



## NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

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

Date of Notice: June 7, 2019

File No: ACU-19-002/FP-19-001

RE: Request for a land use authorization for trenching for the purpose of installing fiber/conduit and to make modifications to the existing telecommunications facility.

Applicant(s): Lynx Consulting for AT&T  
Aileen Zavales  
17311 135<sup>th</sup> Ave. NE, Suite A-100  
Woodinville, WA 98072

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of a person named in the affidavit to receive the notice shall not invalidate an ordinance. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.”**

The requested proposal has been  Approved  Deny subject to the findings to the criteria found in Exhibit A. The decision is based on findings and facts represented in the staff report.  
**Subject Property Information**

Account Number: 310100  
Map Number: 25S130400-00300

Property Owner: ROSEBURG FOREST PRODUCTS CO.  
3660 GATEWAY ST  
SPRINGFIELD, OR 97477-6010

Situs Address: 66237 JORDAN COVE RD NORTH BEND, OR 97459  
66425 JORDAN COVE RD NORTH BEND, OR 97459

Acreage: 228.88 Acres

Zoning: COOS BAY ESTUARY MNGMT PLAN (CBEMP)

**Notice shall be posted from June 7, 2019 until 12:00 pm on June 24, 2019**

DEVELOPMENT AQUATIC (06-DA)  
DEVELOPMENT SHORELANDS (07-D)  
NATURAL AQUATIC (07-NA)  
WATER DEPEND DEVELOPMT SHORLNDS (06-WD)

Special Considerations: AIRPORT - NORTH BEND - HORIZONTAL SURFACE (NBHS)  
AIRPORT - NORTH BEND - RUNWAY PROTECTION ZONE (NBRPZ)  
ARCHAEOLOGICAL SITES (ARC)  
FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)

Proposal: Request for Planning Director approval to allow a trenching project for the purpose of installation of fiber/conduit and modifications to an existing telecommunications facility within the Coos Bay Estuary Management Plan (CBEMP) segments 6-Water-Dependent Development Shorelands (6-WD) meets the criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) § 3.1.450 Supplemental Provisions that Apply to all Zoning Listed in Article 3 – Accessory Uses; Policy #17 – Protection of “Major Marshes” and “Significant Wildlife Habitat” in Coastal Shorelands; Policy #18 – Protection of Historical, Cultural, and Archaeological Sites; Policy #23 – Riparian Vegetation and Streambank Protection; Policy #27 – Floodplain Protection within Coastal Shorelands; Policy #30 – Restricting Actions in Beaches and Dune Areas with “Limited Development Suitability” and Special Consideration for Sensitive Beaches and Dune Resources; § 4.11.235 - Floodplain – Establishment of Development Permit; § 4.11.251 - Floodplain – General Standards; § 4.11.252 - Floodplain – Specific Standards; § 4.22.400 – Southwest Oregon Regional Airport; § 4.11.405 – Purpose; 4.11.410 - Permitted Uses; § 4.11.415 - Conditional Uses; § 4.11.425 – Imaginary Surface and Noise Impact Boundary Delineation; § 4.11.430 – Notice of Land Use, Permit Applications and Overlay Zone Boundary Delineation; § 4.11.430 – Notice of Land Use Permit Applications and Overlay Zone Boundary or Surface Changes Within Overlay Zone Area; § 4.11.435 Height Limitations on Allowed Uses in Underlying Zones; § 4.11.440 – Procedures; § 4.11.445 – Land Use Compatibility Requirements; § 4.11.455 – Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces, and Airport Direct and Secondary Impact Boundaries; and Section 4.11.460 Nonconforming Uses that Apply to the Southwest Oregon Airport Overlay.

Decision: This request meets the criteria subject to conditions of approval found at Exhibit A. **Approval** is based on findings and facts represented in the staff report.

---

This notice is to serve as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest regarding the following land use application. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice

may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

The application, staff report and any conditions can be found at the following link:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2016.aspx>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 12 P.M. on June 24, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: *Amy Dibble* \_\_\_\_\_ Date: June 7, 2019  
Amy Dibble, Planner II

Authorized by: *Jill Rolfe* \_\_\_\_\_ Date: June 7, 2019  
Jill Rolfe, Planning Director

**EXHIBITS**

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map

**The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website:**<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2016.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: Staff Report  
Exhibit D: Comments received

## **EXHIBIT "A"**

The applicant(s) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicant(s) and that the applicant(s) are not acting as an agent of the county. If the applicant(s) fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### **CONDITIONS OF APPROVAL**

1. The applicant shall comply with comments found at Exhibit D.
2. The applicant shall submit an elevation certificate for the project area. If the elevation certificate shows that the project area is below the base flood elevation then a certification from a licensed engineer shall be required stating that the "other development" shall not Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or, result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway. This certification shall include the study as to how the this was determined.
3. The applicant shall obtain a Zoning Compliance Letter once the appeal deadline has expired

**EXHIBIT "B"**  
**Vicinity Map**



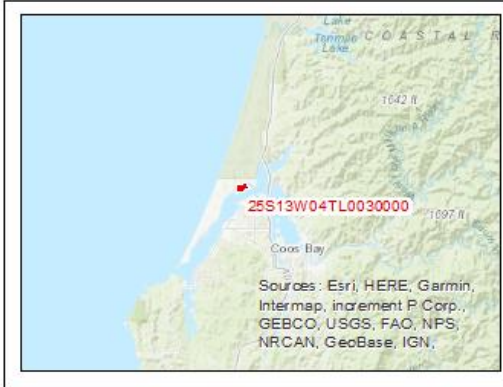
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

