

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Amending The Coos County
5 Comprehensive Plan Designation and Zone Map from
6 Urban Residential to Industrial the Official Zone
7 Map from Urban Residential-2 (UR-2) to Industrial
8 (IND). File No. AM-20-001/RZ-20-001 (Johnson)

ORDINANCE No.: 20-03-001PL

9 SECTION 1. TITLE

10 This Ordinance shall be known as the "Coos County Ordinance No. 20-03-001PL".

11 SECTION 2. AUTHORITY

12 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

13 SECTION 3. PURPOSE

14 The purpose of this Ordinance is to amend Ordinance 85-12-020L that adopted Coos County
15 Comprehensive Plan Volume I (Balance of County) Plan Zone Map and Ordinance 85-03-004L that adopted
16 Coos County Zoning & Land Development Ordinance which implements Volume I of the Coos County
17 Comprehensive Plan;

18 SECTION 4. FINDINGS AND ORDER

19 WHEREAS the property owners Coastal Utility & Excavating c/o Scott Johnson submitted an application
20 on property described as Township 26S, Range 13W, Section 02AD, Tax Lot 5800, located south of the City of
21 Coos Bay. The property is currently zoned Urban Residential-2 (UR-2) The request was to amend the plan and
22 implementing zone on this property from Urban Residential to Industrial as presented in the application found at
23 Attachment A;

24 WHEREAS Staff reviewed the proposal and made findings in the April 30, 2020, staff report
25 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)
26 find that the application complied with CCZLDO § 5.1.400.;

27 WHEREAS the Planning Commission, designated as special hearings officers and the hearings body, took
28 testimony at the May 7, 2020 hearing, there was no one else besides the applicant's representative to present and no
29 written testimony in the record on this proposed. The present Hearings Body found that the plan amendment and
30 rezone would be meet criteria.;

1 AND IT APPEARING to the Board of Commissioners that given the definition of compatibility the
2 Board of Commissioners found that the rezone would be compatible without any qualifiers to limit the use of
3 the property. The application and staff findings along with the soil and slope information support the zone
4 change request.

5 The proposal was reviewed by Department of Land Conservation and Development (DLCD) at the
6 pre-application meeting and no conflicts with the Statewide Planning Goals, Statues or Rules in regards to the
7 request.

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners
9 reviewed the Hearings Body recommendations and found the proposal met the objectives of the comprehensive
10 plan. The evidence and testimony in the record supported the rezone to Industrial (IND). The Board of
11 Commissioners took into consideration the evidence and determined that proposal complied with other polices
12 and ordinances as may be adopted by the Board of Commissioners. The findings in this matter can be found at
13 Attachment B.

14 SECTION 5. SEVERANCE CLAUSE

15 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
16 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
17 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other
18 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or
19 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

20 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

21 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
22 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
23 85-03-004L shall remain in full force and effect in all other respects.

24 SECTION 7. EMERGENCY CLAUSE

25 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
26 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County
27 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.
28

29 //
30 //

1 Adopted this Dated this 19th day of May, 2020.

BOARD OF COMMISSIONERS

2 ATTEST

3 Michelle Berglund
4 Recording Secretary

Mark Call
Chair

5 Approved as to form:

6 Nathaniel Johnson
7 Office of Legal Counsel

Robert "Bob" Meyer
Vice Chair

8 Planning Commission Reading: May 7, 2020
9 Board of Commissioner Reading: May 19, 2020
10 Effective Date of Adoption: May 19, 2020

John Stewart
Commissioner

Attachment A

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/R2-20-001</u>	<input checked="" type="checkbox"/> TEXT AMENDMENT
Fee: <u>\$3570.00</u>	CONDITIONAL USE REVIEW
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
	*Supplemental Application required
	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 4th 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

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 4th 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 acknowledge¹ 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

¹ "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 1/2" x 11" paper. If proposed structures are not known 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 owners² must either sign or provide consistent 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.

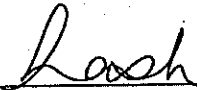
 X I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that 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

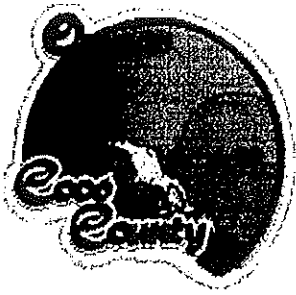


Applicant(s) Original Signature

01/31/2020

Date

² 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,

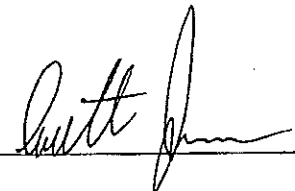
Section 02AD, Tax Lot 5800, Deed Reference 2019-7230

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.: 360519028069-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, 1 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 17 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

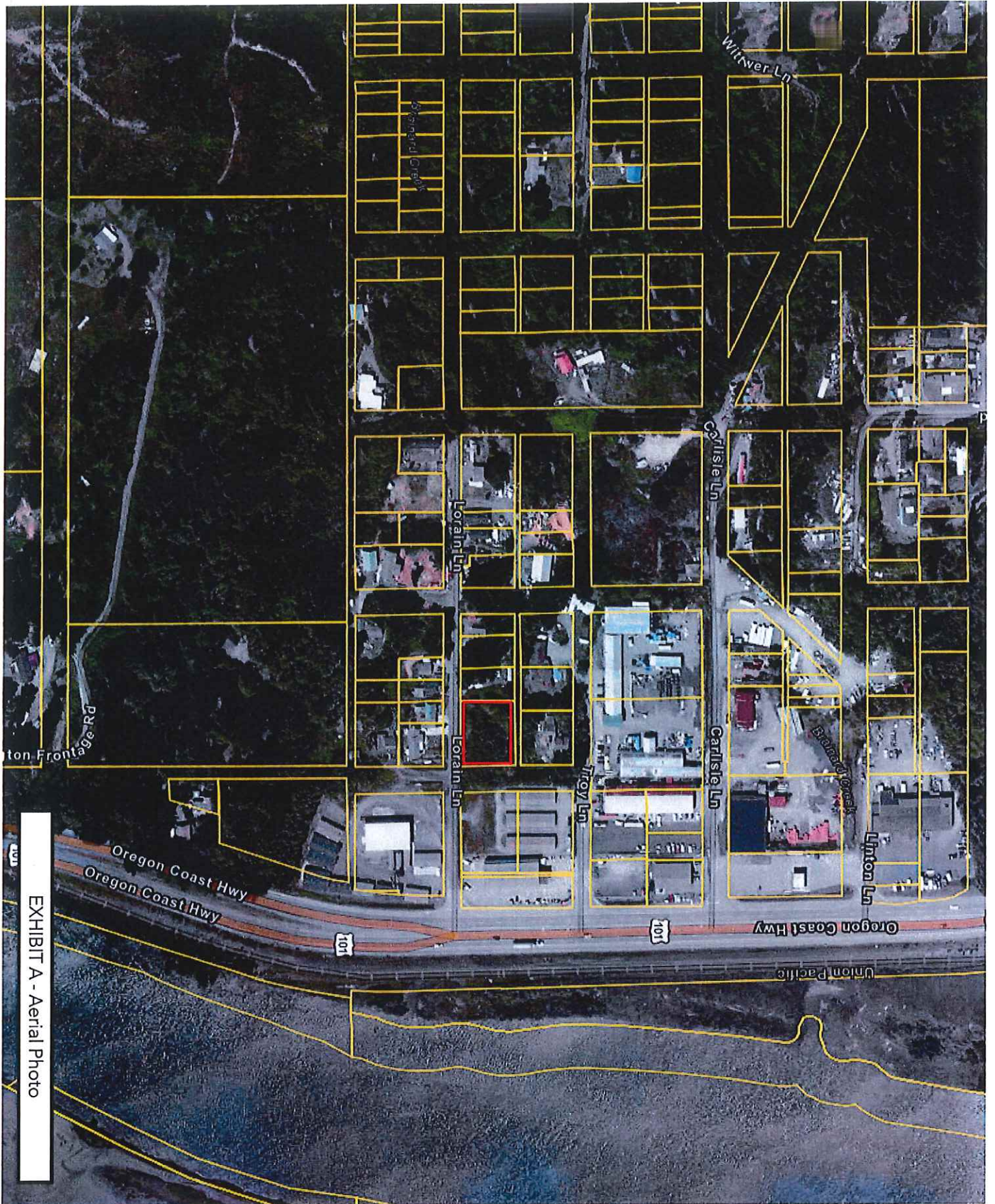
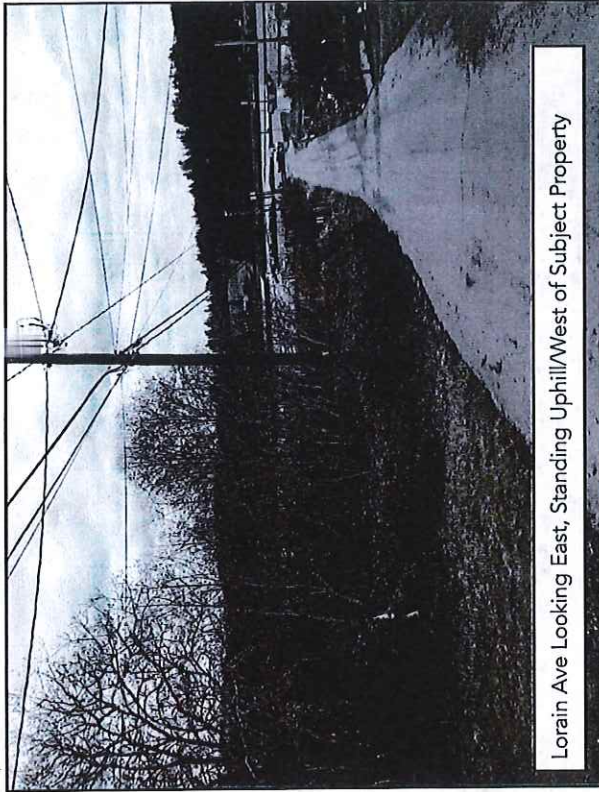
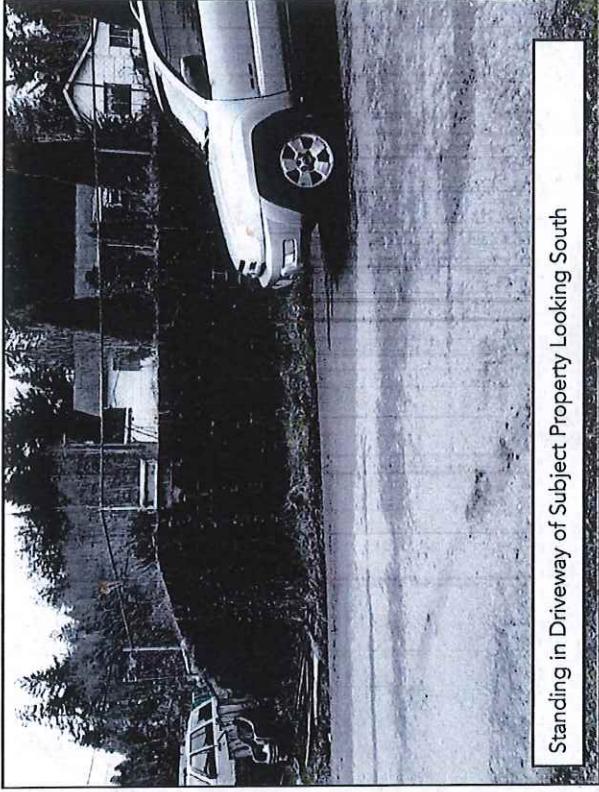


