



# STAFF REPORT

Coos County Planning  
60 E. Second  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770

## I. MATTER DETAILS – AGENDA ITEM IV. A

**FILE NUMBERS:** AM-21-003/RZ-21-003

**REPORT DATE:** September 30, 2021

**APPLICANT:** Jeffrey McElrath  
20995 Alameda Del Monte  
Wildomar, CA 92595-8540

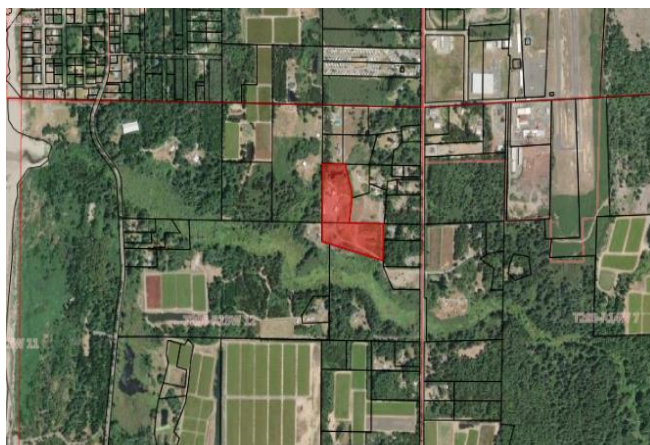
**CONSULTANT:** Sherri McGrath, Coos Curry Consulting Group  
PO Box 1548  
Bandon, OR 97411

**STAFF CONTACT(S):** Amy Dibble, Planner II [adibble@co.coos.or.us](mailto:adibble@co.coos.or.us) Jill Rolfe, Planning Director [jrolfe@co.coos.or.us](mailto:jrolfe@co.coos.or.us)

**SUMMARY PROPOSAL:** Amend the zoning designation as provided for by Oregon Revised Statute 197.719 Industrial use abandoned or diminished mill sites; amendment or comprehensive plans and land use regulations; sewer facilities.

**PUBLIC HEARING:** The time and place for the Coos County Planning Commission to review this matter in a public hearing is October 7, 2021, at 7:00 P.M. in the Owen Building, 201 N. Adams Street, Coquille Oregon

**LOCATION OF PROPOSAL:** The Subject Properties are identified as Township 29S, Range 15W, Section 12A, Tax Lots 200 and 1500. These properties are located south of the City of Bandon off of Rogge Lane via Hwy 101.



### APPLICABLE IDENTIFIED REVIEW CRITERIA:

Coos County Zoning and Land Development Ordinance (Ordinance)

- ORS 197.719 Industrial use of an abandoned or diminished mill site
- Article 5.1 Rezones
- Amendment of Zone Maps (14) and Mixed Use Map (6).

### HEARING PROCESS AND PROCEDURES:

There are four ways to participate in this matter by phone; virtually; in person or in writing.

- i. **Virtual or by phone:** This option is only available during the time and date the hearing is scheduled. To participate there GoToMeeting or by phone please provide an email to [planning@co.coos.or.us](mailto:planning@co.coos.or.us) with your name, address, email and phone number for the record and in case there is any technical difficulty.

Planning Commission Meeting

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/165552109>

**You can also dial in using your phone.**

United States: [+1 \(872\) 240-3412](tel:+18722403412)

**Access Code:** 165-552-109

- ii. **In Person:** The meeting can be attended in person at the time and date scheduled. All participants are required to follow COVID restrictions that are applicable at the time of the hearing. The meeting will be held in the Owen Building Large Conference Room 201 N. Adams Street, Coquille OR 97423. If you require assistance to participate in the meeting, please provide 48 hours' notice to the Planning Staff to accommodate the request. [planning@co.coos.or.us](mailto:planning@co.coos.or.us) or 541-396-7770.

