site plan depicts the areas of ingress and egress to the public and private parking areas, with appropriate traffic control devices in the form of striping and signage. The revised site plans previously submitted incorporated revisions to internal circulation and site access previously requested by the Roadmaster in his comments to the original site plans submitted with the application. As further stated above, the site plan has now been further revised in response to those same comments to make further improvements by relocating the public and employee parking lot from the north to the south side of the internal private access road, to reduce internal conflicts between pedestrians and vehicles and to provide a more convenient parking location for visitors and employees. This criterion is satisfied.

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.

Response: Section 10.1.400 sets forth the required number of parking spaces for the proposed use. For industrial use, one space per employee and bicycle parking space is required for storage warehouse, manufacturing establishments or trucking freight terminals, the use category most similar to the proposed use. As set forth above, it is anticipated that a total of 60 employees will be on site per shift, with the proposed site plan proposing more parking spaces than the required number under this section. Further, the site plan proposes 2 bicycle parking racks with multiple spaces, all in excess of the required number. This criterion is satisfied.

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.

Response: The site plan indicates each parking lot will be provided with a service drive to allow ingress and egress for vehicles and pedestrian walkways to authorized access locations. As stated above, the site plan has been revised to improve internal vehicular and pedestrian access and circulation by relocating the public and employee parking lot from the north of the internal private road to be adjacent to the administration building to the south of the road, thereby reducing internal vehicular and pedestrian conflict. Parking provided without service drives are internal to the Site and are not subject to the criterion. This criterion is satisfied.

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.

Response: The Site does not abut or is not adjacent to a residential district or use. This criterion is inapplicable to the application.

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.

Response: The revised site plan has rearranged Project components by relocating the visitor and employee parking as above described and, further, by removing the landscaped roundabout shown on prior plan sets from the current revised site plan in order to include that area in the newly designed security gate, the details of which are not subject to public review for security reasons. Having said that, the density of the landscaping has increased and the amount of landscaping areas still exceed the amount required by the standard. In addition, the landscaping is placed in improved locations to provide enhanced visual buffering of the Project from adjacent properties and from TransPacific Parkway and the internal access road. This criterion is satisfied.

4. Article 4.7 – Special Considerations.

The purpose of this Article is to prescribe special regulations for the use and development of land situation within resource or hazard areas identified on the Special Considerations Maps for Volume 1 (Balance of County).

Response: The areas of special consideration in the Balance of County for the IND zoning of the Site are discussed below.

Section 4.7.105 – Prescribed Regulations: Development in areas identified on the Special Considerations Map shall be limited by the regulations prescribed by the "Special Regulatory Considerations" set forth in Tables 4.7a, b, and c. Table 4.7a
shall apply to the Balance of County. Table 4.7b shall apply to those lands within the Coquille River Coastal Shoreland Boundary. Table 4.7c shall apply to the Coos Bay Estuary Coastal Shoreland Boundary.

Response: The following sections of the application will discuss the regulations prescribed by Table 4.7a for the IND zone in the Balance of the County.

Section 4.7.115 – Relation to Plan Inventory: The Special Considerations Map is not a substitute for the detailed spatial information presented on the CCCP and CBEMP inventory maps. The Special Considerations Map is merely an index guide designed as a zoning counter implementation tool that indicates when special policy considerations apply in general area, thereby requiring inspection of the detailed plan inventory maps. The Special Considerations Map must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

Response: As discussed above, areas of special consideration have previously been reviewed on the Site via the prior land use approvals identified in Exhibit 1. Those prior reviews occurred over time in separate case files, both before and after the relocation of the IND zoning district boundary. The following sections of this narrative show how the Site has been found to comply with the areas of special consideration applicable to the reconfigured IND zoning on the Site using the County’s CCCP/inventory maps, by reference to each of the Phenomenon contained in Table 4.7a.

**TABLE 4.7a**

See Figure 1 - Mineral & Aggregate

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
</tr>
</thead>
</table>
| 1. Mineral & Aggregate | 1a. Preserve these in their original character until mined  
                        | b. Agriculture & forestry uses are acceptable per zone and use district requirements.  
                        | c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.  
                        | d. Non-exploratory mining operations are conditional uses, where allowed | 1-12      | 1-12      | 1-12      | 1-13      | 1       | 1       | 1       | 2        |

- 25 -
1. Mineral & Aggregate – Appendix I, Pages 12-13, Strategy Nos. 1 & 2:

**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.

Response: There are no identified mineral or aggregate resources on the Site, except the designation of a portion of the Site as a coal basin. However, under the provisions of Strategy 1, the coal basin is described as commercially unviable and, accordingly, not designated as a Goal 5 recourse. See the Mineral & Aggregate inventory map, Figure 1-A, attached hereto. Non-exploratory mining operations are not being proposed. The application is consistent with Phenomenon 1 regarding mineral and aggregate resources. The above strategies are satisfied.

**TABLE 4.7a**

See Figure 2 - Water Resources

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</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 1</td>
</tr>
</tbody>
</table>

2. 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.

Response: There are no identified water resources on the Site to protect, except that the western portion of the Site shows the proximate extent of dunes aquifers in that location. See the water resources inventory map, Figure 2-A, attached hereto. Additionally, there is no evidence supplied by OSWRD, EQC or OSHD to show this area would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharges. The application proposes an integrated power plant and processing facility and does not propose residential or commercial development on the Site. The application is consistent with Phenomenon 2 regarding Water Resources. This strategy is satisfied.