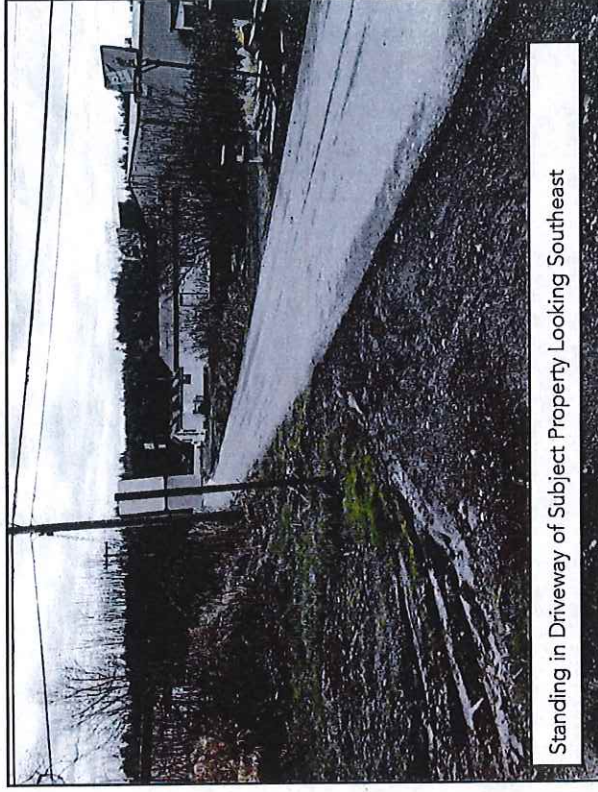
EXHIBIT A - Aerial Photo



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



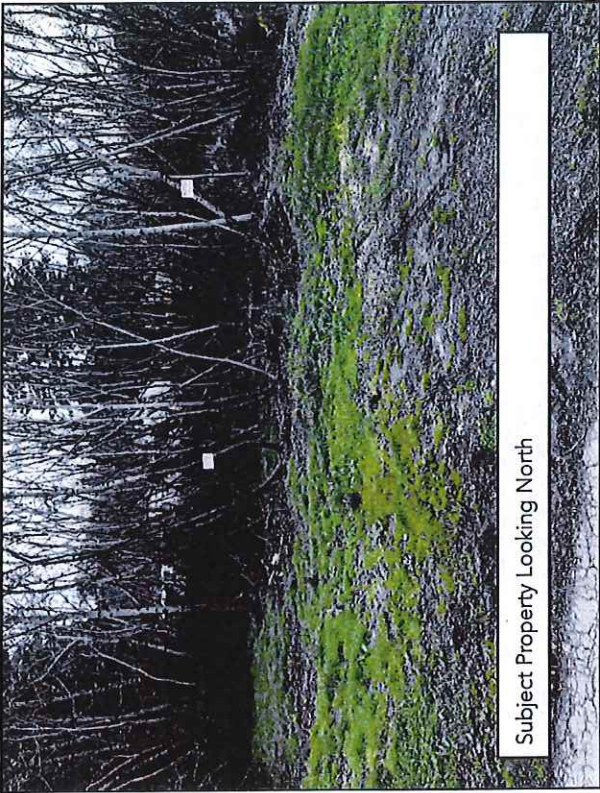
Standing in Driveway of Subject Property Looking South



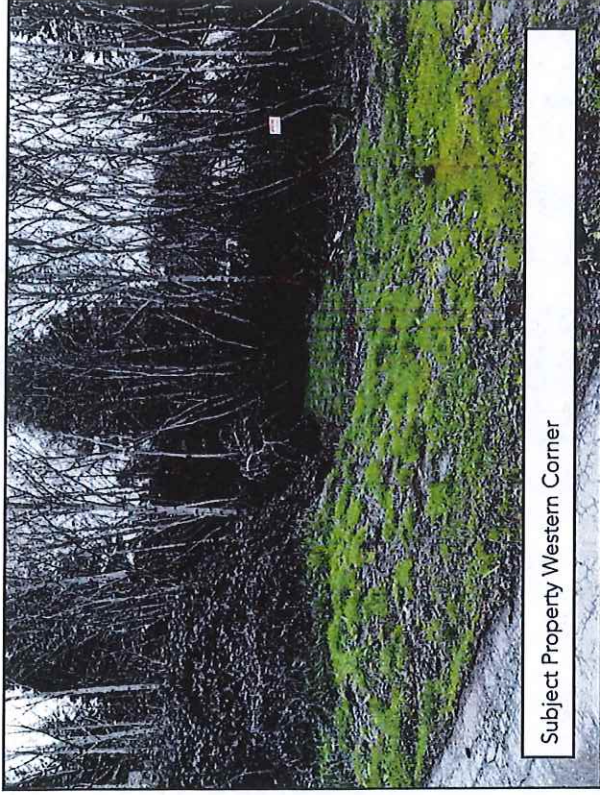
Standing in Driveway of Subject Property Looking Southeast



