

COOS COUNTY
PLANNING COMMISSION

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4 IN THE MATTER OF A CONDITIONAL USE) File No.: HBCU-19-001
5 APPLICATION TO RE-ESTABLISH THE) Planning Commission Final Decision
6 SMITH QUARRY AND EXPAND THE)
7 BOUNDARY OF THE OPERATION)
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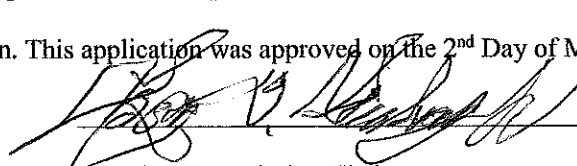
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10 WHEREAS, on January 23, 2019 Spencer Yates applied for a Hearings Body Conditional Use
11 (HBCU) approval to re-establish a permit through the Department of Geological and Mineral Industries
12 (DOGAMI) for the Smith Quarry and to expand the boundary of the operation. The property is located
13 in Township 25S Range 12W Section 27 Tax Lot 700.

14 WHEREAS, on February 22, 2019, the application was determined to be complete. A hearing
15 notice on the matter was mailed out to all property owners within 500 feet of the subject properties,
16 special districts and agencies on April 5, 2019.

17 WHEREAS, on April 25, 2019 staff provided a staff report to the Planning Commission
18 recommending approval based on the criteria.

19 WHEREAS, on May 2, 2019 the Planning Commission held a public hearing to consider this
20 matter taking public testimony. The Planning Commission voted to approve the application with
21 conditions based on the testimony and evidence.
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23 NOW, THEREFORE, the Planning Commission adopted the Findings of Fact attached as Exhibit
24 "A" and incorporated into this order herein. This application was approved on the 2nd Day of May, 2019.

25
26 
27 Planning Commission Chair
28



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

Facts and Findings

TO: Coos County Planning Commission

FROM: Amy Dibble, Planner II

DATE: April 25, 2019

SUBJECT: Request to re-establish a permit through Department of Geological and Mineral Industries (DOGAMI) the Smith Quarry and expand the boundary of this operation meets

FILE NO: HBCU-19-001

I. Application Information:

Applicant: Spencer Yates
57665 Fairview Rd.
Coquille, OR 97420

Property Owner(s): GEORGE & ALICIA SMITH TRUST
SMITH, GEORGE W. & ALICIA, TRUSTEES
96614 S COOS RIVER LN
COOS BAY, OR 97420-7593

II. Applicable Criteria, Standards, and Procedures:

Coos County Zoning and Land Development Ordinance (CCZLDO)

- **Section 5.2.100 Hearings Body Conditional Uses (HBCU or C).** A Hearings Body conditional use is a use or activity which is basically similar to the uses permitted in a district but which may not be entirely compatible with the permitted uses. An application for a conditional use requires review by the Hearings Body to insure that the conditional use is or may be made compatible with the permitted uses in a district and consistent with the general and specific purposes of this Ordinance.
- **Section 5.2.400 Process for Conditional Uses:** A conditional use may be initiated by filing an application with the Planning Department using forms prescribed by the Department. Upon receipt of a complete application, the Planning Department may take action on a conditional use request by issuing an administrative decision or scheduling a public hearing as determined by the applicable zoning. The Planning Director, may at his or her discretion, refer any administrative conditional use to the Hearings Body. If such a referral is made the process for review and decision shall be the same as a conditional use otherwise reviewed by the Hearings Body.
- **Section 5.2.500 Criteria for Approval of Applications:** An application for a conditional use or an administrative conditional use shall be approved only if it is found to comply with this Article and the applicable review standards and special development conditions set forth in the zoning regulations and any other applicable requirements of this Ordinance.

File Number: HBCU-17-002

- **In the Forest Zone Article 4.6**
 - Section 4.6.120.1.f Hearings Body Conditional Development and Use for Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.6.100 (j) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - Section 4.6.130 Addition Criteria for all Administrative and Hearings Body Application Review
 - Section 4.6.140 Development and Siting Criteria
- **In the Exclusive Farm Use Zone Article 4.6**
 - Section 4.6.220.1.b. Hearings Body Conditional Development and Use for surface mining
 - Section 4.6.230 Criteria and Review Standards for Conditional Use Permits (Both Administrative and Hearings Body)
 - Section 4.6.240 Development and Use Standards
- **SECTION 4.11.125 Special Development Considerations:**
 - 1. Mineral & Aggregate Plan Implementation Strategies (Balance of County Policy 5.5)
 - *Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance Of County Policy 5.7)*
 - *Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance Of County Policy 5.7)*

General Statement of Compliance: This type of application is listed as a HBCU in the Forest Mixed Use and the Exclusive Farm Use Zones which requires a public hearing and review before the reviewing body¹ of the Coos County Planning Commissioner (Hearings Body). All notice requirements found in SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763) have been complied with. Staff has addressed the specific criteria for the use in the portion of the report in section IV of this report.

III. PROPERTY INFORMATION

Location of Quarry:	Township 25S, Range 12W, Section 27 Tax Lot 700
Acreage:	219.05
Properties in the Tract:	Township 25S, Range 12W, Section 26B Tax Lot 300 Township 25S, Range 12W, Section 27 Tax Lot 700 Township 25S, Range 12W, Section 27D Tax Lot 200
Total Acreage of Tract:	255.89 Acres
Property Address:	96422 South Coos River Lane
Property Zone:	CONSERVATION AQUATIC (20-CA) COOS BAY ESTUARY MNGMT PLAN (CBEMP) EXCLUSIVE FARM USE (EFU) FOREST (F) RURAL SHORELANDS (20-RS)

¹ SECTION 5.7.100 REVIEWING AUTHORITY

Special Development Considerations: ARCHAEOLOGICAL SITES (ARC)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)
NATURAL HAZARD - LANDSLIDE (NHLND)
NATURAL HAZARD - TSUNAMI (NHTHO)

BACKGROUND INFORMATION:

Township 25S, Range 12W, Section 26B, Tax Lot 300 contains

- On January 4, 1988 zoning compliance letter VL-88-01 was issued providing authorization to site an accessory structure on the property. The applicant had stated that the structure would be located outside of the floodplain. The zoning compliance letter states that the existing development includes two (2) single family dwellings, seven (7) farm structures, a septic system, and the water source is via a spring.

Township 25S, Range 12W, Section 27, Tax Lot 700

- On March 25, 1985 Allen Throop, a field representative for mined land reclamation from Department of Geology and Mineral Resources (DOGAMI) granting limited exemption stating that the land was affected by surface mining prior to January 1, 1981 as defined by ORS 517.770(1)(c).
- On February 14, 2000 a letter was drafted and mailed to Lee Webster Excavating regarding a Land Use Compatibility Statement that had mailed to the Planning Department. Staff informed them of the sign off fee.
 - On February 28, 2000 Staff drafted and mailed a letter to Lee Webster Excavating regarding a Land Use Compatibility form that was submitted. Staff explained that an intended use was not adequately identified.
 - On March 6, 2000 Staff received a response from Mr. Lee Webster stating that the intended use was to use the Smith Quarry for crushing, stockpiling and sale of rock at the same amount of production as the past three (3) years.
 - On March 14, 2000 Staff responded that evidence of the existence of the rock quarry needed to be provided.
 - On March 20, 2000 Staff received an email from Jenny Webster of Webster Excavating which included evidence that the Smith Quarry had been in existence since July 5, 1972.
 - On March 20, 2000 Staff drafted and mailed a letter to Lee Webster Excavating accompanied with the signed Land Use Compatibility Statement.
- On May 11, 2004 an address application was submitted for the Smith Quarry.
 - On May 17, 2004 a new address notification was sent assigning 96422 South Coos River Lane to the property.
- On August 28, 2017 a Compliance Determination Application (CD-17-153) was submitted to operate a rock quarry and to enlarge the operation. Staff informed the applicant that this use would require a Hearings Body Conditional Use. The quarry has been in operation since 1972; however, the DOGAMI permit has lapsed. Surface mining use continued under Section 5.6.100 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided: 1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and 2. The surface mining use was not inactive for a period of 12 consecutive years or more. V-28 3.

For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine. If the property owner had not allowed the state permit to laps then they would not have request acknowledgement of the primary surface mining permit. Due to allow the state permit to laps a new permit shall be secured.

LAWFULLY CREATED: These properties are acknowledged as a lawfully created parcels (Tax Lots 300 & 700 Deed Doc # 71-54852 – described as parcel I & II and Tax Lot 200 Deed Doc # 77-058480) pursuant to CCZLDO § 6.1.125.8 as they were described by legal description conveying real property prior to 1986. The current configuration of Tax Lot 300 was made through exclusions and consolidations made prior to 1986. Tax Lot 700’s current configuration was made through the exclusion of a road prior to 1986 and a parcel excepted out through a civil case (03-CV-0437) and a correction in the acreage made through a computer calculation. Tax Lot 200’s configuration is the result of exclusions and an acreage change made prior to 1986.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The development on the tract consists of two (2) single family dwelling and several agricultural structures. The tract is split zoned Exclusive Farm Use (EFU), Forest with a Mixed Use Overlay (FMU), and Coos Bay Estuary Management Plan (CBEMP) 20-Rural Shorelands (20-RS) and has pastures, an inactive rock quarry with a settling pond, and starting to the south of the quarry and continuing west the property is treed. S Coos River Lane runs along the northern boundary of the property and beyond that is the Coos River. The properties to the west are zoned EFU and Forest (F) and contain residential development and undeveloped with tree coverage. The properties to the south are zoned Rural Residential – 5 (RR-5) and F and consist of residential development and undeveloped properties in different stages of timber production.
 - b. **PROPOSAL:** Request for approval to re-establish a permit through Department of Geological and Mineral Industries (DOGAMI) the Smith Quarry and expand the boundary of this operation meets the criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) § 4.6.120.1(f) Hearings Body Conditional Use review for Mining – Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources of greater than 5,000 cubic yards– within the Forest Zoning District; § 4.6.130 Criteria and review Standards for Conditional Use Permits; § 4.6.140 Development and Use Standards; § 4.6.220.1.b.iii.3 Hearings Body Conditional Use review for Mining – Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources of greater than 5,000 cubic yards– within the Exclusive Farm Use Zoning District; § 4.6.230 Criteria and review Standards for Conditional Use Permits; § 4.6.240 Development and Use Standards; § 4.11.125.1 Special Development Considerations – Mineral & Aggregate Implementation Strategies § 4.11.125.3.b Archaeological Resources; § 4.11.125.7.b Natural Hazards – Landslide; and § 4.11.125.7.d Natural Hazards – Earthquake - Liquification. Other Special Development considerations consist of floodplain, wetlands, and tsunami but the development will be located of those identified areas.
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IV. APPROVAL CRITERIA & FINDINGS OF FACT

- **Section 4.6.120 Hearings Body Conditional Development and Use:**

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards for Forest and Forest Mixed Use zone subject to the criteria listed in this section and § 4.6.130 and § 4.6.140.

