JORDAN COVE ENERGY PROJECT, L.P.

Administrative Site Plan Review Application
Amended Re-Revised Supplemental Narrative
April 18, 2013

South Dunes Power Plant Project
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JORDAN COVE ENERGY PROJECT, L.P.

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I. INTRODUCTION.

This application requests design and site plan review approval under Article 5.6 of the Coos County Zoning & Land Development Ordinance (LDO), approval of the additional regulations under Section 4.2.100 applicable to all allowed uses, approval of the applicable supplemental provisions under Chapter III, and approval of the applicable property development standards for commercial-industrial zoning districts under Section 4.4.600, all for the proposed South Dunes Power Plant (SDPP) Project ("Project"). The Project is an integrated power plant and gas processing facility, with accessory uses and structures, all allowed in the IND zone, with the power plant subject to the energy facility siting process of the Oregon Department of Energy (ODOE) through the Energy Facility Siting Council (EFSC).¹ The application will also include findings to explain the inapplicability of certain criteria or defined terms, as well as an expanded description of the Project's major components and accessory uses and structures.

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

This is the fifth supplemental application narrative submitted in conjunction with the application. Each supplemental narrative has produced positive revisions to the application to address comments, concerns or issues raised by interested parties to avoid appeals, or with appellants to settle appeals, since the application was first filed in October, 2012². As discussed below, this revision serves the practical function of

¹ The South Dunes Power Plant is capable of producing up to 420 megawatts (MW) of electrical power and process steam for gas conditioning prior to delivery to the Jordan Cove LNG facility and may include distribution of power for public sale. To receive a site certificate that is required for "energy facilities" to operate, a proposed energy facility must meet the siting standards contained in OAR Chapter 345, with the statutory basis for the siting process contained in ORS 469.300 to 469.563, ORS 469.590 to 469.601 and ORS 469.992.

² By way of additional background, this amended application was preceded by four administrative decisions which were withdrawn prior to or during the pendency of an appeal to revise the site plan, provide additional conditions of approval, or provide additional clarity in response to interested parties.
Specifically, the Notice of Planning Director's Decision of November 15, 2012 was withdrawn for reconsideration based upon the applicant's request of November 30, 2012 for the purpose of working with Oregon Shores Conservation Coalition and Oregon Coast Alliance, to avoid a potential appeal. The applicant then submitted a supplemental narrative and modified site plans regarding compliance with the site plan's surface water disposal system, for a substantial upgrade of the proposed surface water disposal system, together with a negotiated condition of approval requiring the applicant to provide a stormwater management plan approved by DEQ. In addition, the applicant also revised the proposed site plan to comply with comments from the County Roadmaster regarding refinements to the internal parking and maneuvering areas and, additionally, regarding revisions to provide new, safer vehicular access onto Transpacific Parkway. A reconsidered decision approving the revised application, with revised site plans and new conditions of approval, was issued on December 13, 2012. Notice of the reconsidered decision was provided on that date in the same manner as the original administrative notice, with any appeal of that decision to proceed pursuant to Article 5.8 of the LDO.

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

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

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

Then on March 19, 2013, the decision was appealed by John Clarke regarding purported noncompliance with LDO Section 5.8.150(3) regarding conformance requirements with Federal Aviation Administration (FAA) regulations with respect to structure height, steam or dust, and other hazards to flight and air navigation. Even though LDO Section 4.6.345 is inapplicable to this application because the Site is not within any of the County's designated Airport Operations districts, the appeal underscored the need for the applicant to make record findings of inapplicability of other review criteria and defined terms in the LDO. Accordingly, following the appeal the application was then withdrawn at the applicant's request in order to submit an amended, re-revised supplemental application narrative to include findings of inapplicability regarding various criteria and defined terms.
showing how all applicable review criteria, including the additional regulations under Article 4.2 applicable to all allowed uses, are addressed in the IND zone.

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

II. APPLICABLE GENERAL COOS COUNTY STANDARDS AND CRITERIA.

The following definitions from the Coos County Zoning and Land Development Ordinance (LDO) either apply to this application or are used to create an administrative record regarding the inapplicability of certain criteria or defined terms.

A. Definitions.

i. Chapter 2, Section 2.1.200

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

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

**Utilities**: Public service structures which fall into two categories:

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

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

**Response**: The private power line interconnecting the power plant with the LNG terminal does not fall within the scope of the definition of a low-intensity facility, a public service structure separate and distinct from a private power line. The private power line is characterized by EFSC as a "transmission line", being a related or supporting facility of the South Dunes Power Plant.
Utility Facility – Including Power for Public Sale: A facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage service, and other services providing for energy or communication needs; and may include the generation and distribution of power for public sale.

