

LAND USE PERMIT APPLICATION – BALANCE OF COUNTY  
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF

Received By: <u>A. Dibble</u>	<input checked="" type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>1/31/2020</u>	<input checked="" type="checkbox"/> ZONE CHANGE
Application No.: <u>AM-20-001/RZ-20-001</u>	<input checked="" type="checkbox"/> TEXT AMENDMENT
Fee: <u>\$3570.00</u>	<b>CONDITIONAL USE REVIEW</b>
Fee Paid: <u>\$3570.00</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>214502</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	<b>*Supplemental Application required</b>
	STAFF NOTES: <u>Rezone f/ UR-2 to IND</u>

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Hailey Sheldon

II. OWNER(S)

Name: Scott Johnson,  
Coast Utility & Excavating

Mailing Address: 444 N 4<sup>th</sup> Street

Mailing Address:

City Coos Bay State OR Zip 97420

City Coos Bay State OR Zip 97420

Daytime Phone (541) 968-4686

Daytime Phone (541) 294-6157

Email: hailey@sheldonplanning.com

Email: coastutility@hotmail.com

III. PROPERTY - If multiple properties are part of this review please check here  and attached a separate sheet with property information.

Location or Address: Lorain Ave, Bunker Hill / Bay Park

No. Acreage 0.41

Tax Acct. 4658100

Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:

26S 13W 2 A D 5800

Zone: Urban Residential-2 Water Service Type: Coos Bay-North Bend Water Board

Sewage Disposal Type: City

School District: Coos Bay

Fire District: Coos Bay

IV. REQUEST SUMMARY

To rezone a parcel from Urban Residential 2 to Industrial

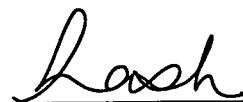
**V. ATTACHED WRITTEN STATEMENT.** With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- A.  A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
  - 1.  A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
  - 2.  A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
  - 3.  A complete description of the request, including any new structures proposed.
  - 4.  If applicable, documentation from sewer and water district showing availability for connection.
- B.  A plot plan (map) of the property. Please indicate the following on your plot plan:
  - 1.  Location of all existing and proposed buildings and structures
  - 2.  Existing County Road, public right-of-way or other means of legal access
  - 3.  Location of any existing septic systems and designated repair areas
  - 4.  Limits of 100-year floodplain elevation (if applicable)
  - 5.  Vegetation on the property
  - 6.  Location of any outstanding physical features
  - 7.  Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C.  A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.



Applicant/Owner Signature

Applicant/Owner Signature

Coos County Planning Department  
Coos County Courthouse Annex, Coquille, Oregon 97423  
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, OR 97423  
Physical Address: 225 N. Adams, Coquille, Oregon  
(541) 396-7770  
FAX (541) 396-1022 / TDD (800) 735-2900  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

Official Use Only
FEE: _____
Receipt No. _____
Check No./Cash _____
Date _____
Received By _____
File No. _____



AMENDMENT/REZONE APPLICATION  
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION  
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: Hailey Sheldon Telephone: (541) 968-4686  
Address: 444 N 4<sup>th</sup> Street, Coos Bay, OR 97420

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

If other than the owner, please give the owner's name and address:

Scott Johnson, Coast Utility & Excavating, 699 N. Morrison, Coos Bay, OR 97420

B. DESCRIPTION OF PROPERTY:

Township 26s Range 13W Section 02AD Tax Lot 5800  
Account No. 4658100 Lot Size 0.41 Acres Zoning District UR-2  
Existing Use Unimproved Vacant Land

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Industrial

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:  
Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983?  N/A   
Explain and provide documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan?  Yes   
Explain:  See Attached Findings   
\_\_\_\_\_  
\_\_\_\_\_

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels?  No   
Explain:  See Attached Findings   
\_\_\_\_\_  
\_\_\_\_\_

c. Will the rezone comply with other adopted plan policies and ordinances?  Yes   
Explain:  See Attached Findings   
\_\_\_\_\_  
\_\_\_\_\_

(3) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge<sup>1</sup> as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO Article 5.1.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

<sup>1</sup> "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is “physically developed” to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is “irrevocably committed” to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A “reasons exception” addressing the following standards is met:
  - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
  - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
  - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
  - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

**PART III -- USE OF GUIDELINES** Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

**E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:**

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper. If proposed structures are not know then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
  - a. A description of the property;
  - b. Date of consent
  - c. Signature of owner
  - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners<sup>2</sup> must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

  X   I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

  X   I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

  X   As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

  X   I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

\_\_\_\_\_  
Applicant(s) Original Signature

  
\_\_\_\_\_  
Applicant(s) Original Signature

01/31/2020  
\_\_\_\_\_  
Date

<sup>2</sup> Property owner” means the owner of record, including a contract purchaser



**Coos County Planning Department**

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-7770

FAX (541) 396-1022 / TDD (800) 735-2900

**Jill Rolfe Planning Director**

**CONSENT**

On this 29 day of January, 2020,

I, Coast Utility & Excavating LLC  
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 26S, Range 13W,

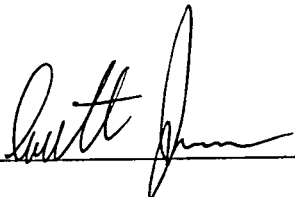
Section 02AD, Tax Lot 5800, Deed Reference 2019-7230

hereby grant permission to Hailey Sheldon so that a(n)  
(Print Name)

Land Use application can be submitted to the Coos  
(Print Application Type)

County Planning Department.

Owners Signature/s

  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

RECORDING REQUESTED BY:



300 W Anderson, PO Box 1075  
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360619028069-DM  
Coast Utility & Excavating LLC  
699 N Morrison Street  
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:

Coast Utility & Excavating LLC  
699 N Morrison Street  
Coos Bay, OR 97420

APN: 4658100

Map: 26-13-02AD TL5800

Coos County, Oregon **2019-07230**  
**\$86.00 Pgs=1 08/15/2019 01:22 PM**  
eRecorded by: TICOR TITLE COOS BAY  
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

A.T. Investments, LLC, a Limited Liability Company, Grantor, conveys and warrants to Coast Utility & Excavating LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Lots 23 through 28, inclusive, Block 53, FIRST ADDITION TO BAY PARK, Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$18,000.00). (See ORS 93.030).