- iii. **In Writing: Testimony shall be submitted by the deadline provided at the hearing or the close of the record in the forms described below.**

- a. **Submission of Written Testimony:** Written testimony and evidenced provided by participants that will not be attending shall be received no later than 5 pm on the day of the hearing. Although it is encouraged to submit the information well in advance to provide the Hearings Body a chance with an in depth review. Written testimony and evidence to shall be mailed 225 N. Adams, Coquille, OR 97423, dropped off at the planning office at 60 E. Second Street, Coquille or emailed to [planning@co.coos.or.us](mailto:planning@co.coos.or.us). If the testimony is not received by the 5 pm deadline it will need to be submitted in person at the hearing or it will not be considered. **Please review the additional information regarding submission of written evidence.**

**b. Submission of Written Evidence**

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

the appeal, such as procedural error or that applicable criteria have not in fact been met.  
[Amended OR 08-09-009PL 5/13/09]

- iv. General Meeting Procedure:** The Planning Commission will start the meeting at 7:00 pm unless otherwise noticed. There will be introductions of the Commissioners and Staff, Approval of Minutes if available and Request for any comments from the public on matters not related to the formal hearings scheduled or pending land use matters prior to opening the hearing. Upon opening the public hearing portion of the meeting, the Planning Staff or County Counsel will provide the procedural rules.

The Planning Commission will:

- a. Disclose the substance of any prehearing *ex parte* contacts regarding the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly;
- b. Any actual or potential conflicts of interest (financial gain); and
- c. Any biases or reason a member will not be participating in the decision making process.

The Planning Commission will ask the audience if there are challenges to any Planning Commission members reviewing the matter. If there are challenges, they shall be brought forward with evidence to substantiate such challenge. There will be a chance for the member of the Commission to rebut the challenge or step down as the decision maker. If the member(s) does not step down the Planning Commission shall make a motion as to remove the member based on the evidence or make the statement that the evidence submitted is not sufficient to create a actual bias or conflict of interest. Once this is complete staff will present the matter and criteria and provide the Planning Commission an opportunity to ask any questions about staff's presentation or material that have been provided.

The Oral testimony will begin:

- a. Applicant's presentation (20 minutes)
- b. Proponents of the application (3 to 5 minutes)
- c. Opponents of the application (3 to 5 minutes)
- d. Rebuttal or closing by the applicant. (3 to 5 minutes)

Tips for providing effective testimony<sup>1</sup>

- a. State your name and address for the record.
- b. Begin by saying you support or oppose a particular agenda item, and briefly explain why.
- c. Use facts to verify your statements.
- d. Describe how this issue affects you personally, what you suggest as a solution and then summarize your testimony.
- e. Be sure to tell the reviewing body exactly what you wish them to do. If you are opposing, your testimony should discuss why the proposal is inconsistent with the controlling law, rules or ordinances.
- f. Do not repeat yourself or get off-topic; keep your argument concise

- v. Notice Requirement: This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3.** The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS

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<sup>1</sup>[https://www.co.coos.or.us/sites/default/files/fileattachments/planning/page/13051/tesify\\_at\\_land\\_hearing\\_brochure.pdf](https://www.co.coos.or.us/sites/default/files/fileattachments/planning/page/13051/tesify_at_land_hearing_brochure.pdf)

197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

- vi. **REVIEW PERIOD:** This application was submitted on August 12, 2021. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

**II. STAFF REPORT – WITH RECOMENDATOINS AND PROPOSED FINDINGS**

**A. SUBJECT PROPERTY DETAILS AND BACKGROUND**

**i. *SUBJECT PROPERTY INFORMATION:***

Account Number(s): 1236025 & 1235801  
Map Number(s): 29S1512A0-00200 & 29S1512A0-01500

Property Owner: MCELRATH, JEFFREY A  
20995 ALAMEDA DEL MONTE  
WILDOMAR, CA 92595-8540

Situs Address: 87522 ROGGE LN BANDON, OR 97411  
87446 ROGGE LN BANDON, OR 97411

Acreage: 5.52 Acres and 5.66 Acres

Zoning: FOREST (F)

Special Development Tax lot 200  
Considerations and overlays: FARM POND, MILL POND & ETC. (PND)  
NATIONAL WETLAND INVENTORY SITE (NWI)

Tax lot 200 and 1500  
ARCHAEOLOGICAL AREAS OF INTEREST (ARC)  
BANDON AIRPORT CONICAL ZONE (ABC)  
BANDON AREA OF MUTUAL INTEREST (BMI)

**ii. *KEY DEFINITIONS:***

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

**FOREST LAND:** Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

**iii. ZONING:**

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**FOREST (F)**

*The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.*

**FOREST MIXED USE (FMU)**

*The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.*

*If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.*

*If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.*

**INDUSTRIAL (IND)**

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

**iv. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:**

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

*SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.*

This property does include inventoried Special Development Consideration and/or Overlay as follows:

- Bandon Area of Mutual Interest, which requires a notification of land use hearings be provided to the City of Bandon.

