

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In the Matter of Amending the Coos County
5 Comprehensive Plan Designation and Zone Map from
6 Industrial to Commercial and the File Nos. AM-23-
7 001/RZ-23-001 Paul Hanken

ORDINANCE No.: 23-05-004PL

8
9 SECTION 1. TITLE

10 This Ordinance shall be known as the "Coos County Ordinance No. 23-05-004PL".

11 SECTION 2. AUTHORITY

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

13 SECTION 3. PURPOSE

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

18 SECTION 4. FINDINGS AND ORDER

19 WHEREAS the property owners Coos County applied on properties described as map number: Township
20 24S, Range 13W, Section 15, Tax Lot 802. Tax lot 802 is currently zoned and designated as Industrial. The
21 proposal is to amended the Coos County Comprehensive Plan (CCCP) CCCP designation and zoning from
22 Industrial (IND) to Commercial (C-1) as presented by in the application found at Attachment A;

23 WHEREAS Staff reviewed the proposal and made findings in the June 29, 2023, staff report
24 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)
25 find that the application complied with the Coos County Zoning and Land Development Ordinance (CCZLDO)
26 Article 5.1 Plan Amendments and Rezones.

27 WHEREAS the Hearings Body held a public hearing on July 6, 2023 for the purpose of reviewing all the
28 evidence and testimony in this matter. The Planning Commission made the recommendation to the County Board of
29 Commissioners (BOC) that the plan amendment rezone would meet the criteria if the property was rezoned
30 Commercial;

1 AND IT APPEARING to the Coos County Board of Commissioners that the Planning Commission did
2 adequately review all of the testimony and evidence in the matter and held another public hearing on the matter
3 to consider any additional testimony and evidence on August 1, 2023.

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners has
5 reviewed the recommendations from the Hearings Body and found that the proposal meets the objectives of the
6 comprehensive plan. The evidence and testimony in the record support the rezone from Industrial to
7 Commercial. The Board of Commissioners carefully considered the evidence and determined that the proposal
8 is in compliance with other policies and ordinances adopted by the Board of Commissioners. The findings
9 regarding this matter can be found in Attachment B.

10 SECTION 5. SEVERANCE CLAUSE

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

16 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

17 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
18 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
19 85-03-004L shall remain in full force and effect in all other respects.

20 SECTION 7. EMERGENCY CLAUSE

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

24 Adopted this Dated this 1st day of August 2023.

25 ATTEST

26 Michelle Berglund
Recording Secretary
Approved as to form:

27 N/A
Office of Legal Counsel

BOARD OF COMMISSIONERS

28 Robert Bob Marin
Chair
Rayh
Vice Chair
John W. Hunt
Commissioner

29 Planning Commission Reading: July 6, 2023
Board of Commissioner Reading: August 1, 2023
30 Effective Date of Adoption: August 1, 2023

Attachment “A” Application

From: [Chris Hood](#)
To: [Jill Rolfe](#)
Cc: [Planning Department](#)
Subject: HANKEN REZONE APPLICATION
Date: Tuesday, February 14, 2023 12:56:23 PM

This Message originated outside your organization.

Hi Jill,

On Friday February 3rd I submitted a Rezone Application to the Department that we prepared for Paul Hanken. I forgot to attach a letter and there is no place on the form that acknowledges a representative.

Please put this email in the file and send any information regarding this application to our office.

Thanks, Chris

Chris Hood

Senior Planner / Land Use Consultant
Stuntzner Engineering & Forestry, LLC
Mail: PO Box 118, Coos Bay, Oregon 97420
Location: 705 South 4th Street Coos Bay, Oregon 97420
Office 541-267-2872 Fax 541-267-0588



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

Official Use Only	CO
FEE:	3220
Receipt No.	239831
Check No./Cash	17762
Date	2/3/23
Received By	WMB
File No.	Am 12-23-00

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

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

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

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: Paul Hanken Telephone: 503-481-4638
 Address: 4230 SE 114th Avenue
Portland, OR 97266

As applicant, I am (check one):

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

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

Hauser Hill Campground
4230 SE 114th Avenue, Portland, OR 97266

B. DESCRIPTION OF PROPERTY:

Township 24 Range 13 Section 15 Tax Lot 802
 Account No. 99916796 Lot Size 3.80 Acres Zoning District Industrial (Ind)
 Existing Use Vacant Land

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Recreation (Rec)

D. JUSTIFICATION: See Applicant's Exhibit "A"

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

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

a. Will the rezone conform with the comprehensive plan? _____
Explain: _____

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? _____
Explain: _____

c. Will the rezone comply with other adopted plan policies and ordinances? _____
Explain: _____

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

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO [Article 5.1](#).

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

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

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

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

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

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

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

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

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

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

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.



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



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



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



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

Applicant(s) Original Signature



Applicant(s) Original Signature

1-30-23

Date

² Property owner" means the owner of record, including a contract purchaser

APPLICANT'S EXHIBIT "A"

HANKEN REZONE APPLICATION INDUSTRIAL TO RECREATION LOCATED IN T.24, R.13, S.15, TL 802

BACKGROUND:

The applicant is requesting the Rezone and Plan Amendment of a 3.8 acre parcel of land generally located west of Highway 101 in the Hauser area of Coos County. Access to the property is from Highway 101 by way of the abutting Hauser Depot Road, a Coos County public right-of-way.

The property is currently zoned Industrial (IND) and the applicant is requesting a rezone to Recreation (REC). The current Industrial zone was established by Coos County under a blanket exception process for most of the vacant Industrial zoned lands during the Coos County Comprehensive Plan acknowledgement process. This application is not requesting a new exception, but rather is amending the zoning based on compliance with Oregon's Statewide Goals and Guidelines. The applicant is taking a two-pronged approach by also addressing Section 5.1.275, the standards for amending and rezoning non-resource land.

The applicant is requesting a rezone to Recreation for the specific purpose of developing an RV Park, and is therefore requesting a qualified rezone pursuant to Section 5.0.500. The qualifier would limit the use of the property to a Recreational Vehicle Park (RV Park). By qualifying the land to a specific use, the qualifier allows the applicant the ability to more explicitly address goals and criteria relevant to the amendment/rezone.

D. JUSTIFICATION:

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

APPLICANT'S RESPONSE: This request is to rezone an exception parcel from Industrial (IND) to Recreation (REC). No part of the subject parcel is zoned Exclusive Farm Use (EFU).

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

a. Will the rezone conform with the comprehensive plan?

