STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: SHN Consulting Engineers & Geologists, Inc.

OWNER: Weyerhaeuser NR Company
        PO Box 9777
        Federal Way WA 98063-9777

REQUEST: A site plan review for an integrated utility and processing facility in the IND zone.

DECISION: Approved with Conditions

STAFF CONTACT: Jill Rolfe, Interim Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

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

PROPERTY LOCATION

The subject property is located north of the City of North Bend immediately east of Jordan Cove Road. The site was a mill site that has been demolished.

SPECIAL DISTRICTS

Coos Bay School District Coos Bay-North Bend Water Board
Oregon International Port of Coos Bay North Bay RFPD

APPLICABLE CRITERIA

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

<table>
<thead>
<tr>
<th>LDO Section 4.2.600, Table 4.2e</th>
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</tr>
<tr>
<td>Article 4.6</td>
<td>Overlay Zones</td>
</tr>
<tr>
<td>Article 4.7</td>
<td>Special Considerations</td>
</tr>
<tr>
<td>LDO Table 4.4-c</td>
<td>Property Development Standards Commercial – Industrial zones</td>
</tr>
<tr>
<td>Chapter V, Article 5.6</td>
<td>Design and Site Plan Review</td>
</tr>
<tr>
<td>Chapter X</td>
<td>Offstreet Parking</td>
</tr>
</tbody>
</table>
I. BASIC FINDINGS

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

B. **Zoning:** Coos Bay Estuary Management Plan segment 7- Development Shorelands (7-D), and Industrial (IND).

7-Development Shorelands (7-D) Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary - the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it).

SECTION 4.5.285. **Management Objective:** This shoreland district, which borders a natural aquatic area, shall be managed for industrial use. Continuation of and expansion of existing non-water-dependent/non-water-related industrial uses shall be allowed provided that this use does not adversely impact Natural Aquatic District #7. In addition, development shall not conflict with state and federal requirements for the wetlands located in the northwest portion of this district.

ARTICLE 4.1. ZONING-GENERAL

**Industrial** - The purpose of the “IND” district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area’s economy accordingly. The “IND” district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The “IND” designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

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

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

E. **Background:** The Weyerhaeuser NR Company is the owner of the subject properties. This site has been historically used as a mill site and the ground heavily impacted from activities associated with the mill. Below are pictures of the historical uses.
II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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**FINDING:** The applicant is requesting to site a utility facility Project that will include the generation and distribution of electricity plus the processing of natural gas, a natural resource, into a condition suitable for liquefaction prior to distribution.¹ The production or generation of conditioned gas for distribution also falls within the definition of "utility facility". A utility facility has several different definitions in LDO Section 2.1.100. This facility will be a facility of the generation and distribution of a public or private service, including electricity and conditioned gas, and may include the generation and distribution of power for public sale. This type of utility facility is listed as permitted in LDO Section 4.2.600, Table 4.2e. The processing component of the Project can also be characterized as a processing facility use that is also listed in Table 4.2e as a permitted use. Whether the gas conditioning is characterized as a utility facility use or a resource processing facility use is not meaningful, because either use characterization is subject to the same review criteria under an integrated site plan. Even though these are uses listed as permitted uses in LDO Table 4.2e, LDO Section 4.2.100 explains that other regulations may under Article 4.6 Overlay Zones; Article 4.7 Special Considerations; Chapter V, Administration (Article 5.6 Design and Site Plan Review); and Article 4.4 General Development Standards which requires Chapter 10 to be considered in this review process as well. After reviewing all of the applicable sections it was determined that an administrative site plan review was required by LDO Section 4.4.610. Staff is reviewing the application under all applicable standards and criteria found in this report.

| Article 4.6 | Overlay Zones |

**FINDING:** A portion of the property is located within the floodplain; however, the development will remain in the IND zoning district and it has been determined in past applications that the IND portion of this above the floodplain².

| Article 4.7 | Special Considerations |

**FINDING:** This area is in a potentially significant archeological site. There is an archeological site in the southeast corner; therefore, as a condition of approval that applicant is required to confer with the affected local tribe prior to the issuance of a zoning compliance letter. The applicant will be required to comply with the procedures in the following condition:

> At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial, contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified

¹ "Natural resources" are defined in the LDO as air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.
² Application ABI-12-01
resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

LDO Table 4.4-c  Property Development Standards Commercial – Industrial zones

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

Chapter V, Article 5.6  Design and Site Plan Review

SECTION 5.6.100 Purpose. The purpose and objectives of site development requirements and the site review design procedure:

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

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

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

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

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

1. Landscaping.
   a. The landscape shall be such to minimize soil erosion and lessen the visual impact;
   b. any grade changes shall be in keeping with the general appearance of neighboring developed areas.

FINDING: The area is mostly landscapped with some areas that will be planted with native dune vegetation seed mix to ensure that there will be no erosion problems. The landscaping will be located around the perimeter and will comply with the landscaping requirements of Chapter X. The interior of the industrial facility will not be open to the public and landscaping should only be regulated around the perimeter for the purpose of lessening visual impact at grade level.