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: August 14, 2019

A.T. Investments, LLC, a Limited Liability Company

BY: [Signature]  
Aaron Thomas  
Member

State of Oregon  
County of Coos

This instrument was acknowledged before me on 8-14-19 by Aaron Thomas, Member of A.T. Investments, LLC, a Limited Liability Company.

[Signature]  
Notary Public - State of Oregon  
My Commission Expires: 9-19-22





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**Property Overview**

Owner	Coast Utility & Excavating LLC
Applicant	Scott Johnson
Map No	26S13W02AD
Parcel No	5800
Coos County Assessor’s Account Number	4658100
Acres	0.41
Location/Community	Bunker Hill / Bay Park
Access	Lorain Ave, Off Hwy 101
Urban Growth Area	No
Plan Zone	UR-2

PCLCD	Residential – Unimproved
FEMA Flood Maps	100-Year Floodplain
DOGAMI Tsunami Inundation Scenarios	Large, X-Large, and XX-Large
National Wetland Inventory	Northeast Corner: Freshwater Forested/Shrub Wetland
Coos County Local Wetland Inventory 2014	No
NRCS Soils	Templeton Silt Loam, 30-50% Slopes and Udorthents, Level

## Background

The applicant, Coast Utility and Excavating, is proposing to re-zone a parcel of unimproved rural land, located on the border of an Urban Residential area abutting the Bunker Hill industrial area. The applicant ultimately plans to apply to build a garage and shop for Coast Utility and Excavating, but is not filing that application concurrently with this application to re-zone.

Findings related to the proposal's compliance with the Coos County Comprehensive Plan, Coos County Zoning and Land Development Ordinance, and Oregon Statewide Planning Goals are below.

## Coos County Comprehensive Plan

The re-zoning of Subject Property is consistent with the Coos County Comprehensive Plan.

The property is located in an exception area (i.e. lands outside the Urban Growth Area which are excepted from inventories of agricultural and forest lands). This area was excepted for industrial, commercial and residential, in order to maintain an adequate inventory of lands suitable for those uses outside of the Urban Growth Area, and because of the availability of services and proximity to the Coos Bay and Hwy 101.

Beyond being an exception area, Subject Property is unique because (1) it is on the border of an area zoned Industrial, and (2) it has never been developed (residential or otherwise). And because of its location, size and geological features, it is unlikely that it will ever be developed for residential use.

As such, it would be more in keeping with the overall goal of the Comprehensive Plan (which is essentially to develop economically while preserving land for farm, forest, and residential), to rezone Subject Property to Industrial, opening it up to industrial use, rather than preserving it for housing stock.

Coos County Comprehensive Plan Volume 1, Part 1, Section 5.16 provides the rationale for excepting Industrial Lands:

### 5.16 Industrial & Commercial Lands

#### Problem/Opportunity Statement

*Coos County's economy is unstable. The County experiences long periods of unemployment where the rate of unemployment is markedly higher than state and national averages; the impact of this unemployment is increased because of the County's excessive dependence on the lumber and wood products industry. Diversified industrial development plays a key role in the health of Coos County's economy.*

Issues

- 2. Industrial sites are relatively scarce and often occur outside Urban Growth Areas on lands that are capable of agricultural or forest production based simply on soil type and unimaginative restrictive state goal definitions. Yet, state goal priorities favor preservation of farm and forestlands to the detriment of preserving scarce industrial sites.*

Goal

*Coos County shall strive to diversify and improve its regional economy.*

Plan Implementation Strategies

- 1. Coos County shall continuously plan for and maintain an adequate supply of commercial and industrial land, recognizing that a readily available supply of such land is the basis for a sound economic development program.*

Rezoning Subject Property to Industrial is consistent with this Goal because it would potentially put to use vacant land that is excepted from Statewide Planning Goals 3 and 4. Moreover, should Subject Property be re-zoned Industrial, the applicant is proposing to apply to construct a garage/shop for their utility and excavation business, which would aid in the diversification of industrial development in Coos County.

Coos County Comprehensive Plan Volume 1, Part 1, Section 5.17 provides the rationale for excepting lands for housing:

5.17 Housing

Problem/Opportunity Statement

*Rising prices and high interest rates are making housing increasingly unaffordable for most of the citizens of Coos County. At the same time, historically less expensive land in rural areas faces restrictions from state planning goals that would severely limit the use of rural land for housing.*

Issues

- 1. Coos County strongly desires to protect its valuable farm and forest lands, yet the County has conclusively established a legitimate need for acreage homesites.*

Goal

*Coos County shall provide for the housing needs of its residents.*

Plan Implementation Strategies

1. *Coos County shall provide zoning for adequate buildable lands and shall encourage the availability of adequate numbers of housing units for future housing needs at price ranges and rent levels, which are commensurate with the financial capabilities of Coos County households.*

Subject Property is buildable land, but it is not likely to be developed for residential use because it is a small lot that will require fill and other ground work, bordering an industrial area. It would be difficult to construct a residential parcel on the lot that would be of great enough value to offset the cost of doing the ground work. Because it isn't suitable for residential use, but is suitable for industrial use, it would be more consistent with the Comprehensive Plan to re-zone it than to let it sit unused with its existing zoning designation.

#### CCZLDO Article 5.1 Plan Amendments and Rezones

The proposed rezone meets the criteria set forth in the Coos County Zoning and Land Development Ordinance as follows:

##### CCZLDO Section 5.1.225 Decisions of the Hearings Body for a Rezone

*The Hearings Body shall, after a public hearing on any rezone application, either:*

1. *Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
  - a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*

The proposed rezone complies with the Comprehensive Plan, as evidenced in the Comprehensive Plan section of this report.

Section 5.1.215 of the CCZLDO does not apply, because Subject Property is not located in the interior of an exclusive farm use zone.