APPLICANT'S RESPONSE: This request is to rezone a parcel from Industrial (IND) to Recreation (REC). The intent of the Comprehensive Plan with regard to Industrial lands is as follows:

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

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

According to the Comprehensive Plan at the time of Acknowledgement (March 1985), the identified need for industrial land to the year 2000 was 978 acres. At that time there was 1,811 acres of vacant industrial land within the balance of county (non-estuary) zoning districts. While there has not been an industrial lands inventory analysis completed since that time, there are several factors that support the conclusion that there is an adequate industrial land base sufficient to meet current and future industrial land needs.

- The 1,811 acres of vacant industrial land that was available in 1985 is nearly double the amount of land needed to meet the projected need to the year 2000. Due to the decline, rather than growth, of the woods products industry, the 1985 projections were over-estimated. The closure of forest product manufacturing facilities has increased the industrial land base in both the balance of county and estuarine water dependent districts.*
- Due to the substantial inventory base, it was determined by the State of Oregon that Coos County could rezone portions of its water dependent industrial land for other uses, provided the county maintained a water dependent industrial land base equal to the acreage of all land that was under industrial use at any given time. In other words, it was determined that Coos County had excess industrial lands needed to support industrial growth into the distant future.*
- For several years, Coos County, through acknowledgement by the State, allowed recreational uses, specifically Recreational Vehicle (RV) Parks, on balance of county IND lands. That policy resulted in the development of two R.V. Parks on large industrial tracts. The Oregon Dunes Sand Park (Boxcar RV Park) is located on 20 industrial acres north of Transpacific Park Way, and the Coos County, Riley Ranch R.V. Park is located*

on 85 industrial acres west of Highway 101 just south of Coos County's northerly most boundary. The Riley Ranch R.V. Park is located within the same "industrial tract" as the property subject to this application. It seems clear that Coos County supports the conclusion that there is sufficient IND zoned land needed to support future industrial growth.

Both R.V. parks discussed above were established to fill a need for transient overnight accommodations in conjunction with the nearby Dunes National Recreation Area. And, while Coos County has amended their county code to restrict RV Parks in the Industrial Zone, the need for overnight accommodations still exists. The purpose of this rezone is to change the zone designation of the subject property to Recreation, for the express purpose of allowing an RV Park.

This application will rezone a total of 3.8 acres from an Industrial (IND) zone district to a Recreation (REC) zone district for the purpose of allowing an R.V. Park. That equates less than four percent (.04) of the total amount of industrial land that the county has previously committed to recreational uses. It seems reasonable to conclude that following this rezone, Coos County will retain an Industrial land base that is sufficient to meet future industrial growth.

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels?

APPLICANT'S RESPONSE: This request is to rezone the subject property from a high-intensive Industrial zone to a low-intensity Recreation zone. The adjacent land lying north and east of the subject property is zoned Rural Residential. The land adjacent to the south is zoned Industrial and the land adjacent to the west is zoned Recreation.

The adjacent Rural Residential zoned land to the North and East consists of five ownerships (Tax Lots 1200, 1300, 1400, 1500, and 801). Four of the five Tax Lots (1200, 1300, 1500, 801) consist of vacant land and are owned by the US Forest Service. Tax Lot 1400 contains a residence together with a recreational vehicle rental, according to Coos County Assessment Records.

The adjacent land to the south consists of two ownerships (Tax Lots 803 and 804.) Coos County assessment records show that both properties are vacant, however aerial photographs show a structure that is believed to be a private market and RV rental facility that is operated in conjunction with the Oregon Dunes National Recreation Area.

The adjacent land to the west consists of vacant land that is owned by the public and is managed by the US Forest Service as part of the Oregon Dunes National Recreation Area (ODNRA).

The proposed rezone from Industrial use to Recreational use is intended to allow the development of an RV Park to provide additional overnight accommodations for transient ATV

enthusiasts that travel from all over the country to enjoy the adjacent national park. Of the eight parcels surrounding the subject property, all are vacant, except for one parcel that contains a residence and a recreational vehicle rental facility. Four of the eight parcels are currently owned by the US Forest Service and will likely never be developed for any use that does not support the National Park and its various recreational activities.

The primary access road (Hauser Depot Road) to the dunes runs adjacent to the subject property as well as six of the eight surrounding parcels. The principal use of the county road is for ATV access to the dunes. The county road is currently the primary access to the dunes for the KOA RV Park to the north, the primitive RV Park (parking lot) at the junction of Highway 101, the federal primitive camping, and the 8 acres of federal land lying North of Hauser Depot Road that is used as a staging area for dune activities. Based on the amount of existing traffic currently utilizing the county road, the traffic generated by the proposed RV Park, that has direct/adjacent access to the dunes, will have a relatively small impact to the area.

As stated above, the intent of this rezone is to allow a recreational use (RV Park) in conjunction with the adjacent Oregon Dunes Recreation Area. It is generally accepted that the area surrounding the subject property is generally utilized for recreation in conjunction with the federal park and the adjacent county road exists as a primary access to the dunes. It is therefore reasonable to conclude that the proposed rezone to Recreation will not seriously interfere with uses on the adjacent vacant lands or to the one residence devoted to recreational use.

c. Will the rezone comply with other adopted plan policies and ordinances?

APPLICANT'S RESPONSE: The Coos County Comprehensive Plan has established policies that are intended to implement Oregon Statewide Planning Goals and Guidelines. This application is not requesting a new exception, but rather is amending the zoning based on compliance with all applicable goals. The applicant is taking a two-pronged approach by showing compliance with the goals and demonstrating that the property is non-resource land pursuant to Section 5.1.275 CCZLDO, standards for amending and rezoning non-resource land.

SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:

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

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be non-resource land

APPLICANT'S RESPONSE: The subject property contains two primary soil types (See Applicant's Exhibit "A"). Approximately seventy percent (70%) of the property (2.6 acres)

contains Dune Land soil, and approximately thirty percent (30%) of the property (1.2 acres) contains Waldport-Heceta fine sand soil (Waldport) with a 30% percent slope.

The Dune Land soil is a subclass V111e for agricultural purposes. The Waldport soil is a Subclass VIIe for agricultural purposes (see Applicant's Exhibits "B" and "D"). Pursuant to Oregon Statewide Goal 3, "Agricultural Land in Western Oregon is land of predominantly Class I, II, III and IV soils." Therefore, based on the two existing soil types, the subject property is not agricultural land as defined by Goal 3.