- Archaeological Areas of Interest, which requires a notice to the Coquille Tribe which was sent as part of the process. A representative also attending the pre-application meeting.
- Bandon Airport Conical Zone, which required a notice Oregon Department of Aviation. The notice was provided and a representative participated in the pre-application process.
- Local wetland Inventoried for a pond and in this case, it is the Mill Pond. There is no development proposed at this time; therefore, no relevant criteria or notices required. This only applies to tax lot 200.
- National Wetland Inventory Site which requires a notice to Department of State Lands. Notice was provided by there is no development proposed as part of this propose.

**v. *LAWFULLY CREATED UNITS OF LAND:***

Tax Lot 200 is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.b through a prior land use decision including a final decision from a higher court.as this property was determined to be lawful through a discrete parcel determination and the current configuration was made through a Property Line Adjustment (PLA-06-69).

Tax Lot 1500 is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.e By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation as this property was created through Deed Volume 284, Page 425.

**vi. *COMPLIANCE PURSUANT TO SECTION 1.1.300:*** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure, or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and the county files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

**vii. *PROPERTY BACKROUND/HISTORY:***

- On May 20, 1987 an application was submitted requesting to rezone Tax Lots 200, 1000, 1500, 1900, and a portion of 1400 from Exclusive Farm Use (EFU and EFU-10) to Forest (F). At this time the property was the existing site of the Douglas Pacific Mill
  - On July 2, 1987 a public hearing was held before the Planning Commission where they moved and unanimously voted to recommend the Board of Commissioners approve the rezone and plan amendment with a condition that a 40 foot wide buffer of existing vegetation be maintained along the north border of TL 1400 which abuts tax Lot 1100.
  - On July 22, 1987 the Board of Commissioners held a hearing and approved the request rezone the property and signed Ordinance No. 87-07-011L.
- On July 23, 1987 Zoning Compliance Letter VL-87-362 was issued providing clearance to determine location of structures for a sawmill. Tax Lots included 200, 1000, 1500, 1900, & 1400
- On April 25, 1988 Zoning Compliance Letter VL-88-177 was issued providing clearance to make repairs to the existing septic only. The improvements noted at this time where a sawmill, shop and office. Tax Lot included 200
- On August 16, 2006 staff received a Discrete Parcel Determination that was submitted and certified by Fidelity National Title
  - On August 31, 2006 Staff sent a response stating that they concurred with the certification and submitted findings which determined that Tax Lots 200 and 1000 are discrete parcels.

- On August 31, 2006 staff received an application requesting a Property Line Adjustment between Tax Lots 200 and 1000.
  - On August 31, 2006 staff sent a letter to the applicant stating that the map submitted with the application did not comply with the provisions and the application and fee was returned.
  - On September 7, 2006 the applicant resubmitted a request for a Property Line Adjustment.
  - On September 14, 2006 staff sent a response to the proposed Property Line Adjustment stating it satisfied the criteria.
  - On February 7, 2006 the Property Line Adjustment Deed was recorded.
- On June 14, 2016 an address application was submitted for Tax Lot 1500.
  - On June 22, 2016 address 49394 Hwy 101 S was assigned.
- On August 8, 2017 a request for a Road Name was submitted.
  - On November 21, 2017 the official name of Rogge Lane was adopted by the Board of Commissioners and Order No. 17-10-057PL was signed.
    - This road accesses Tax Lots 200, 900, 1000, 1500, & 1900.

**viii. PROPERTY SITE DESCRIPTION AND SURROUNDING USES:**

Currently, the property is developed with a small saw mill, an office, shop and additional outbuildings not identified through Assessment records or Planning records but likely small enough they do not require permits or assessment. There is a building on the west boundary line is the only structure that Staff is unclear about. The applicant should confirm if that is a structure and what it is used for.

Staff's research shows that the mill was in operation until at least May 26, 1994, according to Google Earth imagery, shown below. Some of these structures are still in existence. The development is located on Tax Lot 200. The properties are not located within the Urban Growth Boundary or Urban Unincorporated Community.