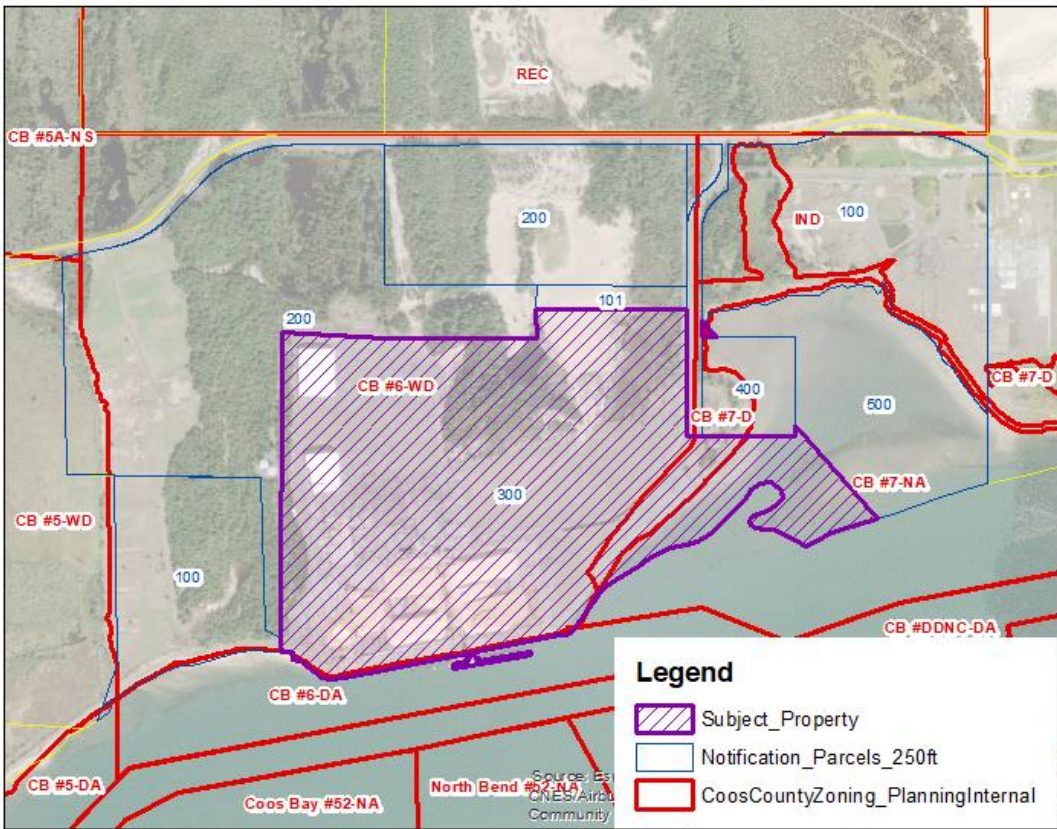
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File:	ACU-19-002/FP-19-001
Applicant/ Owner:	Lynx Consulting/ Roseburg Forest Products
Date:	April 18, 2019
Location:	Township 25S Range 13W Section 04 TL 300
Proposal:	Administrative Conditional Use/ Floodplain



**EXHIBIT "C"**  
**Staff Report**

File Number: ACU-19-002/FP-19-001

Account Number 310100  
Map Number 25S130400-00300

Property Owner ROSEBURG FOREST PRODUCTS CO.  
3660 GATEWAY ST  
SPRINGFIELD, OR 97477-6010

Situs Address 66237 JORDAN COVE RD NORTH BEND, OR 97459  
66425 JORDAN COVE RD NORTH BEND, OR 97459

Acreage 228.88 Acres

Zoning COOS BAY ESTUARY MNGMT PLAN (CBEMP)  
DEVELOPMENT AQUATIC (06-DA)  
DEVELOPMENT SHORELANDS (07-D)  
NATURAL AQUATIC (07-NA)  
WATER DEPEND DEVELOPMT SHORLND (06-WD)

Special Considerations AIRPORT - NORTH BEND - HORIZONTAL SURFACE (NBHS)  
AIRPORT - NORTH BEND - RUNWAY PROTECTION ZONE (NBRPZ)  
ARCHAEOLOGICAL SITES (ARC)  
FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)

---

**Reviewing Staff:** Amy Dibble, Planner II  
**Date of Report:** June 7, 2019

**I. PROPOSAL**

Request for Planning Director approval that a trenching project for the purpose of installation of fiber/conduit and modifications to an existing telecommunications facility within the Coos Bay Estuary Management Plan (CBEMP) segments 6-Water-Dependent Development Shorelands (6-WD) meets the criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) § 3.1.450 Supplemental Provisions that Apply to all Zoning Listed in Article 3 – Accessory Uses;; Policy #17 – Protection of “Major Marshes” and “Significant Wildlife Habitat” in Coastal Shorelands; Policy #18 – Protection of Historical, Cultural, and Archaeological Sites; Policy #23 – Riparian Vegetation and Streambank Protection; Policy #27 – Floodplain Protection within Coastal Shorelands; Policy #30 – Restricting Actions in Beaches and Dune Areas with “Limited Development Suitability” and Special Consideration for Sensitive Beaches and Dune Resources; § 4.11.235 - Floodplain – Establishment of Development Permit; § 4.11.251 - Floodplain – General Standards; § 4.11.252 - Floodplain – Specific Standards; § 4.22.400 – Southwest Oregon Regional Airport; § 4.11.405 – Purpose; 4.11.410 - Permitted Uses; § 4.11.415 - Conditional Uses; § 4.11.425 – Imaginary Surface and Noise Impact Boundary Delineation; § 4.11.430 – Notice of Land Use, Permit Applications and Overlay Zone Boundary Delineation; § 4.11.430 – Notice of Land Use Permit Applications and Overlay Zone Boundary or Surface Changes Within Overlay Zone Area; § 4.11.435 Height Limitations on Allowed Uses in Underlying Zones; § 4.11.440 – Procedures; § 4.11.445 – Land Use Compatibility Requirements; § 4.11.455 – Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces, and Airport Direct and Secondary Impact Boundaries; and Section 4.11.460 Nonconforming Uses that Apply to the Southwest Oregon Airport Overlay.

File Number: ACU-19-002/FP-19-001

## II. BACKGROUND INFORMATION

The development on this property consists of industrial development (known as Roseburg Forest Products Chip Facility), a dock, and a telecommunication tower that is located on top of Roseburg Forest Products loading tower and loading boom.