Pursuant to the USDA soil site survey for Coos County, the Dune Land soil is not recognized as capable of producing any type of commercial tree species and does not have a cubic feet classification for the production of wood fiber. The Waldport soil, on a 100-year site curve, has a site index of 90 for Shore Pine, and is capable of producing 86 cubic feet of wood fiber, per acre, per year (See Applicant's Exhibits "C" and "D"). Of the 3.8-acre parcel, two-thirds is not capable of producing any type of commercial tree species, and combined, the entire parcel is capable of producing just over 86 cubic feet of wood fiber. The subject property is not forestland pursuant to Goal 4.

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

APPLICANT'S RESPONSE: Coos County lists two Goal 5 resources as "potentially" existing on the subject property, Archaeological Areas of Interest and Wetlands.

Regarding Archaeological Areas of Interest, the Coos County Planning director researched Tribal maps and verified that there are no identified archaeological resources existing on the subject property. The property, while listed as an Archaeological Area of Interest, does not contain identified Goal 5 resources.

Regarding Wetlands, Coos County lists the subject property as potentially containing wetlands based upon Federal Wetland Inventory Maps, however, the only wetlands recognized as Goal 5 resources are those wetlands identified in the Coos County Comprehensive Plan. There are no identified wetlands and therefore no Goal 5 resources existing on the subject property.

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

Land in Western Oregon is land of predominantly Class I, II, III and IV soils."

Therefore, based on the two existing soil types, the subject property is not agriculture land as defined by Goal 3 and an exception is not required.

APPLICANT'S RESPONSE: The subject property contains two primary soil types. Approximately seventy percent (70%) of the property (2.6 acres) contains Dune Land soil and approximately thirty percent (30%) of the property (1.2 acres) contains Waldport-Heceta fine sand soil (Waldport) with 30% slope.

The Dune Land soil is a Subclass V111e for agricultural purposes. The Waldport soil is a Subclass VIIe for agricultural purposes. Pursuant to Oregon Statewide Goal 3, "Agricultural

Land in Western Oregon is land of predominantly Class I, II, III and IV soils.” Therefore, based on the two existing soil types, the subject property is not agricultural land as defined by Goal 3.

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

APPLICANT'S RESPONSE: The adjacent land lying north and east of the subject property is zoned Rural Residential. The land adjacent to the south is zoned Industrial, and the land adjacent to the west consists of vacant dune land that is owned by the public and is managed by the US Forest Service as part of the Oregon Dunes National Recreation Area (ODNRA).

The adjacent Industrial zoned land to the North and East consists of five ownerships (Tax Lots 1200, 1300, 1400, 1500, and 801). Four of the five Tax Lots (1200, 1300, 1500, 801) consist of vacant land and are owned by the US Forest Service. Tax Lot 1400 contains a residence together with a recreational vehicle rental, according to Coos County Assessment Records.

The adjacent land to the south consists of two ownerships (Tax Lots 803 and 804.) Coos County assessment records show that both properties are vacant, however aerial photographs show a structure that is believed to be a private market and RV rental facility that is operated in conjunction with the Oregon Dunes National Recreation Area.

The subject property is not located adjacent to any land that is currently in farm or forest use or can support farm or forest uses based on the dune land soil types similar to those contained within the subject property. Therefore, it is reasonable to conclude that the property cannot be managed for farm or forest use in conjunction with other adjacent lands.

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

APPLICANT'S RESPONSE: Assessment Records show that the subject property is assessed as Industrial land and has not received a special farm or forest tax assessment in the past 5 years.

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

APPLICANT'S RESPONSE: The subject property is currently an exception area zoned for Industrial use. All adjacent and surrounding properties are also exception properties zoned for either Industrial, Recreation, or Rural Residential uses. The rezone will not lead to the rezoning of other lands to non-resource uses to the detriment of the resource uses in the area.

7. The subject property shall be at least 10-acre in area unless it is contiguous to an area that is zoned for non-resource use. Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.

APPLICANT'S RESPONSE: The subject property is contiguous on all sides by land zoned for non-resource use. This criterion does not apply.

8. Rezoning of land that is found to be non-resource land shall be to a "rural" zone that is appropriate for the type of land and its intended use. Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use. Development of property rezoned from Forest or Forest Mixed use to a non-resource zone shall comply with the resource development and siting standards. (ORD NO. 04-01- 001PL February 10, 2004)

APPLICANT'S RESPONSE: The Recreation zone is generally found in rural areas of Coos County. The land proposed for rezone contains dune land soil types that are listed as suitable for recreational use. The proposed rezone to Recreation is intended to allow a small-scale RV park in conjunction with the adjacent Dunes National Recreational Area. The proposed RV park will contain the required open space and be served by rural levels of services, including an onsite septic system.

OREGON STATEWIDE GOALS

Goal 1 Citizen Involvement

APPLICANT'S RESPONSE: The process for reviewing this rezone application will incorporate all public notice requirements necessary to allow citizens the opportunity to be involved in the planning process.

Goal 2 Land Use Planning

APPLICANT'S RESPONSE: The purpose of Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. Part II "Exceptions," describes how a local government may adopt an exception to a Statewide Planning Goal. Because this amendment, as demonstrated below, complies with all applicable Statewide Goals, an exception is not required. The applicant has also demonstrated compliance (above) with the "Standards for Comprehensive Plan and Rezone for Non-Resource Land" pursuant to Section 5.1.275 of the Acknowledged Coos County Zoning and Land Development Ordinance.

Goal 3 Agricultural Lands

APPLICANT'S RESPONSE: The subject property contains two primary soil types. Approximately seventy percent (70%) of the property (2.6 acres) contains Dune Land soil and approximately thirty percent (30%) of the property (1.2 acres) contains Waldport-Heceta fine sand soil (Waldport) with 30% slope.

The Dune Land soil is a subclass V111e for agricultural purposes. The Waldport soil is a Subclass VIIe for agricultural purposes. Pursuant to Oregon Statewide Goal 3, "Agricultural

Land in Western Oregon is land of predominantly Class I, II, III and IV soils." Therefore, based on the two existing soil types, the subject property is not agriculture land as defined by Goal 3. An exception is not required to Goal 3.

Goal 4 Forest Lands

APPLICANT'S RESPONSE: The subject property contains two primary soil types. Approximately seventy percent (70%) of the property (2.6 acres) contains Dune Land soil and approximately thirty percent (30%) of the property (1.2 acres) contains Waldport-Heceta fine sand soil (Waldport) with 30% slope.

Pursuant to the USDA soil site survey for Coos County, the Dune Land soil is not recognized as capable of producing any type of commercial tree species and does not have a cubic feet classification for the production of wood fiber. The Waldport soil, on a 100-year site curve, has a site index of 90 for Shore Pine and is capable of producing 86 cubic feet of wood fiber, per acre, per year. Of the 3.8 acre parcel, two thirds are not capable of producing any type of commercial tree species, and combined, the two soil types can produce a total of just over 86 cubic feet of wood fiber. The subject property is not forestland as defined by Goal 4. An exception to goal 4 is not required.