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

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

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

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

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

Special Considerations Map: A map, or series of maps, or map overlays identifying areas in Coos County which may have an impact on development. The phenomena identified on the Special Considerations Map which may have an impact include: mineral resources, water resources, archaeological and historical resources, dunes and non-estuarine coastal shorelands, significant wildlife habitat and natural hazards.

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

⁴ The generation of conditioned gas could also be characterized as the manufacturing, processing, production or treatment of natural gas, a natural resource, into a conditioned natural gas product that allows liquefaction, where all of those other uses are also allowed in the IND zone's "Processing" or "Assembly" use category. However, whether the production of conditioned gas is deemed to be "generation and distribution" within the utility facility use category or a "processing or production" use within the IND zone's "Processing" or "Assembly" use category does not make any substantive difference, because the use is allowed outright in the IND zone in either category.
Response: As detailed below, areas of special consideration have been addressed in prior applications regarding the Site, as inventoried below in Exhibit 1, and will be the subject of the detailed review regarding the IND zone that appears below beginning at page 14 under Article 4.7 - Special Considerations.

Section 2.1.200 Accessory Use: Structure or use which: (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, or purpose to the principal structure or principal use served, (3) contributes to the comfort, convenience or the necessity of occupants of the principal structure or principal use, and (4) is located on the same lot, parcel or tract as the principal structure or principal use; unless otherwise permitted or conditionally permitted by this Ordinance. Examples of accessory structures and uses are private garages, storage sheds, playhouses, swimming pools, and parking for recreational vehicle, boat, log truck or other vehicle.

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

B. Article 5.6 – Design and Site Plan Review.

Response: The application is subject to the action by the Planning Director under Section 5.6.5002 for an administrative approval of the application pursuant to the Site Development Criteria and Standards contained in Section 5.6.400.

C. Section 4.2.100 – Additional Regulations for All Allowed Uses.

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

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

Response: This application adheres to the applicable special conditions and findings prescribed in Section 4.2.900, together with all of the other limitations and regulations set forth in the articles and chapter above referenced.
D. Section 4.4.600. Property Development Standards for Commercial-Industrial Zoning Districts.

Response: This application will comply with the applicable property development standards for commercial-industrial zoning districts, as described below beginning at page 12 of the narrative under Article 4.4 - General Development Standards.


Response: This application adheres to the applicable supplemental provisions for structures, uses, lots and yards, as described below beginning at page 39 of the narrative.

III. SPECIFIC REQUESTS AND APPLICABLE APPROVAL CRITERIA.

A. Proposed Uses.

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

B. Site Description.

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

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

C. Article 5.6, Section 5.6.400.

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

1. Landscaping.

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

Response: Landscaping has been provided throughout the Site using a dune vegetation seed mix, American dune grass plantings and gravel surfacing for erosion control. Site access has been landscaped around the perimeter of the private access road to provide at-grade visual buffering, erosion control, and as required by the parking lot standards in Chapter X, discussed below. The amount of perimeter landscaping will exceed the area of landscaping required under the parking standards in Chapter X. This criterion is satisfied.

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

Response: Grade changes associated with the Site will generally match the angle of repose associated with the surrounding sand dunes. Specifically, the adjacent lands are contoured with a variety of undulating dune formations of varying elevations and slopes. The appearance of the Site following development will be consistent with the general appearance of neighboring areas. This criterion is satisfied.

2. Structures.

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

Response: There are no existing buildings in the vicinity that have a visual relationship to the proposed buildings and the proposed buildings are related harmoniously to the terrain, being clustered away from the edge of the Site and
separated from the freshwater wetlands to the west. Structures will be conveniently located near the private access road to the north. This criterion is satisfied.

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

Response: As stated above, the buildings and accessory parking areas have been clustered around the access road to the facility at the northern portion of the Site, which creates an attractive focal point with respect to the entrance and primary avenue of approach. This criterion is satisfied.

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

Response: Subject to the Roadmaster’s approval, the site plan elements for the access road, parking lot, and security gate provide safe and convenient vehicular and pedestrian circulation. The Site will utilize marked walkways, drive aisles, a round-about, security check point and designated areas for employees and visitor parking, so that there is adequate separation of pedestrian and vehicular traffic on Site to provide safe and efficient access and circulation on the Site. The revised Site plans submitted with this supplemental narrative incorporate the revisions to internal circulation and site access previously requested by the Roadmaster in his comments to the original site plans submitted with the application. See Footnote 2 at pages 1-2. This criterion is satisfied.

