STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT/OWNER: University of Oregon, Oregon Institute of Marine Biology
1276 University of Oregon
Eugene OR 97403

REPRESENTATIVE: Emily Eng, Planning Associate
Campus Planning Design & construction
1276 University of Oregon
Eugene OR 97403

REQUEST: Utility Facility, Generation of Power, not for public sale (Wind Turbine)

STAFF CONTACT: Debby Darling, Planner 2
Jill Rolfe, Planning Director

REVIEWING BODY: Coos County Planning Commission

MAP NUMBER(S) / LEGAL DESCRIPTION
ASSESSOR’S MAPS: Township 26S Range 14W Section 02/02BD Tax Lot 100/500

PROPERTY LOCATION
The property is located off of Boat Basin Drive, north of the unincorporated community of Charleston, west of Coos Bay.

APPLICABLE CRITERIA
Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)

<table>
<thead>
<tr>
<th>LDO</th>
<th>§ 4.2.600</th>
<th>Commercial-Industrial uses</th>
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</thead>
<tbody>
<tr>
<td>LDO</td>
<td>§ 4.2.900 (7)</td>
<td>Review Standards and Special Development Conditions (Compatibility)</td>
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<tr>
<td>LDO</td>
<td>§ 4.7, Table 4.7a(3)</td>
<td>Historical/Archeological Sites &amp; Structures</td>
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1. BASIC FINDINGS

LAWFULLY CREATED PARCELS: The property was lawfully created in accordance with LDO § 3.3.800(2). The property was deeded to the University of Oregon as found in Book 140, Page 273 located in the County Clerk’s office of Coos County.

A. ZONING: The property is currently zoned Commercial, Forest and lies within the Coos Bay Estuary Management Plan. However, the current project will be sited within the commercial zoning district.
only.
The purpose of the “C-1” (commercial) district is:
   a. to provide for needed commercial retail and service opportunities within Urban growth Boundaries;
   b. to recognize existing commercial uses outside Urban Growth Boundaries.

B. SITE DESCRIPTION: The subject property is 102.98 acres. A small portion of the property is being used as a University facility, including classrooms, laboratories, and student housing. The portion of the property where the proposed project is to be sited lies within the C-1 zone and will not affect the remainder of the property. The greater portion of the property remains forested and is undeveloped. There is a roadway that transverses the property generally east to west and lies a little south of center of the property. Properties to the west and southwest are zoned forest. Properties to the southeast of the subject property are zoned Urban Residential -2 (UR-2). The properties to the east and north are zoned Coos Bay Estuary Management Plan (CBEMP). The subject property abuts the Urban Unincorporated Community Boundary line of Charleston.

C. HISTORY:
   • In 1941, the United States government sold the subject property to the University of Oregon for educational purposes.
   • In 1974 and 1975, OIMB requested clearance to remodel existing buildings within the facility.
   • In 1976, an interim rezone to IMC (Interim marine Commercial) was approved to allow the University of Oregon to upgrade the OIMB facility.
   • In 1977, a site plan was approved to allow construction of an additional structure for a maintenance shop.
   • In 1983, a conditional use permit (HBCU-83-27) was approved to all the repair of the existing pier extending from the Auditorium building that was damaged by a storm.
   • In 1985, the Coos County Planning Commission approved three conditional use permit requests to enlarge and remodel the research, educational and housing facilities and a variance request for offstreet parking (HBCU-85-22 & V-85-07).
   • In 1986, a floodplain elevation certification request was submitted and approved for the aforementioned facilities (FP-86-01).
   • In 1987 a zoning compliance letter was issued (VL-87-302) to site a salt water storage tank.
   • In 1988, a zoning compliance letter (VL-88-370) was issued to site an accessory structure to the Oregon Department of Fish & Wildlife building.
   • In 1990, a zoning compliance letter (VL-90-225) was issued to repair or alter an existing building within the facility.
   • In 1991, a zoning compliance letter (VL-91-518) was issued to alter the existing office building within the facility.
   • In 1993, a zoning compliance letter (93-683) was issued to site a wheelchair ramp on an existing building.
   • In 1996, a zoning compliance letter (96-236) was issued to site a 20 x 24 addition to the existing shop building.
In 1997, a zoning compliance letter (ZCL-97-243) was issued to site a salt water storage tank.