- b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*

The rezone will not interfere with permitted uses on other nearby parcels (specifically nearby residential uses). While Subject Property is bordered by residential uses to the north and west, and across the street to the south, it is (1) surrounded by heavy industrial uses, and (2) screened by vegetation from the parcels to the north and west.

The surrounding industrial uses dominate the character of the neighborhood. An additional industrial use (particularly the low-impact use proposed by the applicant), will not significantly add to the industrial character of the neighborhood.

There also doesn't appear to be much room for residential growth on Lorain Ave, with the slopes to the south and west, Hwy 101 to the east, and industrial uses to the north. The *2018 Housing Analysis and Action Plan for Coos County* shows significant areas of residential unimproved land in Bunker Hill, but in reality the slopes on the majority of the identified unimproved parcels

would render any future development costly and potentially un-permittable (see Exhibit B for a topographic map, and Exhibit I for a map of residential unimproved land in Bunker Hill identified in the housing study).

*c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

*2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*

*a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;*

*b. The development of the site must conform to certain specified standards;  
or*

*c. Any combination of the above.*

*A qualified rezone shall be dependent on findings of fact including but not limited to the following:*

*i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*

*ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*

*iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*

*iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

The applicant's intended use for Subject Property is as a location for a garage/shop. Should the Board of Commissioners qualify or condition a rezoning of Subject Property, the applicant proposes that the qualification or condition allow for this intended use.

*CCZLDO Section 5.1.275 Standards for Comprehensive Plan and Rezone for Nonresource Land*

*1. The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and /or Forest Land under Statewide Planning Goal 4.*

*NOTE: If the subject property is predominantly Class I-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.*

Subject Property is neither Agricultural Land or Forest Land, nor is it predominantly Class I-IV soils or capable of producing 5000 cubic feet of commercial tree species. (See also the sections related to Statewide Planning Goals 3 and 4, below.)

- 2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;*

Subject Property does not contain any natural resources defined in Statewide Planning Goal 5, as evidenced in that section of this report.

- 3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.*

Subject Property is unsuitable for production of farm crops and livestock or merchantable tree species due to its soil type and the location and size of the tract.

- 4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.*

Subject Property could not be managed as part of a commercial farm, ranch or other forestland given the combination of the surrounding uses and its size.

- 5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.*

Subject Property has not been given a special tax assessment for farm use or designated forestland at any time in the past five years.

- 6. If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.*

Subject Property is currently in a nonresource zone and surrounded by nonresource zones. The proposed rezone will not reduce the amount of resource land in the county, alter the stability of the overall land use pattern in the area, or lead to the rezoning of other lands to nonresource use.

- 7. The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.*

*Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.*

Subject Property is contiguous to an area that is zoned for nonresource use, and is less than 2 acres; this criterion does not apply.

- 8. Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use.*

*Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.*

*Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)*

The proposed rezoning is to a rural zone that is appropriate for the type of land and its intended use. Subject Property is located outside of the Urban Growth Boundary, is surrounded by industrial zoning, and is land suitable for industrial use. The applicant is not proposing a specific development at this time, however intends to apply to construct a small-scale, low impact industrial use in the future, as discussed in the background section of this report.

### Oregon's Statewide Planning Goals & Guidelines

#### Goal 3: Agricultural Land

*Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event. [...] Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.*

#### Goal 4: Forest Lands

*Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.*

Subject Property is part of a larger area in Bunker Hill / Bay Park that was excepted from inventories of agricultural and forest lands (see above findings related to the Coos County Comprehensive Plan).

Moreover, as discussed in findings related to CCLZDO 5.1.275, the soil types (Templeton Silt Loam, 30-50% Slopes and Udorthents, Level) and other characteristics of Subject Property render it unsuitable for farm or forest use.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Open Spaces: Subject Property is not designated open space. Developing it would not decrease Coos County's inventory of open space in a significant or detrimental way.

Scenic and Historic Areas: Subject Property is not a known historic or scenic area.

Natural Resources: The eastern edge of Subject Property is classified on the National Wetland Inventory Map as Freshwater Forested / Shrub Wetland. Any future application to develop Subject Property will trigger a Wetland Land Use Notification to the Oregon Department of State Lands, and initiate a review of any proposed development on the wetland area, providing an opportunity for the DSL to condition or deny that development. In addition, any future request to remove or fill material in the designated area will require the applicant obtain a DSL Removal-Fill Permit, providing a separate opportunity for condition or denial. This is in addition to Coos County's land use application review process. This process will ensure that Goal 5's protections of natural resources is met.

Goal 7: Areas Subject to Natural Hazards

*A. Natural Hazard Planning*

*2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

Tsunami Hazard: Subject Property is located on the DOGAMI Tsunami Inundation Map as subject to inundation from Large, X-Large, and XX-Large magnitude tsunami scenarios. See Exhibit G for a map of the inundation scenarios relative to Subject Property. CCLZO 4.11.260 through 4.11.270 controls development in the Tsunami Hazard Overlay Zone, and will be considered when an application is filed to develop Subject Property. Note also that the applicant's intended use is permitted by this section (the XXL zone is exempted, the XL zone is not addressed, and the prohibited uses in the L zone are large scale uses such as hospitals, police stations, and schools).

Flood Hazard: Subject Property is located in the FEMA 100-Year Floodplain. See Exhibit F for a map of the floodplain relative to Subject Property. CCLZO 4.11.211 through 4.11.257 controls development in the floodplain, and will also be considered when an application is filed to develop Subject Property.

Goal 9: Economic Development

*Guidelines*

*A. Planning*

*1. A principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.*



A rezone of this parcel to Industrial is in line with both Goal 9, and its implementation through the CCCP. Because it (1) is on the border of the zone, (2) it's characteristics and proximity to industrial use make it unlikely to be developed for residential use, it should therefore be put to better use through a rezone. This is in line with the intentions Goal 9 and the CCCP.

And while the application for the specific use is not the subject of this application, but will come later, it should be noted that the applicant's proposed use (a garage and shop for a local utility and excavating company) is well in line with Goal 9 as well.