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

APPLICANT'S RESPONSE: Coos County lists two Goal 5 resources as "potentially" existing on the subject property, Archaeological Areas of Interest and Wetlands.

Regarding Archaeological Areas of Interest, the Coos County Planning director researched Tribal maps and verified that there are no identified archaeological resources existing on the subject property. The property, while listed as an Archaeological Area of Interest, does not contain identified Goal 5 resources.

Regarding Wetlands, Coos County lists the subject property as potentially containing wetlands based upon Federal Wetland Inventory Maps, however, the only wetlands recognized as Goal 5 resources by Coos County are those wetlands identified in the Coos County Comprehensive Plan.

Regardless of whether Coos County recognized federal wetlands as Goal 5 resources, the State of Oregon has a delineation and mitigation process in place through the Department of State Lands that is intended to protect the resource. The wetland identified on federal inventory maps is located at the bottom of the 30 % slope in a relatively small area along the easterly boundary of the property (See Applicant's Exhibit "F"). The applicant intends to avoid the area containing wetlands during the development of the proposed RV Park. Any existing wetlands will remain in an area designated as open space. Because no Goal 5 resources will be impacted, a Goal 5 exception is not required.

Goal 6 Air, Water and Land Resources Quality

APPLICANT'S RESPONSE: The applicant is downzoning the property from an intensive Industrial zone district to a relatively low intensity Recreation district for the purpose of developing an RV Park. The purpose of Goal 6 is to maintain and improve air, water, and land resources. Changing the zone district from Industrial to Recreational will likely reduce the likely hood of negative resource impacts in the area. Because the proposed RV Park development must comply with the requirements established by the Oregon Department of Environmental Quality (DEQ), it is unlikely that there will be any measurable impacts to the quality of the air, land or water. An exception to Goal 6 is not required.

Goal 7 Areas Subject to Natural Hazards

APPLICANT'S RESPONSE: The identified Natural Hazards applicable to the subject property are Earthquake Liquefaction, Wind Erosion, and Tsunami. The Earthquake Liquefaction and Wind Erosion will be addressed in conjunction with the future development of the applicants proposed RV Park, during which, a Geotechnical analysis will be required. The applicant is not proposing essential structures and therefore the Tsunami hazard does not apply. Because Coos County has an acknowledged process in place to mitigate development within Natural Hazard areas, an exception to Goal 7 is not required.

Goal 8 Recreational Needs

APPLICANT'S RESPONSE: The intent of Goal 8 is "to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." The proposed rezone from Industrial (IND) to Recreation (REC) is intended to support and enhance the availability of recreational amenities in Coos County. The applicant is requesting the rezone for the purpose of developing a Recreational Vehicle Park (RV Park) in conjunction with recreational activities occurring in the adjacent Dunes National Recreation Area. More specifically, the RV Park will supplement the well-known shortage of transient overnight facilities during peak use of the DNRA. The proposed rezone complies with the intent of Goal 8.

Goal 9 Economic Development

APPLICANT'S RESPONSE: The rezone of the subject property will implement a use that will support the local economy by providing overnight accommodations, primarily to transient visitors, in conjunction with the Dunes National Recreation Area. Tourism in Coos County is an integral asset for maintaining a robust and sustainable economy.

While the rezone will eliminate a small percentage of Coos County's abundant Industrial land base, the negligible impact, which has been thoroughly addressed above, will be offset by fulfilling a commercial/recreational need (RV Park).

The proposed rezone complies with the intent of Goal 9. An exception is not required.

Goal 10 Housing

APPLICANT'S RESPONSE: The proposed rezone will neither increase nor decrease the housing lands inventory in Coos County. This goal is not applicable.

Goal 11 Public Facilities and Services

APPLICANT'S RESPONSE: Rezoning the property from Industrial to Recreation will not have an impact to public facilities and services. Following the rezone, the applicant is proposing the development of an RV Park. There is currently public water in the area, however, the rezone is not driving the need for the extension of public services. The usage of existing water will be based upon availability as determined by the Coos Bay/ North Bend Water Board. There is no public sanitary service available to the site. Sanitary sewer for the proposed RV Park will be from onsite septic as approved by the Oregon Department of Environmental Quality. An exception to Goal 11 is not required.

Goal 12 Transportation

APPLICANT'S RESPONSE: The intent of goal 12 is "to provide and encourage a safe, convenient, and economic transportation system." The proposed rezone from Industrial to Recreation will not in itself effect transportation, however, uses allowed in the Recreation zone are a consideration. The applicant has requested a qualified rezone that will only allow an RV Park on the site

Access to the subject property is from Highway 101 by way of Hauser Depot County Road, which fronts the property on its south side. Houser Depot Road is currently the primary access to the dunes for the KOA RV Park to the north, the primitive RV park (parking lot) at the junction of Highway 101, the federal primitive camping sites in the dunes, and the 8 acres of federal land lying north of the county road that is used as a staging area for dune activities.

It is likely that the proposed RV Park will accommodate many of the ATV enthusiast that utilize the staging area because they prefer to access the dunes at that location. It is common for visitors utilizing the dunes for recreation purposes, to stay for extended periods during vacations, holidays and weekends. Therefore, the number of daily trips generated from a relatively small RV Park will have a minimal impact to the public right of way. It is possible that providing long term overnight accommodations with direct access to the dunes, will help reduce the number of to and from ATV trips on the county road.

The proposed rezone will be reviewed by the Oregon Department of Transportation and the Coos County Road Master. Compliance with road standards will be required in conjunction with the proposed RV Park. No exception to Goal 12 is required.

Goal 13 Energy Conservation

APPLICANT'S RESPONSE: While the rezone itself will have no impact to energy conservation, providing overnight accommodations (RV Park) with direct access to the dunes will conserve energy by reducing the number of ATV trips generated from staging to the dunes and from travel to and from staging areas. No exception is required.

Goal 14 Urbanization

APPLICANT'S RESPONSE: The proposed rezone to Recreation will not have an impact to urbanization. The proposed RV park will rely on rural levels of improvements and will not cause a need for urbanization. No exception is required.

Goal 15 Willamette River Greenway

APPLICANT'S RESPONSE: The subject property is not located within the Willamette River Greenway and therefore, this goal does not apply.

Goal 16 Estuarine Resources

APPLICANT'S RESPONSE: There are no Estuarine resources applicable to the subject property and therefore, this goal does not apply.