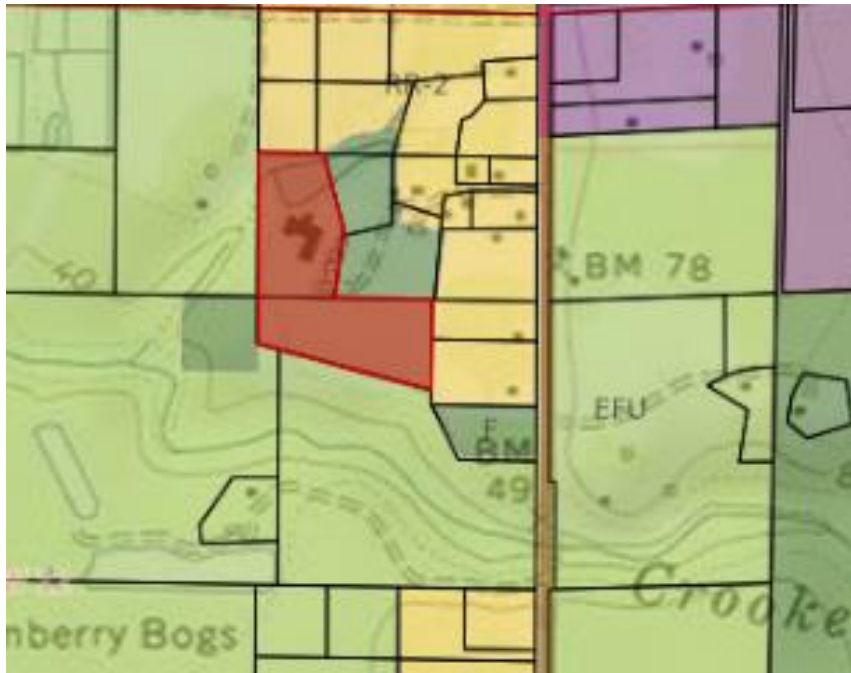


The photos show the site has been impacted over the years by the mill and is no longer able to be utilized for Forest Uses. Most of the site is paved, graveled or harden compact surface with little vegetation around the border of the site. The pond is in the near the northern boundary of tax lot 200.

The subject property has Forest, Exclusive Farm Use and Rural Residential that surrounds it. It is close to Hwy 101 which makes it ease to ship goods if the property is zoned for industrial.

The abutting properties located to the east and north are developed with dwellings and the primary use is for residential. The property to the west of tax lot 200 appears to be used for Farm or Storage purposes.

The property to the west of tax lot 1500 looks to have been a portion of the old mill site. The rest of that property is zoned in farm operation and contains cranberry bogs. It appears a lot of the development was in existence at the time since 1994. The development to the north is newer.



**Soils:** According to the USDA Soil Survey for Coos County Oregon the property is a mixture of different soils which are listed below:

- **5B-Blacklock fine sandy loam, 3 to 7 percent slopes.**

This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days

Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray fine sandy loam 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown sand.

Included in this unit are small areas of Bandon, Bullards, and Heceta soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.

This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation.



This unit is suited to the production of shore pine. Among the other species that grow on this unit are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge.

On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow.

Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table.

Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer.

Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides.

The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum. Yields vary greatly depending on management practices used. Because of the steepness of slope, deep cuts and fills may be necessary to provide level fields. Excessive seepage may occur if cuts are made below the cemented layer.

If this unit is used for recreational development, the main limitations are wetness and the very slow permeability. Water perched above the cemented layer may limit the use of recreational facilities to 3 or 4 months during the dry period. Drainage should be provided for paths and trails. Septic tank absorption fields do not function properly because of the seasonal high water table and the cemented layer. If sanitary facilities are constructed on this unit, holding tanks or effluent treatment systems should be used.

This map unit is in capability subclass V1w.

- **8B-Bullards sandy loam, 0 to 7 percent slopes.**

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish

brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.

Included in this unit are small areas of Blacklock and Bandon soils. Also included are small areas of Templeton soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Maintaining the understory is essential in controlling erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.

Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.

If this unit is used for homesite development, the main limitation is droughtiness in summer. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This unit is well suited to recreational development. It has few limitations.

This map unit is in capability subclass Ille.