**TABLE 4.7a**

See Figure 3 - Historical/Archeological Sites & Structures

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Historical/Archeological Sites &amp; Structures</td>
<td>3a. Manage these for their original resource value: b. Develop proposals in identified archaeological areas must have a &quot;sign-off&quot; by qualified person(s). c. Historical structures and sites can only be expanded, enlarged or modified if Coos County finds the proposal to be consistent with the original historical character of the structure or site.</td>
<td>1-19 1 1-20 3 1-19 2</td>
</tr>
</tbody>
</table>
3. **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.

   **Response:** This strategy is a legislative directive to the County to adopt protective regulations and does not apply directly to quasi-judicial applications such as this.

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.

   **Response:** No expansions, enlargements or other modifications of identified historical structures or sites is proposed by this application. This strategy is satisfied.

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).

Response: The Site itself does not appear to contain an area of archeological concern. However, the related inventory map for the Balance of the County, which does not contain a site specific inventory, refers to the entire section in which the Site is located as an area of archeological concern. Accordingly, a condition of approval relative to areas of archeological concern was needed with respect to prior applications referenced on Exhibit 1. See the Historical/Archeological Sites & Structures inventory map, Figure 3-A, attached hereto. The application is consistent with Phenomenon 3 regarding Historical/Archeological Sites & Structures. This strategy is satisfied.

**TABLE 4.7a**

See Figure 4 - Beaches & Dunes

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4. Beaches &amp; Dunes</strong></td>
<td>4a. Permit development within &quot;limited development suitability&quot; only upon establishment of findings. Requires Administrative Conditional Use.</td>
<td>Page 1-23, Strategy No. 2</td>
</tr>
<tr>
<td></td>
<td>b. Prohibits residential, commercial, or industrial development within areas &quot;unsuitable for development&quot;. Permit other developments only upon establishment of findings. Requires Administrative Conditional Use.</td>
<td>Page 1-24, Strategy No. 3</td>
</tr>
<tr>
<td></td>
<td>c. Cooperation with agencies to regulate: destruction of vegetation, erosion shore structures and other developments, requires Administrative</td>
<td>Page 1-25, Strategy No. 4</td>
</tr>
</tbody>
</table>
4. Beaches & Dunes – Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4:

Plan Implementation Strategies

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.

Response: The Site is not located within a Beaches & Dune area as identified on Figure 4-A. As also shown on Figure 4-A, the Site contains no dune formations.
The application is consistent with Phenomenon 4 regarding Beaches & Dune areas. This strategy is satisfied.

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

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.

Response: No fill or use is proposed in Beaches and Dune areas unsuitable for development on the County's inventory map. See Figure 4-A. This strategy is satisfied.

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.

Response: The applicant will coordinate with state and federal agencies with respect to placement of fill on the Site regarding state and federal wetlands and erosion control permits. The application is consistent with Phenomenon 4 regarding Beaches & Dune areas. See Exhibit 1 for an inventory of prior approvals, including prior approvals for the placement of fill. This strategy is satisfied.
TABLE 4.7a

See Figure 5 - Non-Estuarine Shoreland Boundary

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

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.
Response: As indicated in the prior applications referenced in Exhibit 1, fill will either not be placed in the following areas or will be placed in the following areas only upon the following circumstances:

(a) No fill is proposed in any "major marshes". This substrategy is satisfied.

(b) No fill is proposed in any areas of "significant wildlife habitat, except for wetlands, where fill will be placed pursuant to state and federal wetlands permit. This substrategy is strategy.

(c) No fill is being proposed in any "coastal headlands". This substrategy is satisfied.

(d) No fill is proposed in areas of "exceptional aesthetic resources". This substrategy is satisfied.

(e) Prior to the placement of fill on the Site, the Tribe will be notified and any placement of fill will be subject to a condition of approval requiring that the applicant confer with the Tribe prior to placement of fill on the Site. See the related conditions to prior approvals in Exhibit 1.

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.

Response: The Site is not within the coastal shorelands boundary. See the coastal shorelands boundary map, Figure 5-A, attached. This strategy is satisfied.

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.

Response: No subdivisions or partitions are proposed by this application. This strategy is satisfied.

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.

Response: The Site is outside of the coastal shorelands and contains no coastal lakes or minor estuaries. See Figure 5-A. The application is consistent with Phenomenon 5 regarding the Non-Estuarine Shoreland Boundary. This strategy is inapplicable to this application.

**TABLE 4.7a**

See Figure 6 - Significant Wildlife Habitat I ORD 85-08-011L)

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

6. **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)

- 37 -
• 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 streambanks. 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.

Response: This application does not propose any uses or activities in sensitive big-game, bird habitat or Salmonid spawning or rearing areas. See the significant wildlife habitat inventory map, Figure 6-A, attached. This strategy is satisfied.

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>
</tr>
<tr>
<td>improved water quality</td>
<td>recharge of aquifers</td>
</tr>
</tbody>
</table>

Response: The Site contains no identified non-agricultural wetland area or related riparian vegetation that will be impacted. See Figure 6-A. This strategy is satisfied.

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.

Response: The Site contains no agricultural lands or agricultural uses or "wet meadow" wetland areas. See Figure 6-A. The Site is a previously used industrial
site. The application is consistent with Phenomenon 6 regarding Significant Wildlife Habitat. This strategy is satisfied.