- September 10, 1984 Staff received a Division of State Lands Waterway Project Permit Review. This was for construction of a barge slip. The primary purpose was to moor barges for loading. This required dredging, disposal of dredged materials, and riprap. This proposal required an Administrative Conditional Use (ACU) review and was assigned the application number of ACU-84-22.
  - September 12, 1984 Staff issued a decision approving the application.
- February 9, 1993 Staff received a Site Plan (SP) application for an industrial facility. This proposal required a Hearings Body Conditional Use and the application numbers assigned were HBCU-93-02/SP-93-01. The proposal was to establish a station for the collection, transfer, loading, and transporting by way of the railroad. The majority of this plan was proposed to take place on tax lot 400 with an optional addition that would take place on 300.
  - April 1, 1993 Staff sent notice that the application was approved with conditions.
  - April 23, 1993 the decision was final.
- March 30, 1992 Roseburg Forest Products submitted a Land Use Compatibility Statement (LUCS) for new stormwater discharge.
  - April 14, 1992 staff signed LUCS.
- August 30, 2002 Staff sent a request for comments to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians stating that Roseburg Forest Products was proposing to place riprap along the waterfront for erosion purposes.
  - September 23, 2002 the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians responded requesting that they be contacted after September 30, 2002 to arrange a site monitor during ground disturbing activity. They requested thirty days notice.
  - September 24, 2002 Staff sent a letter to Roseburg Forest Products Co. informing them that they had received comments from the Confederated Tribes of the Coos, Lower Umpqua, Siuslaw Indians and let them know what those comments consisted of.
- January 17, 2003 An Administrative Conditional Use application was received for bank erosion control and to protect the paved road by replacing rip rap.
  - January 24, 2003 Staff returned the application stating that the applicant did not submit a consent form from the property owner and a floodplain application is required due to the fact that the rip rap would be placed within the 100-year floodplain.
- February 10, 2003 An Administrative Conditional Use and Floodplain application (ACU-03-05/FP-03-01) was submitted for replacement of rip rap for bank erosion and protection of paved road.
  - February 27, 2003 a decision of approval was rendered and mailed.
  - March 14, 2003 Staff received no appeals to the decision therefore making this date the date of final decision.
- March 10, 2004 Staff received a copy of the State Warf Registration (26190-RG) approval addressed to Bob Rogers c/o Roseburg Forest Products from Oregon Department of State Lands.
- October 10, 2005 Staff received a Land Use Compatibility Statement from Stuntzner Engineering and Forestry, LLC on behalf of the Oregon International Port of Coos Bay for installation of a rail spur within the Transpacific right-of-way.
- December 6, 2005 Staff received correspondence from Allen Porter, Eagle Consulting Group regarding co-locating antennas on an existing tower. The existing tower was being used as a loading tower. Staff informed Mr. Porter that the proposal would require a site plan because it would be a change in the use of the tower.
  - April 10, 2006 Staff received a site plan review application from Allen Porter, Eagle Consulting Group on behalf of Edge Wireless, LLC for a proposed wireless communications tower.



- April 10, 2006 Staff responded stating that the application was received however, the application was lacking required documents, a portion of the fee, and some of the criteria had not been addressed.
- April 11, 2006 Staff informed Mr. Porter that after discussion with the Planning Director a site plan would not be necessary as they are proposing to co-locate on an existing structure and utility facilities are permitted within the portion of the Coos Bay Estuary Management Plan in which the property is located. Staff had determined the impact to be minimal. Staff explained that a letter from the North Bend Airport manager stating that there were no objections to the proposal would be required. The site plan application and fee were returned.  
Zoning Compliance Letter ZCL-06-198 was drafted providing clearance to locate antenna on the existing structure. The existing development indicated is the industrial Roseburg Forest Facility. This was sent to the applicant for signature.
- April 21, 2006 Mr. Reed signed and returned ZCL-06-198 and was received by the Planning Department on April 21, 2006.
- March 1, 2006 an address application was submitted from Edge Wireless for the telecommunications tower.
- March 7, 2006 A new address notification was sent out by staff assigning the tower an address of 66425 Jordan Cove Rd.
- October 16, 2012 Staff noted that pursuant to LOMA case # 12-10-1228A a portion of this property was removed from the floodplain.
- October 25, 2012 Staff received a request for a Zoning Compliance Letter from Lexcom on behalf of AT&T to make modifications to the existing telecommunication structure.
  - November 8, 2012 Zoning Compliance Letter (ZCL-12-202) was drafted and emailed to Reid Stewart of Lexcom providing clearance to modify the existing telecommunications tower by adding a three antennas, generator and small utility cabinets at the platform of the tower without increasing the height or footprint of the tower or lease site.
  - January 8, 2013 staff received the signed Zoning Compliance Letter from Mr. Stewart and was finalized by staff.
- September 3, 2013 Staff received a US Army Corp of Engineers Joint Permit Application Form (JPA) and submitted by Roseburg Forest Products for repair of the fendering system at the Roseburg Forest Product Chip loading dock.
  - December 9, 2013 staff received certification from Ralph Dunham, Stunzner Engineering & Forestry LLC, stating that the proposal will not cause a cumulative rise of more than one foot during the occurrence of the base flood discharge.
  - December 13, 2013 Staff signed the JPA stating that the project is consistent with the comprehensive plan and land use regulations.
- October 22, 2014 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form submitted by Roseburg Forest Products for replacement of two (2) broken wooden creosote pilings stating that the project is consistent with the comprehensive plan and land use regulations.
- November 20, 2014 Zoning Compliance Letter (ZCL-14-304) was issued providing clearance to dispose of 4000-4500 cubic yards of dredge material in the industrial zoned portion of the property. Further stating that the dredge material will be placed outside of the floodplain.
- August 25, 2015 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form (SO-15-55) submitted by Tim Smith of West Coast Contractors on behalf of Roseburg Forest Products for repair of the existing dock. Staff signed stating that the project is consistent with the comprehensive plan and land use regulations
- November 31, 2015 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form (SO-15-61) submitted by Roseburg Forest Products for installation of piling to hold a floating dock assembly for berthing the Coos County Sheriff Department Marine Vessel and Roseburg Forest Products spill response boat. Staff signed stating that the project is consistent with the comprehensive plan and land use regulations.



- June 20, 2016 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form (SO-16-018) submitted by Roseburg Forest Products Coos Bay Shipping Terminal for emergency repair of the existing fendering system at the Coos Bay Shipping Terminal. Staff signed stating that the project is consistent with the comprehensive plan and land use regulations.
- September 2, 2016 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form (SO-16-030) submitted by Roseburg Forest Products Coos Bay Shipping Terminal for construction of a cover over an open area of the dock for the purpose of capturing wood chips and preventing them from falling into the bay. Staff signed stating that the project is consistent with the comprehensive plan and land use regulations.
- January 26, 2017 Roseburg Forest Products Company submitted a Compliance Determination Application (CD-17-008) was submitted to expand the existing switchgear building by 300 square feet to accommodate new switchgear and required clearances/
  - April 18, 2017 staff issued a zoning compliance letter (ZCL-17-130) providing clearance to make the proposed expansion to the switchback building.
- April 3, 2017 Staff received and signed a US Army Corp of Engineers Joint Permit Application Form (SO-17-011) submitted by Roseburg Forest Products Coos Bay Shipping Terminal for replacement of a damaged piling. Staff signed stating that the project is consistent with the comprehensive plan and land use regulations.
- June 12, 2018 An Administrative Conditional Use Application (ACU-18-031) was submitted by Roseburg Forest Products proposing to site a transload facility to support the Coquille Plywood mill with the potential of supporting additional industrial businesses.
  - July 27, 2018 Staff mailed the Staff Report and Notice of Decision.
    - August 13, 2018 There were no appeals received; therefore, the decision is deemed final as of this date.
  - September 14, 2018 A Zoning Compliance Letter (ZCL-18-206) was issued providing clearance to site a transload facility as approved through ACU-18-031.