- **8D-Bullards sandy loam, 12 to 30 percent slopes.**

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

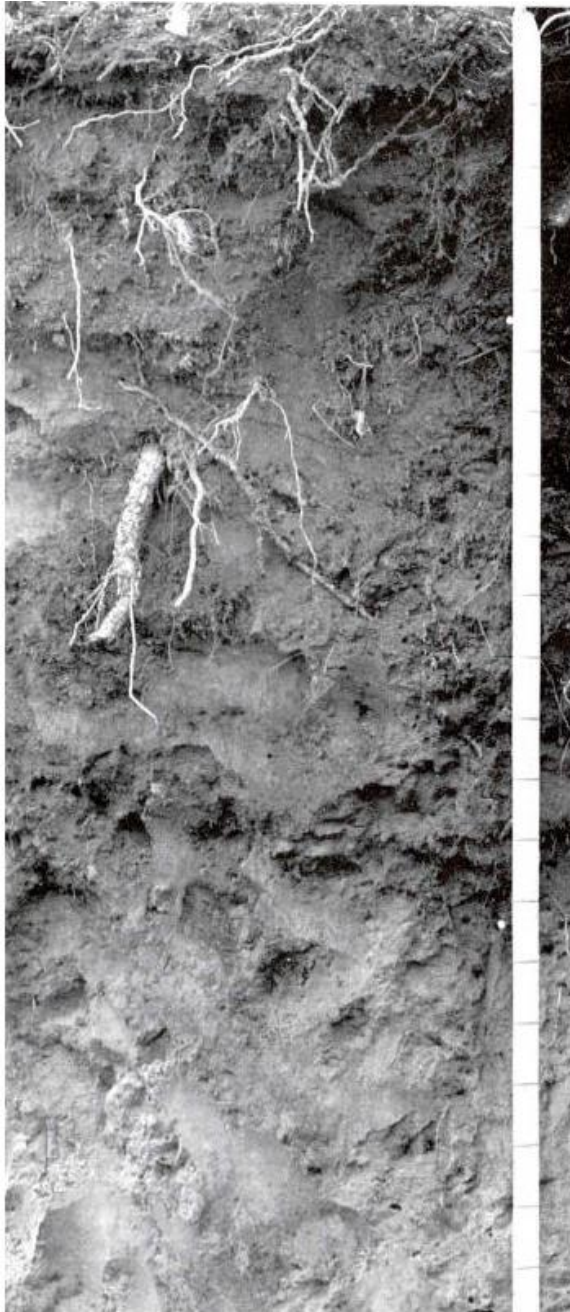


Figure 7.-Typical profile of Bullards sandy loam, 12 to 30 percent slopes, showing sand substratum. Tape is marked in 2.5-inch increments.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand (fig. 7).

Included in this unit are small areas of Bandon and Templeton soils. Also included are small areas of Blacklock soils in depressional areas. Included areas make up about 25 percent of the total acreage.

Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

This unit is used mainly for timber production, wildlife habitat, and pasture. It is also used for recreation.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

The main limitations for the management of timber on this unit are the hazard of erosion, the hazard of windthrow, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Steep

yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use.

Rock for road construction is not readily available in this unit.

Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation can be used in the less sloping areas of the unit. Use of this method permits the even, controlled application of water, reduces runoff, and minimizes the risk of erosion. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion

If this unit is used for recreational development, the main limitations are steepness of slope and the hazard of erosion. Slope limits the type of recreational facilities that are suited to the unit. The risk of erosion is increased if the soil is left exposed during site development. Erosion and sedimentation can be controlled and the beauty of the area enhanced by maintaining adequate plant cover.

This map unit is in capability subclass IVe.

The soils for the majority of this property are 8B Bullards sandy loam.



*ix. COMMENTS:*

- On August 25, 2021 - The Oregon Department of Aviation has reviewed the proposal and has prepared the following comment:
  - 1) The proposal seeks approval to construct a storage facility west of the Bandon State Airport. For this reason, the proposal may require airspace review by the FAA and ODA subject to the standards in Code of Federal Regulations: Title 14. Aeronautics and Space: PART 77- Safe, Efficient Use, and Preservation of the Navigable Space.

All project elements are subject to compliance with FAA Part 77.9 Construction or alteration requiring notice (a-d), FAA Part 77.17 Obstruction standards (a-b) and Obstruction Standards of OAR 738-70-0100 if they exceed 200 feet in height or are within 20,000 feet of Bandon State Airport and exceed a 100:1 surface from any point on the runway. To make this determination, any structures more than 200 feet in height or within the distances provided above must undergo airspace review by the FAA and ODA through submittal of a completed FAA Form 7460-1.

At this time development is not requested but in future this will have to be addressed.

- August 17, 2001 comments from the Coquille Tribe  
Thank you for the opportunity to comment on the proposal to rezone the property to industrial to construct a new storage facility at the above referenced location. The Coquille Indian Tribe THPO concurs with the anticipatory finding of no historic properties/cultural resources effected. **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.

Again, there is no development at this time but in the future this will be addressed.