**TABLE 4.7a**

See **Figure 7 - Natural Hazards**

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29 1</td>
</tr>
<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>
<td>1-29 5</td>
</tr>
<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>
<td>1-30 6</td>
</tr>
<tr>
<td></td>
<td>*Requires Administrative Conditional Use</td>
<td></td>
</tr>
</tbody>
</table>

7. **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 life 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 risks.

**Response:** This strategy is a legislative directive to the County to enact special protective measures consistent with this strategy and does not apply to quasi-judicial applications such as this one. The Site is outside of the floodplain. See the natural hazards inventory map, **Figure 7-A**, attached. This strategy is...
inapplicable to this application. Please note that the County's inventory map of
natural hazards indicates a "wind hazard" on or near a portion of the Site. This
strategy clearly states that Coos County shall regulate development in known
areas subject to natural hazards by enacting special protective measures through
zoning and implementing devices. It does not appear that Coos County has
enacted any special protective measures regarding "wind hazards". Furthermore,
the Site has been developed and used for heavy industrial use for decades and is
not subject to wind erosion. This strategy is satisfied.

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 nonstructure 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.

Response: The Site is outside the estuary and proposes no bank line stabilization
requiring state or federal permit. See Figure 7-A. This strategy is satisfied.

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.

Response: This application does not propose the construction of new dwellings. The application is consistent with Phenomenon 7 regarding Natural Hazards. Accordingly, this strategy is satisfied.

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Airport Surfaces</td>
<td>8a. Comply with Airport Surfaces Overlay Zone set forth in this Ordinance.</td>
<td>1-40</td>
</tr>
</tbody>
</table>

8. Airport Surfaces – Appendix I, Page 40, Strategy No. 11:

Plan Implementation Strategies

11. Coos County shall cooperate with the Oregon State Aeronautics Division and the Federal Aviation Administration by developing an Airport Surfaces Overlay Zoning District to prevent the creation or establishment of hazards to air navigation. The Overlay Zoning district shall apply to the Bandon, Lakeside and Powers State Airports and shall encompass the primary surface, approach surface, transitional surfaces, horizontal surface and conical surface as identified in Volume VI, Airport Compatibility Guidelines as formulated by the Oregon Department of Transportation - Aeronautics Division, dated 1981.

Response: This strategy is a legislative directive to the County to adopt an airport surfaces overlay zoning district, which the County has done. The development will not be within the overlay zoning district's airport service overlay zone, as discussed below, and is, accordingly, consistent with the provisions of the airport surfaces overlay zoning district. However, the power plant development will comply with applicable state and federal regulations related to airport safety and operations. See Exhibit 7. The application is consistent with Phenomenon 8 regarding Airport Surfaces. This strategy is satisfied.

5. Article 4.6 – Overlay Zones:

Overlay zones may be super-imposed over the primary zoning district and 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.
Response: As discussed in greater detail in the following responses in this section, no portion of the Site is subject to the floodplain (FP) or airport surface (AS) overlay zones. This criterion is satisfied.

Section 4.6.300 Purpose: The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport's vicinity; an obstruction may affect future instrument approach minimums; and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

Response: As discussed in the next response, the Site is not within any of the Airport Surface Floating zones. This criterion is satisfied.

Section 4.6.305 Designation of Airport Surfaces: Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the "Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map" shall be subject to the requirements of this floating zone.

Response: The Site does not lie beneath the approach surfaces, transition surfaces, horizontal surfaces or conical surfaces as they apply to the designated "Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map". This criterion is satisfied.

Section 4.6.310 Airport Sub-Zones: Sub-zones are hereby established and defined as follows:

1. Approach zone- The inner edge of the approach zone coincides with the primary surface of the runway:
   
   Bandon = 500 ft. wide
   Lakeside = 50 ft. wide
   Powers = 100 ft. wide

   The approach zone expands outward uniformly to a width of:
   
   Bandon = 1400 ft. wide
   Lakeside = 900 ft. wide
   Powers = 900 ft. wide

   at a horizontal distance of 3000 feet for all airports from the primary surface. Its centerline is the continuation of the runway centerline.
Response: The Site is not within the approach zone for the designated Bandon, Lakeside, and Powers Airports. This criterion is satisfied.

2. **Transition Zone** - The inner edge of the transition zone coincides with the outer edges of the primary surface and approach zone. The outer edge of the transition zone parallels the primary surface and is 1050 feet wide tapering to the end of the approach zone.

Response: The Site is not within the transition zone of any of the regulated airport surfaces. This criterion is satisfied.

3. **Horizontal Conical Zone** - The horizontal conical zone is established by swinging arcs of 9,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal conical zone does not include the approach and transitional zones.

Response: The Site is not within the Horizontal Conical zone of any of the regulated airport surfaces. This criterion is satisfied.
4. **Primary Surface Zone** - The primary surface zone overlays the runway surface:

- **Bandon**: 500 ft. wide
- **Lakeside**: 50 ft. wide
- **Powers**: 100 ft. wide

**Response:** The Site is not within the Primary Surface zone overlays of the runway surfaces for the regulated airport surfaces. This criterion is satisfied.

**Section 4.6.315 Airport Surfaces Height Limitations:** Notwithstanding other provisions of this Ordinance, no structure shall be created or altered to a height in excess of the applicable height limits herein established. Such applicable height limitations are hereby established:

1. **Approach Zone** - The maximum height allowed shall be 5% of the distance from the primary surface as measured along the centerline to a point, perpendicular to the obstruction, and shall not exceed 35 ft.

\[ 'd' = \text{distance from primary surfaces allowable height} = (0.05) \times ('d'); \text{ and not to exceed 35 ft.} \]

**Response:** The Site is not within any of the regulated Approach zones and, accordingly, the maximum allowable height limitation does not apply. This criterion is satisfied.