1. *Non Residential Uses:*

- f. *Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.6.100 (j) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.*
 - i. *Any operation that mines less than 1,000 cubic yards of aggregate is permitted outright with the following conditions:*
 - 1) *The Planning Department must be notified at least 5 working days before commencement of the operation.*
 - 2) *Sloping after mining must not exceed a 3:1 slope.*
 - 3) *The disturbed area must be reseeded with a native grass species.*
 - 4) *No oil or other contaminants must be allowed in the pit.*
 - 5) *Approval must be obtained from DEQ if there is any backfilling of the pit.*
 - ii. *This includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.*
 - iii. *For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions above must be met.*
 - iv. *Any operation that sells greater than 5,000 cubic yards of aggregate must comply with standards established by the Department of Geology and Mineral Industries.*

Finding: The proposal is to reopen the Smith Quarry and obtain a new operating permit from the Department of Geology and Mineral Industries (DOGAMI). The quarry is located on Tax Lot 700 and will remain on this tax lot even after the proposed expansion. The applicant states that a survey will be performed by a licensed surveyor of the proposed 40 acre boundary expansion. The proposal reveals that the operation will sell greater than 5,000 cubic yards of aggregate; therefore, they shall comply with the standards established by DOGAMI.

The applicant declares that the southern portion of the property will be reforested with the fir trees spaced 10 feet to 12 feet, the quarry floor will be returned to a flat area that will be used for agriculture, the west side of the property will not exceed the 3:1 slope and there is a proposed “undisturbed” boundary between tax lots not in the Smith’s ownership of at least 50 feet.

- **Section 4.6.130 Addition Criteria for all Administrative and Hearings Body Application Review:**

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*
2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*
3. *All uses must comply with applicable development standards and fires siting and safety standards.*
4. *A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.*
5. *The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
 - a. *Dwellings and structures shall be sited on the parcel so that:*
 - i. *They have the least impact on nearby or adjoining forest or agricultural lands.*
 - ii. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
 - iii. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - iv. *The risks associated with wildfires are minimized.*
 - b. *The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department’s administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposes of this Section, evidence of a domestic water supply means:*
 - i. *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor’s rights to appropriate water.*
 - ii. *A water use permit issued by the Water Resources Department for the use described in the application. Or*
 - iii. *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor’s report to the County upon completion of the well.*
6. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
7. *Approval of a dwelling shall be subject to the following additional requirements:*
 - a. *Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.*
 - b. *The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.*

- c. *If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.*
- d. *Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.*
- e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

Finding: The applicant states that the property owner, Mr. Smith and himself are working toward preparing a reclamation plan that will be included with the new DOGAMI operating permit. The reclamation plan will ensure that the property can be utilized for agricultural and forestry uses upon completion of the mining operation. Since the quarry already exists and there has been a history of active mining from the quarry the reopening will not cause any significant changes to the accepted farm or forest practices on the surrounding lands that are devoted to farm or forest use.

The property closest to the quarry, which abuts tax lot 700 to the west is developed with a single family dwelling and accessory structure, the applicant states that this property will be protected by the mining boundary setback that is required by DOGAMI.

The subject tract is known as the Smith Family Ranch and is primarily used for cattle, grass hay production and contains timber. The reopening and expansion of the quarry will not cause a significant change in or increase the cost of accepted farm or forest practices that are occurring on the ranch, in fact it may increase the ability to access portions of the ranch by providing rock that can be used to maintain and improve the roads on the ranch.

The proposal does not include siting a dwelling therefore staff did not address the criteria that is applicable to siting a dwelling.

Section 4.6.140 Development and Siting Criteria:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

2. *Setbacks:* All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. *Fences, Hedges and Walls:* No requirement, except for vision clearance provisions in Section 7.1.525.
4. *Off-Street Parking and Loading:* See Chapter VII.
5. *Minimizing Impacts:* In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. *Riparian Vegetation Protection.* Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. *Trees certified as posing an erosion or safety hazard.* Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*

- b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
10. *Firebreak:*
- a. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
 - b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
 - c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- 11. *All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.*
- 12. *If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire*

- protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).*
13. *The dwelling shall not be sited on a slope of greater than 40 percent.*
 14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*
 15. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.*
 16. *Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.*
 17. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

Finding: Smith Creek runs through the property following the access road to the quarry and continues to follow the road further on the property. The applicant recognizes the fact that this exists and states that they will maintain a 50-foot undisturbed setback from the creek.

Staff provided a wetland notice to Oregon Department of State Lands (DSL) and received a response from Lynn McAllister from DSL on February 20, 2019.

Summary of Comments: (Full Comments are found at Attachment B)

- **It appears that the project may impact Essential Salmonid Habitat and therefore, may require a State Permit.**
- **An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated.**
 - **The determination or delineation report should be submitted to DSL for review and approval,**
 - **Approved maps will have a DSL stamp with approval date and expiration date.**
- **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.**

This response is for only the area outlined on the submitted site plan (page 20 of the application):

- **It is possible that the project area avoids impacts to wetland and streams. A wetland delineation is the only way to know for sure if wetlands will be impacted.**
- **Any fill or removal within the Smith Creek and adjacent wetlands would require a permit because the creek is Essential Salmonid Habitat.**
- **It appears that there may be wetlands close to the project boundary on the east side of the project site.**
- **The tributary of Smith Creek are not Essential Salmonid Habitat, but a permit would be needed beyond 50 cubic yards of impact to the tributary in the southwest portion of the project area.**

The proposal does not include siting a dwelling; therefore, staff did not address any criteria that was not applicable to this request.

- ***Section 4.6.220 Hearings Body Conditional Development and Use:***

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in § 4.6.230 and applicable siting and development requirements in § 4.6.240.

1. Non-Residential Uses

b. Mining

iii. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

1) Any operation that mines less than 1,000 cubic yards of aggregate, § 4.6.210(1)(j) is applicable.

2) For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in §4.6.210(1)(j) must be met along with the hearings body conditional use.

3) Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.

Finding: The proposal is to reopen the Smith Quarry and obtain a new operating permit from the Department of Geology and Mineral Industries (DOGAMI). The quarry is located on Tax Lot 700 and will remain on this tax lot even after the proposed expansion. The applicant states that a survey will be performed by a licensed surveyor of the proposed 40 acre boundary expansion. The proposal reveals that the operation will sell greater than 5,000 cubic yards of aggregate; therefore, they shall comply with the standards established by DOGAMI.

- **Section 4.6.230 Criteria and Review Standards for Conditional Use Permits (Both Administrative and Hearings Body):**

A use may be allowed provided the following requirements are met:

- 1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.*
- 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use*
- 3. Siting Standards for Dwellings and Structures in the EFU Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in § 4.6.240 to identify the building site. Dwellings and structures shall be sited on the parcel so that:*
 - a. They have the least impact on nearby or adjoining forest or agricultural lands.*
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
 - c. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - d. The risks associated with wildfires are minimized.*

Finding: The applicant states that the property owner, Mr. Smith and himself are working toward preparing a reclamation plan that will be included with the new DOGAMI operating permit. The reclamation plan will ensure that the property can be utilized for agricultural and forestry uses upon

completion of the mining operation. Since the quarry already exists and there has been a history of active mining from the quarry the reopening will not cause any significant changes to the accepted farm or forest practices on the surrounding lands that are devoted to farm or forest use.

The property closest to the quarry, which abuts tax lot 700 to the west is developed with a single family dwelling and accessory structure, the applicant states that this property will be protected by the mining boundary setback that is required by DOGAMI.

The subject tract is known as the Smith Family Ranch and is primarily used for cattle, grass hay production and contains timber. The reopening and expansion of the quarry will not cause a significant change in or increase the cost of accepted farm or forest practices that are occurring on the ranch, in fact it may increase the ability to access portions of the ranch by providing rock that can be used to maintain and improve the roads on the ranch.

- *Section 4.6.240 Development and Use Standards*

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

1. *Minimum Lot Size:* The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of § 4.6.210(3), § 4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

1. *Setbacks*
 - a. *Road:* All buildings or structures with the exception of fences shall be setback a minimum of thirty five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater.
 - b. *Firebreak:* New or replacement dwellings on lots, parcels, or tracts abutting the "Forest" zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.
3. *Structure Height:* Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.
4. *Lot Coverage:* No requirements.
5. *Fences, Hedges and Walls:* No requirement except for vision clearance provisions of § 7.1.525 apply.
6. *Off-street parking and Loading:* See Chapter VII.
7. *Minimum Road Frontage/Lot Width* unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:

- a. *Within UGB's – 50 feet*
 - b. *Outside UGB's – 20 feet*
8. *Access: Access to new dwellings shall meet road design standards in Chapter VII.*
 9. *Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]*
 10. *Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

Finding: Smith Creek follows near the access road to the quarry and continues to follow the road further on the property. The applicant recognizes the fact that this exists and states that they will maintain a 50 foot undisturbed setback from the creek.

The proposal does not include siting a dwelling therefore staff did not address the criteria that is applicable to siting a dwelling.

- **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.

1. Mineral & Aggregate Plan Implementation Strategies (Balance of County Policy 5.5)

The mineral & aggregate maps have inventoried the following:

- Coal Basins
- Areas of Oil & Gas Exploration Leases
- Metal Mines & Prospects (Removed Per Ordinance 91-09-018PL 12-18-91)
- Crushed Rock Quarries
- Sand & Gravel Pits
- Other Aggregate Sites (Ordinance 92-05-008PL 3-7-92)

Purpose Statement:

Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental and energy consequences of the conflicting uses, or where existing uses have been grandfathered. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