The majority of the property is located outside of the floodplain; however, the portions that are within the floodplain are located within the Special Flood Hazard Area (SFHA) Flood Zone AE, which has a Base Flood Elevation (BFE) 12 feet.

### III. PROPERTY DESCRIPTION AND PROPOSAL

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created parcel (Deed Doc No. 67-17765) pursuant to CCZLDO § 6.1.125.8 as it was described by legal description conveying real property prior to 1986.

**LOCATION:** The subject property is located north of the City of North Bend at 66237/66425 Jordan Cove Road.

**PROPOSAL:** Request for Planning Director approval that a trenching project for the purpose of installation of fiber/conduit and modifications to an existing telecommunications facility within the Coos Bay Estuary Management Plan (CBEMP) segments 6-Water-Dependent Development Shorelands (6-WD) meets the criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) § 3.1.450 Supplemental Provisions that Apply to all Zoning Listed in Article 3 – Accessory Uses;; Policy #17 – Protection of “Major Marshes” and “Significant Wildlife Habitat” in Coastal Shorelands; Policy #18 – Protection of Historical, Cultural, and Archaeological Sites; Policy #23 – Riparian Vegetation and Streambank Protection; Policy #27 – Floodplain Protection within Coastal Shorelands; Policy #30 – Restricting Actions in Beaches and Dune Areas with “Limited Development Suitability” and Special Consideration for Sensitive Beaches and Dune Resources; § 4.11.235 - Floodplain – Establishment of Development Permit; § 4.11.251 - Floodplain – General Standards; § 4.11.252 - Floodplain – Specific Standards; § 4.22.400 – Southwest Oregon Regional Airport; § 4.11.405 – Purpose; 4.11.410 - Permitted Uses; § 4.11.415 - Conditional Uses; § 4.11.425 – Imaginary Surface and

Noise Impact Boundary Delineation; § 4.11.430 – Notice of Land Use, Permit Applications and Overlay Zone Boundary Delineation; § 4.11.430 – Notice of Land Use Permit Applications and Overlay Zone Boundary or Surface Changes Within Overlay Zone Area; § 4.11.435 Height Limitations on Allowed Uses in Underlying Zones; § 4.11.440 – Procedures; § 4.11.445 – Land Use Compatibility Requirements; § 4.11.455 – Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces, and Airport Direct and Secondary Impact Boundaries; and Section 4.11.460 Nonconforming Uses that Apply to the Southwest Oregon Airport Overlay.

• **IV. APPROVAL CRITERIA & FINDINGS OF FACT**

**ACCESSORY USE:** *A use, building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use.*

**“DEVELOPMENT”** *means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining; dredging; filling; grading; paving; excavation or drilling operations; or storage of equipment or materials located within the area of special flood hazard. (Definition from § 4.11.220)*

**“Horizontal surface”** *means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:*

- a. *Five thousand feet for all runways designated as utility;*
- b. *Ten thousand feet for all other runways;*
- c. *The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.*

**“Runway protection zone (RPZ)”** *means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:*

- a. *One thousand feet for utility runways;*
- b. *One thousand seven hundred feet for other than utility runways having nonprecision instrument approaches;*
- c. *Two thousand five hundred feet for precision instrument runways.*

• **SECTION 3.1.450 Supplemental Provisions That Apply to all Zoning Listed in Article 3.**

5. *Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:*
  - a. *An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use;*
  - b. *The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;*
  - c. *The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;*

- d. *The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.[OR 91-05-006PL 7/10/91]*

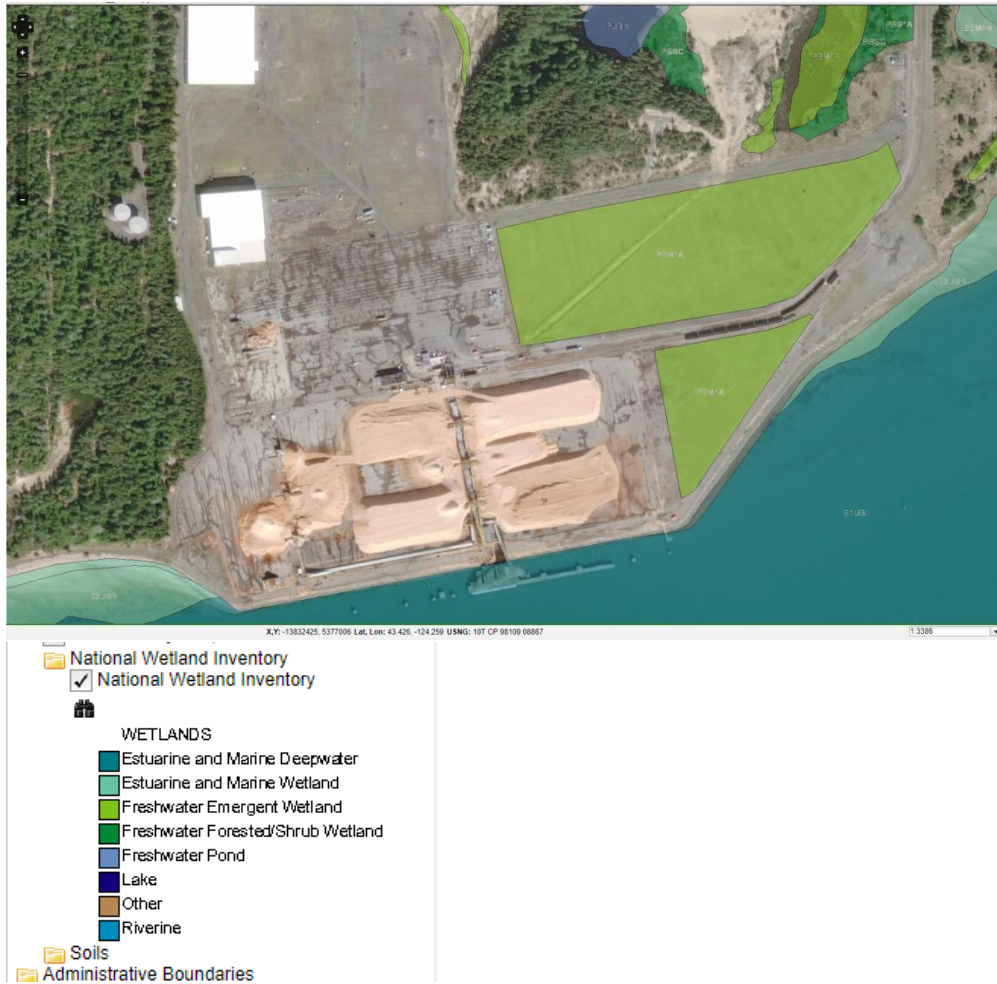
**Finding:** The proposal is to install 3100 linear feet of conduit starting at the far east end of the property where the existing fiber is located, then it will run under the existing railroad tracks, extend south to the shoreline and continue to run adjacent to the shoreline until it reached the existing site (the Roseburg Forest Products' loading tower/boom) and modifications to the existing telecommunications tower that co-exists on the tower/boom. The fiber conduit is accessory to the existing telecommunications facility that exists on Roseburg Forest Products' loading tower/boom. The installation of the telecommunication antennas on this structure was permitted through zoning compliance letter ZCL-06-198 and the proposed installation of the fiber conduit and the utility vaults along the conduit are accessory to the telecommunications tower. The installation will occur on the same parcel that the existing telecommunication facility is sited, this property is under Roseburg Forest Products ownership.