2. **Transition Zone** - The maximum height allowed shall be 14% of the distance as measured perpendicular to the outer edge of the primary surface (or an extension of the outer edge) but shall not exceed 35 feet.
'd' = distance from the primary surface outer edge allowable height = (0.14) x ('d') and not to exceed 35 feet.

Response: The Site is not within any of the regulated Transition zones and, accordingly, the maximum allowable height limitation does not apply. This criterion is satisfied.

3. Horizontal Conical Zone - Maximum allowable height = 35 feet.

Response: The Site is not within any of the regulated Horizontal Conical zones and, accordingly, the maximum allowable height limitation does not apply. This criterion is satisfied.

4. Primary Surface - Maximum allowable building height = 0 (zero) feet for structures or other improvements. Siting of structures or improvements other than navigational aides permitted by State Aeronautics is prohibited.

Response: The Site is not within the Primary Surface areas and therefore the maximum allowable building height does not apply. This criterion is satisfied.

Section 4.6.320 Permitted Uses: Except as restricted by Section 4.6.330, in a District in which the AS zone is combined, those uses permitted by the underlying district are permitted outright in the A/S FLOATING ZONE.

Response: The Site is not within the AS Floating zone. This criterion is satisfied.

Section 4.6.325 Conditional Uses: Except as restricted by Section 4.6.330, in a District with which the AS is combined, those uses subject to the provisions of ARTICLE 5.2 (Conditional Uses) may be permitted in the A/S FLOATING ZONE.

Response: The Site is not within the A/S Floating zone. This criterion is satisfied.

Section 4.6.330 Use Restrictions: Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport light and other, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Response: Section 4.6.330 does not apply to this application because the Airport Surface Floating zone (AS) does not cover the development Site. As explained in sections 4.6.305 and 4.6.310, this Ordinance only applies regulations to those lands lying beneath the airport surfaces as they apply to the Bandon, Lakeside and
Powers airports. This is further substantiated in Section 4.6.300 as the stated purpose of the AS zone recognizes that obstructions to aviation have potential for endangering the lives and properties of users of selected airports (emphasis added). As read in conjunction with Section 4.6.320 regarding permitted uses and Section 4.6.325 regarding conditional uses, the use restrictions of Section 4.6.330 only apply to any zone established by the Ordinance to which the AS zone has been applied. As stated above, the AS floating zone is not combined with and applied to the Site's IND zoning; therefore, the use restrictions of Section 4.6.330 do not apply to this application and the criteria in Section 4.6.330 are satisfied. However, the applicant will comply with all applicable FAA regulations. See attached Exhibit 7, being a letter from Frank Whipple of KSEAS/Amergent Techs, providing evidence that the applicant would not be legally precluded from complying with FAA regulations for the proposed power plant. The condition of approval previously imposed by the previous administrative decision requiring the applicant to comply with all applicable federal, state and local regulations will require the applicant to show compliance with applicable FAA regulations prior to the issuance of a zoning compliance letter by the County. The criteria in this section are satisfied.

Section 4.6.335 Clarification of Grandfather Uses and Rights:

1. In addition to Article 3.4, the regulations prescribed by this zone shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of the Grandfathered Use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

However, no permit shall be granted that would allow the establishment or creation of an obstruction or permit a Grandfathered Use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

Response: There are no grandfathered structures on the Site. This criterion is satisfied.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing Grandfathered structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.
Response: There are no grandfathered structures on the Site. This criterion is satisfied.

Section 4.6.340 Variances: Variances may be granted where consistent with the procedural and substantive requirements of Article 5.3.

Response: No variance is requested or required. This criterion is satisfied.

Section 4.6.345 - 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, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

Response: The Site is not within any of the County's Airport Operations (AO) districts. See Exhibit 4, Figures 8-A, 8-B & 8-C. As stated above, the applicant with comply with all applicable FAA requirements and regulations as required by this section. See Figure 8 prepared by SHN Consulting to conceptually show how the Site will comply with FAA Regulation FAR-77 based upon the 2002 North Bend Airport Master Plan prepared by WHPacific. Please note that this application does not request County approval of Figure 8. Instead, compliance with applicable FAA regulations will be determined by the FAA. See Exhibit 7. Specifically, the applicant has designed the height of Project's structures to comply with FAA regulations. This criterion is satisfied.


i. 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.

Response: The proposed power plant and processing facility, together with all accessory uses and structures, will comply with all general conditions and development standards specified in this Ordinance that are relevant to the Project. This criterion is satisfied.

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.

Response: The applicant will comply with the relevant provisions of this Ordinance prior to requesting a building permit. This criterion is satisfied.
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 9/4/96J

Response: The applicant will request a zoning verification letter after receiving a site certificate for the power plant from the Oregon Energy Facility Siting Council. This criterion is satisfied.

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.

Response: All accessory structures will be located on tracts under the same ownership as the tracts that contains the principal use. This criterion is satisfied.

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

Response: Any attached or detained accessory structure will comply with the relevant setbacks for the zoning district for the principal use. This criterion is satisfied.

C. Accessory Structures within Recreation, Exclusive Farm Use, Forest and other natural resource zoning districts.

Response: The Site is not within a Recreation, Exclusive Farm Use or Forest or other natural resource zoning district. This criterion is satisfied.