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

Response: The site plan depicts surface water drainage systems serving the impervious portions of the Site. The majority of the Site will, however, remain as vegetated sand analogous to that of the surrounding native dune and deflation plain environment. Any areas of the Site where the potential exists for stormwater to come into direct contact with equipment, lubrication oil, or any other potential industrial contaminants will be paved and curbed to contain the stormwater. The stormwater from these impervious areas (equipment pads, truck loading, liquid storage areas) will be collected, treated, and pumped to the Pacific Ocean via the existing industrial wastewater pipeline (IWP) also located on the
IND site. This stormwater will be discharged to the Pacific Ocean as currently practiced pursuant to NPDES permit No. 101499. Stormwater from other impervious areas of the site where storm water is allowed to concentrate (paved roads, buildings, parking lots), will be detained and disposed of onsite in the IND zone in designated stormwater quality control facilities, to be located and designed subject to approval by the Oregon Department of Environmental Quality (DEQ), and as conceptually shown on the site plan. All stormwater systems for the site will be addressed through the development of a Storm Water Pollution Control Plan subject to DEQ approval.

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

5. **Utility Service.**

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

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

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

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

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

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

6. **Special Features.**

   a. *Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties;*
Response: The existing and contemplated environment of the Site and surrounding properties is industrial use and development. The historic use and development on Weyerhaeuser's Mill Site was for an industrial pulp and paper plant. Other existing uses on the North Spit are engaged in the wood products industry and specialty manufacturing. None of the other existing uses have screen plantings or other screening methods, nor does the industrial zone have required setbacks. Nevertheless, the perimeter fence will be provided with privacy slats to obscure the visibility of the Site. Accordingly, the proposed power plant Project, by its nature, is compatible with the existing and contemplated environment and the industrial use of surrounding properties on the North Spit. This criterion is satisfied.

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

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

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

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

8. Riparian Vegetation Protection.

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

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

2) Riparian vegetation may be removed to provide direct access for a water-dependent use; or
3) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or

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

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

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

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

b. The 50 ' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint.” [OR 92-05-009PL]

Response: There are no existing structures proposed for alteration or expansion. This criterion is satisfied.

D. Section 4.2.100 - Additional Regulations for Allowed Uses.

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

1. Article 4.6, "Overlay Zones;

2. Article 4.7, "Special Considerations"
3. Chapter V, "Administrative" (Procedural requirements)

4. Article 4.4, "General Development Standards"

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

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

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

Response: As disclosed in Table 4.2-e applicable to commercial industrial zoning districts, none of the review standards or special development conditions of this section apply to the proposed utility facility use in the IND zone. Specifically, Table 4.2-e refers to special development condition #119, which condition limits the size of new industrial buildings outside a UGB to not exceed 35,000 square feet. None of the proposed buildings exceed 35,000 square feet. This criterion is satisfied.

2. Article 4.4 – General Development Standards:

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

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

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

Response: The application complies with the applicable general standards set forth in Table 4.4-c and in Table 4.2-e. All of the relevant criteria are satisfied.
Section 4.4.610. Site Plan Review. A Site Plan Review pursuant to Article 5.6 shall be required for all uses within the IND District.

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

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

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

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

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

3. Section 10.1.300 – Parking Area Design:

1. Ingress and Egress. In any zoning district, driveways or access ways providing ingress and egress for private parking areas or garages, public parking areas or garages and parking spaces shall be permitted, together with any appropriate traffic control devices in any required yard or setback area.

Response: The site plan depicts the areas of ingress and egress to the public and private parking areas, with appropriate traffic control devices in the form of striping and signage. The revised site plans submitted with this supplemental narrative incorporate the revisions to internal circulation and site access previously requested by the Roadmaster in his comments to the original site plans submitted with the application. This criterion is satisfied.

2. Minimum Standards for Parking. All public or private parking areas and parking spaces shall be designed and laid out to conform to the minimum standards as specified in the Parking Table and Diagram. All parking lot designs shall be reviewed and approved by the County Roadmaster.

Response: Section 10.1.400 sets forth the required number of parking spaces for the proposed use. For industrial use, one space per employee and bicycle parking space is required for storage warehouse, manufacturing establishments or trucking...
freight terminals, the use category most similar to the proposed use. As set forth above, it is anticipated that a total of 60 employees will be on site per shift, with the proposed site plan proposing 146 accessory parking space, more than the required number under this section. Further, the site plan proposes 3 bicycle parking spaces, in excess of the required number. This criterion is satisfied.