Goal 10: Housing

As noted above, the *2018 Housing Analysis and Action Plan for Coos County* shows significant areas of residential unimproved land in Bunker Hill, but in reality the slopes on the majority of the identified unimproved parcels would render any future development costly (see Exhibit C for a topographic map, and Exhibit I for a map of residential unimproved land in Bunker Hill identified in the housing study). It is unlikely the area immediately surrounding Subject Property will be expanded much more for residential use because of both the western slope, and the surrounding industrial areas; that expansion will take place on the northern and western side of the hill, behind Bunker Hill Elementary.

Goal 11: Public Services

Public services are available on Subject Property. Moreover, part of rationale for the exception area was the availability of services and the proximity to the Coos Bay.

Goal 12: Transportation

*A. Planning*

*2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.*

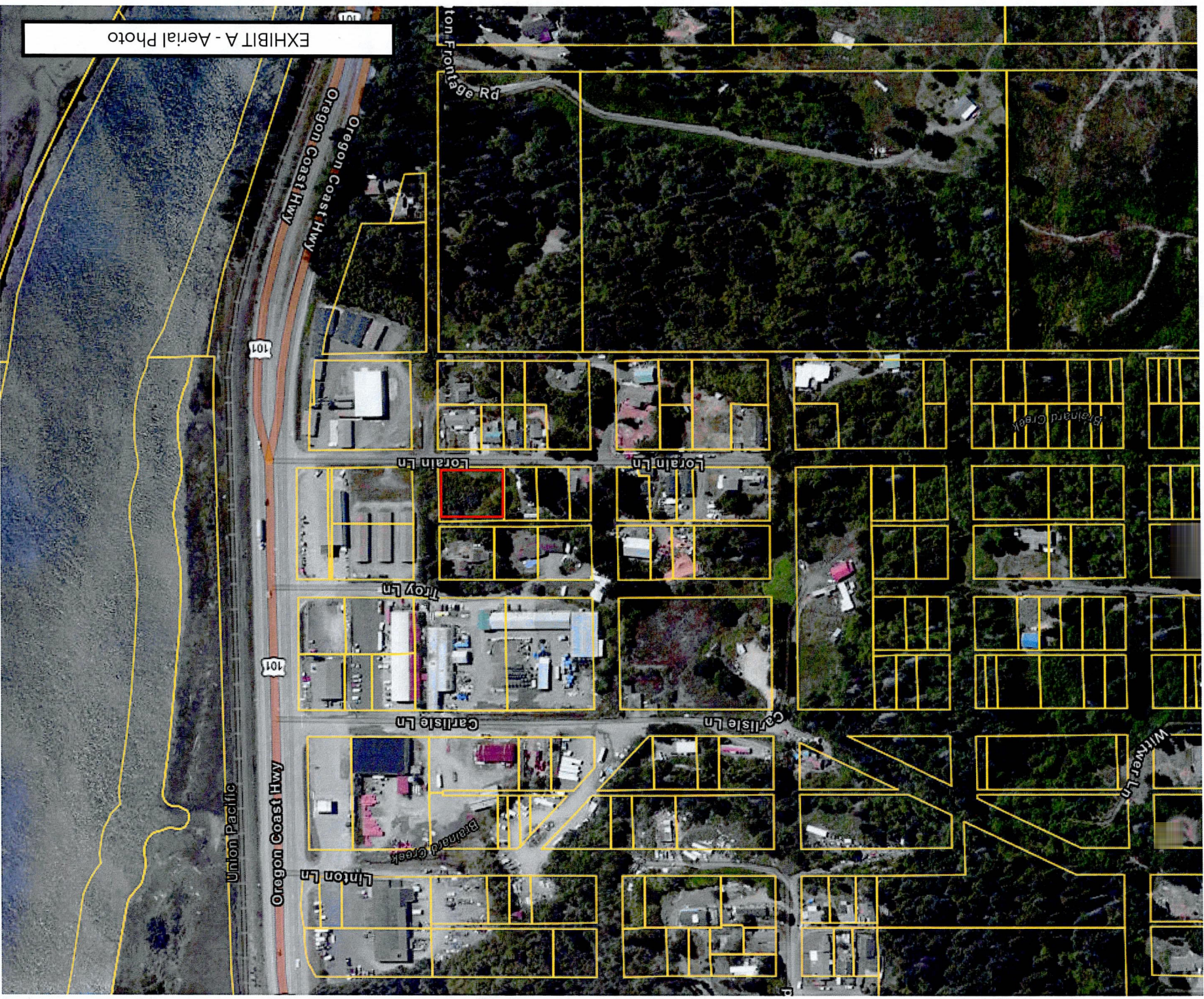
Access to Subject Property is off of Lorain Ave, approximately 400 feet from the intersection of Hwy 101. A driveway will be necessary for access; Lorain Ave is currently gravel and approximately 10 feet wide adjacent to Subject Property. United Rentals, which abuts Hwy 101 to the east, utilizes the strip of Lorain directly adjacent to the highway intersection as an access point. There are currently no other industrial access points off Lorain Ave. However, the accesses to the industrial uses to the north, off Troy Ln and Carlisle Ln are similar to the proposed. Any required street widening or paving will be addressed by the Planning Commission (and any other relevant agencies) through the land use application and referral process.