D. Accessory structures within Rural-residential and Rural-Center zoning districts.

Response: The Site is not within a Rural-residential or Rural-Center zoning district. This criterion is satisfied.

E. Accessory structures within Urban Residential and Airport Operations zoning districts.

Response: The Site is not within the Urban Residential or any Airport Operations zoning district. See Exhibit 4, Figures 8-A, 8-B & 8-C. This criterion is satisfied.
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.

Response: The principal use of the land is not residential. Accordingly, all accessory structures are located within the Industrial zoning district. This criterion is satisfied.

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]

Response: The Site is not located within a UGB. This criterion is satisfied.

Section 3.1.400. Lot Coverage. All buildings designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall not exceed the maximum lot coverage regulations of the district in which the buildings are to be located.

Response: The IND zone does not have a maximum lot coverage regulation. See Table 4.4-c. This criterion is satisfied.

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.

Response: The IND zone does not have a building density regulation. See Table 4.4-c. No dwelling units are proposed with this application. This criterion is satisfied.
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 overheight object shall not be used for advertising of any kind.

Response: According to Footnote 3 to Table 4.4-c, 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.

Response: There are no unoccupied buildings on the Site. This criterion is satisfied.

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

Response: No manufactured dwellings are proposed. This criterion is satisfied.

Section 3.1.700. Residential Care Home/Facility.

Response: The application does not involve residential care facilities. This criterion is satisfied.

ii. Article 3.2 – Uses.

Section 3.2.100. Special Temporary Uses.

Response: No special temporary uses are proposed. This criterion is satisfied.

Section 3.2.125. Recreational Vehicles as Dwellings.

Response: No recreational vehicles are being proposed for dwellings. This criterion is satisfied.

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]

Response: As stated above, the power plant will have an accessory road and utility corridor, along which the accessory power line and poles will be constructed to interconnect the power plant with the LNG terminal. All accessory uses and structures will be located on contiguous tracts of land under the same ownership. The major Project components and accessory uses and structures are set forth in Exhibit 3.

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]

Response: The inventory of prior approvals attached as Exhibit 1 references the October 4, 2012 ACU approval to fill the Site to make it ready for development in File Nos. ACU-12-16/ACU-12-17/ACU-12-18. Condition of Approval No. 1 already requires consultation with the Tribe(s) consistent with the above regulations. The language of the proposed condition is consistent with the County's procedures described in Section 3.2.700 above. This criterion is satisfied.

iii. 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.

Response: The site conforms with all applicable lot standards identified in LDO Table 4.4-c - copy attached as Exhibit 5. Table 4.4-c references the Footnotes which apply to each of the listed zoning districts in the table. As described below, only Footnotes 3 and 7 are applicable to this application. The remainder of this section will address the applicable Footnotes, with related findings by corresponding Footnote number:

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 (i.e., if the setback is 10, the maximum building height would be 40 feet).

Response: The Site does not abut a residential or controlled development zone, so the maximum height standard does not apply. This criterion is satisfied.

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

Response: Offstreet parking and loading per Chapter X are complied with in other sections of this application. See related findings at: page 11 under the
Response to Drives, Parking and Circulation; and pages 23 under the responses to Section 10.1.300 - Parking Area Design. This criterion is satisfied.

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

Response: The Project is consistent with all applicable yard regulations identified on Table 4.4-c. Specifically, the IND zone has no yard standards for the front, side or rear yards. Table 4.4-c requires 20 feet for minimum street frontage and minimum lot width. The Site has more than 20 feet of street frontage and more than 20 feet of lot width. This criterion is satisfied.

Section 3.3.300. Fences, Hedges, and Walls. This section provides for the regulation of the height and location offences, hedges, and walls and safeguards the public welfare. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency.

Response: All proposed fences, hedges and walls will conform with the applicable standards. This criterion is satisfied.

Section 3.3.400. 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.

Response: The Roadmaster previously submitted comments to the Planning Department approving the applicant's revisions to the proposed internal parking and circulation areas, as well as the new Site access on TransPacific Parkway as compliant with the vision clearance triangle. See Footnote 2 at pages 4-5 above. This criterion is satisfied. See related Section 7.1.550, Section 132.b.at pages 18-19 above.

Section 3.3.500. Maintenance of Minimum Requirements.

2. Outside Urban Growth Boundary: No lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.

Response: The Site is outside the County's urban growth boundary. The Project will conform with applicable lot, yard, parking and loading requirements and the Project will not utilize any space required for those purposes for another use.
IV. CONCLUSION.

The application seeks administrative review and approval of the applicable site plan review criteria under Article 5.6, including the provisions of Chapter VII deemed applicable by the Roadmaster, approval of the additional development criteria under LDO Section 4.2.100 applicable to all allowed uses, and approval of the supplemental provisions of Chapter III, all for the proposed South Dunes Power Plant Project in the IND zone. The application satisfies the applicable criteria and should be approved with the conditions above referenced.
EXHIBIT 1

Inventory of Prior Approvals

1. Application of Oregon International Port of Coos Bay, Coos County Planning Department File No: #HBCU-07-03; Coos County Order No. 07-12-309PL. The Port applied for and obtained County hearings body conditional use approval to allow the activity of fill in portions of zoning district 7-D and portions of the IND zone on the Weyerhaeuser Liner Board site as a receiving site for the deposition of a portion of the excavated and dredged material to be derived from the excavation of the Port's slip and access waterway, with the areas of approved fill depicted on FIGURE 5 attached to the application, a copy of which is attached hereto. The decision found that the proposed fill in the 7-D portion of the site was subject to several of the phenomena listed in Table 4.7c, special regulatory considerations, and that the applicable phenomenon regarding that portion of the site were archeological resources, "major marshes", floodplains, beaches and dunes, and mitigation sites. See pages 33-40 of the Final Decision and Order 07-12-309PL. The approval resulted in a condition number 4 requiring the applicant to coordinate with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground-disturbing activity, and a condition number 5 requiring the applicant to establish a 50 foot setback from any jurisdictional wetlands located within in management segment 7-D, together with other conditions. A copy of Figure 5 showing the areas of approved fill is attached as Attachment A.