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

**Response:** The site plan indicates each parking lot will be provided with a service drive to allow ingress and egress for vehicles and pedestrian walkways to authorized access locations. Parking provided without service drives are internal to the Site and are not subject to the criterion. This criterion is satisfied.

4. **Lighting.** Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.

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

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

**Response:** The applicant has provided a site landscaping plan for 0.68 acres (29,620 square feet) which will be planted with 53 trees, 24 one-gallon shrubs, and 382 groundcover plantings. The square footage of landscaping is in excess of the amount of landscaping required (16 feet of landscaping for every 10 required parking spaces). This criterion is satisfied.

4. **Article 4.7 – Special Considerations:**

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

**Response:** The areas of special consideration in the Balance of County for the IND zoning of the Site are discussed below starting with the next section on page 15 and continuing to page 33.
**Section 4.7.105 - Prescribed Regulations:** Development in areas identified on the Special Considerations Map shall be limited by the regulations prescribed by the "Special Regulatory Considerations" set forth in Tables 4.7a, b, and c. Table 4.7a shall apply to the Balance of County. Table 4.7b shall apply to those lands within the Coquille River Coastal Shoreland Boundary. Table 4.7c shall apply to the Coos Bay Estuary Coastal Shoreland Boundary.

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

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

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

**Table 4.7a**

*See Figure 1 - Mineral & Aggregate*

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

59892-0013.0001/LEGAL.26126231.5 -15-
1. Mineral & Aggregate – Appendix I, Pages 12-13, Strategy Nos. 1 & 2:

Plan Implementation Strategies

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

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

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

**Economic consequences:** payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.

**Environmental consequences:** the impacts on air, land and water quality, and on adjacent farm and forest resources associated with developing each conflicting use, and other pertinent factors.

**Social consequences:** the effect of the proposed uses on public service delivery, the general compatibility of the proposed uses with surrounding cultural land uses, and other pertinent factors.

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

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

2. Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses.

Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".

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

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

**TABLE 4.7a**

**See Figure 2 - Water Resources**

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

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

*Plan Implementation Strategies*

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

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

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

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

TABLE 4.7a

See Figure 3 - Historical/Archeological Sites & Structures

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
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<tbody>
<tr>
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<td>Page</td>
</tr>
<tr>
<td>3. Historical/Archeological Sites &amp; Structures</td>
<td>3a. Manage these for their original resource value. b. Develop proposals in identified archaeological areas must have a “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.</td>
<td>1-19</td>
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<td></td>
<td></td>
<td>1-20</td>
</tr>
<tr>
<td></td>
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<td>1-19</td>
</tr>
</tbody>
</table>
3. Historical/Archeological Sites & Structures – Appendix I, Pages 19-20, Strategy Nos. 1, 2 & 3:

Plan Implementation Strategies

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

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

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

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

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

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

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

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

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

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

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

### TABLE 4.7a

**See Figure 4 - Beaches & Dunes**

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
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</thead>
<tbody>
<tr>
<td>4. Beaches &amp; Dunes</td>
<td>4a. Permit development within “limited development suitability” only upon establishment of findings. Requires Administrative Conditional Use.</td>
<td>1-23</td>
</tr>
<tr>
<td></td>
<td>b. Prohibits residential, commercial, or industrial development within areas “unsuitable for development”. Permit other developments only upon establishment of findings. Requires</td>
<td>1-24</td>
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</tbody>
</table>
4. Beaches & Dunes – Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4:

**Plan Implementation Strategies**

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

   a. the type of use proposed and the adverse effects it might have on the site and adjacent areas;

   b. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;

   c. the need for methods for protecting the surrounding area from any adverse effects of the development; and

   d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

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

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

This policy recognizes that:

a. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.
b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.

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

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

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

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

i. the type of use proposed and the adverse effects it might have on the site and adjacent areas

ii. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation,

iii. the need for methods for protecting the surrounding area from any adverse effects of the development, and

iv. hazards to life, public and private property, and the natural environment, which may be caused by the proposed use, and

b. When it is demonstrated that the proposed development:

i. is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

ii. is designed to minimize adverse environmental effects, and

c. When specific findings have been made, where breaching of foredunes is contemplated that: (1) the breaching and restoration is consistent with sound principles of conservation, and either (2) the breaching is necessary to replenish sand supply in interdune areas, or (3) the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

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

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

This policy recognizes that:

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

   i. active foredunes

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

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

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

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

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

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

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

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

**TABLE 4.7a**

See Figure 5 - Non-Estuarine Shoreland Boundary

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
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</thead>
<tbody>
<tr>
<td>5. Non-Estuarine</td>
<td>5a. Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and</td>
<td>1-25</td>
</tr>
<tr>
<td>Shoreland Boundary</td>
<td>archaeological sites.</td>
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<td></td>
<td>b. Specifies allowed uses within C.S.B.</td>
<td>1-26</td>
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<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</td>
<td>1-28</td>
</tr>
<tr>
<td></td>
<td>Administrative Conditional Use.</td>
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<td></td>
<td>5. Coos County shall provide special protection to major marshes, significant wildlife habitat,</td>
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<td></td>
<td>coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within</td>
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<td></td>
<td>the coastal Shorelands boundary of the ocean, coastal lakes and minor estuaries. Coos County shall</td>
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<td></td>
<td>consider: (a) &quot;major marshes&quot; to include certain extensive marshes associated with dune lakes in the</td>
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<td></td>
<td>Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the</td>
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<td></td>
<td>Inventory text and maps, and on the Special Considerations Map; (b) &quot;significant wildlife habitat&quot; to</td>
<td></td>
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<td></td>
<td>include &quot;sensitive big-game range&quot;, Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas,</td>
<td></td>
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<td></td>
<td>Salmonid spawning and rearing areas, and wetlands; (c) &quot;coastal headlands&quot; to include Yoakum Point,</td>
<td></td>
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<tr>
<td></td>
<td>Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;</td>
<td></td>
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<tr>
<td></td>
<td>(d) &quot;exceptional aesthetic resources&quot; to include the coastal headlands identified above, and other</td>
<td></td>
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<tr>
<td></td>
<td>areas identified in the Coastal Shorelands Inventory; and (e) &quot;historical, cultural and archaeological</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sites&quot; to include those identified in the Historical, Cultural and Archaeological Sites Inventory and</td>
<td></td>
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<tr>
<td></td>
<td>Assessment.</td>
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</tr>
</tbody>
</table>

This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of
forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

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

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

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

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

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

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

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

7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:

a. farm uses as provided in ORS 215;

b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.

c. private and public water dependent recreation developments;

d. aquaculture;

e. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;

g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

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

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

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

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

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

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

**Response:** No subdivisions or partitions are proposed by this application. This strategy is satisfied.
11. Coos County shall maintain riparian vegetation within the shorelands of
the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or
enhance it, as consistent with water-dependent uses.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the
Oregon Forest Practices Act.

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

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

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

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

TABLE 4.7a

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

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

Plan Implementation Strategies

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

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

This policy shall be implemented by:

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

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

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

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

e. Coos County shall adopt an appropriate structural setback along wetlands, streams, lakes and rivers as identified on the Coastal Shoreland and Fish and Wildlife Habitat inventory maps.
The Oregon Department of Fish and Wildlife and the Department of Forestry are working in conjunction with the requirements of this Plan and, are deemed adequate protection against adverse impacts from timber management practices.

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

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

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

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

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

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

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

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

This strategy recognizes:

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

b. That some of the more productive lands in Coos County's limited supply of suitable agricultural lands are such seasonally flooded areas;
c. That designation of these areas for agricultural use is necessary to ensure the continuation of the existing commercial agricultural enterprise; and

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

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

TABLE 4.7a

See Figure 7 - Natural Hazards

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>APPENDIX</th>
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</thead>
<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29</td>
</tr>
<tr>
<td></td>
<td>b. Support structural protection measures for bankline stabilization projects requiring state and</td>
<td>1-29</td>
</tr>
<tr>
<td></td>
<td>federal permits when the applicant establishes that non-structure measures either are not feasible or</td>
<td>5</td>
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<td></td>
<td>inadequate to provide the necessary degree of protection.</td>
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<tr>
<td></td>
<td>c. Issue zoning clearance letters in known areas potentially subjected to mass movement, including</td>
<td>1-30</td>
</tr>
<tr>
<td></td>
<td>earth flow, slump topography, rockfall and debris flow pursuant to the provisions of natural hazards</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Strategy #6 in the Comp Plan.*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Requires Administrative Conditional Use</td>
<td></td>
</tr>
</tbody>
</table>

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

Plan Implementation Strategies

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

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

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

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

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

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

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

6. Coos County shall permit the construction of new dwellings in known
areas potentially subject to mass movement (earth flow/slump topography/rock
fall/debris flow) only:
a. if dwellings are otherwise allowed by this comprehensive plan; and

b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:

i. his/her professional qualifications to perform foundation engineering and soils analysis; and

ii. that a dwelling can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.

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

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

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

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

**TABLE 4.7a**

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

*Plan Implementation Strategies*

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

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

5. Article 4.6 – Overlay Zones:

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

Response: As discussed in greater detail in the following responses in this section, no portion of the Site is subject to the floodplain (FP) or airport surface (AS) overlay zones. This criterion is satisfied.