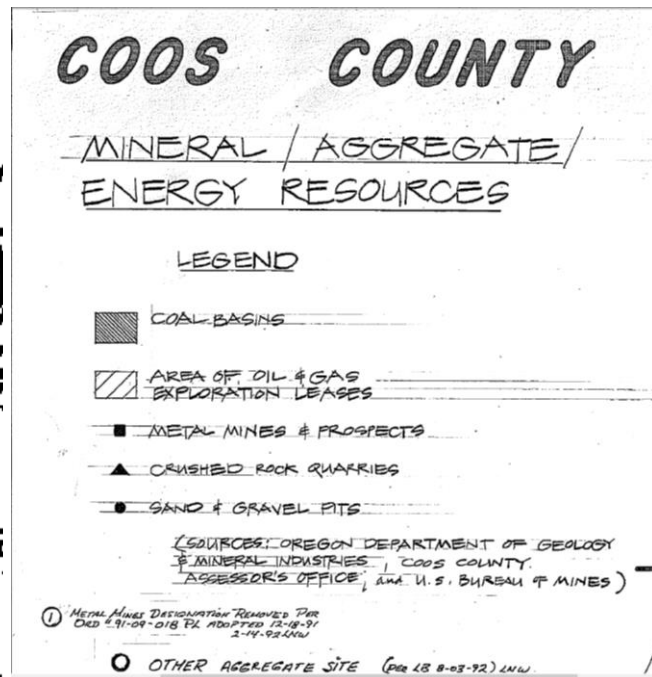
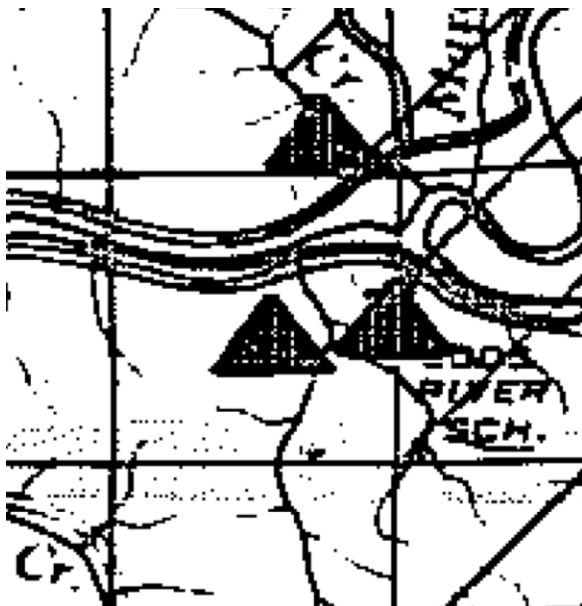
- a. *When a conflicting uses which includes dwellings and any other structures within 500 feet of the resource site. is proposed at a given site, the decision about allowing development of the proposed use or the development or protection of the aggregate resource shall be made through a conditional use process where findings are developed which address the economic, environmental, social and energy consequences of allowing the proposed conflicting use, development of the aggregate resource, or both at the site. The following guidelines must be considered as part of the conditional use process:*
 - i. *Economic consequences: payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.*
 - ii. *Environmental consequences: the impacts on air, land and water quality and on adjacent farm and forest resources associated with developing each conflicting use, and other pertinent factors.*
 - iii. *Social consequences: the effect of the proposed uses on public service delivery, the general compatibility of the proposed uses with surrounding cultural land uses, and other pertinent factors.*
 - iv. *Energy consequences: the location of the proposed resource development site in relationship to market areas, and other pertinent factors.*

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

- b. *Non-exploratory mining operations are conditional uses, where allowed by the zoning district.*
 - i. *Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses.*
 - ii. *Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".*
 - iii. *This strategy recognizes that project review by the Hearings Body is necessary to minimize the adverse impacts that are typically associated with mining operations, and which often make such recovery activities incompatible with adjacent uses.*
- c. *Coos County shall consider any "other aggregate sites" inventories by this plan pursuant to ORS 215.298(2) as "1B" resources in accordance with OAR 660-16-000(5)(b).*

- i. *Black Sands, Coal and Other Aggregate Sites. Coos County has inventory black sand prospect areas as a "1B Resource", pursuant to OAR 660-16-000(5)(a). Accordingly, Coos County shall reconsider this decision during the scheduled update for this Plan, and shall refrain from implementing special protective measures for black sand prospect areas until such time as sufficient information on the quality and quantity of the resource merit such. The Oregon Department of Geology and Mineral Industries shall be consulted in this matter. This strategy is based on the recognition that black sand resource is available at the time of the adoption of this Plan to have an adequate understanding of the quantity and quality of the resource.*
- ii. *Coos County recognizes the existence and extent of the coal deposits within the County. However, due to factors concerning the coal's quantity and quality, as well as subsurface location, the resource is not expected to be commercially extracted. Therefore, the resource is classified as a "5a" resource and will not be included as an identified Goal #5 resource. Permitted or conditionally permitted uses shall not be considered conflicting with Coal resources within a given zone. All mining activity shall remain subject to the specific Ordinance requirements of a given zone.*

Finding: The existing quarry is labeled as a "crushed rock quarry" according to the Coos County Mineral / Aggregate / Energy Resource map. According to assessment records the dwelling located on Tax Lot 900 was built in 1942 and according to records received from DOGAMI indicate that the quarry has been in existence since July 5, 1972 without any known issues. Upon completion of the mining operation the site shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".



3. Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance Of County Policy 5.7)

The Historical/Archeological maps have inventoried the following:

- Historical;
- Area of Archaeological Concern;
- Botanical; and
- Geological Resources.

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

- b. *Areas of Archaeological Concern: Coos County shall continue to refrain from wide-spread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.*
 - i. *This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).*
 - ii. *Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.*
 - 1) *The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:*
 - a) *Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;*
 - b) *Township, range, section and tax lot(s) numbers; and*
 - c) *Specific directions to the property.*
 - 2) *The Planning Department will forward the above information including a request for response to the appropriate tribe(s).*
 - 3) *The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.*
 - 4) *It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.*
 - iii. *In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:*
 - 1) *Paving over the sites;*
 - 2) *Incorporating cluster-type housing design to avoid the sensitive areas; or*
 - 3) *Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).*
 - iv. *This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).*

Finding: The subject property is located within an area of archaeological concern; therefore, staff sent notice to both recognized tribes.

Staff received comments from Todd Martin, Tribal Historic Preservation Specialist for the Coquille Indian Tribe on April 10, 2019. He stated the anticipatory findings are that the proposal will have no adverse effect to historic properties or cultural resources. He urges that extreme caution be used and if any known or suspected cultural resources are encountered during the work that ground disturbing activities shall be ceased and the landowner or contractor shall contact the tribe immediately. This shall be a condition of approval.

Staff Received comments from Stacy Scott, Tribal Historic Preservation Officer and Cultural Resources Protection Specialist for the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians on April 25, 2019. She stated There is at least one known village site within a mile of the proposed project area and expansion at Smith Quarry, but there is the potential for unlocated cultural resources to be present. The area itself has never been surveyed for cultural resources and we would request a cultural resources survey be conducted and would be more than happy to work with the owner at no expense to them to conduct that survey prior to operations commencing if the County could make that a condition. The only other concern that Ms. Scott has is that erosion protection, silt barriers, or other protections to prevent silt sediment or contaminants from getting into the River be in place prior to any ground disturbance or quarry operations commencing. This would help protect the water quality, animal, and plant resources that are discussed within our TCP (Traditional Cultural Property) that the SHPO has listed on their database as eligible for inclusion on the National Register at the State Level.

7. Natural Hazards (Balance of County Policy 5.11)

The Natural Hazards map has inventoried the following hazards:

- *Flood Hazard*
 - *Riverine flooding*
 - *Coastal flooding*
- *Landslides*
- *Earthquakes*
 - *Liquefaction potential*
 - *Fault lines*
- *Tsunamis*
- *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*
- *Wildfire*
 - *High wildfire hazard*
 - *Gorse fire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

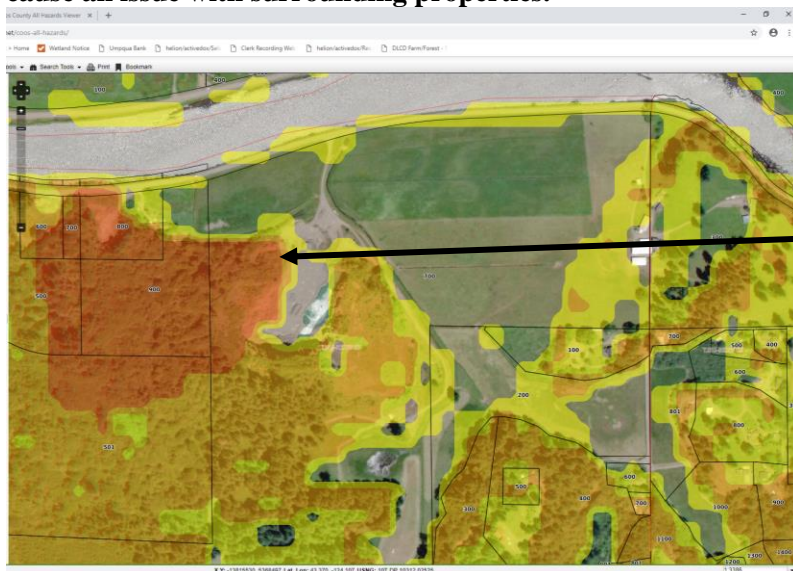
This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 5.11.100.2.c.

Hazard review shall not be considered applicable to any application that has received approval and requesting an extension to that approval or any application that was deemed completed as of the date this ordinance effective (July 31, 2017). If a land use authorization has expired the applicant will be required to address any applicable hazards.

- b. Landslides: Areas subject to landslides (mass movement) include active landslides, inactive landslides, earth flow and slump topography, and rockfall and debris flow terrain as identified on the 2015 Coos County Comprehensive Plan Hazards Map (mapped as the very high-existing landslides).*

Coos County shall permit the construction of new structures in an inventoried Landslide hazard area (earth flow/slump topography/rock fall/debris flow) through a conditional use process subject to a geological assessment review as set out in Article 5.11.

Finding: A portion of the quarry’s proposed expansion area is located within an area mapped as very high landslide susceptibility. Article 5.11 of the Coos County Zoning and Land Development Ordinance (CCZLDO) states that any use or activity located within the regulated landslide area shall require a geologic assessment. Although no structures are proposed the Planning Commission could suggest that the applicant obtain a geological assessment to ensure the excavation does not cause an issue with surrounding properties.



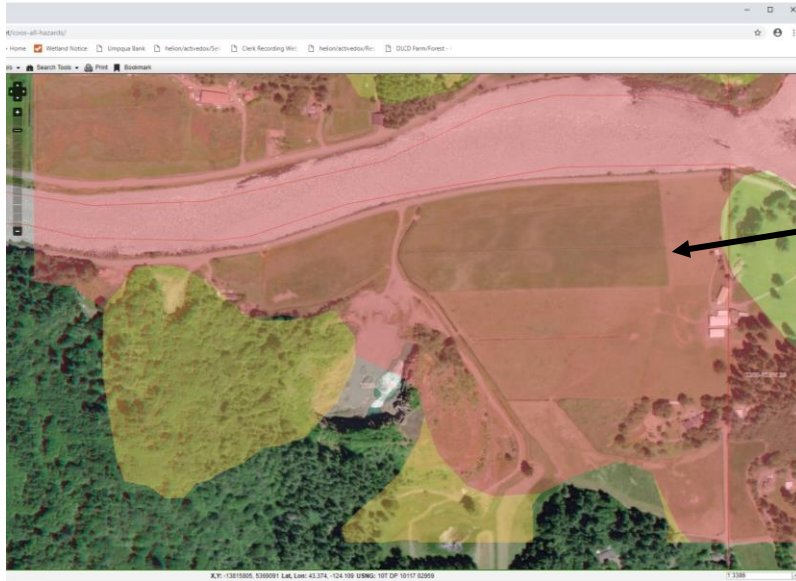
- Very High Landslide Susceptibility noted in red.

- d. Earthquakes: Areas subject to earthquakes include fault lines and liquefaction potential, as identified on the 2015 Coos County Comprehensive Plan Natural Hazards Map.*

Coos County shall permit the construction of new structures in known areas potentially subject to earthquakes (fault line and liquefaction potential) through a conditional use process subject to a geologic assessment review as set out in Article 5.11. Coos County shall support Oregon State

Building Codes to enforce any structural requirements related to earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report at the time of review.

Finding: The intent of the earthquake natural hazards is to make sure that any new structures that are to be sited within areas subject to earthquakes, which include fault lines and liquefaction potential, are built to the structural requirements enforced by State Building Codes in relation to earthquakes. The areas in which Coos County would require additional review are labeled as high and very high. The subject property has areas mapped as very high; however, since the proposal does not include structures this criterion does not apply.