Goal 17 Coastal Shorelands

APPLICANT'S RESPONSE: There are no Coastal Shorelands applicable to the subject property. This goal does not apply.

Goal 18 Beaches and Dunes

APPLICANT'S RESPONSE: The purpose of Goal 18 is "to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

The subject property is located within an area of Beaches and Dunes with Limited Development Suitability. Coos County has acknowledged provisions that require geotechnical analysis in conjunction with development occurring in a limited suitability area. This required analysis will ensure that there will be no adverse impact to the site, surrounding properties, or to the general public. No exception is required.

Goal 19 Ocean Resources

APPLICANT'S RESPONSE: There are no Ocean Resources associated with the subject property. This goal does not apply.

Jump To: _____

Catalog

Map Extras

Coastal Inventory Data
 Beachfront Protective Structures Inventory,
 OPRD, 2015

Goal 18 Eligibility Inventory, OCMP, 2015
 Dune Classifications, USDA, 1975

Beaches and Dunes - Goal 18

Coos County

Natural Hazards

Flood

Sea Level Rise

Tsunami

Landslide

Landslide Susceptibility, DOGAMI, 2013

Liquefaction

Liquefaction Susceptibility, DOGAMI

Active Earthquake Faults

Active Earthquake Faults, USGS, 2003

Estuary Maps

Estuary Mgmt Units, 1987

Coos Coastal Shorelands Boundary

Coos County LWI, 2014

National Wetland Inventory

Soils

Administrative Boundaries

Statutory Vegetation Line, OPRD, 1967

Coos Tax lots

City Limits

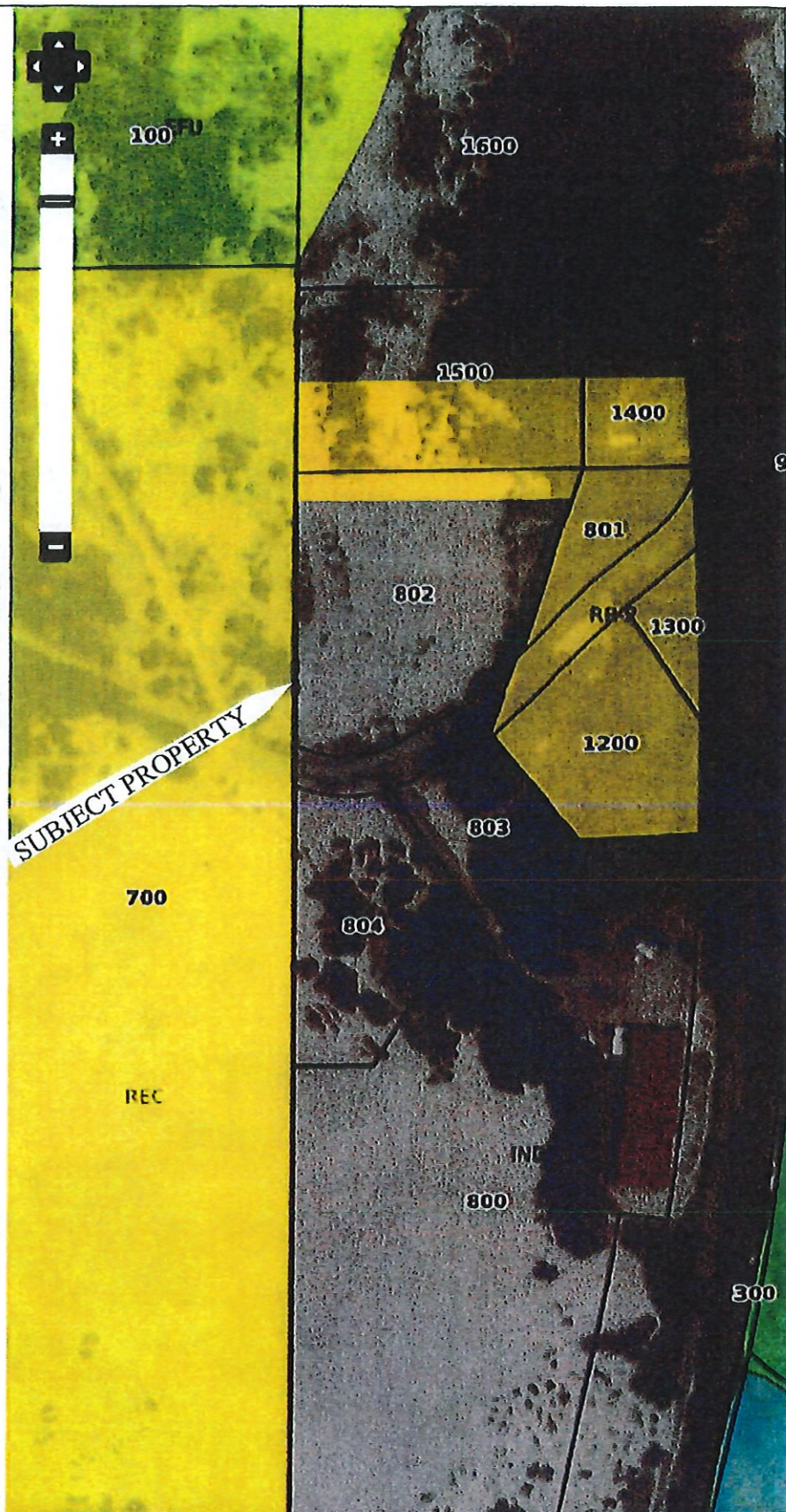
Urban Growth Boundaries

County Boundaries

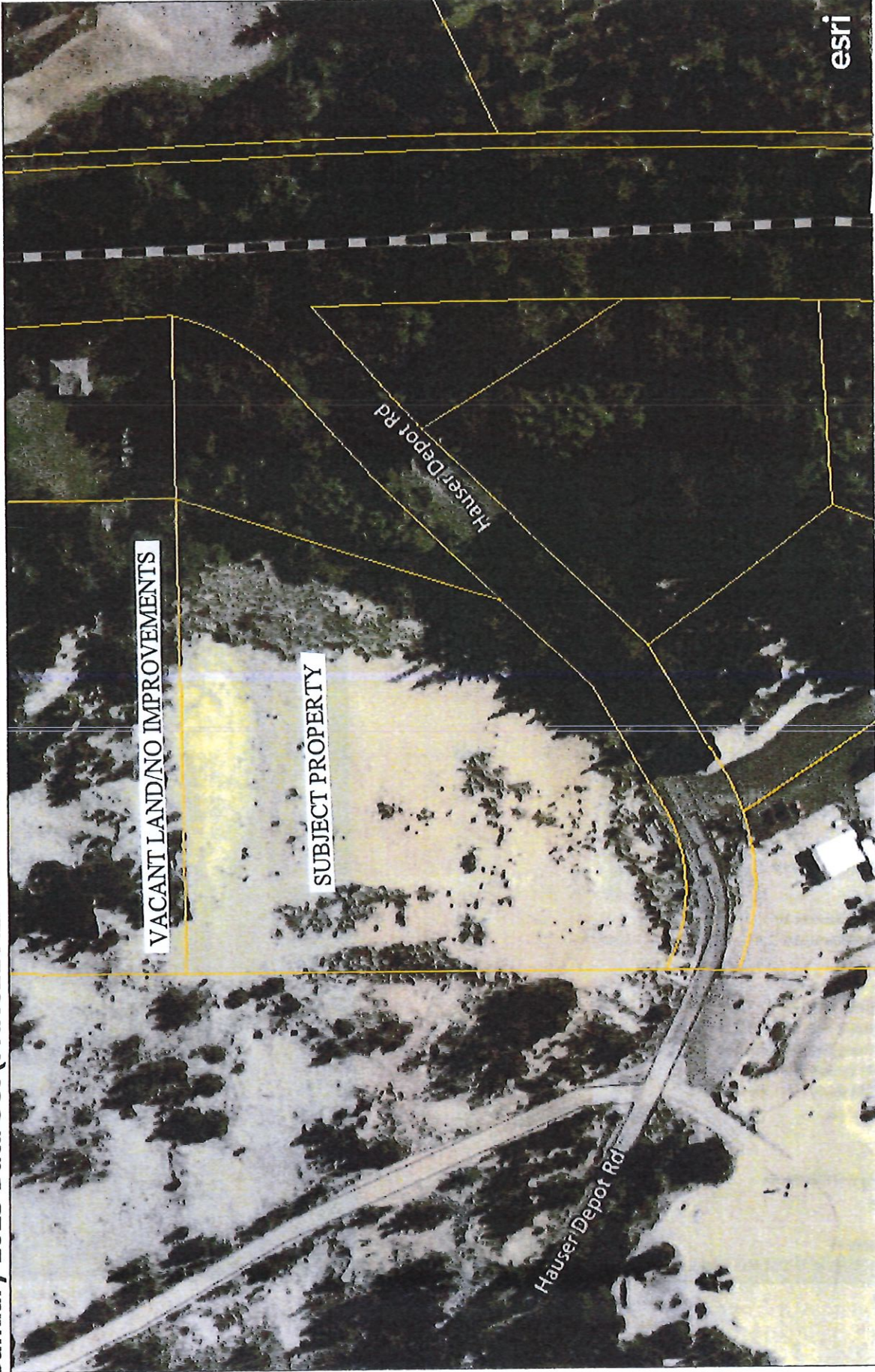
State Parks

Coos County Zoning, 2019

- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2



January 2023 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT)

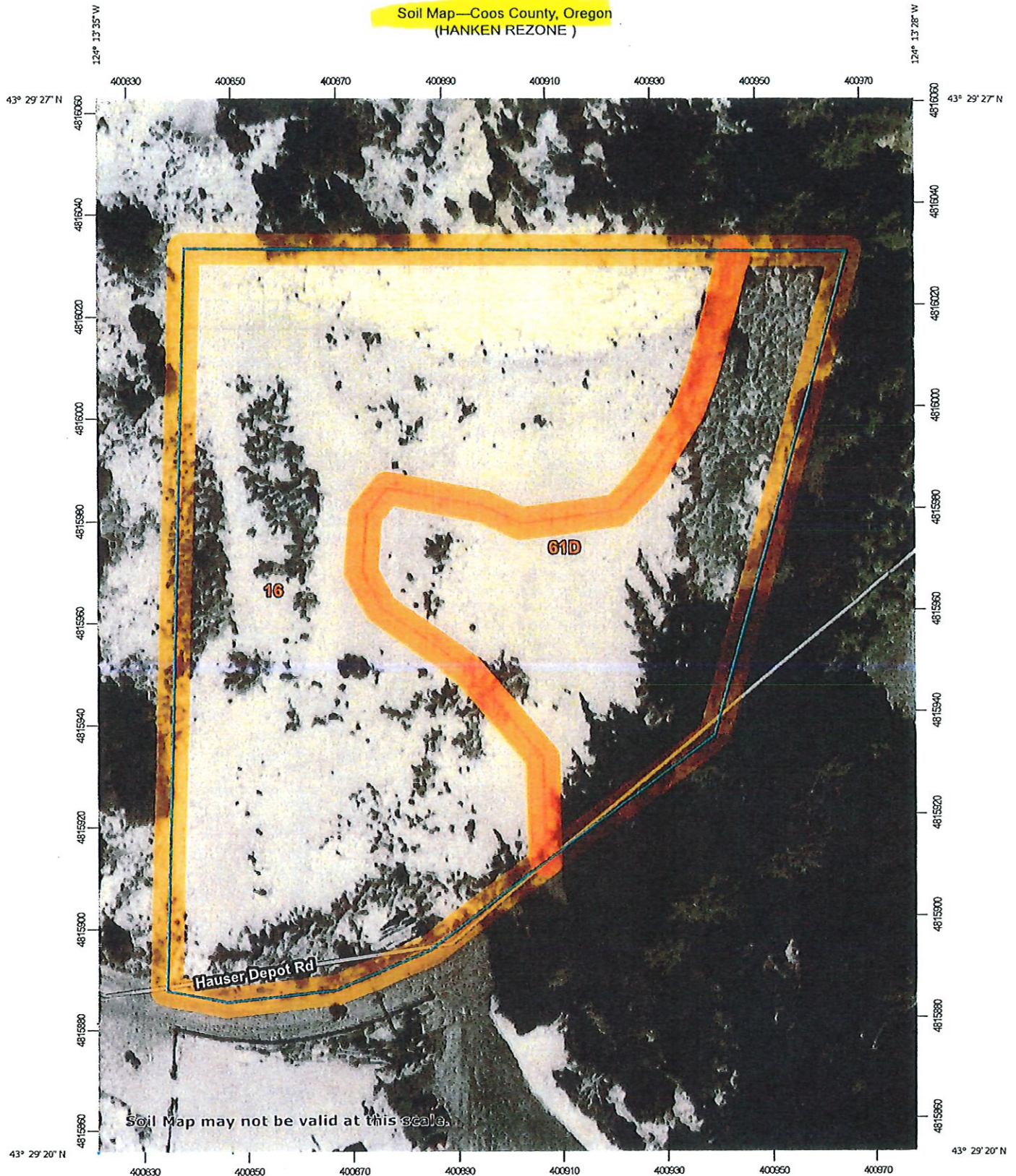


PLOT PLAN

HANKEN REZONE

LOCATED IN T.24, R.13, S.15, TL802

Soil Map—Coos County, Oregon
(HANKEN REZONE)



Map Scale: 1:1,010 if printed on A portrait (8.5" x 11") sheet.