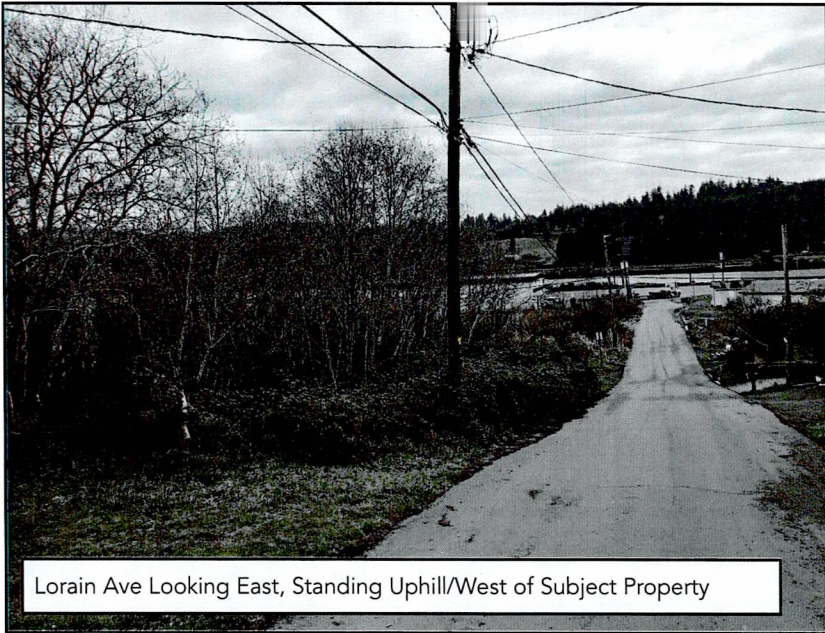
**Exhibits**

- A Aerial Photo
- B Site Photos
- C Topography Map

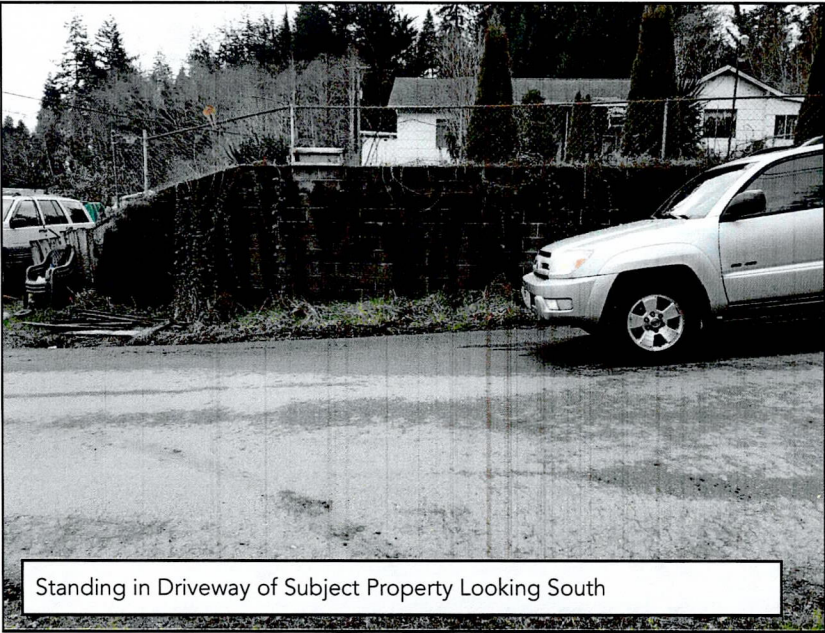
- D Zoning Map
- E National Wetland Inventory Map
- F FEMA Flood Map
- G DOGAMI Tsunami Inundation Map
- H NRCS Soils Map
- I 2018 Coos County Housing Analysis and Action Plan Map of Undeveloped Residential Properties in Bunker Hill