- The very high Liquefaction Susceptibility is noted in red.

V. Decision and Staff Recommendation

SECTION 5.7.100 REVIEWING AUTHORITY (4) Decision:

- Decision: After the record has been closed and all evidence submitted into the record has been reviewed the Review Authority shall:
 - Approve or deny all or part of the application; or
 - Approve all or part with modifications or conditions of approval.
- Basis for Decision: An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of state law, the Comprehensive Plan, Coos County Zoning and Land Development Ordinance and other applicable laws as determined by the Review Authority.
- Findings and Conclusions: The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.
- Conditions of Approval: The Review Authority may impose conditions on any conditional use approval in compliance with Section 5.0.350.
- Appeal Deadlines: Appeal deadlines are set out in Section 5.0.900.

SECTION 5.0.350 CONDITIONS OF APPROVAL:

1. Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.
2. An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.
3. At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.

Staff Recommendations: Staff recommends that the Planning Commission find the applicant has met the burden of proof to meet the applicable criteria with follow statements:

The applicant 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 applicants and that the applicants are not acting as an agent of the county. If the applicant 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.

1. Applicant shall comply with the comments provided by the Coquille Indian Tribe and the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.
2. Applicant shall comply with the comments received from the Department of State Lands.
3. Applicant shall obtain the proper permits from the Oregon Department of Geology and Mineral Industries.
4. Shall maintain a 50-foot setback from any creek.
5. Applicant shall obtain a geological assessment of the property and follow suggestions for any necessary stabilization.
6. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development use or activity.
7. Standard operating hours of the mining operation shall be from 7:00 am to 4:00 pm.

COOS COUNTY PLANNING DEPARTMENT

Amy Dibble, Planner II

Coos County Staff Members

Jill Rolfe, Planning Director

Amy Dibble, Planner II

Crystal Orr, Planning Specialist

Sierra Brown, Planning Specialist

Attachments: Application
Comments Received

Attachment A

Application



Planning Department Application

Official Use Only	
FEE:	\$1479.00
Receipt No.	206329
Check No./Cash	32979
Date	11/23/19
Received By	P.O.M
File No.	ACU-19-005

Please place a check mark on the appropriate type of review that has been requested.

- Administrative Review
- Hearings Body Review
- Final Development Plan (BDR)
- Variance

An **incomplete** application **will not** be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

A. Applicant:

Name: Spencer Yates Telephone: 541-396-4045
 Address: 57665 Fairview Rd
 City: Coquille State: OR Zip Code: 97423

B. Owner:

Name: George and Alica Smith Trust Telephone: 541-267-7854
 Address: 96616 S Coos River Lane
 City: Coos Bay State: OR Zip Code: 97420

C. As applicant, I am (check one): Please provide documentation.

- The owner of the property (shown on deed of record); George and Alicia Smith; cert. 5452 and cert. 648
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached).
- A lessee in possession of the property who has written consent of the owner to make such application (consent form attached).
- The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. Description of Property:

Township 25 S Range 12W Section 27 Tax Lot 700/700,200,300
 25-12-26B-300
 25-12-27D-200

Tax Account 284400 Lot Size 219.05 Zoning District EFU/Forest; Tax lot 700, lat. 43.37376, long. -124.1072

E. Information (please check off as you complete)

-
-

GN

1. Project Proposal. Attach description if needed. Reopen Smith Quarry Tax Lot 700 with a 40 acre surveyed boundary, with intent to reopen and expand existing pit.

GN

2. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map)Covenants or deed restrictions on the property, if unknown contact title company.

GN

3. Existing Use farm and forestry

GN

4. Site Address 96422 S Coos River Lane, Coos Bay, OR 97420

GN

5. Access Road existing private road to mining operation via Coos River Lane

GN

6. Is the Property on Farm/Forest Tax Deferral Farm and Forest

GN

7. Current Land Use (timber, farming, residential, etc.) Tax Lot 700 does not contain a dwelling. The property consists of a closed mining operation and forest and farm land.

GN

8. Major Topography Features (streams, ditches, slopes, etc.) The area of proposal is an existing closed mine which will be bordered by Smith Creek and protected by an adequate 50 FT set back. The Coos River Lane boundary will begin beyond the flood plain of the Coos River. All within Tax Lot 700. Tax lot 700 is mixed farm and forestry.

GN

9. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map. They have been listed on page 1.

10. Identify any homes or development that exists on properties identified in #9.

11. A copy of the current deed of record.

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and **findings (or reasons)** regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

List of Applicable Criteria and Justification: Coos County Zoning and Land

Development Ordinance (CCZLDO) Section 4.6.220.b.iii Operations conducted for mining,

crushing or stockpiling or aggregate and other mineral and subsurface resources subject to ORS 215.294, and CCZLDO 4.6.230 Criteria and Review Standards for Conditional Use Permits.

G. Authorization:

All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application unless the statement is not applicable. If one of the statements, below is not applicable to your request indicated by writing N/A.

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. 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.

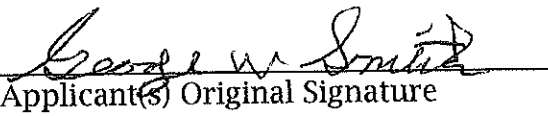
ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may choose to revoke this permit or send this debt to a collection agency at your expense.

I understand it is the function of the planning office 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 I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

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


Applicant(s) Original Signature

Spence Yates
Print Name


Applicant(s) Original Signature

George Smith
Print Name

CRITERIA:

Coos County Zoning and Land Development Ordinance

SECTION 4.6.220 Hearings Body Conditional Development and Use:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in § 4.6.230 and applicable siting and development requirements in § 4.6.240.

b. Mining

iii. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

3. Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.

Response: The operation in proposal is to reopen the Smith Quarry with a new Department of Geology and Minerals permit with a Professional licensed surveyed 40 acre boundary expanding the operation from the previous DOGAMI permit that involved the existing 20+ acre quarry that has existed and served the needs of aggregate to Coos County since the 1970s. The Smith Quarry will remain entirely inside of tax lot 700, which is surrounded on the North, South, and East by the Smith Family Trust Ranch. The Western neighboring tax lots 900 and 501 are not owned by Mr. Smith. Tax lot 900 contains a home and shop and will be protected by the permit issued by the state with a required mining boundary set back. Tax lot 501 is primarily all forest land. The Smith Ranch consists of farm lands, forest, and a closed mining operation involving approximately 23 acres. Reopening the Smith Quarry will not significantly impact the property as there is already a mining area and plans to reclaim the area back to usable farming.

Mr. Yates and Mr. Smith's proposal will be regulated by a Department of Minerals and Geology permit. The proposal is to mine into the borders and the floor of the existing quarry that has been closed for over a year, but has been producing aggregate products since the early 1970's. The proposed site is an existing quarry as shown by the aerial photos and maps included. Attached are tax lot maps of the proposed site, up close aerial views of the quarry, aerial photo of Mr. Smith's home in relation to the quarry, Zoning map, estuary map, flood map, topographic map, and a soils map.

Mr. Yates, President of Charlie Yates Ranching, Inc., has be a contract roadbuilder for over 25 years and has 20+ years experience crushing, stockpiling, and trucking aggregate materials.

Mr. Smith is looking forward to reentering the aggregate market as he was for many years and asks for Coos County Planning Commission to authorize Mr. Yates written

land use approval of the 40 acre map provided by DOGAMI to go forward with applying for a state permit, which will involve extensive reclamation planning to return the acreage on the South border back to forest and the quarry floor area into a cattle feeding area where the rock exists because there is limited soils to provide adequate livestock pasture growth.

Section 4.6.230 Criteria and Review Standards for Conditional Use Permits (Both Administrative and Hearings Body):

A use may be allowed provided the following requirements are met:

1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use

Response: Mr. Smith and Mr. Yates are working together to form a reclamation plan to be included with the new DOGAMI operating permit. The reclamation plan will be in place to ensure that the property will still be used for farming and forestry when the mining is finished. Since the existing quarry is already in place and been previously used for mining there will not be a significant change to Mr. Smith's farming and forestry operation. Mr. Smith will be able to improve roads on his ranch with rock and that will not increase cost of farming. The reclamation plan will be to return the quarry floor into a flat area to feed, separate, and load cattle. The focus of the quarry will then be primarily used for agriculture. The south portion of the property will be reforested with fir trees spaced 10FT to 12FT. and the west side of the property will be sloped with the required 3 height : 1 vertical state regulation. The proposed undisturbed boundary will be at least 50 FT from the tax lots not owned by Mr. Smith. There is Smith Creek on the east of the proposed quarry map that will also be required to have the 50Ft. undisturbed set back also. The north boundary will be addressed to be set back beyond the flood plain.

The quarry is surrounded on the North, East, and South by Mr. Smith's ranch and does not seem to be a significant change to open Smith Quarry. The quarry will provide Mr. Smith with an opportunity to improve and maintain the existing roads on his ranch.

Section 4.6.240 Development and Use Standards

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

The only criteria that applies to the mining use would be the Riparian Vegetation setback. 10. Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:

Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.

Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;

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

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

Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;

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

The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

Spence Yates, President of Charlie Yates Ranching, Inc., application request to reopen Mr. George Smith's Quarry for a operation of mining, crushing, and stocking piling of aggregate, soil or clay. The property described as township 25 Range 12 Section 27, tax lot 700 owned by George and Alice Smith Trust. The following pages include various maps to describe the property in detail.

Smith Quarry  **Proposed Site**
96422 S Coos River Lane Coos Bay OR 97420



LAWFULLY CREATED PARCELS; Mr. Smith owns the Smith Ranch in 3 tax lots as follows. Tax lots 700, 200, 300 are stated on Mr. Smith's Deed Certificate numbers 5452 and 648. The proposed site of reopening and expanding the existing Smith Quarry is entirely contained within the tax lot 700, Township 25 Range 12 Section 27; Lat. 43.37376, long. -124.1072.

BACKGROUND; Mr. Smith has asked Mr. Yates to apply for a conditional land use permit from Coos County and DOGAMI permit to reopen and expand his existing closed quarry. The

proposed plan will include 40 acres to be surveyed and permitted upon approval from both Coos County Planning Department and DOGAMI. Expanding the existing quarry will be essential to the new mining operation plan. Mr. Yates has meet previously with DOGAMI to begin the state permit application.

SUBJECT PROPERTY; The proposed site is located on tax lot 700 in township 25 range 12 section 27, approximately 5.5 miles east of Coos Bay, OR. The site is accessed via HWY 101 to Newport Lane. Approximately 1 mile on Newport Lane becomes 6 th Ave. then turn onto D St. D St. becomes Coos River Lane . Travel 2.4 miles and turn left before Chandler Bridge to stay on Coos River Lane. Travel another 2.6 miles to the site entrance which is an existing road into the quarry on the right. The site is then visible.

The property is zoned mixed farm and forestry, which will be addressed in the reclamation plan presented to DOGAMI. The reclamation plan will to be to reseed farm land back to pasture, reforestation of any tree removal, and possibly leave a flat gravel area for feeding Mr. Smith's cattle after the quarry is closed.

