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Jill Rolfe, Planning Director

COOS COUNTY PLANNING COMMISSION  
NOTICE OF DECISION

Date:  September 4, 2014

RE:  File No. HBCU-14-05, Reauthorization of an expired Hearings Body Conditional Use (HBCU-95-11) requesting permission to mine, crush and stockpile aggregate resources. Applicant / Owner is David Rolfe.

This is an official Coos County Planning Commission Notice of Decision for the above-referenced application. The Planning Commission held a public hearing on April 3, 2014, and made the following decision:

File No. HBCU-14-05

☑ Approved without conditions
☒ Approved with conditions (see conditions in the attached report)
☒ Denied

COOS COUNTY PLANNING COMMISSION  

[Signature]

Chairman

The Planning Commission’s decision is final unless appealed in writing to the Board of Commissioners within 15 days from the Date of Mailing as noted below. This means appeals must be received in the Planning Department by 5:00 p.m. on the date of the appeal deadline identified below in order to be considered. The Notice of Appeal (NOA) shall be filed pursuant to CCZLDO Section 5.8.223, and shall be accompanied by a written statement of the grounds for the appeal and the required filing fee. Appeals before the Board of Commissioners may be limited to the record with no additional testimony or evidence considered. If this is an amendment or rezone application there will be another hearing to take testimony and evidence. For detailed information on this matter and the decision, see the attached report or contact a staff member (contact information is listed in the header of this page). NOA can be found on our webpage http://www.co.coos.or.us/Portals/0/Planning/Applications%20and%20Forms/Appeal_Form_Chapter_5.pdf

Date of Decision:  September 4, 2014
Date of Mailing:  September 11, 2014
Appeal Deadline:  September 19, 2014 (5:00 p.m.)
FACTS OF THE MATTER
The subject property consists of four tax lots described as Township 28S, Range 12W, Section 10 Tax Lot 200 and Township 28S, Range 12W, Section 11 Tax Lot 201, described on deed number 81-11444 and Township 28S, Range 12W, Section 11 Tax Lot 200 and Township 28S, Range 12W, Section 12 Tax Lot 400, which are described on deed number 81-11446. This is consistent with the Coos County Zoning and Land Development Ordinance (CCZLDO) § 6.1.125(8). The proposed site will be located on Township 28S, Range 12W, Section 10 Tax Lot 200.

The property is currently zoned Exclusive Farm Use (EFU). The subject property contains 579.90 acres and the majority of the property is being used for agricultural uses with the exception of the dwelling. This application is a reauthorization of application number HBCU-95-11, where Mr. Rolfe had submitted an application requesting permission for mining, crushing and stockpiling of aggregate resources. The Planning Commission approved the request; however, Mr. Rolfe was unable to implement the permit and it expired. Due to the recent demand in the market he is requesting that the use be reauthorized.

APPLICABLE STANDARDS, CRITERIA & FINDINGS

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<th>1. FINDINGS TO THE APPLICABLE REVIEW CRITERIA</th>
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SECTION 4.9.350. Hearings Body Conditional Uses. The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

D. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.

FINDING: The proposal is for mining and processing of aggregate over 5,000 cubic yards. The original application was approved on January 4, 1996 through application number HBCU-95-11 and has since expired. The purpose of this application is to reauthorize mining and processing of aggregate on the subject property. If approved the property owners will comply with the standards established by the Department of Geology and Mineral Industries (DOGAMI).

| CCZLDO | §4.9.400 | Review Criteria for Conditional Uses (Exclusive Farm Use Zone) |

SECTION 4.9.400. Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350. A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met. Uses may be approved only where such uses:
A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
B. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
FINDING: The applicant is proposing to use approximately 10 of the 579.90 acres for mining and processing of aggregate. The proposed mining operation will be located within the interior of the subject property as shown on the applicant’s map. The area where the rock is to be mined is already exposed ground that will not grow vegetation that would be able to be utilized for livestock. The roads to access the mining area are already in existence and have been for several years. The applicant has used another area on the subject property to remove aggregate to create and maintain roads, parking and feeding areas on the property, this site is exempt from the DOGAMI permitting process. The primary use of this property will remain resource. This would not be a significant change in any accept farm or forest practices on this property or the surrounding lands.

There is another large mining operation located on a neighboring property that has existed for many years. This mining operation has existed without any known complaints of significant increase in cost of accepted farm or forest practices. The addition of this mining operation will be minimal to the surrounding property owners due to the size of the operation and the location of the proposed site.

II. COMMENTS FROM OTHER AGENCIES
On August 20, 2014 the Planning Department received comments from John Rowe, the Coos County Roadmaster, he stated that the entrance to the property is wide, having a good vision triangle and meets the standards of CCZLDO Section 7.1.450 Mining Access and Section 7.1.525 Vision Clearance Triangle. He stated that 30” x 30” “Trucks Entering Roadway” signs meeting the standards of the 2009 Manual on Uniform Traffic Control Devices (MUTCD) need to be placed in advance of the access point when trucks are hauling aggregate out of the proposed quarry.

III. CONDITIONS OF APPROVAL
1. 30” x 30” signs meeting the standards if the 2009 MUTCD need to placed in advance of the access point when trucks are hauling aggregate out of the property.
2. Must comply with DOGAMI requirements.

IV. MOTION
Commissioner Hilary Baker made a motion to approve file number HBCU-14-05 Rolfe. Commissioner Larry Scarborough seconded the motion. Commissioner Debby Darling moved to amend the motion to include the conditions as stated in the staff report. Commissioner Charlie Waterman seconded the motion. The motion passed unanimously.