Grade changes are only permitted to comply with tsunami protection as required by State Building Codes Division. The surrounding area is mostly industrial development and again this is not a public facility; therefore, the changes to grade to comply with state and federal building regulation are not taken into
consideration in the LDO or CCCP. However, the applicant has shaped the fill to keep the general appearance of the other sand dunes. These criteria have been 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;
   b. the achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

**FINDING:** The site is vacant and there is no other existing building in the vicinity that would have a visual relationship to the proposed buildings. The proposed structures will be clustered and located near the road away from the freshwater wetland. The private access road will allow for the access point to become a focal point. The current terrain is baron with hardscape over some of the site. The new development will take into consideration the terrain. In the background staff provided some pictures of what development used to look like. In the past there was no screening or visual block at ground level from the development. The proposed development takes into consideration the visual impact at grade level and works with sloping and native grass planting to make the site blend in with the existing terrain at the exterior of the development. The applicant has satisfactorily addressed these criteria.

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

**FINDING:** The applicant has submitted a parking plan as required to address Chapter X. The parking plan provided contains all of the components as required to show that the parking areas are safe and convenient. Staff finds that this criterion is duplicated and will be addressed in more detailed under the Chapter X review.

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

**FINDING:** The applicant has submitted an engineering report to address the design and construction of a surface water drainage system. The system is designed to collect, treat and release stormwater on site, thereby avoiding any adverse effects to neighboring properties, the public storm drainage system, or the environment. Therefore, this criterion has been satisfied.

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

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

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

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

FINDING: The applicant has explained the background of the site and the fact that historically the site has been used as industrial mill site as shown in the pictures. The surrounding properties are being utilized for industrial uses. None of the other existing uses have screen plantings or other screening methods, nor does the industrial zone have required setbacks. The subject properties do not abut residential or commercial zoning. The applicant has worked to screen the power plant from at grade visual impacts. The site is not open to the public and will have a perimeter fence with privacy slats to obscure the visibility into the site. This criterion has been met.

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

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

8. Riparian Vegetation Protection:

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

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

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

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

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

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

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

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

FINDING: The site plan shows there is no riparian vegetation within 50 feet of a wetland, stream, lake or river; therefore, criterion has been met.
SECTION 10.1.300. Parking Area Design.

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

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

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

**FINDING:** John Rowe, Coos County Roadmaster has reviewed the site plan and made some comments to ensure safety. The applicant has provided more than the number of parking and bicycle spaces. The applicant has provided all of the required design elements for the Roadmaster to review. The Roadmaster commented on November 5, 2012, the following:

Item 1. The entrance to Parking Lot #7 is offset from the main security entrance into the power plant site. The two access points off the frontage road need to be either directly across from each other or separated by at least 150 feet or more. The entrance to Parking Lot #7 could be realigned directly across from Parking Lot #1. As proposed there is also a crosswalk in between the two access points. If vehicles were trying to make right hand turns from both access points and at the same time pedestrians were trying to cross the frontage it could lead to an unsafe situation. Realigning the access points would enhance the connectivity and make it safer for vehicles and pedestrians.

Item 2. A new left turn lane on Transpacific Parkway and entrance road was constructed into the site in 2010 during the Transpacific Parkway roadway realignment project. The proposed new entrance in now on the eastside of the railroad tracks. This was done for security reasons. After the project is constructed the existing entrance road will lead to dead end making the left turn lane on Transpacific useless. A new left turn lane could be constructed going into the RV park for vehicles heading east by removing the existing striping and then restriping the new turn lane. The entrance road to nowhere would then need the surfacing removed and then landscaped. (See Attachment B)

As a condition of approval the applicant will be required to comply with these comments to ensure that parking, ingress and egress are safe. Prior to obtaining a zoning compliance letter to obtain state permits the applicant will be required to address these issues.

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

**FINDING:** This site does not abut any residential; therefore, this criterion does not apply.

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

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

### III. ANALYSIS

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

### IV. NOTIFICATION
The Planning Department mailed individual written notice of the decision to the owners of record of all property located as required in Section 5.0.900. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to the following: Coos County Planning Commission, the special districts identified above, Water Resource Department, Oregon Department of State Lands, and DEQ. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on November 30, 2012.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on November 15, 2012, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VI. CONDITIONS OF APPROVAL

1. At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial, contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach an agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached an agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

2. The applicant will comply with applicable state and federal regulations regarding impacts to jurisdictional wetlands.

3. The applicant will comply with the parking requirements that the County Roadmaster provided listed out below.

Item 1. The entrance to Parking Lot #7 is offset from the main security entrance into the power plant site. The two access points off the frontage road need to be either directly across from each other or separated by at least 150 feet or more. The entrance to Parking Lot #7 could be realigned directly across from Parking Lot #1. As proposed there is also a crosswalk in between the two access points. If vehicles were trying to make right hand turns from both access points and at the same time pedestrians were trying to cross the frontage it could lead to an unsafe situation. Realigning the access points would enhance the connectivity and make it safer for vehicles and pedestrians.

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