Standing in Driveway of Subject Property Looking West



Subject Property Looking North



Subject Property Western Corner



Subject Property Eastern Corner

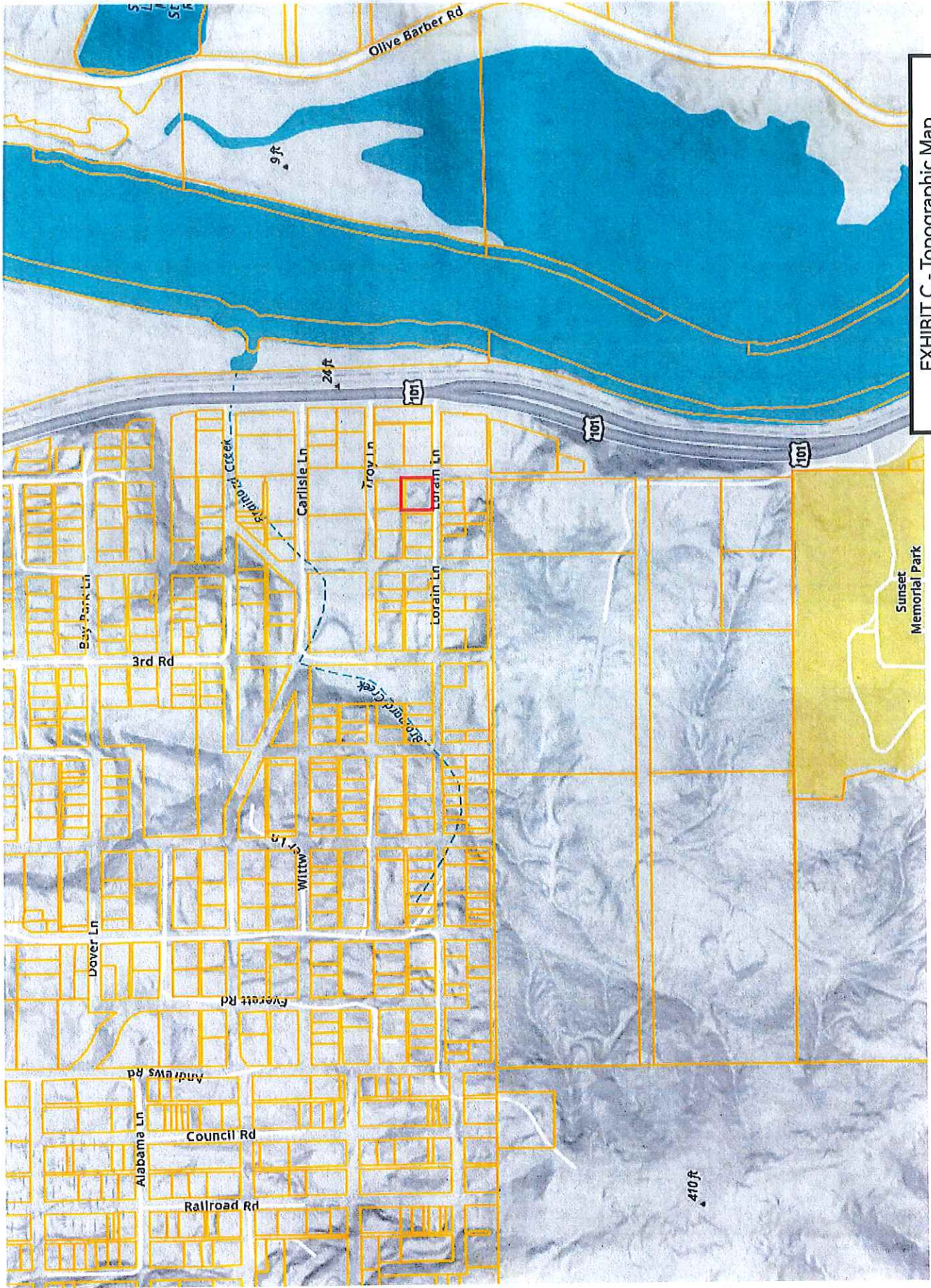
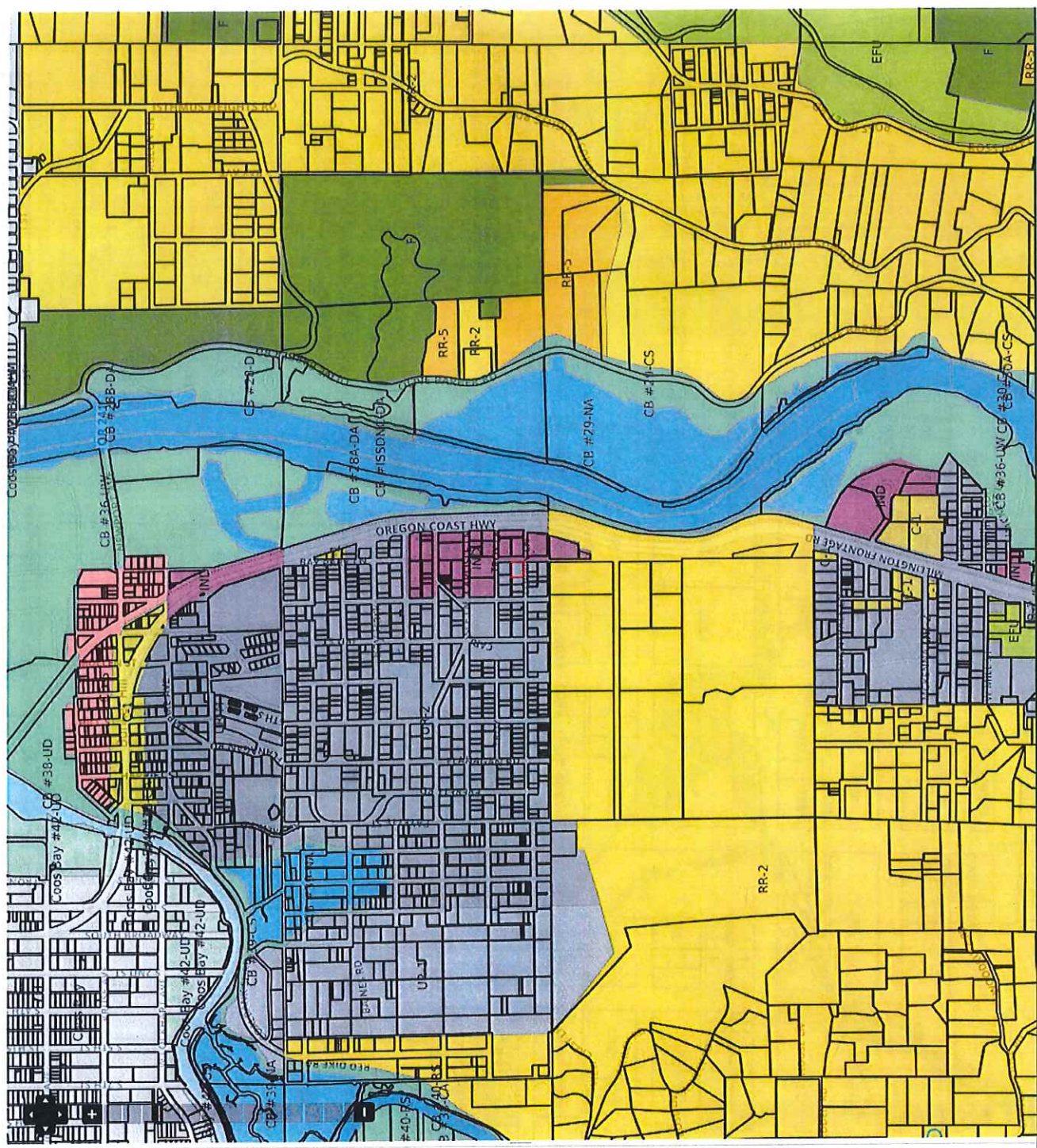


EXHIBIT C - Topographic Map

Jump To:

Catalog

- 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 LVI, 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
- Copquille River Estuary Plan - Aquatic
- Copquille 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