The East border of the proposed mining operation is determined by Smith Creek and will require a 50FT undisturbed protective zone. A settling pond is visible in the center of the quarry and there of plans of adding one or two more settling ponds to address storm water and run off within the quarry area.

Mr. Smith's property is primarily used as cattle range, yearly grass hay crop, and contains some areas of timber zoned as forest. Mr. Smith and Mr. Yates are requesting the Coos County planning commission to reopen and expand the existing closed Smith Quarry as shown on the map that is approximately 40 acres and will be surveyed by Professional Land Survey before applying to DOGAMI for a new operational permit.

SOILS;

The soils consist of

Coquille Silt loam (12) = Less than .9 acre approximate

Dement Silt loam (13D) 12 to 30 Percent slope = 7.7 acre approximate

Dement Silt loam (12E) 30 to 50 Percent slope = 22.7 acre approximate

Wintley silt loam (63C) 8 to 15 Percent slope = 1.2 acre approximate



Compliance Determination

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

Date Received: 8/28/17 Fee Received \$300 Receipt #: 192182 Received by: E.OM Please be aware if the fees are not with the included the application will not be processed.

FILE # CD- 17-153 please contact Planning Staff to obtain the file number.

Land Owner(s) (print name): George & Alice Smith Trust Mailing address: 90616 S. Coos River Lane Coos Bay 97420

Phone: Email: Signature: George W. Smith

Applicant(s) (print name): Spence Yates Mailing address: 57665 Fairview Rd Coquille OR 97423 Phone: 541 396 4045 Email: YatesInc@frontier.com

Signature: Spence Yates

PROPERTY LOCATION: 25 12 27 700 Township Range Sect Tax lot(s) 90422 S Coos River Ln Coos Bay 97420 Site address

PROJECT DESCRIPTION: Determination of Aggregate/Mining Use & Authorized Size of Operation.

An application for Compliance Determination (CD) is required to be submitted to the Planning Department with the elements described in §5.10.200. Once the application is received the Planning Staff will review the CD against the applicable zoning district to determine if additional reviews or notifications are required.

SUBMITTAL REQUIREMENTS

- The application form must be completed with a plot plan attached and include the following: 1. If this is for an industrial or commercial use a parking plan is required (see Article 7.5). 2. If this is bare land and a driveway has not be completed a driveway confirmation form is required to be completed by the Roadmaster (see Article 7.6 for bonding options) 3. If this is bare land and the request is for a dwelling an address is required. 4. If this is for an estuary zoned property as defined in Chapter III then applicable zoning district standards and policies must be addressed.

Coos County / Official Use Only [] Zoning Compliance Letter Issued [] Requires additional Review Planner: Date

17-293

First Comm Cr Union

Coos County, Oregon
250 No. Baxter St.
Coquille, OR 97423

CASH RECEIPT

Date 8/28/17 192182

Received From Yates Ranching, Inc.

Address three hundred 00/100 Dollars \$ 300.00

For CD-17-153

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>300.00</u>	CASH	
AMT PAID	<u>300.00</u>	CHECK	<u>300.00</u>
BALANCE DUE	<u>0</u>	MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By Crystal Orr Check 40019



CFR0093

[View Application: Download Application \(PDF\)](#)

Original Owner: Smith, William DeLaFletcher (W.D.L.F.)

Year of Property Acquisition: 1864

Award Type: Century Farm

Donation land claim: No

Homestead: No

Other: Yes

Please explain: Land grant. Lots 3 & 4 of Sec 27 \$ Lot 5 of Sec. 26 in T 25 S R 12 W

County: Coos

Name of farm or ranch: George W. Smith Ranch

Who farms or ranches today: Smith, George William (Mr. and Mrs.)

Original buildings still in use: No

Building structures on property with date of construction: no

Crops or livestock historically raised on property:

Dairy stock, fruit, fish, corn, potatoes, hay, timber, horses, mules.

Crops or livestock currently raised on property:

Fruit, beef stock, hay, timber, rock quarry.

National register property: No

Contact first name: George

Date of application: 1969-11-30 00:00:00

Date of award: 1970

Please describe attachments:

Application; Certification of ownership; Copy of land claim certificate; Newspaper article.

Genealogical information included: No

Application on file: Yes

Application location: Mss 1604

Applicants relationship to original owners: great grandson

Origin of original owners: Connecticut

How many generations still live on the farm or ranch: 2

Notes and comments property:

95.39 acres in original farm. 286 acres in present farm.

Original Acreage: 0.0acres

Current Acreage: 0.0

Acreage farmed or ranched today:
0

CFR 0093

Mr. and Mrs. George William Smith

U.S. Census Definition of a Farm: 10 acres or more with agricultural sales of \$50 or more a year; or, if less than 10 acres, sales of at least \$250 a year.

APPLICATION FOR CENTURY FARM HONORS--1970
(Rules attached)

Deadline for filing application: July 1, 1970

PLEASE PRINT

Your name (Mr., Mrs., Miss) Mr. & Mrs. George William Smith

Your address: Route Cove River Rt. P.O. Box 206 Town Crow Bay

Location of farm: same (Address) Cove (County)

Acres in your farm today: 286 Acres in original farm: 95.39

Does your farm comply with U.S. Census definition at top of page? yes

Name of founder of farm (please print): W.D.L.F. SMITH

Year founder settled on farm? 1864 Where did he come from? Connecticut

How many families have farmed this land? 4

Are any of original buildings still in use? NO

Who farms land today? You? X A renter? _____ A manager? _____ Other? _____

If you own the farm but live in town, do you manage the farming operation? _____

What relation are you to the original owner? Great Grandson

If you know crops or livestock raised on farm 100 years ago, please list dairy stock
fruit, fish, corn, potatoes, hay, timber, horses,
asses

What do you raise on farm today? fruit, beef stock, hay,
timber, Rock Quarry

How many generations live on the farm today? (Names) Mr. & Mrs. George W. Smith
George W. Smith Jr., Susan Smith, Merrie Smith

Has the farm ever been rented? NO How many times has original farm been divided? NONE

PLEASE list on separate page attached other historical facts you know about this farm.

Do you declare that the statements made above are accurate and correct to the best of your knowledge? yes

George W. Smith
Signature of Owner

To all to whom these presents shall come, greeting:

CERTIFICATE

No. 45.

W.D. Owens, Register of the Land Office at Washington, D.C.

has deposited in the GENERAL LAND OFFICE of the UNITED STATES, a certificate of the Register of the Land Office at Washington, D.C. it appears that full payment has been made by the said W.D. Owens to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands," for

one acre of Section Twenty four, and the lot numbered Five of Section Twenty five South of Range Twelve West in the District of Kansas plus thereon containing thirty five acres, and thirty nine hundredths of an acre.

According to the official plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, W.D. Owens

Now know ye, That the FOREVER SETTLED STATES OF AMERICA, in consideration of the promises, and in conformity with and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT unto the said W.D. Owens, his heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, in thereunto belonging, unto the said W.D. Owens and

In testimony whereof, I, W.D. Owens, Register, do hereby certify.

Witness my hand, at the CITY OF WASHINGTON, the 15th day of August, 1880, and of the Independence of the United States the 100th year.

BY THE PRESIDENT:

Coos Bay, Oregon
The World
(Cir. D. 14,804)

JUN 19 1970

Allen's P.C.B. Est. 1888

Smiths Among 13 Honored ⁵⁰⁶⁴

Mr. and Mrs. George William Smith, Coos Bay, are among the 13 farm owners in Oregon who have applied to receive Century Farm honors in 1970.

To be named as a century farm, the farm must have had continuous ownership and operation by one family for 100 years or more.

Mr. and Mrs. Smith have added to the original 95 acres owned by Smith's great-grandfather, W. D. Smith in 1864, to make the farm total more than 280 acres today.

The oldest Oregon Century Farm is the Sitton Bros., Inc., ranch at Carlton. It was founded in 1845 by N. K. Sitton and is now owned by Charles, John and Roger Sitton.



- Attachments; maps

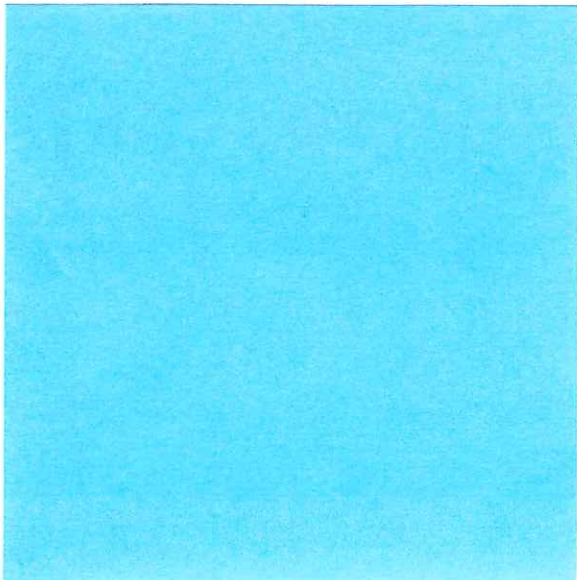
May 2017 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT)

— = 40 acres

NT ↑



Copyright:© 2013 National Geographic Society, i-cubed | Employment | Oregon Geospatial Enterprise Office, Hazards FIT | Coos County Comprehensive Plan: Volume I. Part 2. Inventories and Factual Base. Digital work created by Coos County Planning Staff & Coos County Board of Commissioners with financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management. National Oceanic and Atmospheric Administration. and the Ocean and Coastal



Site Entrance



Ed Buchner
GIS Technical Specialist
Mineral Land Regulation
& Reclamation Program

www.oregongeology.org

DEPARTMENT OF
GEOLOGY AND
MINERAL INDUSTRIES
229 Broadalbin Street SW
Albany, OR 97321-2246
Phone: (541) 967-2084
Fax: (541) 967-2075
edbuchner@oregon.gov

Oregon

Black solid line - 40 acre proposed permit boundary to be surveyed by Professional licensed Surveyor; This map was provided by DOGAMI during a previous meeting.