EXHIBIT A - Aerial Photo





Lorain Ave Looking East, Standing Uphill/West of Subject Property



Standing in Driveway of Subject Property Looking South



Standing in Driveway of Subject Property Looking Southeast



Standing in Driveway of Subject Property Looking West



Subject Property Looking North



Subject Property Western Corner



Subject Property Eastern Corner

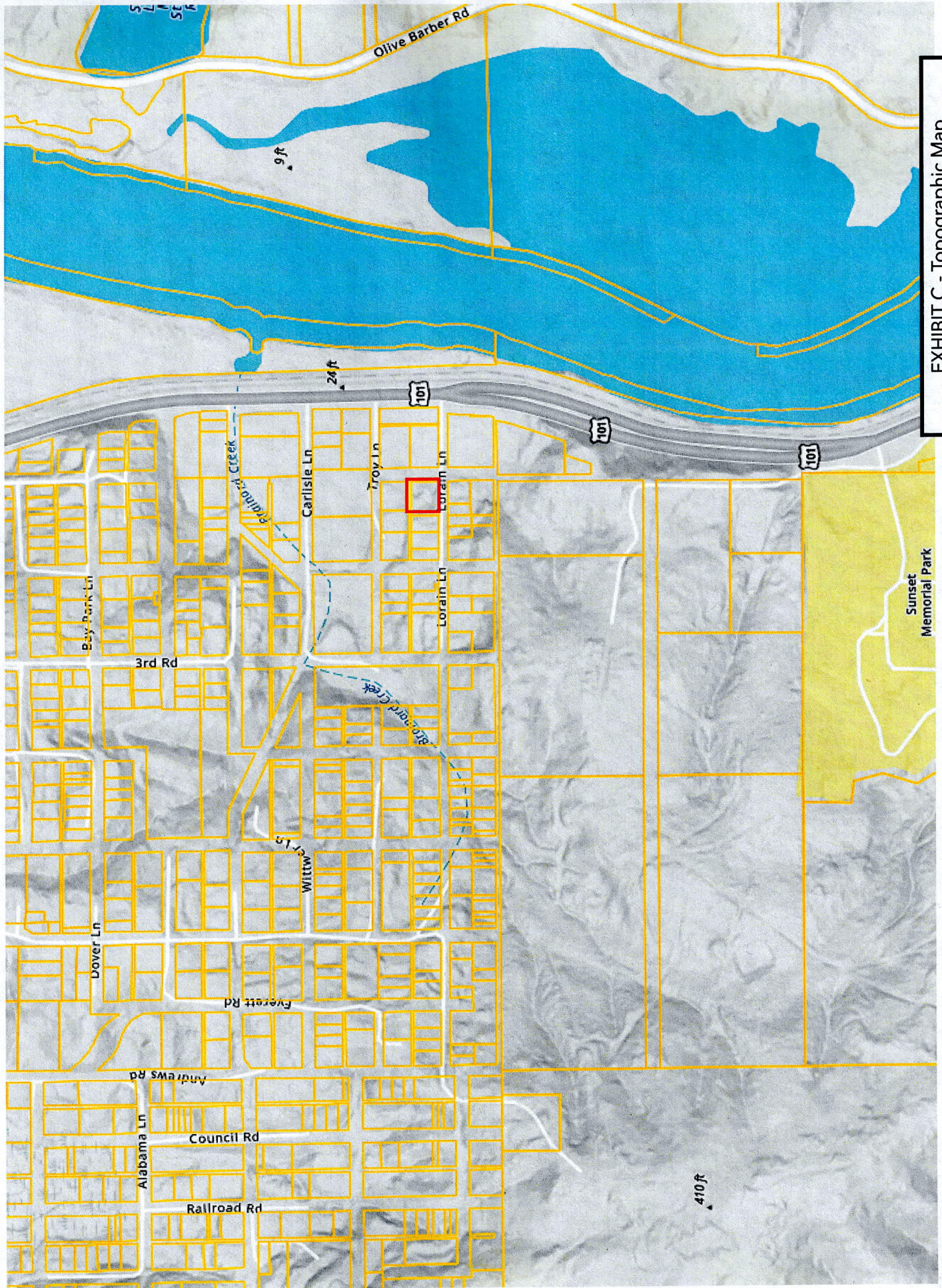
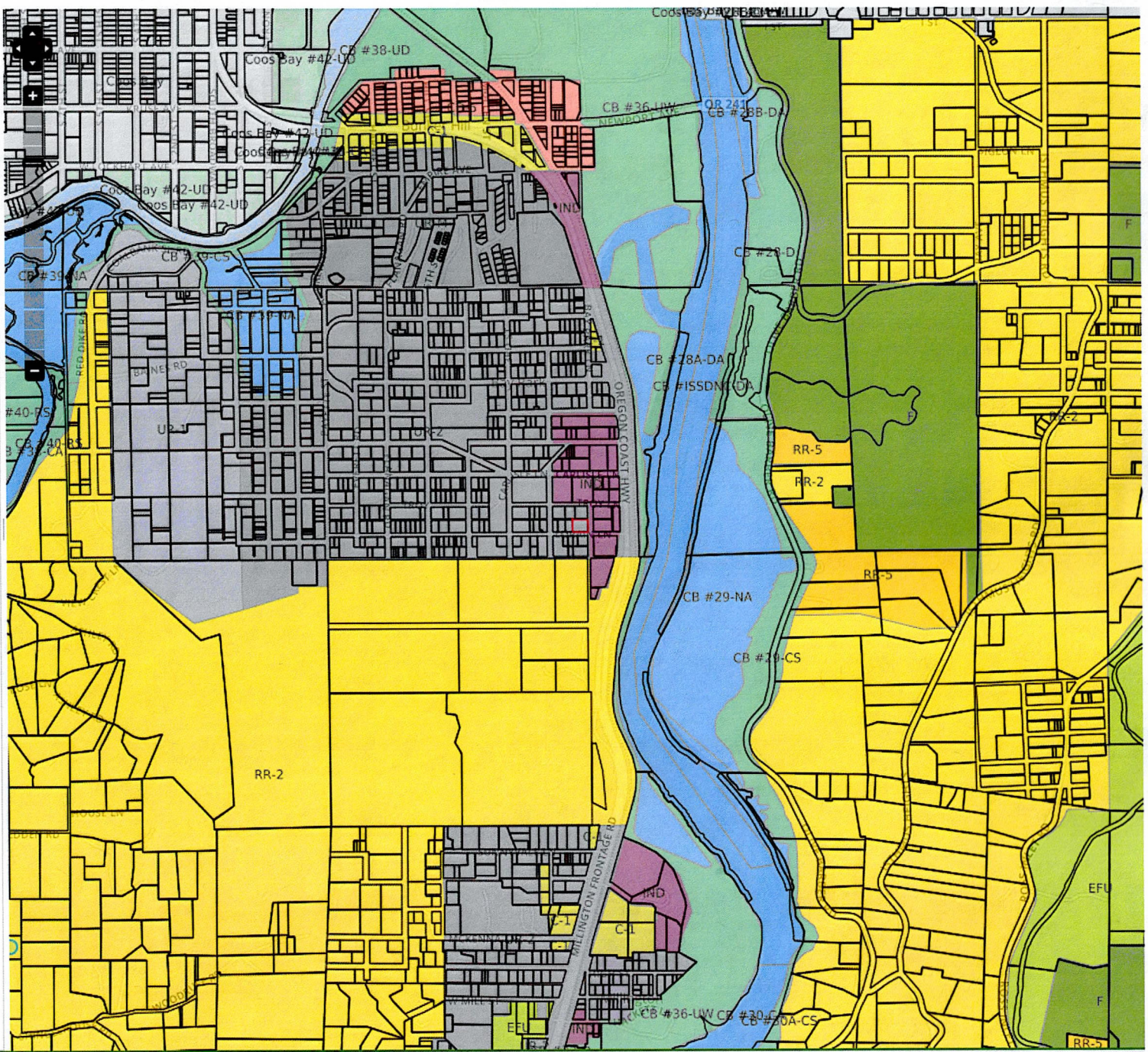