- #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

**Finding:** According to the Shorelands Value Inventory map the project will not cross any major marshes, freshwater wetlands, significant wildlife habitat, coastal headlands, aesthetic resources.

According to the national wetland layer the project will occur outside of any wetlands; however, the applicant shall comply with the requirements of the Department of State Lands, which may require a detailed plan of the project area so that they may determine whether the wetlands will be affected by the project. Since there are Inventoried National Wetlands located on the property, staff submitted a wetland notification to the Department of State Lands. Department of State Lands responded stating:

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in the wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.
- There was no project plan or area within the tax lot proposed for this project.
- Much of the site is already developed (graded, surfaced).
- Anything that has not been developed will require ground work (removal or placement of material) may require a wetland delineation.
- The northwest quarter of the parcel has wetlands, which were a delineation and approved in 2018, but that delineation has expired.
- The delineation did not include the entire tax lot.
- The western boundary, the east portion, and the southeast estuarine portion were not included.



- #18 Protection of Historical, Cultural and Archaeological Sites

**Finding:** Staff provided a request for comments to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe.

Courtney Krossman, Archaeologist Assistant for the Confederated Tribes of the Coos, Lower, Umpqua, and Siuslaw provided comments stating that the proposed work is in close proximity to known cultural resource sites and so may contain as yet unlocated cultural resources; therefore, they request they be contacted immediately if known or suspected cultural resources are encountered during work. They further request that they be given at least 72 hours notice prior to any ground disturbing activities, and that a staff person or designated member of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians be present during any ground disturbing activities.

The Coquille Indian Tribe did not provide any comments.

- #23 Riparian Vegetation and Streambank Protection

**Finding:** The property does not have any existing riparian vegetation along the shoreline where the proposal will occur. The property owner has made active attempts to prevent erosion along the shoreline by replacement of rip rap, approved through an Administrative Conditional Use (ACU-03-05/FP-03-01) in 2003.

- #30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

**Finding:** The proposal will take place outside any mapped beaches and dunes area; therefore, this policy does not apply to this proposal.

- #27 Floodplain Protection within Coastal Shorelands

**Finding:** The proposal includes trenching for the purpose of installation of PVC fiber conduit. The trenching will be approximately two (2) feet in depth to accommodate the four (4) inch PVC fiber conduit, they then will backfill with native or imported soil along the utility cautionary tape. They proposed to restore the original surface conditions to what they were prior to excavation. The trenching will start at the far northeast portion of the property, where there is existing conduit, then it will run under the existing railroad tracks, extend south to the shoreline and continue to run adjacent to the shoreline until it reached the existing site (the Roseburg Forest Products loading tower/boom).

The portion of the trenching project that will run adjacent to the shoreline is too close to the floodplain for staff to make the determination whether the project is above the base flood elevation. Therefore, the recognized implementing ordinance shall be applied. This will be addressed later in this staff report.

**OVERLAY ZONE:** FLOODPLAIN

**DESIGNATION:** /FP

#### SECTION 4.11.235 ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Floodplain Application Required

*A floodplain application shall be submitted and approved before construction or regulated development begins within any area of special flood hazard established in Section 4.11.232. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."*

2. Application

*An application shall be made on the forms furnished by the Planning Department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:*

- Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures which may be submitted by a registered surveyor;*
- Elevation in relation to mean sea level of floodproofing in any structure;*
- Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.11.252; and*
- Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.*

**Finding:** The proposal includes trenching for the purpose of installation of PVC fiber conduit. The trenching will be approximately two (2) feet in depth to accommodate the four (4) inch PVC fiber conduit, they then will backfill with native or imported soil along the utility cautionary tape. They proposed to restore the original surface conditions to what they were prior to excavation. The trenching will start at the far northeast portion of the property, where there is existing conduit,

then it will run under the existing railroad tracks, extend south to the shoreline and continue to run adjacent to the shoreline until it reached the existing site (the Roseburg Forest Products loading tower/boom).

The majority of this property (including the proposal) can be located on FEMA's Flood Insurance Rate Map (FIRM) panel no. 41011C0167E and is located within flood zone AE. The base flood elevation (BFE) indicated on the FIRM in the area in which the project will take place is 12 feet.

The portion of the trenching project that will run adjacent to the shoreline is too close to the floodplain for staff to make the determination whether the project is above the base floodplain. Since the burden of proof lies on the applicant staff will require that an elevation certificate be submitted for the project area, this will be made a condition of approval.

#### **SECTION 4.11.251 GENERAL STANDARDS**

*In all areas of special flood hazards, the following standards are required:*

\*

5. *Review of Applications*

*Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source [Section 4.11.243(2)], applications for structural development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

\*

7. *Other Development. Includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County's determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.*

*Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before "other development" may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer's certification that the "other development" shall not:*

- a. Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,*
- b. Result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.*

**Finding:** The proposal meets the definition of "other development" and includes trenching for the purpose of installation of PVC fiber conduit. The trenching will be approximately two (2) feet in depth to accommodate the four (4) inch PVC fiber conduit, they then will backfill with native or imported soil along the utility cautionary tape. They proposed to restore the original surface conditions to what they were prior to excavation. The trenching will start at the far northeast portion of the property, where there is existing conduit, then it will run under the existing railroad tracks, extend south to the shoreline and continue to run adjacent to the shoreline until it reached the existing site (the Roseburg Forest Products loading tower/boom).