0 10 20 40 60 Meters

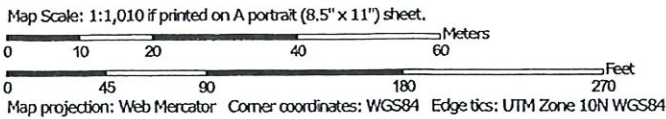
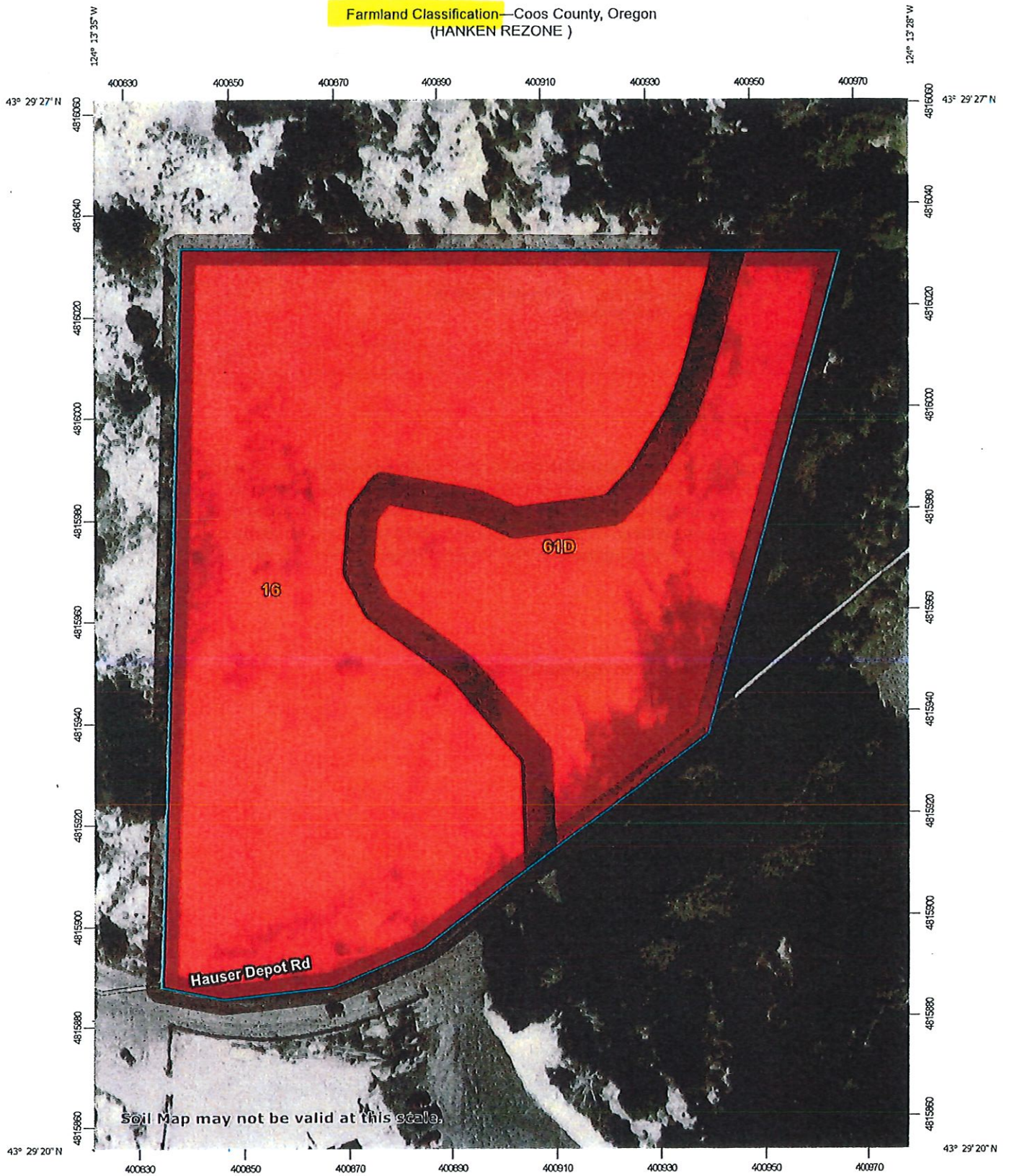
0 45 90 180 270 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
16	Dune land	2.5	70.1%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	1.1	29.9%
Totals for Area of Interest		3.6	100.0%

Farmland Classification—Coos County, Oregon
(HANKEN REZONE)



Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
16	Dune land	Not prime farmland	2.5	70.1%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	Not prime farmland	1.1	29.9%
Totals for Area of Interest			3.6	100.0%

Description

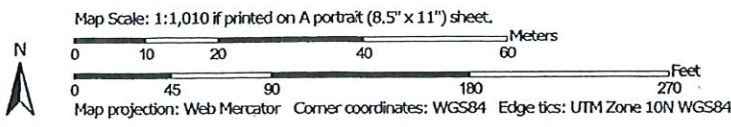
Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Forest Productivity (Cubic Feet per Acre per Year): shore pine (Alexander 1966 (520))—Coos County, Oregon
(HANKEN REZONE)



Forest Productivity (Cubic Feet per Acre per Year): shore pine (Alexander 1966 (520))

Map unit symbol	Map unit name	Rating (cubic feet per acre per year)	Acres in AOI	Percent of AOI
16	Dune land		2.5	70.1%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	86.00	1.1	29.9%
Totals for Area of Interest			3.6	100.0%

Description

This forest productivity measurement is the maximum wood volume annual growth rate for unmanaged, even-aged stands. Units are cubic feet per acre per year. This is called the "culmination of mean annual increment" (CMAI).

Mean annual increment (MAI) is the average yearly wood volume growth per acre of a stand. This is computed by dividing the total wood volume by the stand age. As the stand increases in age, the MAI also increases until tree-to-tree competition and physiological maturity reduce the rate of increase. The point when a stand reaches its maximum MAI is called the "culmination of mean annual increment" (CMAI).

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Units of Measure: cubic feet per acre per year

Tree: shore pine

Site Index Base: Alexander 1966 (520)

Aggregation Method: Dominant Component

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Interpret Nulls as Zero: No

Coos County, Oregon

acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 61.