In 1998, a variance request (V-98-011) was requested and approved for a variance to the fire safety setbacks and a zoning compliance letter (ZCL-98-267) was issued to expand two buildings.

In 2002, the Oregon Department of State Lands issued a permit (24913-NSP) to install 2 pilings to extend the boat docks another 41 feet, noting a removal-fill permit was not needed as the project involved removal or filling of less than 50 cubic yards of material.

In 2004, a zoning compliance letter (ZCL-04-388) was issued to site stairs to the existing Library.

In 2005, a zoning compliance letter (ZCL-05-611) was issued to site a storage shed accessory to the existing University building.

September 21, 2006, an application was submitted and approved to allow a change in a grandfathered use to add visiting professors’ quarters to the Campus.

March 31, 2014, the current application was submitted.

D. SPECIAL CONSIDERATIONS: The subject property has the following special considerations:

- Areas of cultural and archaeological interest to the local Indian Tribes
- Historical sites and buildings
- Significant botanical areas

In addition there are flood zone and forest mixed use overlays on portions of the subject property. The proposed use is not in either the flood zone or the mixed use overlays.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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<td>Commercial-Industrial Use</td>
<td>Zone: C-1</td>
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| Generation of power not for public sale | *C-7 *“C” indicates a Hearings Body Conditional use  
“7” indicates the review standard in 4.2.900 |

FINDING: The proposed use is a use conditioned upon hearing by the Coos County Planning Commission. The applicant has submitted an application and a hearing has been set; therefore, meeting this criteria.

| LDO                  | § 4.2.900(7) The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions. |

FINDING: There are no setbacks in the Commercial zoning districts, unless the property abuts residential properties. The proposed project and the subject property do not abut residential properties. There are no height restrictions; therefore, the proposed wind turbine will be permitted at either proposed height. The applicants have addressed the noise issue in relation to compatibility with the surrounding uses. Visiting other sites where similar wind turbines were located, the applicants found that at medium speeds (13-16 mph), there can be moderate grinding noise. The applicant’s team reported that the average decibel levels were between 50 and 90, while standing at the base of the turbine. Noise that is at 50-70 decibels is roughly
similar to normal conversation. Noise that is at 90 decibels is roughly similar to a power motor. Noise level decreases the farther away one moves from the turbine. Planning Staff recommends that the Planning Commission finds the proposed project to be compatible with the commercial area.

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<td>3 a. Manage these for their original resource value.</td>
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<td>b. Development proposals in identified archaeological areas must have a “sign-off” by qualified person(s).</td>
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<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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FINDING: The subject property lies within a significant botanical area but this project is in a developed area and will not impact the Spruce, Alder woods or the saltmarsh.

The property lies within an area of historical sites and buildings. Pursuant to Table 4.7a(3)(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 the site. The proposal will be built to blend into the campus and is consistent with its original historical character.

The Confederated Tribes of Coos, Siuslaw, and Lower Umpqua Indians have been previous notified of projects within the proposed area. They have had no objections to development on this site, but have requested that they be notified immediately if any known or suspected cultural resources are encountered during work. This should be a condition of approval. These criteria have been met.

**PROPOSED CONDITIONS OF APPROVAL**

1. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing exceeds the average cost, then the applicant shall be responsible for paying the full amount. If such an amount is due, it must be paid before a zoning compliance letter can be issued.

2. The wind turbine must be sited in either of the 2 proposed areas.

3. The Confederated Tribes of the Coos, Siuslaw, and Lower Umpqua Indians should be notified immediately if any known or suspected cultural resources are encountered.

4. A Zoning Compliance Letter must be obtained from the Planning Department prior to siting the wind turbine and applying for permits from the State Building Codes Division.

**SUMMARY / CONCLUSIONS**

The University of Oregon, Institute of Marine Biology, is requesting to site a wind turbine in order to produce energy to help offset the current use. The wind turbine will be sited in either of two places, both of which are in the already committed area of the University campus. Therefore, there will be a minimal impact with this project. The applicants have presented evidence to show that the project will be compatible with the surrounding area. No comments have been received on this application. Staff recommends approval of this request.

**COOS COUNTY PLANNING DEPARTMENT**

**Debby Darling,** Planner 2

Attachments: Application and map