- September 8, 2021 comments for Oregon Department of State Lands  
A state permit is not needed from DSL for a rezoning because it is an administrative action that does not impact the ground. When the site is developed, a site plan should be submitted for DSL comment. There are jurisdictional waters on the northern half of tax lot 200, and possibly others on the eastern part of TL 1500. This response looked at only those 2 tax lots.

There were no other comments received on this proposal.

**B. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:**

*i. APPLICABLE IDENTIFIED REVIEW CRITERIA:*

Coos County Zoning and Land Development Ordinance (Ordinance)

- a. ORS 197.719 Industrial use of an abandoned or diminished mill site
- b. Article 5.1 Rezones
- c. Amendment of Zone Maps (14) and Mixed Use Map (6).

**ORS 197.719**

**Industrial use of abandoned or diminished mill sites**

- (1) As used in this section, “abandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:
  - (a) Is located outside of urban growth boundaries;



(Definitions for ORS 227.160 to 227.186), only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

- (7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732 (Goal exceptions). [2003 c.252 §2; 2003 c.688 §3]

**FINDINGS: Research shows that the mill was in operation until at least May 26, 1994. Some of these structures are still in existence. The development is located on Tax Lot 200. The properties are not located within the Urban Growth Boundary or Urban Unincorporated Community. The ORS 197.719 supports to rezoning abandoned mill sites for industrial use. The impacts from the prior use of the property make this property unlikely to be able to be restored to Forest or Farm use. Most of the surface is paved or graveled.**

**The applicant is requested that county allow the rezone from Forest to Industrial. This is allowed without a goal exception process under these strict criteria “notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use”.**

**The applicant is not requesting to be rezoned to an urban zone but rather a rural zone under Industrial. The applicant has not requested any type of extension to public water or sewer as part of this request. The current Industrial zone does no permit retail, commercial or other uses described in Subsection 7 in IND zones. Therefore, it appears the applicant qualifies.**

#### **SECTION 5.1.200 Rezones:**

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

**FINDINGS: This request is a rezone.**

#### **SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:**

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

**FINDINGS: This request is based on ORS 197.719. Therefore, the Planning Director did find it appropriate to expand the rezone request.**

### **SECTION 5.1.215 Zoning for Appropriate Non-farm Use:**

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

**FINDINGS: This is not applicable to the request.**

### **SECTION 5.1.220 Process for Rezones:**

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

**FINDINGS: This process has been followed and will continue to be followed.**

### **SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:**

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

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
  - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
  - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
  - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
  - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
  - b. The development of the site must conform to certain specified standards; or
  - c. Any combination of the above.

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

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
  - ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
  - iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
  - iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.



**FINDINGS:** The Planning Commission shall make a recommendation to the Board of Commissioners. The rezoning will conform with the Comprehensive Plan. There is no conflict that staff could find with the comprehensive plan with this request. The industrial lands were based uses occurring and bare lands that could accommodate future uses. This property has historically been used for process wood products which is an industrial use. The property is impacted in such a way that is not viable forest land. Therefore, the Planning Commission should find this proposal is consistent.

The rezoning will not seriously interfere with permitted uses on other nearby parcels. The property has been used for an intense wood process facility for years and has never received a complaint from any of the surrounding neighbors. There are buffers and the actual development on adjacent lands is farm from the any of the site that would be used in the current of future industrial uses.

The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners. The Board of Commissioners does not have any other policies or ordinances at this time they are considering adopting.

Therefore, staff would recommend that the Planning Commission submit a favorable recommendations given the criteria, site impacts and the fact the site meets the criteria under ORS 197.719.

#### **SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:**

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

#### **SECTION 5.1.235 Board of Commissioners Action on Hearings Body Recommendation:**

Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:

1. adopt the Hearings Body recommendation for approval or approval with conditions;
2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;
3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

#### **SECTION 5.1.240 Requirements for “Q” Qualified Classification:**

Where limitations are deemed necessary, Board of Commissioners may place the property in a “Q” Qualified rezoning classification. Said “Q” Qualified Classification shall be indicated by the symbol “Q” preceding the proposed zoning designation (for example: Q C-1).

#### **SECTION 5.1.250 Permits and Applications Moratorium:**

1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
  - a. Withdrawal of the application by the applicant;
  - b. Expiration of the County’s appeal period without an appeal having been filed; or

- c. Final order of Board of Commissioners upon hearing the appeal.
2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

**FINDINGS: These sections are procedures following the recommendation by the Planning Commission.**