The majority of this property (including the proposal) can be locate on FEMA’s Flood Insurance Rate Map (FIRM) panel no. 41011C0167E and is located within flood zone AE. The base flood elevation (BFE) indicated on the FIRM in the area in which the project will take place is 12 feet.

The portion of the trenching project that will run adjacent to the shoreline is too close to the floodplain for staff to make the determination whether the project is above the base floodplain. Since the burden of proof lies on the applicant staff will require that an elevation certificate be submitted for the project area, this will be made a condition of approval. If any portion of the project occurs below the BFE then the applicant will be required to submit a certification from a licensed engineer that the “other development” shall not Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or, result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway. This certification shall include the study as to how the this was determined.

#### **SECTION 4.11.252 SPECIFIC STANDARDS**

*In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 4.11.232, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.11.243(2), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:*

##### **2. Nonresidential Construction**

*New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;*
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.11.243(3)(b);*
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.11.252(1)(b);*
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below);*
- f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure; and*
- g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.*

**Finding:** The applicant’s are not proposing to site a residential or non-residential structure they are proposing to trench for the purpose of installation of PVC fiber conduit. The trenching will be approximately two (2) feet in depth to accommodate the four (4) inch PVC fiber conduit, they then will backfill with native or imported soil along the utility cautionary tape. They proposed to restore the original surface conditions to what they were prior to excavation. The trenching will start at the



far northeast portion of the property, where there is existing conduit, then it will run under the existing railroad tracks, extend south to the shoreline and continue to run adjacent to the shoreline until it reached the existing site (the Roseburg Forest Products loading tower/boom).

**Southwest Oregon Regional Airport (AKA: North Bend Municipal Airport)**

○ **SECTION 4.11.400 Southwest Oregon Regional Airport:**

*The Southwest Oregon Regional Airport is located within the City of North Bend; however, portions of the Approach, Transitional, Conical and the Horizontal Surfaces span into the Coos County's jurisdiction. The City of North Bend has adopted airport standards and Coos County is adopting the portions of those standards that apply to the Approach, Transitional, Horizontal and Conical Surfaces. The provisions listed below apply only to the Southwest Oregon Regional Airport Transitional, Horizontal and Conical Surfaces do not apply to AO zoning districts or airports as identified Sections 4.11.300 through 4.11.460.*

○ **SECTION 4.11.405 purpose:**

*The purpose of this overlay zone is to encourage and support the continued operation and vitality of the Southwest Oregon Regional Airport by establishing compatibility and safety standards to promote air navigational safety at such airport and to reduce potential safety hazards for persons living, working or recreating near the airport.*

○ **SECTION 4.11.410 Permitted Uses:**

*Except as restricted by Sections 4.11.400 through 4.11.460., in a District in which the /AS zone is combined, those uses permitted by the underlying district are permitted outright in the /AS FLOATING ZONE.*

**Finding: The proposal is permitted outright in the underlying district are permitted outright in the underlying zoning district as an accessory use.**

○ **SECTION 4.11.415 Conditional Uses:**

*Except as restricted by Sections 4.11.400 through 4.11.460, in a District with which the /AS is combined, those uses subject to the provisions of ARTICLE 5.2 (Conditional Uses) may be permitted in the /AS FLOATING ZONE.*

\*\*

○ **SECTION 4.11.425 Imaginary surface and noise impact boundary delineation:**

*The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface is delineated for the airport by the most current, and approved North Bend Municipal Airport master plan and airport layout plan, the airport master plan along with the associated maps and documents are made part of the official zoning map of the city of North Bend and Southwest Oregon Regional Airport Surface (NB/AS) Inventory Map for Coos County. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone.*

○ **SECTION 4.11.430 Notice of land use, permit applications and overlay zone boundary or surface changes within overlay zone area:**

*Except as otherwise provided herein, written notice of applications for land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use applications found in Article 5.0.*

- 1. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use application is located within 10,000 feet of the sides or ends of a runway.*
- 2. Notice of land use and limited land use applications shall be provided within the following timelines found in Article 5.0. Notice of the decision on a land use or limited land use*

*application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to land use or limited land use proceeding. An application is appealable and will follow the requirements of Article 5.8.*

3. *Notices are not required to be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:*
  - a. *Would only allow structures of less than 35 feet in height;*
  - b. *Involves property located entirely outside the approach surface;*
  - c. *Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and*
  - d. *Does not involve wetland mitigation, enhancement, restoration or creation.*
4. *Changes that affect the overlay zone boundaries or surfaces defined by this rule, which are proposed by the airport, shall be subject to Coos County review, modification and approval as part of the planning process outlined in this rule. Written notice of proposed changes that affect the overlay zone boundaries or surfaces, shall be provided to the Coos County by the airport in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.*

**Finding: Notification and the proposal was provided to the Oregon Department of Aviation. Mr. Jeff Caines, Aviation Planner/SCIP Coordinator for the Oregon Department of Aviation responded stating:**

- **It appears that the proposed upgrades will not increase the overall height of the existing structure;**
  - **If the associated upgrades do not increase the overall height of the structure then ODA will not require the applicant to file a FAA 7460-1 with the Department for further review.**
- **If the project does increase the height of the structure then ODA requests the following conditions of approval to be included as part of the record:**
  - **Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060<sup>1</sup> on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the structure will pose a hazard to aviation safety. A subsequent submittal may be required by FAA due to its location to the airport.**
  - **Marking lights, per FAA design, may be needed to identify the structure.**
  - **Coordination with the Southwest Regional Airport and the Southwest Regional Air Traffic Control tower may be needed to**

---

<sup>1</sup>738-070-0060

Notice of Construction or Alteration

(1) This rule requires each person proposing any kind of construction or alteration described in OAR 738-070-0070 to give adequate notice to the Director. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under OAR 738-070-0070.

(2) Notices received under this rule provide a basis for:

- (a) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
- (b) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
- (c) Determinations for identifying the construction or alteration to be marked or lighted in accordance with the Federal Aviation Administration Advisory Circular AC 70/7460-1F entitled Obstruction Marking and Lighting and dated September 27, 1978;
- (d) Determining other appropriate measures to be applied for continued safety of air navigation; and
- (e) Notification to pilots of the construction or alteration.