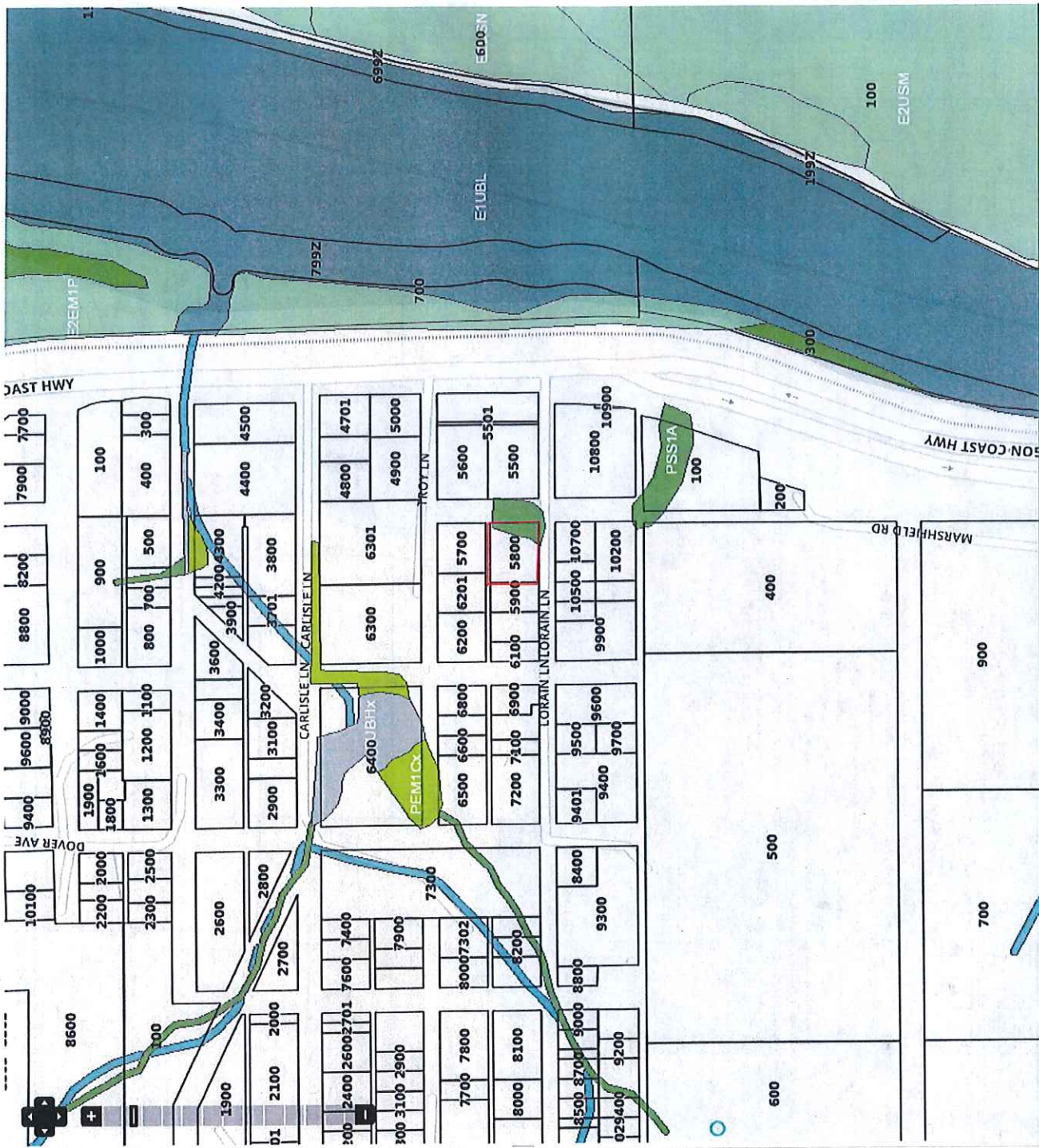


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EXHIBIT D - Zoning

Jump To:

- Catalog**
- Map Extras
 - Scalebars
 - Drawing and Markup
 - Coastal Inventory Data
 - Beachfront Protective Structures Inventory, OPRD, 2015
 - Goal 18 Eligibility Inventory, OCMF, 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, OCMF, 2017
 - Sea Level Rise 2050, OCMF, 2017
 - Sea Level Rise 2100, OCMF, 2017
 - Tsunami
 - Tsunami Inundation Scenarios, DOGAMI, 2013
 - 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
- WETLANDS**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
- Soils**
- Administrative Boundaries
 - Statutory Vegetation Line, OPRD, 1967
 - Coos Tax lots
 - City Limits
 - Urban Growth Boundaries
 - County Boundaries
 - Chain Data



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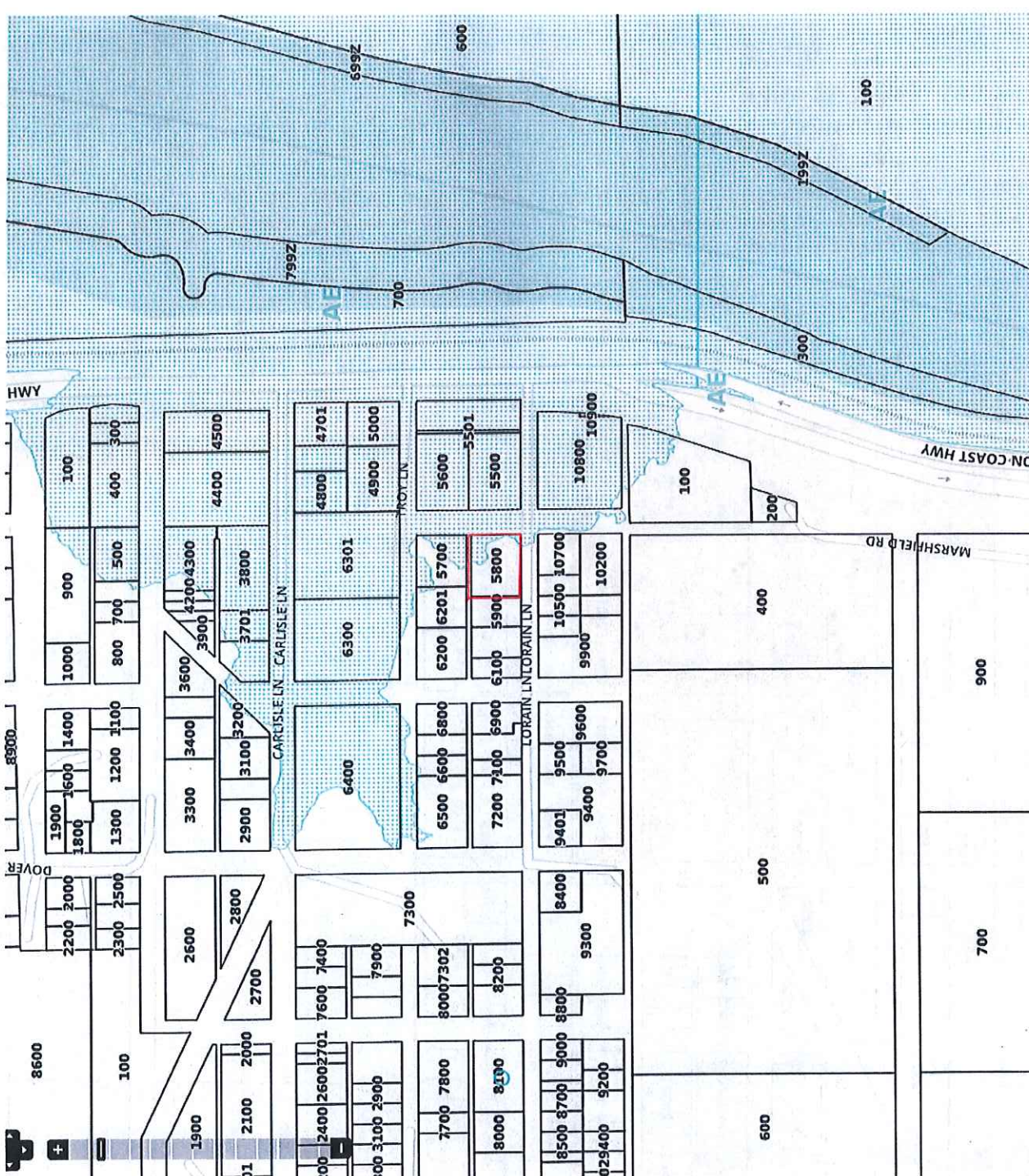