2. An Administrative Boundary Interpretation (County File No. ABI-12-01) that was approved on March 22, 2012. The Planning Director made an interpretation to correct the location of the Coastal Shoreline Boundary (CSB), the northern boundary of the 7-D zone (common boundary of 7-D zone and the Industrial zone) and the location of the 100-year floodplain. The proposal was found to be consistent with the factors of Statewide Planning Goal 17 for the CSB. The applicant provided accurate detail data that identified where the 100-year floodplain boundary was actually located on the property. Evidence relied on for this approval included aerial photographs, U. S. Fish and Wildlife Service National Wetland Inventory, FEMA Maps, Planning Department records, and the applicant’s submitted evidence. The adopted IND zoning district boundary is found at Attachment B.

3. Planning Director’s Decision revised 10-04-12 (County File Nos. ACU-12-16/ACU-12-17/ACU-12-18) approving the application request for conditional uses for fill in the Beach and Dune Areas With Limited Development Suitability located in the Industrial (IND) zone; and conditional use for fill and vegetative shorelines stabilization in the Coos Bay Estuary Management Plan (CBEMP) zoning designation 7-Development Shorelands (7-D). The decision approved the activity of fill to make the Site ready for development in the reconfigured IND zone, with findings of inapplicability or consistency with the phenomenon contained in Table 4.2a regarding identified areas of special consideration. The approval resulted in the following conditions of approval: (1) at least 90 days prior to the issuance of a zoning compliance (verification) 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; (2) if any of the proposed development will result in removal of riparian vegetation from riparian corridors protected by Section 4.5.180, it will be minimal and only for the purposes allowed by Section 4.5.180(1); (3) the applicant will comply with applicable state and federal regulations regarding impacts to jurisdictional wetlands; and (4) a flood certification shall be completed and submitted for review prior to any fill within the flood hazard area of the 7-D zoning. Figure 2 to the prior application, which shows the areas of proposed fill and previously approved fill, is attached as Attachment C.
COOS COUNTY PLANNING DEPARTMENT
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille Oregon
Phone: (541) 396-7770
Fax: (541) 396-1022/TDD (800) 735-2900

County File #ABI-12-01

Legend
- New IND Boundary per #ABI-12-01

Source: ESRF & OSU/USDA, USGS, AEX, GeoEye, Getmapping, AetnaGIS, IGN, ICP, and the GIS User Community

Attachment B - New IND Boundary
EXHIBIT 3

MAJOR PROJECT COMPONENTS

Switchyard
A 115/230 kV, AC, open-air switchyard will be located on the Site to serve both power blocks. The switchyard will be a leveled and graveled area approximately 800 by 400 feet, within the security fence. The switchyard will include 115 and 230 kV circuit breakers and disconnect switches to allow for clearing faults on the connected transmission lines and for maintenance of the circuit breakers and transmission lines. The breakers will be arranged for ultimate connection in a breaker and one-half configuration. Steel take-off towers will be provided for termination of 230 kV overhead transmission lines that will connect the switchyard with the plant generator step-up transformers and outgoing transmission line(s). A small building will be included to provide a controlled environment for the protective relaying and communication equipment.

Accessory Transmission Line
The SDPP will supply uninterrupted power to the LNG Plant. A one mile, double circuit 230 kV transmission line located in the JCEP utility corridor will connect the two facilities. An interconnection to the local PacifiCorp system could be provided for local grid stabilization. An interconnection to the BPA system could be available through installation of a new 6-mile line (by others) north from the site to the Central Lincoln Substation. The transmission line is accessory to and a related and supporting facility of the power plant.

Interconnecting water pipelines
One metered connection from the existing Coos Bay North Bend Water Board municipal pipeline to the SDPP site is required to provide water for potable, service, and demineralized water systems. The connection and majority of onsite piping will be installed below grade.

Accessory Utility Corridor
A 1 mile corridor between the LNG Plant and SDPP will include the BOG natural gas line, conditioned gas line, backup LNG flare pilot gas line, 230 kV transmission line, maintenance road, and telecommunication lines. The corridor width will vary from approximately 100 to 150 feet between the two plants depending on terrain. The corridor is located entirely on JCEP property and is FERC jurisdictional, except for the related or supporting transmission line.

Gas Conditioning
Extremely low temperatures are required to liquefy natural gas (negative 250 °F). Carbon dioxide (CO2) and water must be removed from the gas stream to prevent freezing and equipment damage or impaired operations. In addition, the small amount of mercury that may be present in the pipeline gas (up to roughly 0.05 ppb by volume) must be removed to prevent corrosion of the aluminum exchangers used in the liquefaction process. These facilities require some heat as part of the process, which can be efficiently integrated with the power plant.