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

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

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

Response: The Site does not lie beneath the approach surfaces, transition surfaces, horizontal surfaces or conical surfaces as they apply to the designated "Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map". This criterion is satisfied.
Section 4.6.310 Airport Sub-Zones: Sub-zones are hereby established and defined as follows:

1. Approach zone - The inner edge of the approach zone coincides with the primary surface of the runway:

   Bandon = 500 ft. wide
   Lakeside = 50 ft. wide
   Powers = 100 ft. wide

   The approach zone expands outward uniformly to a width of:

   Bandon = 1400 ft. wide
   Lakeside = 900 ft. wide
   Powers = 900 ft. wide

   at a horizontal distance of 3000 feet for all airports from the primary surface. Its centerline is the continuation of the runway centerline.

Response: The Site is not within the approach zone for the designated Bandon, Lakeside, and Powers Airports. This criterion is satisfied.

2. Transition Zone - The inner edge of the transition zone coincides with the outer edges of the primary surface and approach zone. The outer edge of the transition zone parallels the primary surface and is 1050 feet wide tapering to the end of the approach zone.
Response: The Site is not within the transition zone of any of the regulated airport surfaces. This criterion is satisfied.

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

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

4. **Primary Surface Zone** - The primary surface zone overlays the runway surface:

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

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

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

1. **Approach zone** - The maximum height allowed shall be 5% of the distance from the primary surface as measured along the centerline to a point, perpendicular to the obstruction, and shall not exceed 35 ft.
'd' = distance from primary surfaces allowable height = (0.05) x ('d'); and not to exceed 35 ft.

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

2. Transition Zone - The maximum height allowed shall be 14% of the distance as measured perpendicular to the outer edge of the primary surface (or an extension of the outer edge) but shall not exceed 35 feet.

'd' = distance from the primary surface outer edge allowable height = (0.14) x ('d') and not to exceed 35 feet.

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

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

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

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

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

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

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

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

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

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

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

Section 4.6.335 Clarification of Grandfather Uses and Rights:

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

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

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

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing Grandfathered structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

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

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

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

Section 4.6.345 - Conformance Requirement. All structures and uses within the Airport Operations District shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or its successor, and to other Federal and State laws.
as supplemented by Coos County Ordinances regulating structure height, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

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

E. Chapter III - SUPPLEMENTAL PROVISIONS

i. Article 3.1 - Structures

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

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

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

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

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

Response: The applicant will request a zoning verification letter after receiving a site certificate for the power plant from the Oregon Energy Facility Siting Council. This criterion is satisfied.
Section 3.1.300. Accessory Structures. Structures customarily accessory to a lawfully established principle use shall be allowed as set forth below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: The IND zone does not have a building density regulation. See Table 4.4-c. No dwelling units are proposed with this application. This criterion is satisfied.

Section 3.1.500. Structure Height.

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

2. Spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor
space above the height limits is thereby added. Such overheight object shall not be used for advertising of any kind.

Response: According to Footnote 3 to Table 4.4-c, the IND zone has no applicable maximum building height. The Site does not abut a residential or controlled development zone. This criterion is satisfied.

Section 3.1.550. Unoccupied Buildings.

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

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

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

Section 3.1.700. Residential Care Home/Facility.

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

ii. Article 3.2 - Uses.

Section 3.2.100. Special Temporary Uses.

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

Section 3.2.125. Recreational Vehicles as Dwellings.

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

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

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

2. An accessory use may be located on a lot parcel or tract that is not contiguous to the lot, parcel, or tract that contains the principal use provided:
a. The noncontiguous lot, parcel or tract (or portion thereof) is located not more than 100' from the lot parcel or tract on which the principal use is located;

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

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

d. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.

[OR 91-05-006PL 7/10/91]

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

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

1. The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:

   a. plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located; and

   b. township, range, section and tax lot(s) numbers; and

   c. specific directions to the property.

2. The Planning Department will forward the above information including a request for response to the appropriate tribe(s).
3. The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.

4. It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request. [OR-00-05-014PL]

Response: The application proposes a condition of approval to coordinate notice to and response from the Tribe. The language of the proposed condition is consistent with the County’s procedures described in Section 3.2.700 above. This criterion is satisfied.

iii. Article 3.3 - Lots/Yards

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

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

FOOTNOTES:

3. No requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e., if the setback is 10, the maximum building height would be 40 feet).