EXHIBIT C - Topographic Map

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- Landslide
  - Landslide Susceptibility, DOGAMI, 2013
- Liquefaction
  - Liquefaction Susceptibility, DOGAMI
- Active Earthquake Faults
  - Active Earthquake Faults, USGS, 2003
- Estuary Maps
  - Estuary Mgmt Units, 1987
  - Coos Coastal Shorelands Boundary
  - Coos County LWI, 2014
  - National Wetland Inventory
  - National Wetland Inventory
- Soils
  - NRCS Soils
- Administrative Boundaries
  - Statutory Vegetation Line, OPRD, 1967
  - Coos Tax lots
  - City Limits
  - Urban Growth Boundaries
  - County Boundaries
  - State Parks
  - Coos County Zoning, 2019
    - Commercial
    - Controlled Development 10
    - Controlled Development 5
    - City Zoning
    - City Estuary Plan - Aquatic
    - City Estuary Plan - Shoreland
    - Coos Bay Estuary Plan - Aquatic
    - Coos Bay Estuary Plan - Shoreland
    - Coquille River Estuary Plan - Aquatic
    - Coquille River Estuary Plan - Shoreland
    - Exclusive Farm Use
    - Forest
    - Industrial
    - Minor Estuary and Shorelands
    - Rural Center
    - Recreation
    - Rural Residential 2
    - Rural Residential 5
    - South Slough
    - Urban Residential 1
    - Urban Residential 2
    - Urban Residential M
- Base Maps and Photos
  - Printable Base Maps
  - Modern Ortho Photos
  - NAIP Color Aerials 2016
  - NAIP Color Aerials 2014



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- Map Extras
    - Scalebars
    - Drawing and Markup
  - Coastal Inventory Data
    - Beachfront Protective Structures Inventory, OPRD, 2015
    - Goal 18 Eligibility Inventory, OCMP, 2015
    - Dune Classifications, USDA, 1975
  - Beaches and Dunes - Goal 18
    - Coos County
      - Development Suitability
  - Natural Hazards
    - Flood
      - FEMA Flood Maps, FEMA
    - Sea Level Rise
      - Sea Level Rise 2030, OCMP, 2017
      - Sea Level Rise 2050, OCMP, 2017
      - Sea Level Rise 2100, OCMP, 2017
    - Tsunami
      - Tsunami Inundation Scenarios, DOGAMI, 2013
    - Landslide
      - Landslide Susceptibility, DOGAMI, 2013
    - Liquefaction
      - Liquefaction Susceptibility, DOGAMI
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      - Active Earthquake Faults, USGS, 2003
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    - Estuary Mgmt Units, 1987
    - Coos Coastal Shorelands Boundary
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    - National Wetland Inventory
    - National Wetland Inventory
  - WETLANDS
    - Estuarine and Marine Deepwater
    - Estuarine and Marine Wetland
    - Freshwater Emergent Wetland
    - Freshwater Forested/Shrub Wetland
    - Freshwater Pond
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    - Other
    - Riverine
  - Soils
    - Administrative Boundaries
    - Statutory Vegetation Line, OPRD, 1967
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    - City Limits
    - Urban Growth Boundaries
    - County Boundaries
    - State Parks



EXHIBIT E - National Wetland Inventory Map



Catalog

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  - Drawing and Markup
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  - Dune Classifications, USDA, 1975
- Beaches and Dunes - Goal 18
  - Coos County
  - Development Suitability
- Natural Hazards
  - Flood
    - FEMA Flood Maps, FEMA
      - Base Flood Elevation
      - Floodway
      - 500-year Floodplain
      - 100-year Floodplain
  - Sea Level Rise
  - Tsunami
  - Landslide
    - Landslide Susceptibility, DOGAMI, 2013
  - Liquefaction
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  - County Boundaries
  - State Parks
  - Coos County Zoning, 2019
- Base Maps and Photos
  - Printable Base Maps
    - Modern Ortho Photos
      - NAIP Color Aerials 2016
      - NAIP Color Aerials 2014
      - NAIP Color Aerials 2011
      - None
    - Lidar Hillshades
  - Non-Printable Base Maps
    - ESRI World Imagery
    - ESRI World Topographic Map
    - USGS Topographic Maps



EXHIBIT F - FEMA Flood Map

Jump To:

Catalog

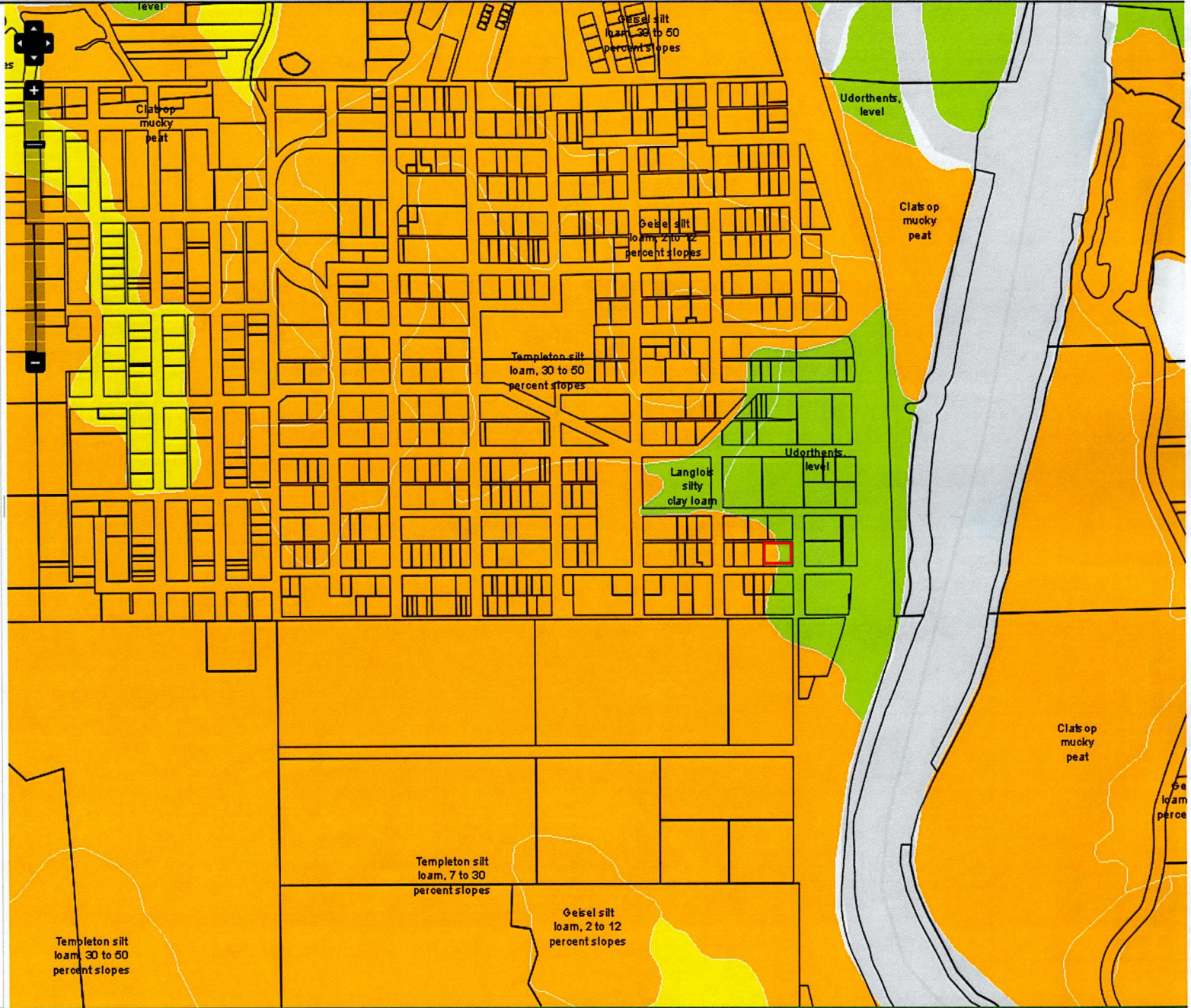
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- Sea Level Rise 2050, OCMF, 2017
- Sea Level Rise 2100, OCMF, 2017
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- Tsunami Inundation Scenarios, DOGAMI, 2013
- Small Tsunami
- Medium Tsunami
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- XX-Large Tsunami
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    - Lidar Hillshades
  - Non-Printable Base Maps
    - ESRI World Imagery
    - ESRI World Topographic Map
    - USGS Topographic Maps
    - OpenStreetMap - Color
    - Mapbox Light Grey Base
    - None