All dotted lines represent previous mining activity

900

Coos

700

200

501

~40 ACRES

Up Close View

300

Smith Quarry

96422 S Coos River Lane Coos Bay OR 97420

Legend



96422 S Coos River Ln



Google Earth

© 2018 Google



2000 ft

Smith Quarry

Legend

 96422 S Coos River Ln



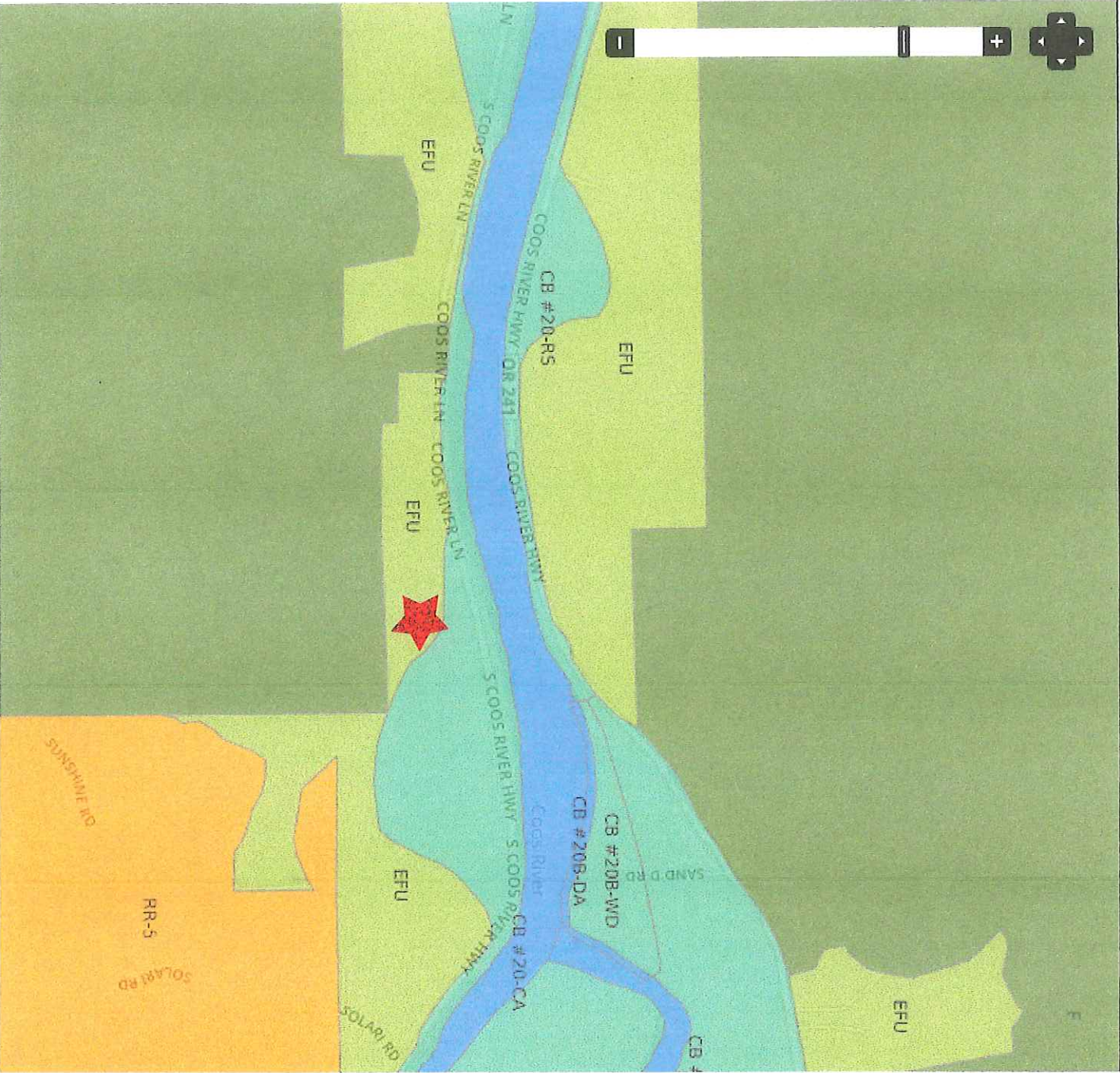
500 ft



Jump To:

Catalog Help

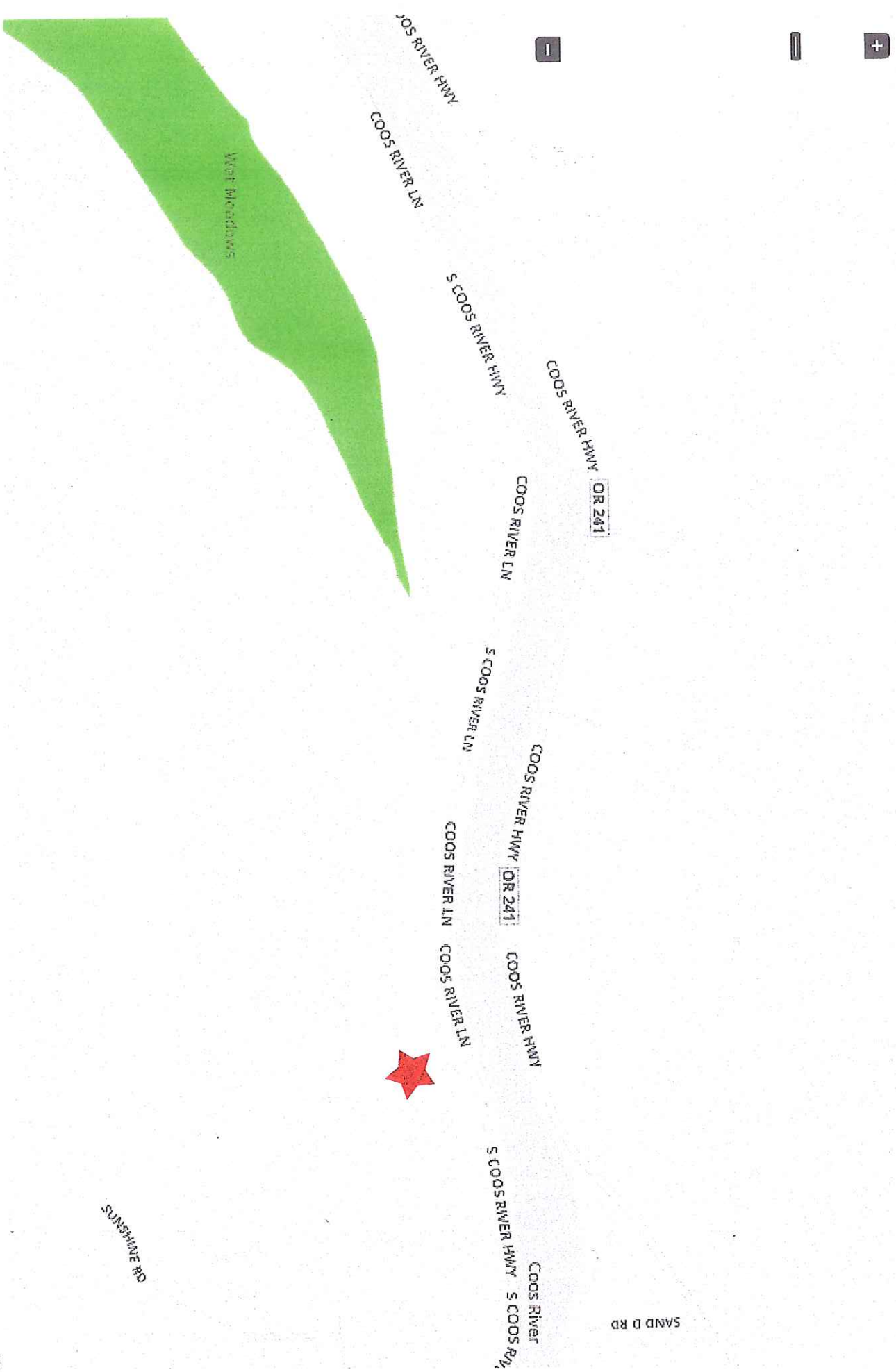
- Administrative Boundaries
- Regulatory Layers
- Flood Maps
- Wetland Maps
 - Local Wetland Inventories
 - National Wetland Inventory
 - Estuary Plan Maps
- Zoning
 - City Zoning Maps
 - County Zoning Maps
 - Clatsop County Zoning, 2010
 - Tillamook County Zoning, 2004
 - Lincoln County Zoning, 2012
 - Lane County Zoning, 2012
 - Coos County Zoning, 2015
- 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
- Coos Bay Estuary Plan - Aquatic
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M
- Curry County Zoning, 2012
- Statewide Zoning Maps
- Planning Inventories
- Estuarine Resources - Goal 16
- Physical
- Biological



- Zoom In
- Zoom Out
- Identify
- Analysis Tools
- Search Tools
- Drawing Tools
- Bookmark



N ↑



Flood Map Changes Viewer

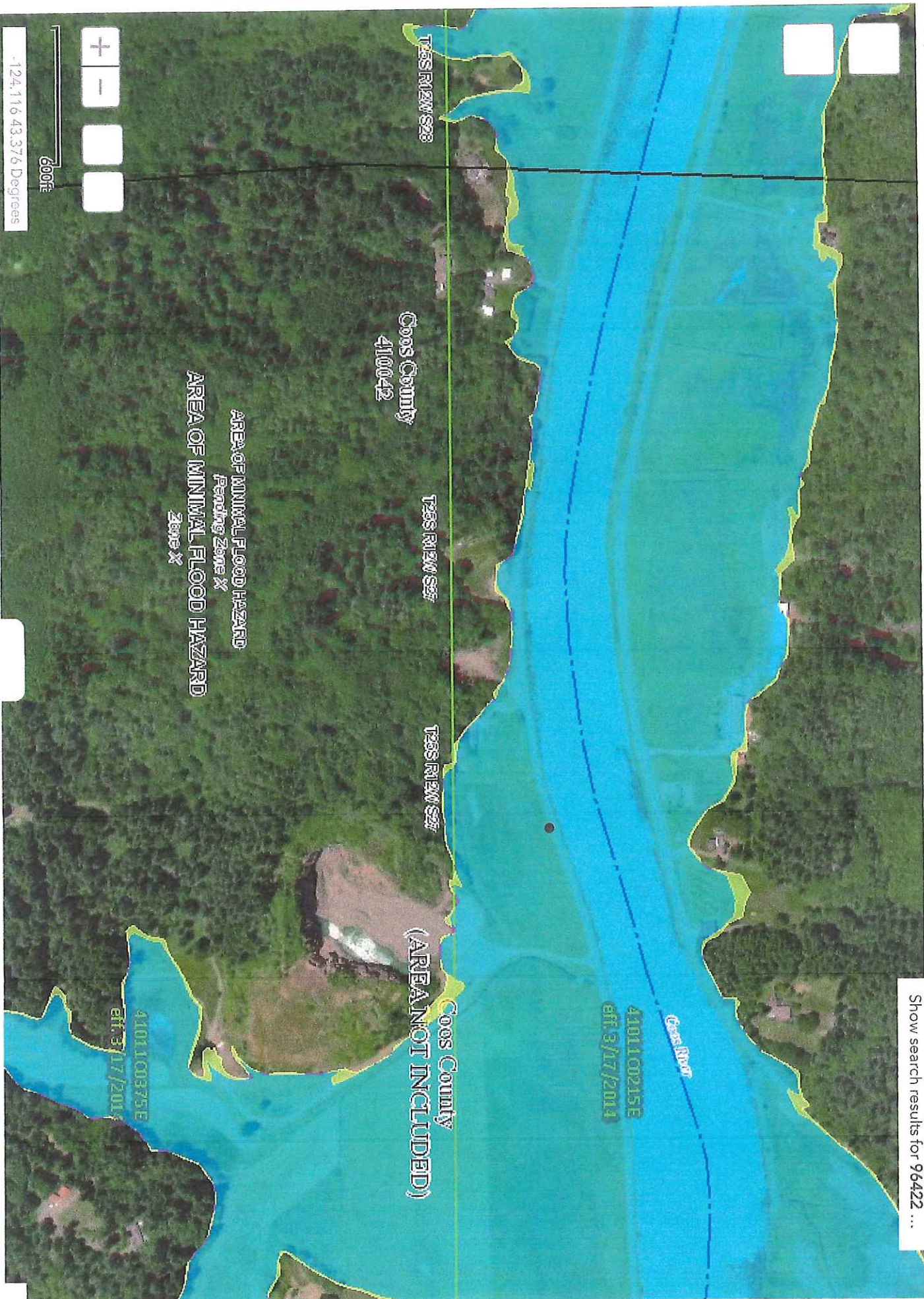
with Web App Builder for ArcGIS



96422 Coos River Lane Co. X



Show search results for 96422 ...