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

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

Response: Offstreet parking and loading per Chapter X are complied with in other sections of this application. See related findings at: page 8 under the Response to Drives, Parking and Circulation; and pages 13-14 under the responses to Section 10.1.300 - Parking Area Design. This criterion is satisfied.

Section 3.3.200. Yard Regulations. All parcels of land shall provide yards as specifically required in each district.
Response: The Project is consistent with all applicable yard regulations identified on Table 4.4-c. Specifically, the IND zone has no yard standards for the front, side or rear yards. Table 4.4-c requires 20 feet for minimum street frontage and minimum lot width. The Site has more than 20 feet of street frontage and more than 20 feet of lot width. This criterion is satisfied.

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

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

Section 3.3.400. Vision Clearance Triangle. The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein.

Response: The Roadmaster previously submitted comments to the Planning Department approving the applicant's revisions to the proposed internal parking and circulation areas, as well as the new Site access on Transpacific Parkway as compliant with the vision clearance triangle. See Footnote 2 at pages 1-2 above. This criterion is satisfied.

Section 3.3.500. Maintenance of Minimum Requirements.

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

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

The application seeks administrative review and approval of the applicable site plan review criteria under Article 5.6, approval of the additional development criteria under LDO Section 4.2.100 applicable to all allowed uses, approval of the supplemental provisions of Chapter III and the property development standards for commercial-industrial zones under Section 4.600, all for the proposed South Dunes Power Plant (SDPP) Project in the IND zone. The application satisfies the applicable criteria and should be approved with the conditions above referenced.
EXHIBIT 1

Inventory of Prior Approvals

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

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

3. Planning Director's Decision revised 10-04-12 (County File Nos. ACU-12-16/ACU-12-17/ACU-12-18) approving the application request for conditional uses for fill in the Beach and Dune Areas With Limited Development Suitability located in the Industrial (IND) zone; and conditional use for fill and vegetative shorelines stabilization in the Coos Bay Estuary Management Plan (CBEMP) zoning designation 7-Development Shorelands (7-D). The decision approved the activity of fill to make the Site ready for development in the reconfigured IND zone, with findings of inapplicability or consistency with the phenomenon contained in Table 4.2a regarding identified areas of special consideration. The approval resulted in the following conditions of approval: (1) at least 90 days prior to the issuance of a zoning compliance (verification) for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700; (2) if any of the proposed development will result in removal of riparian vegetation from riparian corridors protected by Section 4.5.180, it will be minimal and only for the purposes allowed by Section 4.5.180(1); (3) the applicant will comply with applicable state and federal regulations regarding impacts to jurisdictional wetlands; and (4) a flood certification shall be completed and submitted for review prior to any fill within the flood hazard area of the 7-D zoning. Figure 2 to the prior application, which shows the areas of proposed fill and previously approved fill, is attached as Attachment C.
Attachment B - New IND Boundary
COOS COUNTY SITE PLAN REVIEW

EXHIBIT 2

COOS COUNTY, OREGON

PREPARED BY:

S&W
Consulting Engineers & Geologists, Inc.

DECEMBER, 2012

APPROVALS

INDEX OF SHEETS

<table>
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<td>SITE PLAN</td>
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<td>3</td>
<td>TRAFFIC CIRCULATION PLAN</td>
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<td>PARKING PLAN</td>
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<td>UTILITY CORRIDORS</td>
</tr>
<tr>
<td>6</td>
<td>VEGETATION PLAN – SHEET 1</td>
</tr>
<tr>
<td>7</td>
<td>VEGETATION PLAN – SHEET 2</td>
</tr>
</tbody>
</table>
NOTES:
1. DESIGN BY BLACK AND VEATCH
2. SURVEY BASED ON HAI R.S.

LEGEND
- RIGHT OF WAY
- PROPERTY LINE
- (C) WETLAND

FILL AREA TYPICAL PER APPROVED LAND USE APPLICATION

PROPERTY LINE
(APPROXIMATE MEAN LOW WATER)

CIVIL ENGINEERING DRAWING NUMBER 07-0436

SOUTH DUNES POWER PLANT
NOTES:

1. PARKING PER SECTION 10.400 TABLE 10.1
2. REQUIRED LANDSCAPING PER SECTION 10.1.300

ITEM 5:

FOR EVERY 10 PARKING SPACES, 16 FEET OF LANDSCAPING IS REQUIRED. EACH 16 SQUARE FOOT AREA SHOULD INCLUDE: ONE TREE AND THREE OR MORE TERRACE PLANTS OR LIVING GROUND COVERS.