Locating these facilities on the same site minimizes interconnection distances. Although the gas conditioning facility is described here and is on the SDPP site, it is not part of the power plant facility and is subject to exclusive FERC jurisdiction; the applicant will not seek EFSC approvals.
of any parts of the gas conditioning facility. The applicant recognizes this facility is subject to other applicable permitting requirements.

To remove CO2, a liquid water-amine solution is contacted with the incoming gas. The amine solution absorbs all but 50 ppm by volume of the incoming CO2. The CO2 is then driven out of the amine solution via dropping the pressure and heating. The CO2-rich stream driven off by pressure drop is further processed, while the CO2-rich stream generated by heating is vented to atmosphere.

To remove water, the natural gas is passed through vessels filled with solid desiccant, which selectively trap the water via adsorption in molecular-level ‘sieves.’ These desiccant beds leave less than 1 ppm by volume of water in the natural gas stream, which is then sent to the mercury removal system. When a desiccant bed becomes water-saturated, a hot gas stream is passed through the bed to drive off the water from the bed. Water is then condensed from the hot gas stream by fan-driven air cooling. Mercury is then removed from the natural gas in a similar way with a different solid adsorbent, which will be disposed of by a licensed hazardous waste hauler.

**Roads**
The SDPP onsite loop roads will be 24’ wide paved private roads. The site entrance will connect to Trans Pacific Parkway at the northeast corner of the site. A secure 24’ wide maintenance road in the JCEP utility corridor will be hard-surfaced and cross Jordan Cove Road with a new overpass.

**Temporary Construction Facilities**
Areas on the SDPP site will be provided for limited construction offices, construction parking, and construction laydown during the construction process. Primary areas for equipment laydown and construction facilities will be provided on the Roseburg Forest Products property.
March 20, 2013

Ms. Jill Rolf
Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille, OR 97423

Subject: Exhibit 4
South Dunes Power Plant
Airport Overlay Zoning

Dear Ms. Rolf:

Attached please find the airport overlay enacted by the US Federal Aviation Administration (FAA) for the Southern Oregon Regional Airport (OTH) in North Bend, Oregon. The FAA has enacted federal aviation regulations (FAR) to ensure the safety of civil air travel at all airports in the U.S. Part 77.25 of the FAR addresses the creation of air space surfaces from which the State of Oregon and Coos County have developed Airport Surfaces Overlay Zones and Airport Operation (AO) districts that are applicable to other Coos County airports. In the recent South Dunes Power Plant (SDPP) Site Plan submittal (SP-12-02), it was determined that the Coos County Airport Overlay Zones and AO districts do not apply to OTH.

Known as Part 77 surfaces, these imaginary surfaces surround all airports in the United States. The purpose of these imaginary surfaces is to protect the airspace surrounding an airport from any hazards to air navigation. A hazard to air navigation is defined as any obstruction, natural or manmade, that penetrates a Part 77 surface to a point that a "substantial adverse effect" on air navigation occurs. As the surfaces get closer to the airport, their respective elevations are lower.

As shown in the attached Figure for OTH, the surface of concern is the horizontal surface at elevation 167.1. The FAA establishes this regulatory horizontal surface in FAR 77.25a:

77.25(a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet for all runways designated as utility or visual;
2. 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

The established "airport" elevation for OTH is 17.1, making the horizontal surface elevation 167.1 (150 + 17.1).
Ms. Jill Rolfe  
South Dunes Power Plant Airport Overlay Zoning  
April 18, 2013  
Page 2 of 2

While Coos County does not have a special overlay zone or Airport Operation district for OTH, FAA regulations still apply. The facility proposed is located within the Part 77 horizontal surface and, in recognition of this surface, the SDPP has been designed to comply with the Part 77 surfaces for OTH.

Please feel free to contact me at 541-266-9890 if you have any questions.

Respectfully submitted,

SHN Consulting Engineers & Geologists, Inc.

Steven K. Donovan, PE  
Regional Manager

SKD:dkl
Attachments:  
Figures 8 - 8C

Mark Whitlow, Perkins Coie
NOTE: PART 77 SURFACES BASED UPON 2002 AIRPORT MASTER PLAN PREPARED BY W&H PACIFIC

EXPLANATION

SOUTH DUNES POWER PLANT SITE BOUNDARY

South Dunes Power Plant  
Site Plan Review  
North Spit, Coos County, Oregon

Exhibit 4  
Airport Surfaces  
SHN 611048.130

April 2013  
611048-COUNTY-BALANCE-pdfs  
Figure 8
SOURCE: COOS COUNTY COMPREHENSIVE PLAN VOLUME 1 BALANCE OF COUNTY ZONE MAP T29 R14
SOURCE: COOS COUNTY COMPREHENSIVE PLAN
VOLUME 1 BALANCE OF COUNTY
ZONE MAP T25 R15
### TABLE 4.4-e
PROPERTY DEVELOPMENT STANDARDS
COMMERCIAL – INDUSTRIAL ZONES

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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 X apply.