# Bunker Hill, Oregon

## Publicly Owned Properties and Undeveloped Residential Properties

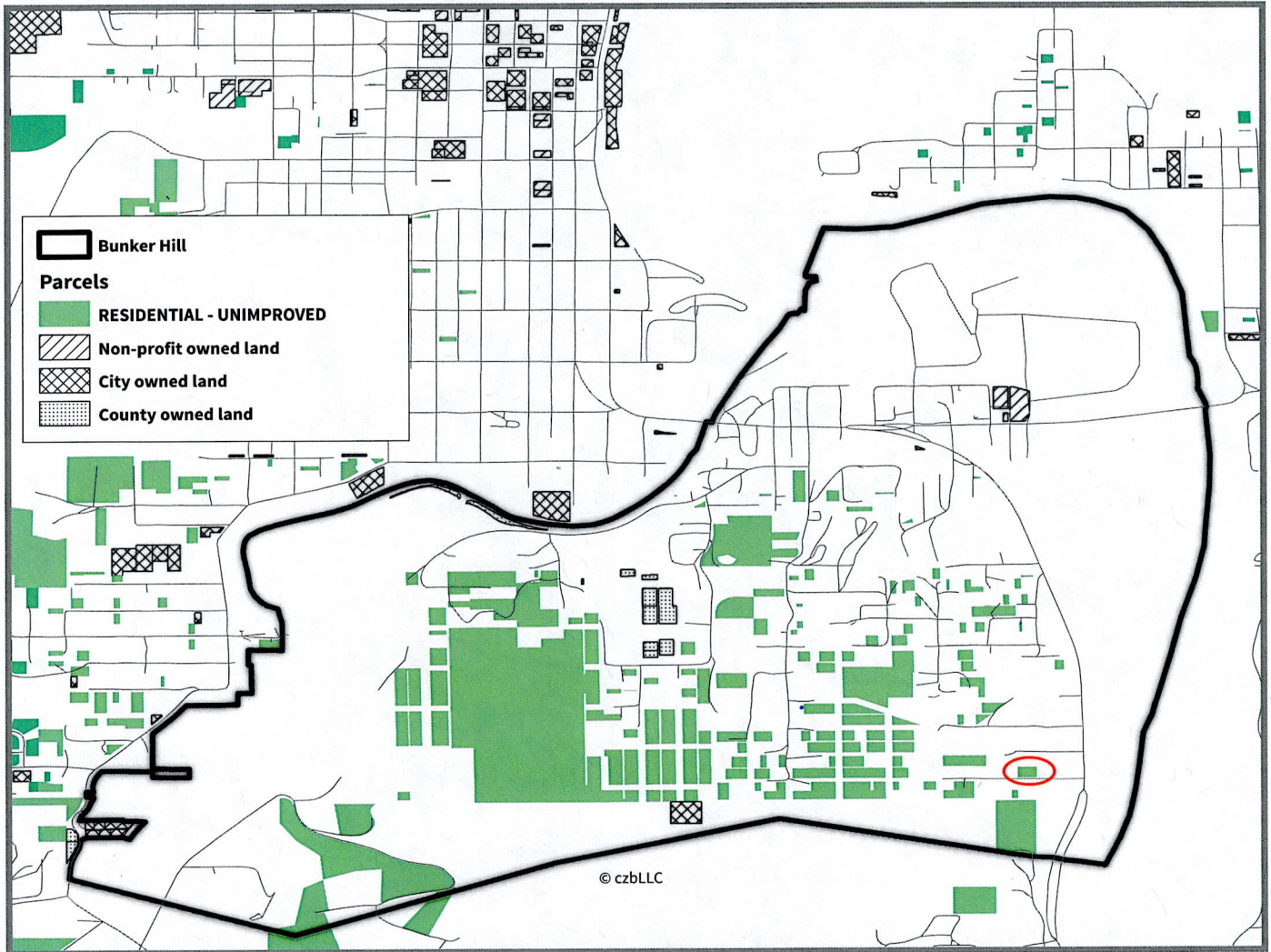


EXHIBIT I - 2018 Coos County Housing Analysis and Action Plan Map of Undeveloped Residential Properties in Bunker Hill