FOR 146 PARKING SPACES, THE FOLLOWING LANDSCAPING IS REQUIRED:
- 234 SQUARE FEET OF LANDSCAPING
- 25 TREES
- 45 GALLON SHRUBS OR LIVING GROUND COVER

ING TABLE

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</table>

SCALE: 1'-50"
NOTES:
1. AMERICAN DUNESDRASS TO BE PLANTED IN PLUGS.
2. SEE SHEET 8 FOR DUNE VEGETATION SEED MIX COMPOSITION.
NOTES:

1. VEGETATIVE GROUND COVER SUCH AS BEACH STRAWBERRY AND DOUGLAS ASTER TO BE PLANTED THROUGHOUT MULCHED AREA TO TAKE OVER AS GROUND COVER.

2. FOR 146 PARKING SPACES, THE FOLLOWING LANDSCAPING IS REQUIRED:
   - 234 SQUARE FEET (0.005 ACRES) OF LANDSCAPING
   - 15 TREES
   - 45 ONE-GALLON SHRUBS OR LIVING GROUND COVER

ACTUAL LANDSCAPING PLANNED AS PART OF THIS PROJECT.
EXHIBIT 3

MAJOR PROJECT COMPONENTS

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

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

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

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

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

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

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

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

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

Temporary Construction Facilities
Areas on the SDPP site will be provided for limited construction offices, construction parking, and construction laydown during the construction process. Primary areas for equipment laydown and construction facilities will be provided on the Roseburg Forest Products property.
Reference: 611048

March 20, 2013

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

Subject:   Exhibit 4  
South Dunes Power Plant  
Airport Overlay Zoning

Dear Ms. Rolf:

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

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

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

- 77.25(a) **Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
  1. 5,000 feet for all runways designated as utility or visual;
  2. 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

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

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

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

Respectfully submitted,

SHN Consulting Engineers & Geologists, Inc.

[Signature]

Steven K. Donovan, PE  
Regional Manager

SKD:dkl

Attachments: Figures 8 - 8C

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

EXPLANATION

SOUTH DUNES POWER PLANT SITE BOUNDARY

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

Exhibit 4
Airport Surfaces
SHN 611048.130

April 2013
611048-COUNTY-BALANCE-pdfs

Figure 8
Source: Coos County Comprehensive Plan Volume 1 Balance of County Zone Map T29 R14
SOURCE: COOS COUNTY COMPREHENSIVE PLAN
VOLUME 1 BALANCE OF COUNTY
ZONE MAPS T31 R11 & T31 R12
SOURCE: COOS COUNTY COMPREHENSIVE PLAN
VOLUME 1 BALANCE OF COUNTY
ZONE MAP T25 R15
### EXHIBIT 5

#### TABLE 4.4-c

**PROPERTY DEVELOPMENT STANDARDS COMMERCIAL – INDUSTRIAL ZONES**

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NR – No Requirement
# - Footnote

**FOOTNOTES:**

3. No requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e., if the setback is 10, the maximum building height would be 40 feet).

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

**RED = APPLICABLE IND STANDARDS**
17 April 2013

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

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

Dear Mr. Whitlow:

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

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

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

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

Sincerely,

Sincerely,

Frank Whipple
COOS COUNTY
COMPREHENSIVE PLAN
Goal 5 Element
Historical, Botanical,
Geological & Archaeological
Locations
2002

SOUTH DUNES POWER
PLANT SITE

EXPLANATION

--- SOUTH DUNES POWER
PLANT SITE BOUNDARY
Roads
County Roads
Highway
Railroads
Powerlines
Streams & Tributaries
Rivers
Goal Five Tribal Notification Line
Historical, Botanical, & Geological Resources
Areas of Archaeological Concern
Unincorporated Communities
Urban Growth Boundaries
Ocean, Estuaries, & Lakes
Sections*
Townships*

*Public Land Survey System

South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 3 - Historical/Archeological Sites
SHN 611048:130

February 2013
611048-COUNTY-BALANCE.pdfs

Figure 3
EXPLANATION

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

South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 5 - Non-Estuarine Shoreland Boundary
SHN 611048.130

March 2013 | 611048-COUNTY-BALANCE-PHENOM5 | Figure 5
EXPLANATION

SOUTH DUNES POWER PLANT
SITE BOUNDARY
CSB AND 70 BOUNDARY
PURSUANT TO ABI-12-01

South Dunes Power Plant
Site Plan Review
Coos County, Oregon

Article 4.7 Special Considerations
Phenomenon 5 - Non-Estuarine Shoreland Boundary

SHN Consulting Engineers & Geologists, Inc.

March 2013
611048-COUNTY-BALANCE-PHENOM5

Figure 5
EXPLANATION

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