STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: Jordan Cove Energy Project L.P. (JCEP)

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

REQUEST: Site plan review under Article 5.6 of the Coos County Zoning and Land Development Ordinance (LDO) and review of the additional regulations under Section 4.2.100 LDO applicable to all allowed uses, for an integrated utility and processing facility in the IND zone. This proposal has been re-revised to allow for comprehensive inventory of prior land use decisions that have previously been referred to in the application. This staff report will cross-reference related application file numbers, exhibits and findings of consistency with applicable criteria.

The application also provides a comprehensive set of findings of compliance with the additional regulations applicable to all uses as applied to the Site in the IND zone.

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 with 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.

DECISION: Approved with Conditions

STAFF CONTACT: Jill Rolfe, Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 25 Range 13 Section 03/04 Tax Lots 200/100

PROPERTY LOCATION

The property 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.

SPECIAL DISTRICTS

Coos Bay School District
Oregon International Port of Coos Bay

Coos Bay-North Bend Water Board
North Bay RFPD
### APPLICABLE CRITERIA

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

<table>
<thead>
<tr>
<th>Section/Article/Table</th>
<th>Description</th>
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<td>LDO Section 5.8.250</td>
<td>Reconsideration of Administrative Decision</td>
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<td>LDO Section 4.2.600, Table 4.2e</td>
<td>Commercial-Industrial Zoning Districts – Utility Facility Generation of Power for public sale</td>
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<td>LDO Section 4.2.600, Table 4.2e</td>
<td>Commercial-Industrial Zoning Districts – Processing of a resource</td>
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<td>Section 4.2.100</td>
<td>Additional Regulations for All Allowed Uses</td>
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<td>Article 4.6</td>
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<td>LDO Table 4.4-c</td>
<td>Property Development Standards Commercial – Industrial zones</td>
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<td>Chapter V, Article 5.6</td>
<td>Design and Site Plan Review</td>
</tr>
<tr>
<td>Chapter X</td>
<td>Offstreet Parking</td>
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### 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.

- **Volume I:** Coos County Comprehensive Plan (excludes estuarine coastal shorelands)
- **Volume II:** Coos Bay Estuary Management Plan
- **Volume III:** Coquille River Estuary Management Plan

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. When a use or activity is proposed on a property then staff is

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1 SPECIAL CONSIDERATIONS MAP: A map, or series of maps, or map overlays identifying areas in Coos County which may
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 Appendix that applies by page number and applicable strategy 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).

**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

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.
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 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 will replace the condition of approval number two that was made in the December 13, 2012 staff report.

After reviewing the new, revised condition of approval, and with all parties in agreement, staff is issuing a staff report and notice of revised, reconsidered decision on file number SP-12-02 which improves the new, 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 withdrew the decision on February 6, 2013, 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.

**PRIOR APPROVALS THAT RELATE TO THIS PROJECT**

Staff concurs with the chronology of prior authorizations detailed out in Exhibit 1 of the applicant’s re-revised supplemental narrative dated March 5, 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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**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 liquefaction prior to distribution. The production or generation of conditioned gas for distribution also falls

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4 "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.
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 a processing facility use that is also listed in Table 4.2e as a permitted use. 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 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 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. Staff is reviewing the application under all applicable standards and criteria found in this report.

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<tr>
<th>Article 4.6</th>
<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.

**FINDING:** A portion of the subject property is located within the floodplain; 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 floodplain5.

**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.

**FINDING:** The Site is not within the Airport Surfaces (AS) Floating zone designation as designated by this ordinance.

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<tr>
<th>Article 4.7</th>
<th>Special Considerations</th>
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**SECTION 4.7.100 Purpose.** The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Special Considerations Maps for Volume I (Balance of County), Volume II (Coos Bay Estuary Management Plan), and … of the Comprehensive Plan.

**FINDING:** The IND zoning is balance of county zone as described in Section 4.1.100 of the LDO. Article 4.2 set out the uses that may be permitted, conditionally permitted or prohibited within zoning districts. In addition to Section 4.2.600 Commercial-Industrial Zoning Districts, Table 4.2e and Section 4.2.900 Review Standards and Special Development Conditions the following may also regulate uses and activities: Article 4.6 Overlay Zones; Article 4.7 Special Considerations; Chapter V Administration (Procedural requirements); and Article 4.4 General Development Standards. Therefore, the special considerations need to be addressed and the

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5 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-Reviewed Supplemental Narrative, dated March 5, 2013.
majority have 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>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mineral &amp; Aggregate</td>
<td>1a. Preserve these in their original character until mined&lt;br&gt; 1b. Agriculture &amp; forestry uses are acceptable per zone and use district requirements.&lt;br&gt; 1c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.&lt;br&gt; 1d. Non-exploratory mining operations are conditional uses, where allowed</td>
<td>1-12 1 1-12 1 1-12 1 1-13 2</td>
</tr>
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1. **Mineral & Aggregate – Appendix I, Pages12-13, Strategy Nos. 1 & 2**<br>**Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, 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 uses on public service delivery, the general compatibility
of the proposed uses with surrounding cultural land uses, and other pertinent factors.