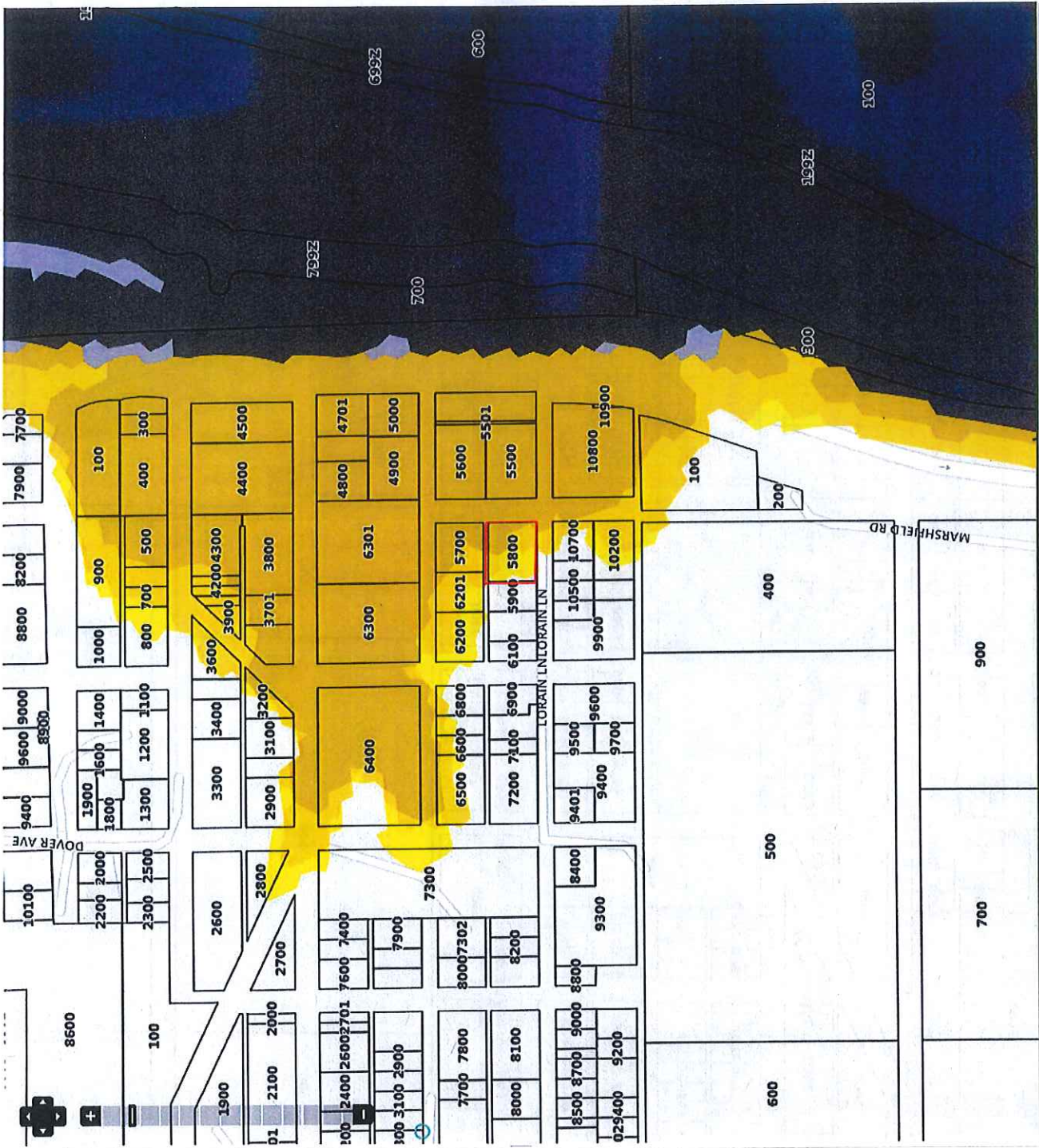
EXHIBIT F - FEMA Flood Map

- Catalog**
- Map Extras
 - Scalebars
 - Drawing and Markup
 - Coastal Inventory Data
 - Beachfront Protective Structures Inventory, OPRD, 2015
 - Goal 18 Eligibility Inventory, OCMF, 2015
 - 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
 - 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
 - Soils
 - Administrative Boundaries
 - Statutory Vegetation Line, OPRD, 1967
 - Coos Tax lots
 - City Limits
 - Urban Growth Boundaries
 - 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

Jump To: [dropdown]

Catalog

- 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
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 - Active Earthquake Faults, USGS, 2003
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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



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Jump To:

Catalog

- Map Extras
- Coastal Inventory Data
- Beachfront Protective Structures Inventory, OPRD, 2015
- Goal 18 Eligibility Inventory, OCMIP, 2015
- Dune Classifications, USDA, 1975
- Beaches and Dunes - Goal 18
- Coos County
- Natural Hazards
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- 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
- OpenStreetMap - Color
- Mapbox Light Grey Base
- None