600ft

-124.11643376 Degrees

- Zoom In
- Zoom Out
- Identify
- Analysis Tools
- Search Tools
- Drawing Tools
- Bookmark



Zoom In

Zoom Out

Identify

Analysis Tools

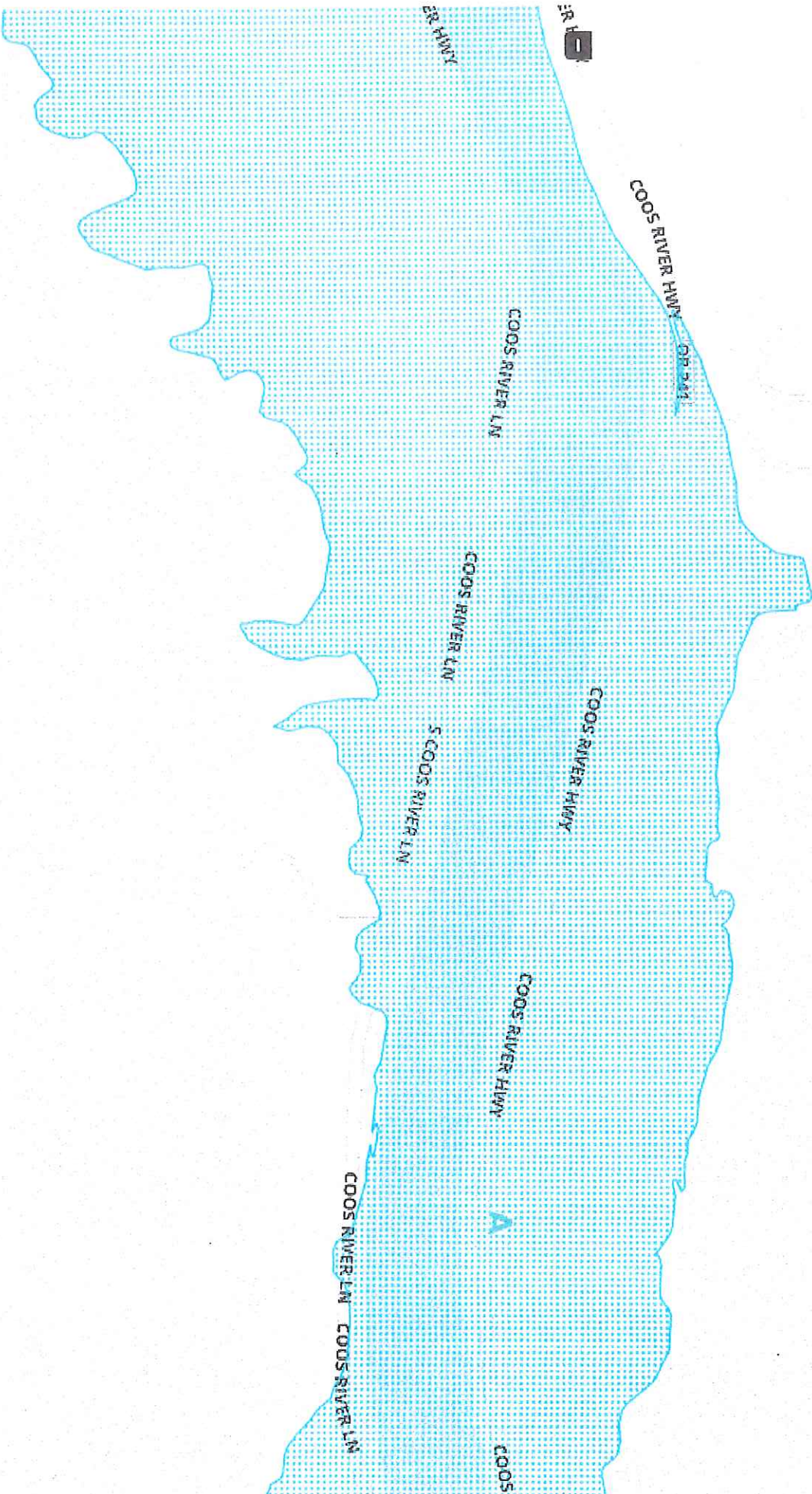
Search Tools

Drawing Tools

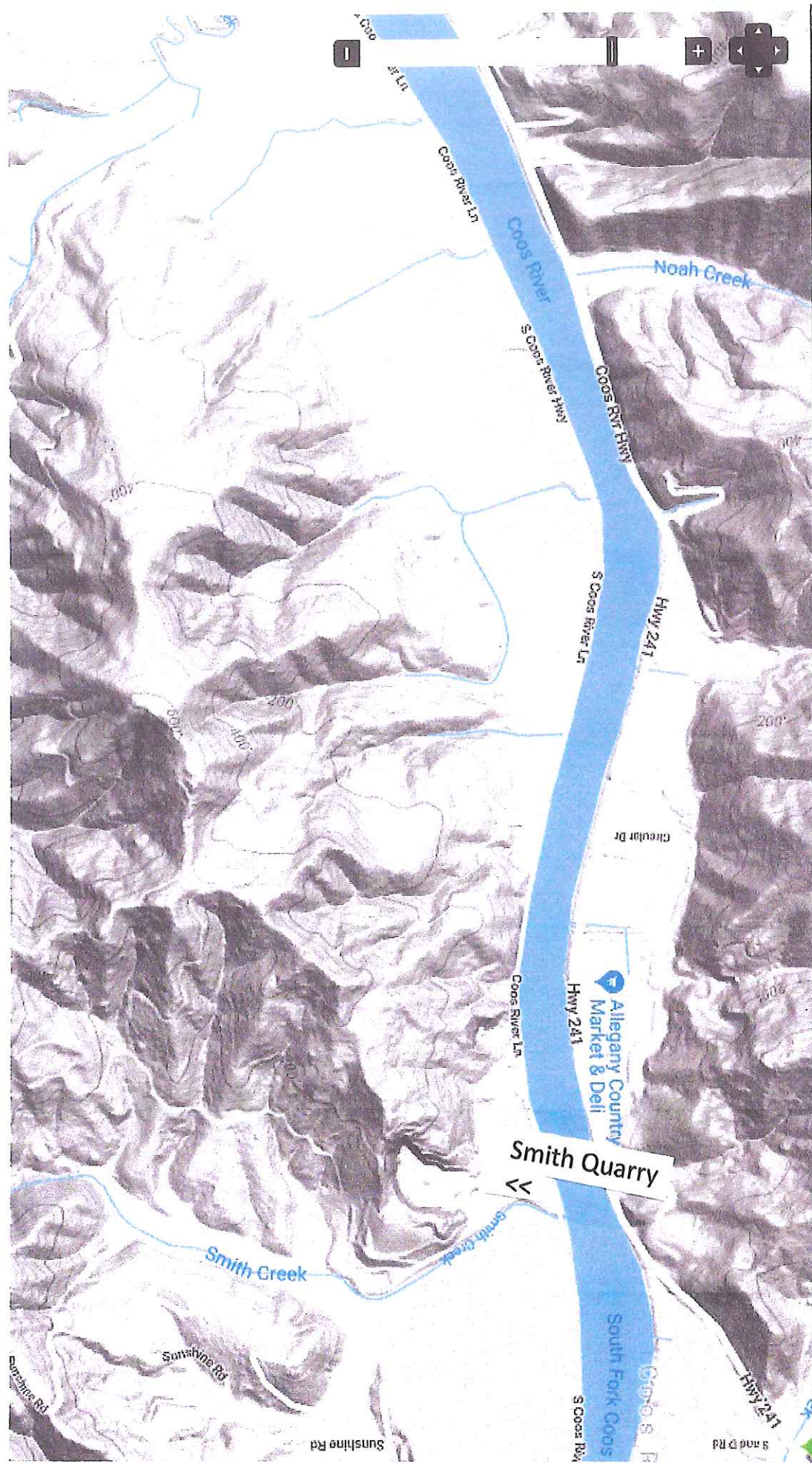
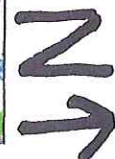
Bookmark

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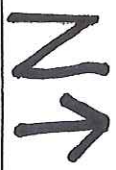


- Zoom In
- Zoom Out
- Identity
- Analysis Tools
- Search Tools
- Drawing Tools
- Bookmark