Energy consequences: the location of the proposed resource development site in relationship to market areas, and other pertinent factors.

The decision to allow one or both of the conflicting uses shall be supported by findings which demonstrate that the decision will foster maximum public gain. Reasonable conditions may be imposed on any authorized development to ensure compatibility. Such conditions may include screening, setbacks and similar measures.

2. Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses. Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".

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

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

TABLE 4.7a

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

Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, 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**

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</tr>
</thead>
</table>
| 3. Historical/Archeological Sites & Structures | 3a. Manage these for their original resource value.  
b. Develop proposals in identified archaeological areas must have a “sign-off” 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. | 1-19  
1-20  
1-19 | 1  
3  
2 |

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

Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, 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;

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

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

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

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

This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

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

*Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, Figures 4 and 4-A.*

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

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

Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, 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.
   c. private and public water dependent recreation developments;
   d. aquaculture;
   e. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
   f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;
   g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

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

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

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

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

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

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

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

**FINDING:** The Site is outside of the coastal shorelands and contains no coastal lakes or minor estuaries. Therefore, these strategies do not apply.

**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>6. Significant Wildlife Habitat I</td>
<td>6a. Conserve riparian vegetation adjacent to salmonid spawning and rearing areas; density restriction in Big Game Range.</td>
<td>1-14</td>
</tr>
<tr>
<td>(ORD 85-08-011L)</td>
<td>b. Protect: wet meadows” for agricultural use</td>
<td>1-18</td>
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<tr>
<td></td>
<td>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.</td>
<td>1-17</td>
</tr>
<tr>
<td></td>
<td>d. Restrict conflicting uses on “5c” bird sites except as permitted with EESE balancing. 300 ft. setback from Bald Eagle nests.</td>
<td>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:**

Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative, 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. a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and

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

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

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

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

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

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

This strategy recognizes:

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

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

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>
<tr>
<th>PHENOMENON</th>
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<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29</td>
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<tr>
<td></td>
<td>b. Support structural protection measures for bankline stability 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>
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<tr>
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<td>*Requires Administrative Conditional Use</td>
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</table>

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

Applicant's March 5, 2013 submitted Re-Revised Supplemental Narrative, 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

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."
devices, designed to minimize risks to like and property.

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

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

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

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

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

   a. if dwellings are otherwise allowed by this comprehensive plan; and
   b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:

      i. his/her professional qualifications to perform foundation engineering and soils analysis; and
      ii. that a dwelling can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.

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

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

**FINDING:** The only natural hazard identified on the Site is wind erosion/deposition. This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property; however, there are no special protective measures for wind erosion/deposition listed in the plan implementation strategies. Therefore, there 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.
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 2 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;
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.

<table>
<thead>
<tr>
<th>Chapter X</th>
<th>Offstreet Parking</th>
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<tr>
<td>SECTION 10.1.300. Parking Area Design.</td>
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<td>1. <strong>Ingress and Egress.</strong> 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.</td>
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<td>2. <strong>Minimum Standards for Parking.</strong> 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.</td>
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<td>3. <strong>Service Drive.</strong> 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.</td>
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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 November 5, 2012, and requested some changes in the design. The applicant worked with the Roadmaster to revise the site plans to address all parking area design concerns. On December 13, 2012, the Roadmaster gave his approval on the revised site plans. 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 applies.

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.

III. ANALYSIS

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

The Planning Department mailed individual written notice of the decision to the owners of record of all property located as required in Section 5.0.900. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLC; Jody McCaffree, Citizens Against LNG; Courtney Johnson, Crag Law Center; Chris Green, Oregon Department of Energy. Notice of Decision was also provided to the following: Coos County Planning Commission, the special districts identified above, Water Resource Department, Oregon Department of State Lands, and DEQ and interested parties. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on March 6, 2013. A copy of the application can be found attached to this report.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on March 21, 2013, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VI. CONDITIONS OF APPROVAL

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 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.

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 to 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.

Attachment: Applicant’s March 5, 2013 submitted Re-Revised Supplemental Narrative with attachments