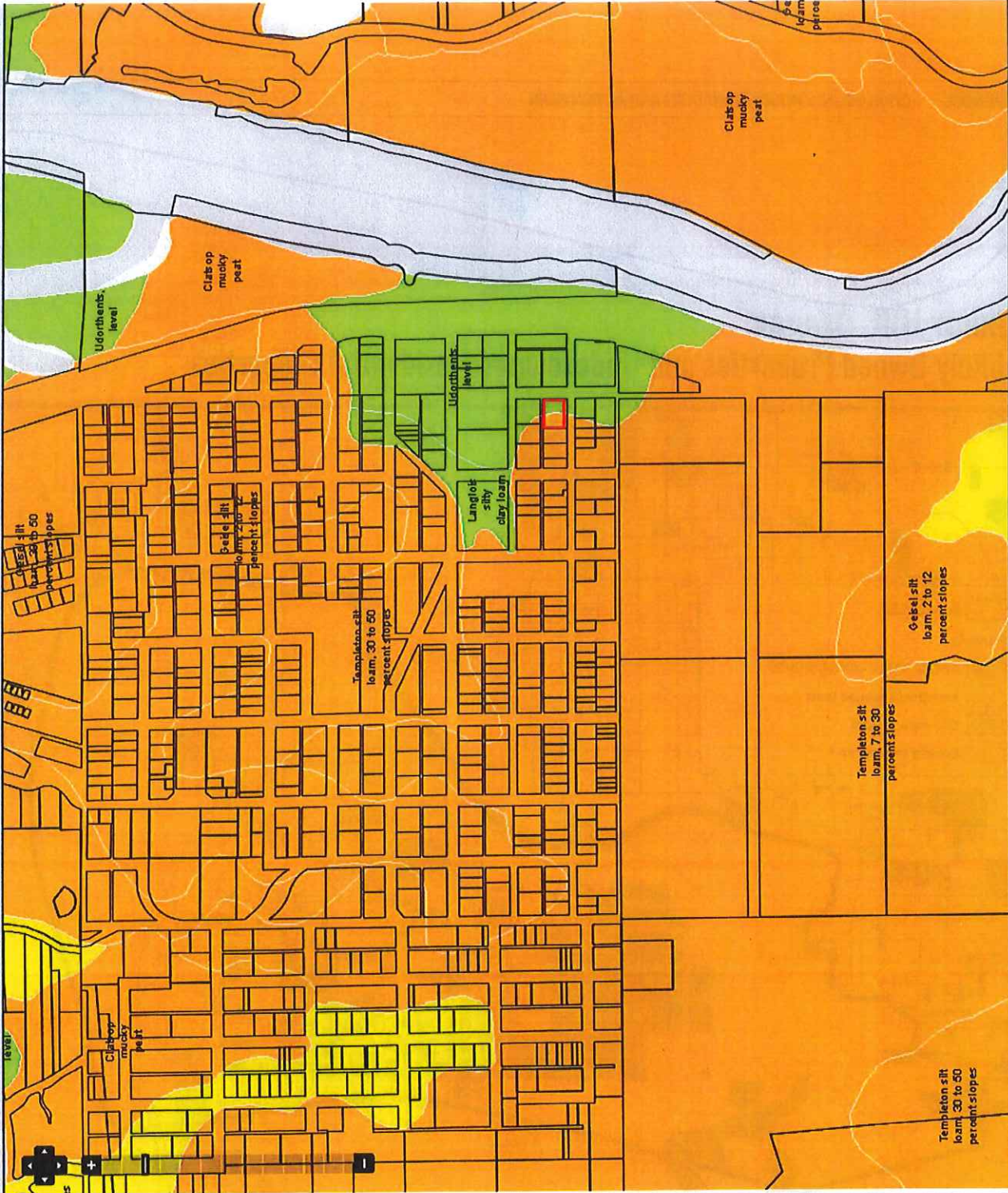


EXHIBIT H - NRCS Soils Map

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Bunker Hill, Oregon

Publicly Owned Properties and Undeveloped Residential Properties

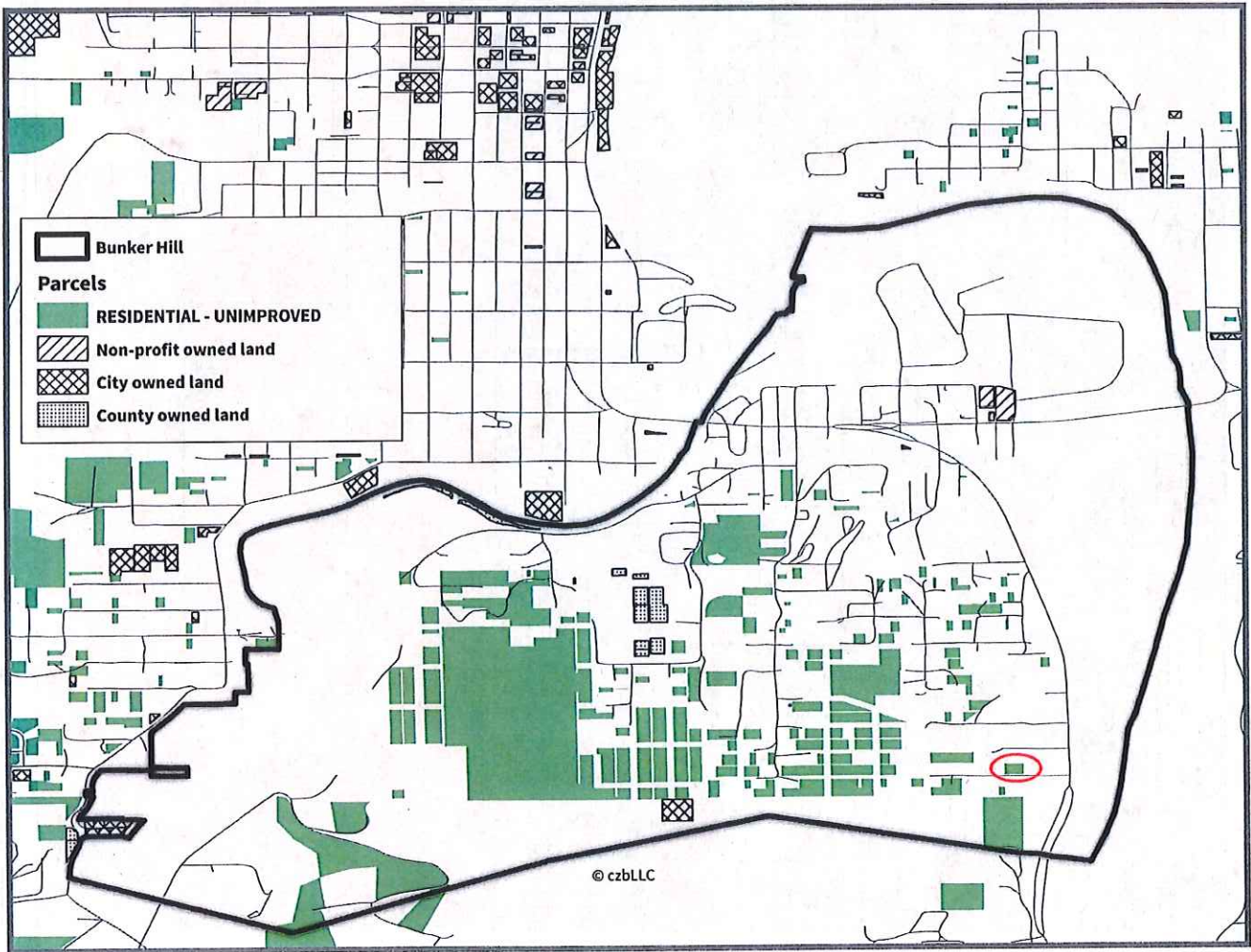


EXHIBIT I - 2018 Coos County Housing Analysis and Action Plan Map of Undeveloped Residential Properties in Bunker Hill

Addendum to Written Statement for Coos County Rezone Application

Oregon's Statewide Planning Goals & Guidelines

Goal 14: Urbanization

[...]

Unincorporated Communities

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

Subject Property is located in an area excepted from Goals 3 and 4 by the Comprehensive Plan. These lands in the Bunker Hill / Bay Park area are excepted in part due to the availability of services and proximity to the Coos Bay and Hwy 101.

[...]

Rural Industrial Development

Notwithstanding other provisions of this goal restricting urban uses on rural land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

Guidelines

A. Planning

- 1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.*
- 2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.*
- 3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*
- 4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.*

B. Implementation

- 1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.*
- 2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.*
- 3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.*
- 4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.*
- 5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.*
- 6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.*

Subject Property has, through its exception to Goals 3 and 4, been planned for transition from rural to urban land use; considerations have been taken to ensure the planning guidelines listed above are followed.

Rezoning Subject Property would result in a change of the development standards applicable to Subject Property, from the standards of the Urban Residential district to that of the Industrial District. While no application for development is being filed at this time, it is relevant to this application how the development standards for Subject Property would change, through the re-zone.

The CCZLDO outlines these development standards for the Urban Residential and Industrial zones:

CCZLDO Section 4.3.230 Additional Siting Standards

This section has specific siting standards and criteria set by the zoning district for uses, activities and development:

(1) Urban Residential (UR) – The following siting standards apply to all USES, activities and development in the UR zoning districts:

(a) Minimum Lot size:

i. The following minimum lot sizes shall apply:

- 1. Site having neither public water or public sewer – one acre.*
- 2. Sites having public water, but no public sewer – 8000 square feet.*

3. Sites having both public water and public sewer – 5000 square feet, except a twofamily duplex which requires 8000 square feet.

4. Dwelling unit density shall not exceed one unit per minimum lot size, except each additional attached dwelling unit requires 1200 additional square feet above the minimum lot size.

(b) Setbacks:

i. Front Setback: 20 feet.

ii. Side and Rear Set-Back: The side and rear setback shall be a minimum of 5 feet unless the side or rear yard is adjacent to a street or road (corner lot) the minimum setback shall be 15 feet from that street or road.

iii. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

(c) Building Height - Maximum Building height is 35 feet. However, 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.

(d) Density or Size limits -

i. Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance.

ii. If lawfully created parcels are less than one acre in size and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.

[...]

(6) Industrial (IND) and Airport Operations (AO) - The following siting standards apply to all USES, activities and development within the IND and AO zoning districts.

(a) Minimum lot/parcel size –

i. No minimum lots size standard for this zone.

ii. Minimum street frontage and minimum lot width is 20 feet.

(b) Setback -

i. Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts.

ii. *Setback exception* – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

(c) *Building Height* - does not have any 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 feet, the maximum building height would be 40 feet). However, 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 added. Such over height object shall not be used for advertising of any kind.

(d) *Building Density or Size limits* –

i. For building or buildings located within an Unincorporated Community Boundary as adopted by the Coos County Comprehensive Plan Volume 1 Part 2 § 5.5 the following square foot requirements apply:

1. Urban Unincorporated Community shall not exceed 60,000 square feet of floor space;
or

2. Rural Unincorporated Community shall not exceed 40,000 square feet of floor space.

(e) *Design Standards:*

i. The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;

ii. *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 Rural Residential, Urban Residential or Controlled Development Zoning districts.

iii. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;

iv. Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and

v. Hours of operation may be required in areas predominantly surrounded by residential zones.

Subject Property is served by City Water (Coos Bay-North Bend Water Board), but not City sewer (the surrounding properties are on septic systems).

The development standards which apply in this case:

Minimum Lot Size: The lot size standard would shift from a minimum of 8,000 square feet (or a maximum of 2 lots, for the approximately 18,000 square foot Subject Property), to a minimum lot width of 20 feet (or 7 lots for the approximately 120-foot wide Subject Property).

Building Density: The building density would shift from 1 dwelling unit per 8,000 feet (or 2 dwelling units total), to a building density which would encompass the lot(s), up to the 5-foot front, side and rear setbacks.

Setbacks: The setback standard would shift from 20 feet in the front yard and 5 on the sides and rear, to 5 feet on all sides.

Building Height: The maximum building height would shift from 35 feet to 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet.

The applicant has contacted the water service provider (Coos Bay–North Bend Water Board), requesting an assessment of whether, if the parcel were to be divided into the maximum allowable 7 lots permitted by the CCZLDO, if services could be provided to this property without any adverse impacts to services.

City sewer is not available on Subject Property at present.

It is important to note here: while the above CCZLDO Industrial development standards would technically apply to Subject Property, subdividing the property into the allowable 7 lots and maximizing building density would be impractical and detrimental to the property's value, considering the slopes, access/circulation, and the designated wetland area on Subject Property.

Attachment B



STAFF REPORT

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

MATTER DETAILS – AGENDA ITEM IV. A

FILE NUMBERS: AM-20-01/RZ-20-001

APPLICANT: Scott Johnson, Coast Utility & Excavation
coastutility@hotmail.com

CONSULTANTS: Hailey Sheldon, Sheldon Planning
hailey@sheldonplanning.com

SUMMARY PROPOSAL: Rezone from Urban Residential-2 (UR-2) to Industrial (IND)

STAFF CONTACT: Amy Dibble, Planner II
adibble@co.coos.or.us

PUBLIC HEARING DATE: May 19, 2020 at 1:30 P.M.

HEARINGS BODY: Coos County Board of Commissioners

THIS MEETING MAY BE ATTENDED THROUGH THE GOTOMEETING PLAT FORM.

BOC -- AM-20-001/RZ-20-001 & AM-20-002/RZ-20-002/ACU-20-011
Tue, May 19, 2020 1:30 PM - 3:30 PM (PDT)

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Submission of Written Evidence

- a. Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- b. Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- c. E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- d. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.