Topography Map

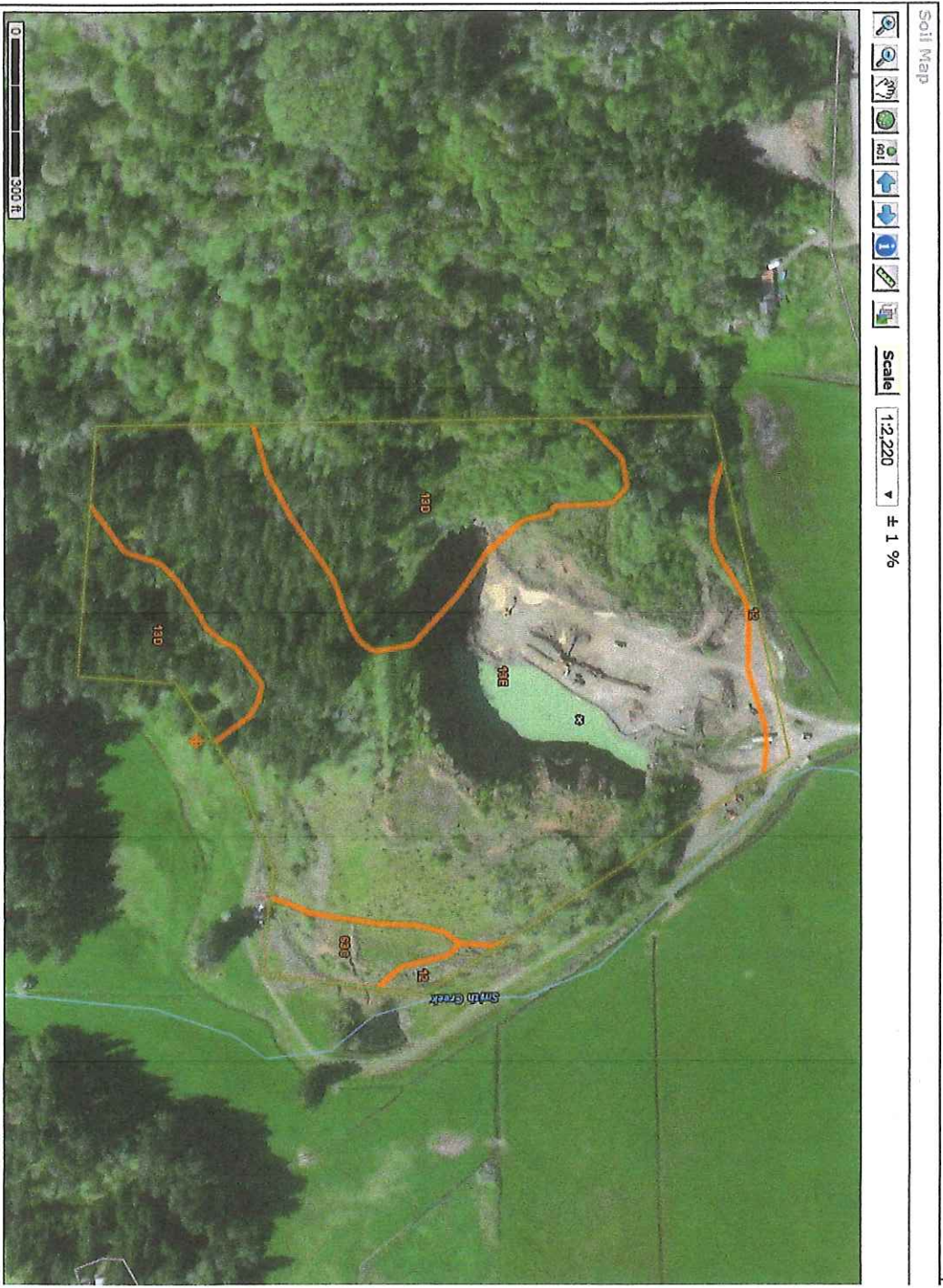




Search
Map Unit Legend

Coos County, Oregon (OR011)			
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
12	Coquille silt loam	0.9	2.7%
13D	Dement silt loam, 12 to 30 percent slopes	7.7	23.7%
13E	Dement silt loam, 30 to 50 percent slopes	22.7	70.0%
63C	Wintley silt loam, 8 to 15 percent slopes	1.2	3.6%
Totals for Area of Interest		32.4	100.0%

Soil Map



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil survey comprise your AOI were mapped at 1:20,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show small areas of contrasting soils that could have been shown at a more detailed scale.



LAND SALES

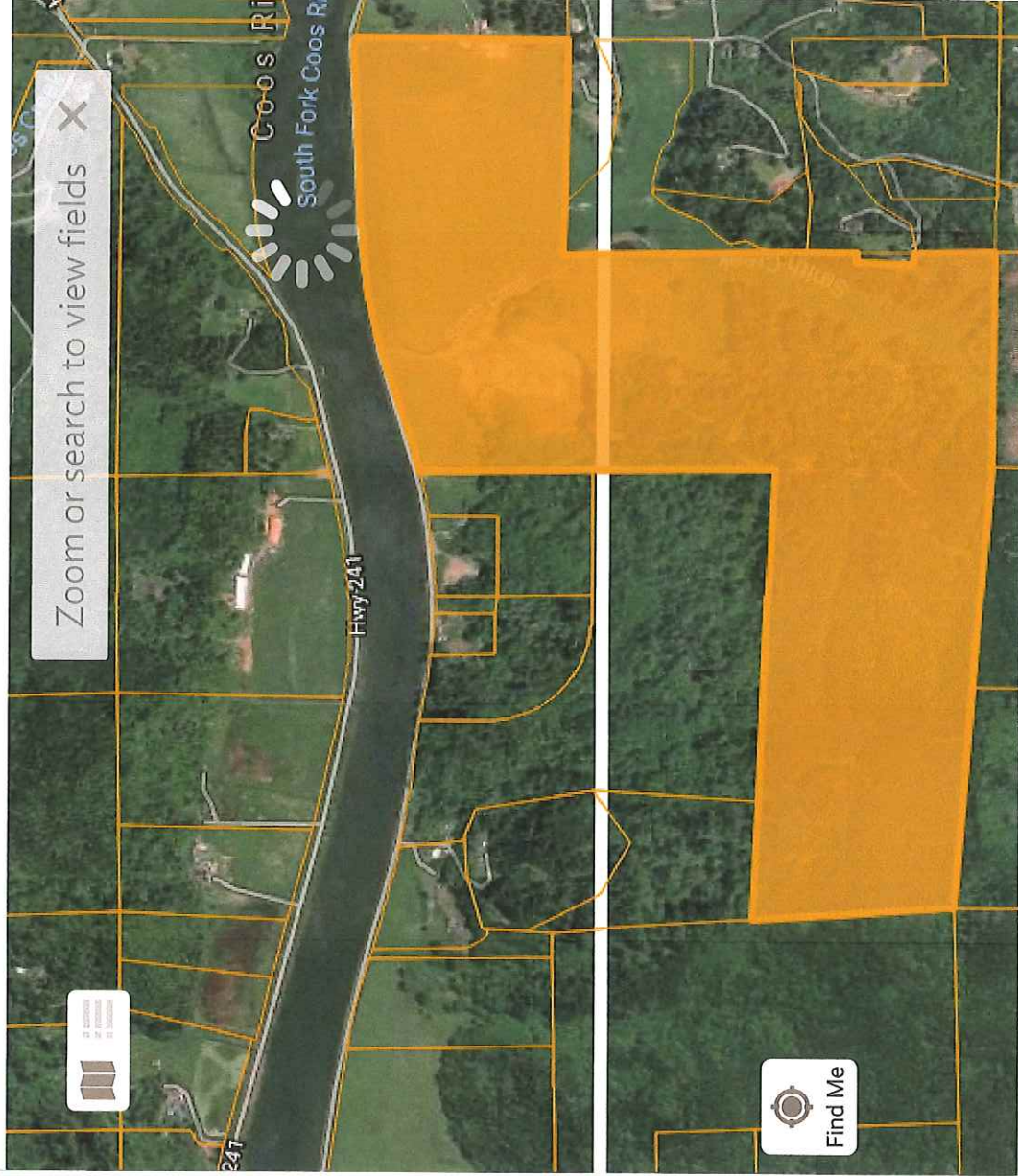
FIELDS

Enter a county, township, city, or address

Narrow your search using filters.
Try **AcreValue PRO**.

NEW

Showing all Parcels.



1 FIELD Get Full Report

Selected Field 214 ac

1		ACREVALUE	n/a
		ACRES	214.5 ac
		LOCATION	Coos County, OR
		PARCEL ID	1000284400

AcreValue provides valuation, soil survey, and crop history reports for individual fields of farmland. Our valuation model utilizes over 20 field-level and macroeconomic data variables to estimate the value of an individual plot of farmland in California, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. Soil information is sourced from the SSURGO database developed by the National Cooperative Soil Survey. Crop history information is sourced from the NASS Cropland Data Layer (CDL).

Attachment B

Comments Received



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2019-0036

Responsible Jurisdiction

Staff Contact

Crystal Orr

Jurisdiction Type

County

Municipality

Coos

Local case file #

ACU-19-005

County

Coos

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
25S	12W	27		700

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.373424

Longitude

-124.106617

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.

Your Activity

It appears that the proposed project **may** impact Essential Salmonid Habitat and, therefore, **may** require a State permit.

An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

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

This response is for only the area outlined on the submitted site plan, page 20. It is possible that the project area avoids impacts to wetlands and streams. A wetland delineation is the only way to know for sure if wetlands will be impacted. Any amount of fill or removal within Smith Creek and adjacent wetlands would require a permit because the creek is essential salmonid habitat. It appears there may be wetland close to the project boundary on the east side of the project site. The tributaries of Smith Creek are not essential salmonid habitat, but a permit would be needed beyond 50 cubic yards of impact to the tributary in the southwest portion of the project area.

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 permit information and requirements contact an Aquatic Resource Coordinator for your county. Go to <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx> for the current list
- For wetland determination and delineation report requirements and information contact the Jurisdictional Coordinator for your county. Go to <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx> for the current list.
- For Removal-Fill permits and/or Wetland Determinate and Delineation report fees, please download the PDF at <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>
- For information and requirements for use of a state-owned water, contact DSL Proprietary Coordinator. Go to <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx> for the current list.

Response Date

2/20/2019

Response by:

Lynne McAllister

Response Phone:

503-986-5300



COQUILLE INDIAN TRIBE

3050 Tremont Ave. North Bend, OR 97459
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847
www.coquilletribe.org

April 10, 2019

Coos County Planning Department
250 N Baxter
Coquille, Oregon 97429

Re: HBCU-19-001

Project location: Township 25S Range 12W Sections 26B/27/27D Tax Lots 300/700/200

Thank you for the opportunity to comment on the proposal to reopen and expand Smith Quarry at the above referenced location. The Coquille Indian Tribe THPO concurs with the anticipatory finding of no adverse effect to historic properties/cultural resources. **Extreme caution is recommended.** If any known or suspected cultural resources are encountered during the work, ground-disturbing activities should cease and the landowner or contractor should contact our office immediately.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 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 a 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. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me at (541) 217-5721 if you have any questions.

Best,

Todd Martin
Tribal Historic Preservation Specialist

CRT19084

Amy Dibble

From: Stacy Scott <sscott@ctclusi.org>
Sent: Thursday, April 25, 2019 3:13 PM
To: Amy Dibble; Courtney Krossman
Subject: RE: Notice of Hearing for HBCU-19-001 Yates

Hey Amy,

There is at least one known village site within a mile of the proposed project area and expansion at Smith Quarry, but there is the potential for as yet unlocated cultural resources to be present. The area itself has never been surveyed for cultural resources and we would request a cultural resources survey be conducted and would be more than happy to work with the owner at no expense to them to conduct that survey prior to operations commencing if the County could make that a condition. The only other concern I have but I believe is something that already should be mandated by the County is that erosion protection, silt barriers, or other protections to prevent silt sediment or contaminants from getting into the River be in place prior to any ground disturbance or quarry operations commencing. This would help protect the water quality, animal, and plant resources that are discussed within our TCP (Traditional Cultural Property) that the SHPO has listed on their database as eligible for inclusion on the National Register at the State Level.

Thanks,
Stacy

Stacy Scott, MA, RPA
Tribal Historic Preservation Officer &
Cultural Resources Protection Specialist
Confederated Tribes of
Coos, Lower Umpqua & Siuslaw Indians
1245 Fulton Avenue
Coos Bay, Oregon 97420
541.888.7513 (office)
541.297.5543 (cell)
541.888.2853 (fax)
SScott@ctclusi.org

From: Amy Dibble [mailto:adibble@co.coos.or.us]
Sent: Thursday, April 25, 2019 2:51 PM
To: Stacy Scott <sscott@ctclusi.org>; Courtney Krossman <ckrossman@ctclusi.org>
Subject: FW: Notice of Hearing for HBCU-19-001 Yates

Stacy & Courtney,

Do you happen to have any comments regarding this application? I may have missed them in my email, my email has been acting up a little ☺

Thank you,
Amy Dibble

From: Amy Dibble
Sent: Friday, April 5, 2019 2:30 PM