**issue a NOTAM<sup>2</sup> during the construction.**

○ **SECTION 4.11.435 Height limitations on allowed uses in underlying zones:**

*All uses permitted by the underlying zone shall comply with the height limitations in this section.*

*A person may not construct an object or structure that constitutes a physical hazard to air navigation, as determined by the Oregon Department of Aviation in coordination with the governing body with land use jurisdiction over the property.*

1. *Subsection (1) of this section does not apply:*
  - a. *To construction of an object or structure that is utilized by a commercial mobile radio service provider; or*
  - b. *If a person received approval or submitted an application for approval from the Federal Aviation Administration or the Energy Facility Siting Council established under ORS 469.450 to construct an object or structure that constitutes a physical hazard to air navigation. A variance application will not be required if such application was made.*

**Finding: The proposal does not include increasing the height of the existing structure.**

● **SECTION 4.11.440 Procedures:**

*An applicant seeking a land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:*

1. *A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The airport authority shall provide the applicant with appropriate base maps upon which to locate the property.*
2. *Elevation profiles and a plot plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level (reference datum NAVD 88)*

**Finding: The proposal does not include any new structures only modifications being made to an existing structure, that does not include increasing the height, and trenching for the purpose of placing fiber optic conduit.**

● **SECTION 4.11.445 LAND USE COMPATIBILITY REQUIREMENTS:**

*Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this section as provided herein:*

1. *Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an*

---

<sup>2</sup> A **Notice to Airmen (NOTAM)** is a notice filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.<sup>[1]</sup> NOTAMs are unclassified notices or advisories distributed by means of telecommunication that contain information concerning the establishment, conditions or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel and systems concerned with flight operations.<sup>[2]</sup> NOTAMs are created and transmitted by government agencies and airport operators under guidelines specified by Annex 15: Aeronautical Information Services of the [Convention on International Civil Aviation \(CICA\)](#). The term NOTAM came into common use rather than the more formal *Notice to Airmen* following the ratification of the CICA, which came into effect on 4 April 1947. Notices to Airmen were normally published in a regular publication by each country's air authorities (e.g., in [Flight Magazine](#) in the [UK](#)).<sup>[3]</sup> A number of developments and amendments to the CICA have resulted in the more automated system available today. A NOTAM is filed with an aviation authority to alert [aircraft pilots](#) of any hazards *en route* or at a specific location. The authority in turn provides a means of disseminating relevant NOTAMs to pilots.

- indoor noise level equal to or less than 55 Ldn.*
2. *Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.*
  3. *Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.*
  4. *Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.*
  5. *Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.*
  6. *Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.*

**Finding: The proposal is for trenching for the purpose of installing PVC fiber conduit and modifications to the existing structure. The modifications include removal and replacement of antennas, installation of new antenna frames, additional antennas, remote radio heads, surge suppressors, direct current power, fiber trunks, a Long-Term Evolution FLX12 Purcell cabinet with 1C/2C/3C radio cards on top of the cabinet, and removal of the existing Nortel Global System for Mobile cabinet.**

**The applicant did not submit anticipated noise levels; however, the only anticipated noise that will occur will be during the trenching and when the modifications are made to the structure.**

**This property is located across the bay from the North Bend Municipal Airport; therefore, applicant shall use materials that do not produce glare that could impede a pilot's vision.**

**This proposal is not for a new or expansion of an industrial use, a mining operation, or any use similar to these that would emit emissions of smoke, dust, or steam that could obscure visibility.**

**The proposal did not include outdoor lighting. Nor is the proposal for a landfill or a new communications or electrical facility. The proposal is to modify the existing telecommunications facility without expansion.**

- **SECTION 4.11.455 Wetland mitigation, creation, enhancement and restoration within approach surfaces and airport direct and secondary impact boundaries:**
  1. *Wetland mitigation, creation, enhancement or restoration projects located within areas regulated by the Coos County Zoning and Land Development Ordinance shall be allowed upon*

- demonstration of compliance with the requirements of this section.*
2. *Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of the ordinance codified in this chapter and are recognized as lawfully existing uses.*
  3. *To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas is encouraged.*
  4. *Applications to expand wetland mitigation projects in existence as of the effective date of the ordinance codified in this chapter, and new wetland mitigation projects, that are proposed within areas regulated by the Coos County Zoning and Land Development Ordinance shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:*
    - a. *It is not practicable to provide off-site mitigation; or*
    - b. *The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.*
  5. *Wetland mitigation permitted under subsection (4) of this section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.*
  6. *Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated by Coos County Zoning and Land Development Ordinance, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:*
    - a. *The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and*
    - b. *The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.*
  7. *Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Division of State Lands (DSL), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (Corps) as part of the permit application.*
  8. *A decision approving an application under this section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.*

**Finding: The proposal does not include the creation, enhancement, or restoration of any wetlands. According to the national wetland layer the project will occur outside of any wetlands; however, the applicant shall comply with the requirements of the Department of State Lands, which may require a detailed plan of the project area so that they may determine whether the wetlands will be affected by the project.**

***SECTION 4.11.460 Nonconforming uses that apply to the southwest Oregon regional airport overlay:***

1. *These regulations shall not be construed to require the removal, lowering or alteration of any structure existing at the time the ordinance codified in this chapter is adopted and not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this section.*
2. *Notwithstanding subsection (1) of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of*

*Aviation, so that the structures become more visible to pilots.*

3. *No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.*

**Finding: The original structure (loading tower/boom) pre-dates the ordinance; however, the establishment of the telecommunications facility on the existing structure was permitted through a zoning compliance letter (ZCL-06-198) in 2006. The proposed modifications to the existing structure will not become a greater hazard to air navigation. Additionally, staff sent notification to the Oregon Department of Aviation. Mr. Jeff Caines, Aviation Planner/SCIP Coordinator for the Oregon Department of Aviation responded with conditions of approval that need to be applied if the height of the existing structure is being increased. The proposal does not include an increase in height.**

- **SECTION 5.2.600 EXPIRATION AND EXTENSION OF CONDITIONAL USES**

1. Permit Expiration Dates for all Conditional Use Approvals and Extensions :

- a. On lands zoned Exclusive Farm, Forest and Forest Mixed Use:

- (1) Except as provided for in section (5) of this rule, a discretionary decision, except for a land division, made after the effective date of this division approving a proposed development on agricultural or forest land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto is void two years from the date of the final decision if the development action is not initiated in that period.