- e. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]

Testimony shall be submitted by the deadline provided at the hearing or the close of the record.

STAFF REPORT FINDINGS OF FACT AND RECOMMENDATIONS

I. APPLICABLE CRITERIA:

The proposal is for an Amendment to the Coos County Comprehensive Plan Map and the Coos County Official Zoning Map by Rezoning the subject property from its current zoning designation of Urban Residential - 2 to Industrial subject to Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I Section 5.16 Industrial and Commercial Lands; Section 5.17 Housing; Volume I, Part II Section 4.4 Industrial Lands; Section 4.5 Housing Needs. Oregon's Statewide Planning Goals & Guidelines - no new exceptions are proposed at this time.

Key definitions:

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

INDUSTRIAL DEVELOPMENT: Any development for the purpose of accommodating an Industrial Use, which also includes accessory uses subordinate to the industrial development, and on-site sewer facilities to serve such an industrial development. Commercial, retail, or residential development is not authorized in an area zoned IND.

INDUSTRIAL USE: The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product, warehousing and associated trucking operations, wholesale trade, and related development.

URBAN UNINCORPORATED COMMUNITY: An unincorporated community which has the following characteristics: (a) include at least 150 permanent residential dwellings units; (b) contains a mixture of land uses, including three or more public, commercial or industrial land uses; (c) includes areas served by a community sewer system; and (d) includes areas served by a community water system

II. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** According to the application the property owner is seeking approval to rezone the subject property from Urban Residential - 2 (UR-2) to Industrial (IND). This requires a Plan Map Amendment.

B. BACKGROUND/PROPERTY HISTORY: The property owner is Coast Utility and Excavating and they are proposing to rezone the subject property which is an unimproved property zoned Urban Residential -2 (UR-2). The property owner would like to use the property to build a garage and shop to be utilized for their utility and excavating business. With the current zoning the property cannot be utilized in this manner.

- July 26, 1988 Zoning Compliance Letter VL-88-363 was issued authorizing siting of a single family dwelling or a mobile home that would be used for a home occupation.
 - This dwelling and home occupation was never sited.
- December 6, 2004 Zoning Compliance Letter ZCL-04-665 was issued providing authorization to have a septic site evaluation performed only.
- August 8, 2019 – A Pre-Application Meeting Request Form was submitted to discuss the possibility of rezoning the property from Urban Residential – 2 to Industrial (IND).
 - The pre-application meeting was held on October 28, 2019
 - There were no concerns with the proposed rezone.

III. BASIC FINDINGS:

A. SUBJECT PROPERTY INFORMATION:

Account Number: 4658100
Map Number: 26S1302AD-05800

Property Owner: COAST UTILITY & EXCAVATING LLC
699 N MORRISON ST
COOS BAY, OR 97420-3465

Situs Address: None

Acreage: 0.41 Acres

Zoning: URBAN RESIDENTIAL-2 (UR-2)

Special Considerations: FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
URBAN UNINCORPORATED COMMUNITY (UUC)

B. LOCATION: The subject property is located south of the City of Coos Bay within the urban unincorporated community of Bunker Hill accessed off Lorain Lane. At this time there is no situs address established for this unit of land.

C. LAWFULLY CREATED UNIT OF LAND: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation. Prior to

1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, see Deed Document 82-15901. Additionally this property consists of Lots 23-28 of Block 53 of the Bay Lots 1st Addition subdivision.

D. ZONING: - This property is zoned Urban Residential - 2 (UR-2).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Urban Residential (UR)

There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

Industrial (IND)

The intent of the Industrial designation applies to sites potentially needed for industrial development. Use of the designation is not restricted to urban growth areas.

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, as consistent with the Comprehensive Plan.

E. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

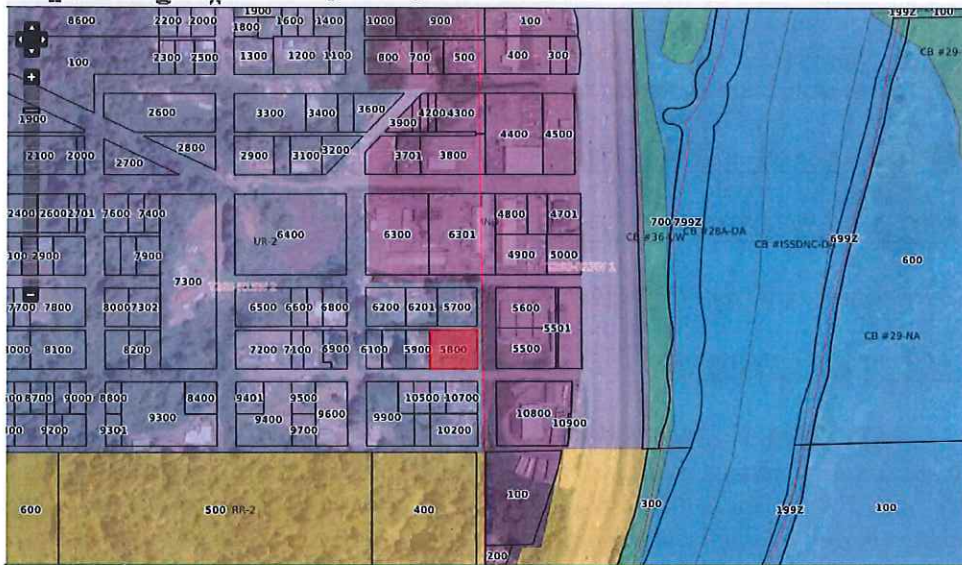
SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance

of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does include inventoried Special Development Consideration and/or Overlay. These will be addressed at such time that development is proposed.

- F. **SITE DESCRIPTION AND SURROUNDING USES:** The subject property is zoned Urban Residential -2 (UR-2) contains approximately 0.41 acres and is undeveloped.

The adjacent properties to the north, west, and south are zoned UR-2 contain residential development. The adjacent property to the east is zoned Industrial (IND) and contains industrial improvements. The subject property is in close proximity to Oregon State Highway 101, with several IND zoned properties running adjacent to the highway that have industrial businesses operating on them.



G. **COMMENTS:**

Staff was required to provide notice to property owners within 500 feet of the subject property, notice was mailed on April 9, 2020 and published in The World Newspaper on April 27, 2020 and May 9, 2020.

- a. **PUBLIC AGENCY:** Staff provided a 35-day post acknowledgment plan amendment (PAPA) notice to Department of Land Conservation and Development (DLCD). This notice is required 35 days prior to the first evidentiary hearing. DLCD has not responded.

Notice of the hearing was provided in accordance with Chapter V and there have been no public agency comments received.

- b. **PUBLIC COMMENTS:** The notice of hearing was provided to surrounding property owners within required notification range. This rezone does not authorize any development at this time so notice to Department of State Lands was not required. There have been no public comments received.

c. **LOCAL TRIBE COMMENTS:** The local tribes were not required to be notified of this proposal.

H. **NOTICE REQUIREMENT:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

I. **REVIEW PERIOD:** This application was submitted on January 31, 2020. Staff did request additional information that was received on February 26, 2020. This matter was originally scheduled for April before the Planning Commission but due to unforeseen circumstances was rescheduled to May 7, 2020. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

IV. FINDINGS AND CONCLUSIONS:

AMENDMENT / REZONE CRITERIA

Coos County Zoning and Land Development Ordinance (Ordinance)

- ARTICLE 5.1 REZONES

- **SECTION 5.1.200 REZONES:**

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

- **SECTION 5.1.220 PROCESS FOR REZONES:**

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*

2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

• **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*
 - b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
 - 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.*
3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

• **SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

Recommended Finding: Staff has reviewed the proposal and investigated the change in zoning and if it would be compatibility with this Ordinance and any other findings required. The property is zoned Urban Residential-2 but was not included in the listed inventory for housing (see Appendix I, Section 4.5.5 of the Housing Study) because of the environmental risk. The property is partially covered with wetlands and flood plain limiting development. The property is located south of the City of Coos Bay and within Urban Unincorporated Community of Bunker Hill.

Staff reviewed the surrounding uses and how a change in allowed uses could be made compatible. The rezone will not interfere with the permitted uses occurring on the surrounding properties as the property is in an area where there area mix of industrial and residential uses occurring. The surrounding industrial uses dominate the character of the neighborhood as Oregon State Highway 101 (Hwy 101) is approximately 330 feet to the east and the subject property is accessed off of Lorain Lane via Hwy 101. The applicant makes a statement that while the *2018 Housing Analysis and Action Plan for Coos County* shows significant areas of residential unimproved land in Bunker Hill which is correct but fails to understand that this property was not part of the inventory because of the wetlands (hazards overlay issues). OAR 660-008-005 explains that Buildable Lands for residential use cannot be constrained by natural hazards as determined under Statewide Planning Goal 7, subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18, cannot have slopes of 25% or greater, be within a 100-year flood plain; and shall be provided with public services. This property has floodplain, wetlands and even though it is within an urban unincorporated community is not served by public sewer. Given the limitation of development part of the property there is still some area that could be developed. The applicant would like to rezone the property to IND to allow his business to be sited on the portion that is outside of the flood plain.