RED = APPLICABLE IND STANDARDS
EXHIBIT 6

EXPLANATION

TRANSMISSION MAIN

1. JCEP LNG TERMINAL

2. ACCESS ROAD AND UTILITY CORRIDOR

3. SOUTH DUNES POWER PLANT

POWER POLE

FACILITY IMPACT BOUNDARY

1" = 2000'

South Dunes Power Plant
Site Plan Review
North Spit, Coos County, Oregon

Transmission Main
Route Layout
SHN 611048 130

April 2013
611048-130-TRANSMISSION-MAIN
17 April 2013

Perkins Coie LLP
Attn: Mr. Mark Whitlow
1120 N.W. Couch Street
Portland, OR 97209-4128

Subj: Compliance with FAA Regulations
       Jordan Cove Energy Project/South Dunes Power Plant

Dear Mr. Whitlow:

KSEAS/Amergent Techs is a provider of safety, security and environmental services, as well as business continuity specialists to the energy and transportation industry.

KSEAS/Amergent Techs have worked on components of the Jordan Cove Energy Project (JCEP) since 2005. We have met and worked with the FAA on the project on several occasions. We previously prepared and submitted the required FAA Notice of Proposed Construction or Alteration form in 2008 for JCEP’s proposed LNG terminal. This notice was properly responded to by the FAA. FAA indicated in our first filing that no impact on public-use airports could be identified. Our companies are familiar with the FAA regulations and we have attended clarifying meetings with the agency to ensure full compliance with the regulatory requirements.

We are now preparing to file an FAA form Notice of Proposed Construction or Alteration for the South Dunes Power Plant. Based upon our knowledge of the proposed power plant and the applicable FAA regulations, it is our opinion that the applicant is not legally precluded from complying with applicable FAA regulations in order to construct the power plant on the proposed site on the North Spit in Coos Bay.

We would be glad to answer any questions you may have in this regard.

Sincerely,

Sincerely,

[Signature]

Frank Whipple
South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 1 - Mineral & Aggregate
SHN 611048.130

March 2013

611048-COUNTY-BALANCE-pdf3-4

Figure 1
SOUTH DUNES POWER PLANT SITE

CSB AND 7D BOUNDARY PURSUANT TO ABI-12-01

EXPLANATION

South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 4 - Beaches & Dunes
SHN 611048.130

Figure 4-A

SHN Consulting Engineers & Geologists, Inc.
March 2013
EXPLANATION

South Dunes Power Plant Site Plan Review Coos County, Oregon

Article 4.7 Special Considerations Phenomenon 6 - Significant Wildlife Habitat

March 2013

SOUTH DUNES POWER PLANT SITE BOUNDARY
CSB AND 7D BOUNDARY PURSUANT TO ABI-12-01
EXPLANATION

LEGEND

- Critical Stream Bank Erosion
- Flood Boundary
- Flood Insurance Rate Map and Flood Boundary Layer
- Hazard Areas Provided by the Federal Insurance Administration
- Wind Erosion Erosion
- Erosion
- Earthflow and Slump
- Flow Topography
- Rockfall and Debris Flow Terrain

SOUTH DUNES POWER PLANT SITE BOUNDARY

South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 7 - Natural Hazards
SHN 611048.130

March 2013
611048-COUNTY-BALANCE-pdf8-4

Figure 7-A
Attachment "B"

Roadmaster Comments
August 04, 2013

Jill Rolfe, Planning Director
Coos County Planning Department

Re: South Dunes Power Plant Revisions

The applicant’s engineer supplied a revised site plan for review on August 5, 2013. The Site Plan has been reviewed pursuant LDO §3.3.400 Vision Clearance Triangle, LDO §7.1.550(13) Site Plan Review Procedures for Access Management and LDO §10.1.300 Parking Area Design.

TransPacific Parkway is classified as major collector according to Coos County Transportation System Plan. After visiting the site and reviewing the plans, the applicant will be required to restripe the TransPacific Parkway at the Box Car Hill Campground entrance to allow a left turn movement from east bound traffic on TransPacific Parkway. The left turn from west bound TransPacific Parkway into the old Weyerhaeuser mill site will be eliminated. The applicant is also required to restripe the fog line and close the old Weyerhaeuser mill site entrance by removing the pavement. The applicant’s current submittal has revised the site plan to show the required changes to the TransPacific Parkway, old Weyerhaeuser mill site entrance, and the proposed development will meet the applicable access requirements.

The applicant has also made some changes to the site plan parking design. Parking lots #6 and #7 have been removed and the remaining parking areas have been increased to accommodate more vehicles. The removal of parking #7 alleviates the need for a pedestrian crosswalk across Jordan Cove Road and the change in the access point provides safe traffic circulation, parking, and pedestrian access.

This site plan is in compliance with the road and parking requirements of the Coos County Zoning and Land Development Ordinance and Transportation System Plan. As the Roadmaster I have the authority to determine compliance with road standards.

That you,

John Rowe
John Rowe, Coos County Roadmaster

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973
E-mail: shinnick@co.coos.or.us
Attachment “C”
Oregon Department of Aviation July 15, 2013
Letter
July 15, 2013

Jill Rolfe  
Director Coos County Planning Department  
Coos County Courthouse Annex  
Coquille, OR 97423  

SUBJECT: Development Proposal 509-PA12-05290  

This letter is in response to Coos County’s notice of application for the Jordan Cove Energy Project LP, located north of the City of North Bend immediately east of Jordan Cove Road (tax lots 25S-13W-3-200 and 25S-13W-4-100). After a preliminary review of the proposed application the Oregon Department of Aviation has the following comments and recommendations:

- Prior to issuance of a building or grading permit the applicant must file FAA Form 7460-1 Notice of Proposed Construction or Alteration with the FAA and the Oregon Department of Aviation as required by OAR 738-070-0060 and ORS 836.530.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP  
Aviation Planner