- (2) A county may grant one extension period of up to 12 months if:

- (a) An applicant makes a written request for an extension of the development approval period;

- (b) The request is submitted to the county prior to the expiration of the approval period;

- (c) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

- (d) The county determines that the applicant was unable to begin or continue development during the approval period<sup>3</sup> for reasons for which the applicant was not responsible.

Coos County has and will continue to accept reasons for which the applicant was not responsible as, but limited too, financial hardship, death or owner, transfer of property, unable to complete conditions of approval and projects that require additional permits. The County's Ordinance does not control other permitting agency processes and the County shall only consider if the applicant has requested other permits as a valid reason and to show they are attempting to satisfy conditions of approval. This is a different standard than actually showing compliance with conditions of approval. This also, does not account for other permits that may be required outside of the land use process.

- (3) Approval of an extension granted under this rule is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

- (4) Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

---

<sup>3</sup> The approval period is the time period the original application was valid or the extension is valid. If multiple extensions have been filed the decision maker may only consider the time period that the current extension is valid. Prior approval periods shall not be considered. For example, if this is the third extension request up for review the information provided during the period within last extension time frame shall be considered and not the overall time the application has been approved. This prevents a collateral attack on the original authorization.

- (5) (a) If a permit is approved for a proposed residential development on agricultural or forest land outside of an urban growth boundary, the permit shall be valid for four years.
- (b) An extension of a permit described in subsection (5)(a) of this rule shall be valid for two years.
- (6) For the purposes of section (5) of this rule, "residential development" only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750 and 215.755(1) and (3).
- (7) There are no limit on the number of extensions that can be applied for unless this ordinance otherwise allows.
- b. On lands not zoned Exclusive Farm, Forest and Forest Mixed Use:
  - (1) All conditional uses for residential development including overlays shall not expire once they have received approval.
  - (2) All conditional uses for non residential development including overlays shall be valid for period of four (4) years from the date of final approval.
  - (3) Extension Requests:
    - a. For all conditional uses subject to an expiration date of four (4) years are eligible for extensions so long as the property has not been:
      - i. Reconfigured through a property line adjustment or land division; and
      - ii. Rezoned to another zoning district.
    - (4) An extension shall be applied for on an official Coos County Planning Department Extension Request Form with the fee.
    - (5) An extension shall be received prior the expiration date of the conditional use or the prior extension.
- 2. Changes or amendments to areas subject to natural hazards<sup>4</sup> do not void the original authorization for a use or uses, as they do not determine if a use can or cannot be sited, but how it can be sited with the least amount of risk possible. Overlays and Special Development Considerations may have to be addressed to ensure the use can be sited with an acceptable level risk as established by Coos County.

---

<sup>4</sup> Natural hazards are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.



**Exhibit D**  
**Comments Received**



Oregon

Kate Brown, Governor

Oregon Department of Aviation

3040 25<sup>th</sup> Street SE  
Salem, OR 97302-1125

Office: 503-378-4880

Fax: 503-373-1688



February 21, 2019

Amy Dibble  
Planning Specialist  
Coos County Planning Dept.  
250 North Baxter  
Coquille, OR 97423

Re: File No. ACU-19-002/FP-19-001 AT&T Upgrade

Dear Ms. Dibble:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment on the proposed AT&T Upgrade Tower project located at 66425 Jordan Cove Road.

The Oregon Department of Aviation would like to submit the following comments:

It appears that the existing tower is approximately 199-feet in height and the proposed upgrades will not increase the overall height of the existing tower; if the tower and associated upgrades do not increase the overall height of the structure, then ODA will not require the applicant to file a FAA 7460-1 with the Department for further review.

If the proposed project does increase the height of the structure then ODA requests the following Conditions of Approval to be included as part of other record.

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the structure will pose a hazard to aviation safety. A subsequent submittal may be required by the FAA due to its location to the Troutdale Airport.
- Marking Lights, per FAA design, may be needed to identify the structure.
- Coordination with the Southwest Regional Airport and the Southwest Regional Air Traffic Control tower may be needed to issue a NOTAM during the construction.

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for any future land use application.

If you have any questions or need further information or clarification on the comments, please feel free to contact me at 503-378-2529 or [Jeff.Caines@aviation.state.or.us](mailto:Jeff.Caines@aviation.state.or.us).

Sincerely,

Jeff Caines, AICP  
Aviation Planner  
Oregon Department of Aviation

*Oregon Department of Aviation aims to provide infrastructure, financial resources,  
and expertise to ensure a safe and efficient air transport system*



## Wetland Land Use Notice Response

### Response Page

#### Department of State Lands (DSL) WN# \*

WN2019-0080

#### Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Amy Dibble	County	Coos
Local case file #	County	
ACU-19-002/FP-19-001	Coos	

#### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
25S	13W	04		300

#### Street Address

66425 Jordan Cove Rd

#### Address Line 2

#### City

North Bend

#### State / Province / Region

OR

#### Postal / Zip Code

97459

#### Country

Coos

#### Latitude

43.429155

#### Longitude

-124.255596

#### Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

## Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## Closing Information

### Additional Comments

There was no project plan or area within the tax lot proposed for the project. Much of the site is already developed (graded, surfaced). Anything that has not been developed and will require ground work (removal or placement of material) may require a wetland delineation. The northeast quarter of the parcel has wetlands, which were delineated and approved in 2018, but that delineation is expired. The delineation did not include the entire tax lot. The western boundary, the east portion, and the southeast estuarine portion were not included. Please contact me at 503-986-5300.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

3/15/2019

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300



**CONFEDERATED TRIBES OF  
COOS, LOWER UMPQUA & SIUSLAW INDIANS**

1245 Fulton Ave. Coos Bay, OR 97420  
Phone (541) 888-9577 or 1-888-280-0726  
Fax (541) 888-2853

20 March 2019

Ms. Amy Dibble  
Coos County Planning Department  
250 N. Baxter  
Coquille, Oregon 97423

Re: Request for comments ACU-19-002/FP-19-001

Dear Ms. Dibble,

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have no objections to the proposed work. Please be aware that the proposed work area is in proximity to known cultural resource sites and so may contain as yet unlocated cultural resources. We request that we be contacted immediately if any known or suspected cultural resources are encountered during the work. **We further request that we be given at least 72 hours' notice prior to any ground disturbing activities, and that a staff person or designated member of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians be present during any ground disturbing activities.**

Please also be aware that federal and state laws prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation injury, destruction, or alteration of an archaeological site or object or removal of an archaeological object from public **or private lands.**

Please feel free to contact me if I may be of any further assistance.

Sincerely,

Courtney Krossman  
Archaeological Assistant

CC: Applicant