The applicant describes the development as a garage/shop for storage for the property owner's utility and excavation business. While the proposal is for a low-impact industrial use, the Planning Commission and Board of Commissioners shall take into consideration the allowed uses within the Industrial zoning district and the potential for those allowed use to occur and may conditional (or add qualifiers) to the rezone to limit industrial use to low impact uses.

Given the surrounding uses and limitations on development, Staff recommended that the rezone will conform to the comprehensive plan.

The subject property is neither Agricultural Land nor Forest Land, nor is it predominantly Class I-IV soils or capable of 5000 cubic feet of commercial tree species. Additionally, the property is not of a size that would support timber production or agricultural uses and is not surrounded by resource zoned properties. The property already had an general exception and proven to be non-resource land.

Access will need to be determined for an approval of any industrial development but the access will not affect the rezone. The streets are platted in this area Any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

Staff has reviewed the housing portions of Volume I Part I and II of the Coos County Comprehensive Plan and confirmed that this particular land was part of the original 1986 area reserved for residential but was not included in the 2019 buildable lands inventory and is not required to be protected for housing. Furthermore, given the population and amount of lands that are vacant that meet the criteria of residential buildable lands Coos County does not suffer for enough land dedicated for residential purposes, especially in this area.

Staff did review the Volume 1 Part 1 and II for regarding industrial inventory. That is explained more in the next section but given that this residential zone abuts industrial and has a portion that could be developed seems to make sense to allow this rezone.

Staff recommended the Hearings Body find that this application proposal meets the requirements of Article 5.1 based on the findings in this staff report.

- PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on May 7, 2020 and made the recommendation to the Board of Commissioners to adopt the Amendment / Rezone as presented without modifications.

The Planning Commission found that due to the size of the property and the impacted areas from the Flood Hazards and Wetlands only a small portion of the property would be available for development; therefore, additional limitations were not necessary to ensure this industrial development remains small and compatible with surrounding uses.

Wetland Map: Red area is the subject property: Wetland shown in dark green on the property.



X,Y: -13825836, 5364593 Lat, Lon: 43.345, -124.200 USNG: 10T DN 027709 997977

1:1693

Flood Hazard Map: Subject property shown in red. Flood hazard layer in blue dots.



COOS COUNTY COMPREHENSIVE PLAN

Volume I Part I

- **Section 5.16 - Industrial and 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

1. A poor transportation network, rugged topography, and relative isolation, when combined with private land-banking by large companies, result in a seriously constricted supply of suitable industrial sites.

What can the County do to increase the availability of suitable industrial land?

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.

What can the County do to protect its scarce industrial sites and still comply with state goals?

3. High interest rates and escalating costs of land and facility infrastructure have made it increasingly difficult to realize viable economic development projects. These escalating costs often make development prohibitively expensive.

What can Coos County do to lessen the financial strain of economic development?

○ PROBLEM/OPPORTUNITY STATEMENT

Coos County currently experiences a "trade drain" where local income is spent outside the County for goods and services. Growth projections suggest a reduction in this trade drain, which means that a larger relative proportion of land must be provided to meet the future needs of new and existing businesses.

○ ISSUES

1. Commercial business activities are generally considered to be urban uses. However, some retail operations have traditionally been conducted in rural Coos County in order to serve the business needs of farmers (grain, supplies, etc.) as well as the convenience shopping needs of nearby rural residents (gas stations, groceries, taverns, etc.). Some of these rural, commercial uses are located with "rural centers", while others are "dispersed."

What can the County do to ensure sufficient commercial sites appropriate for both urban and rural areas?

2. Many Coos County residents supplement their income by using a portion of their dwellings for small businesses. Planning jargon typically defines these residential businesses as "home occupations". In some cases, the business occupies structures other than, or in addition to, the dwelling. This type of residential business is usually referred to as a "cottage industry". However, apparent intrusion of commercial uses in a residential area can have harmful effects on the residential neighborhood.

What measures can the County take to encourage these Home Occupations and Cottage Industries while protecting the integrity of residential areas?

○ GOAL

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

o 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.
2. Coos County, "an active participating member of the Coos, Curry Douglas Economic Improvement Association (CCD-EIA), shall sanction and support the economic development efforts of that regional organization, recognizing that regional problems are best resolved by a cooperative regional economic development program." ¹
3. Coos County shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee, recognizing that these regional strategies constitute a coordinated program targeted at resolving impediments to the area's economic development potential as identified by the CCD-EIA.
4. Coos County shall ensure that adequate urban commercial land is designated within cities and urban growth areas as necessary to meet future needs for urban commercial uses.
 - i. This strategy shall be implemented in two ways:
 - a) Through coordinated urban growth boundary negotiations with cities; and
 - b) Through use of the "Controlled Development" designation as a complementary device to the "Commercial" designation.
 - ii. This strategy is based on the recognition:
 - a) that Coos County has coordination responsibilities;
 - b) that the Controlled Development designation is necessary and appropriate to guide land use decisions in certain urban growth areas that are experiencing a conversion of land in residential areas to commercial use.
5. Coos County shall: (1) permit limited expansion of commercial uses in Rural Centers, (2) designate existing dispersed rural commercial businesses as uses permitted outright, (3) allow neighborhood convenience stores as a conditional use in areas designated Rural Residential, and (4) shall permit rezoning of an appropriately sized parcel of land to "Rural Center" if it is contiguous with the existing center and findings made that there is no suitable vacant site within it for the proposed use. Furthermore, upon an action to approve the rezone, the County shall amend the Comprehensive Plan map designation to correspond to the new zone. This strategy shall be realized through implementing zoning measures. The limited area extent of some of the existing dispersed rural commercial uses shall enjoy the benefits of a plan designation as commercial. Implementation of (3) above shall include a public hearing for the purpose of considering proposed changes to the Comprehensive Plan map and zoning ordinance.

This strategy recognizes: (1) that commercial expansion within Rural Centers may be necessary to provide neighborhood shopping to the residents of rural centers and surrounding areas, as well as providing limited traveler services for tourists, (2) that a "commercial" designation rather than a "non-conforming use" designation (grandfathering) is necessary to ensure that the integrity of these existing dispersed rural commercial uses is given maximum protection, and (3) that rural centers may not contain

¹ Coos Bay Draft Comprehensive Plan

suitable vacant land for proposed uses, and that expansion of rural center is appropriate in such cases.

6. *RESERVED*

7. *RESERVED*

8. *Coos County shall designate as Commercial or Industrial all parcels legally established and currently in use as commercial or industrial, recognizing that a commercial or industrial designation rather than a non-conforming use designation ("grandfathering") is necessary and appropriate to give maximum protection to the integrity of existing uses.*

Recommended Finding: The application stated that the subject property is located within an exception area for industrial, commercial, and residential, in order to maintain an adequate inventory of lands suitable for the aforementioned uses outside of the Urban Growth Area. This exception was made due to the availability of services and the proximity to Oregon State Highway 101.

While the statements regarding the exception area may not be completely correct, as the property is not part of the commercial or industrial exception area, it does abut land that was part of the industrial inventory. Industrial lands are limited in urban areas and opportunities for small industrial developments are limited due to the price of Industrial Lands. Currently there is no small units of land that are undeveloped and zoned industrial in this immediate area that would work for a small industrial business as proposed. The subject property is located on the border of properties zoned Industrial and developed and utilized as such. Additionally, the property has remained undeveloped for residential or any other purpose due to market and development limitation. The applicant states that the location, size, and geological features make the subject property unlikely to be developed for residential uses, thus proposing to making the property available for industrial use instead of allowing to remain zoned for residential purposes.

Staff suggests the Hearings Body should find that the proposal meets the criteria to be zoned and inventoried as industrial lands as it seems to meet the purpose "IND" district because it will provide help to supply an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" designation is appropriate for industrial parcels that are needed for development, as consistent with the Comprehensive Plan.

Staff does not find it necessary to add conditions of approval regarding this proposal because the size and overlays will ultimately limit the use of the property to a small industrial use.

Therefore, Staff and the Planning Commission both recommend to the Board of Commissioners approval of the proposal.