The main limitations for the management of timber on this unit are steepness of slope, the hazard of erosion, the hazard of windthrow, and plant competition. Helicopter, balloon, or total-suspension cable systems are the most suitable methods for harvesting timber. Rock outcrop may cause breakage of timber and hinder yarding.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gulying unless they are provided with adequate water bars or are protected by plant cover, or both. Locating roads on midslopes results in large cuts and fills and thus removes land from production. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

Because growth of roots is restricted by bedrock, trees commonly are subject to windthrow. 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 seedlings.

This map unit is in capability subclass VIIe.

16—Dune land. Dune land consists mainly of hills and ridges of shifting fine and medium textured sand. It formed in eolian deposits derived dominantly from deflation basins adjacent to coastal beaches. Slope is 0 to 30 percent. Areas of Dune land do not support vegetation. Elevation is 5 to 100 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Included in this unit are small areas of Waldport soils, some of which have a thin surface layer, and Heceta soils. Included areas make up about 20 percent of the total acreage.

Permeability of Dune land is very rapid. Runoff is slow, and the hazard of water erosion is slight. The

hazard of soil blowing is severe.

This unit is used for recreation. The hazard of soil blowing and the instability of the areas limit the unit for most kinds of recreational development. It is suitable for low-intensity uses such as hiking and horseback riding and for off-road vehicle traffic.

This map unit is in capability subclass VIIIe.

17B—Eilertsen silt loam, 0 to 7 percent slopes.

This deep, well drained soil is on stream terraces. It formed in mixed alluvium. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 120 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 220 days.

Typically, the surface layer is dark brown silt loam 11 inches thick. The subsoil is brown and dark yellowish brown silt loam 48 inches thick. The substratum to a depth of 60 inches or more is olive brown fine sandy loam.

Included in this unit are small areas of soils that are similar to this Eilertsen soil but are mottled to a depth of 40 inches or less. Also included are small areas of Kirkendall and Gardiner soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Eilertsen soil is moderate. Available water capacity is about 11 to 13 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight.

This unit is used for hay and pasture and for homesite development. It is also used for timber production.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, Oregon myrtle, and red alder. The understory vegetation is mainly evergreen huckleberry, western swordfern, cascade Oregon grape, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 159. 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 172 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 126.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry.

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

On the basis of a 100-year site curve, the mean site for shore pine is 90. At the culmination of the 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. 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 the hazard of erosion, seedling mortality, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for vesting timber, but use of skid trails can accelerate erosion. Steepness of slope restricts the use of wheeled and tracked equipment on skid trails. Cable yarding generally is safer and disturbs the soil less. Proper design of road drainage systems and care in placement of culverts help to control erosion. Grading cuts and fills helps to stabilize the soil and reduces soil blowing. Road location and maintenance are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation. Windthrow is a hazard when soil is wet and winds are strong.

When openings are made in the canopy, invading shrubby plants can delay natural reforestation. Desirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

This map unit is in capability subclass VIIe.

61D—Waldport-Dune land complex, 12 to 30 percent slopes. This map unit is on stabilized and foredunes. The vegetation on the Waldport soil is mainly European beachgrass. Dune land does not have Waldport vegetation. Elevation is 10 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F,

and the average frost-free period is 200 to 240 days.

This unit is 60 percent Waldport fine sand and 30 percent Dune land. The Waldport soil is in areas that have been stabilized with vegetation. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Heceta soils. Included areas make up about 10 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of erosion is slight. The hazard of soil blowing is severe.

Dune land is deep and excessively drained. It formed in eolian deposits. Typically, the areas of Dune land are fine and medium sand to a depth of 60 inches or more.

Permeability of Dune land is very rapid. Available water capacity is about 3 to 4 inches. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation and wildlife habitat.

If this unit is used for recreational development, the main limitations are soil blowing and the instability of the soil. Use of this unit is limited to low-intensity types of recreation, such as hiking, horseback riding, and operating off-road vehicles. Areas used for recreation can be protected from soil blowing by establishing plant cover. Plant cover can be maintained by limiting traffic. Excavation for roads and buildings exposes material that is highly susceptible to soil blowing. Establishing vegetation on disturbed areas around construction sites as soon as possible helps to control soil blowing. Roads and trails are difficult to maintain because of the loose sand. Roads must be surfaced for use by conventional vehicles.

This map unit is in capability subclass VIIe.

61D—Waldport-Heceta fine sands, 0 to 30 percent slopes. This map unit is mainly on stabilized sand dunes and in depressional areas between sand dunes. Some areas are on deflation basins. The native vegetation is mainly conifers, shrubs, grasses, and forbs on the Waldport soil and sedges, rushes, water-tolerant grasses, and shrubs on the Heceta soil. Elevation is 0 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air

temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 50 percent Waldport fine sand and 30 percent Heceta fine sand. The Waldport soil is on stabilized sand dunes, and the Heceta soil is in interdunal swales and depressional areas. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Netarts and Yaquina soils and Dune land. Included areas make up about 20 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Slope is 7 to 30 percent. Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

The Heceta soil is deep and poorly drained. It formed in eolian material. Slope is 0 to 3 percent. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Permeability of the Heceta soil is rapid. Available water capacity is about 1 inch to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

The Waldport soil in this unit is used mainly for timber production, and the Heceta soil is used mainly for wildlife habitat. The unit is also used for recreation.

The Waldport soil is suited to the production of shore pine. Other species that grow on this soil include western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass. **The Heceta soil is poorly suited to the production of timber.** The vegetation on this soil is mainly slough sedge, salt rush, coast willow, waxmyrtle, evergreen huckleberry, and salal.

On the basis of a 100-year site curve, the mean site index for **shore pine** is 90 on the Waldport soil. 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 soil are seedling mortality and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding cuts and fills helps to stabilize the soil and reduce soil blowing. 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 adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

If this unit is used for recreational development, the main limitations are the hazard of soil blowing, the instability of the Waldport soil, and the wetness of the Heceta soil. These limitations restrict the use of this unit mainly to low-intensity types of recreation, such as hiking and horseback riding. The unit can be used for other kinds of recreational activities that require a minimum of construction and soil disturbance. Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon as feasible helps to control soil blowing.

Roads, paths, and trails are difficult to maintain because of the loose sand. Cutbanks are not stable and are subject to slumping.

Wetness limits most recreational development on the Heceta soil. Use of paths and trails may be limited to 2 to 3 months in summer. Drainage is impractical because of the lack of suitable outlets.

This map unit is in capability subclass VIIe.

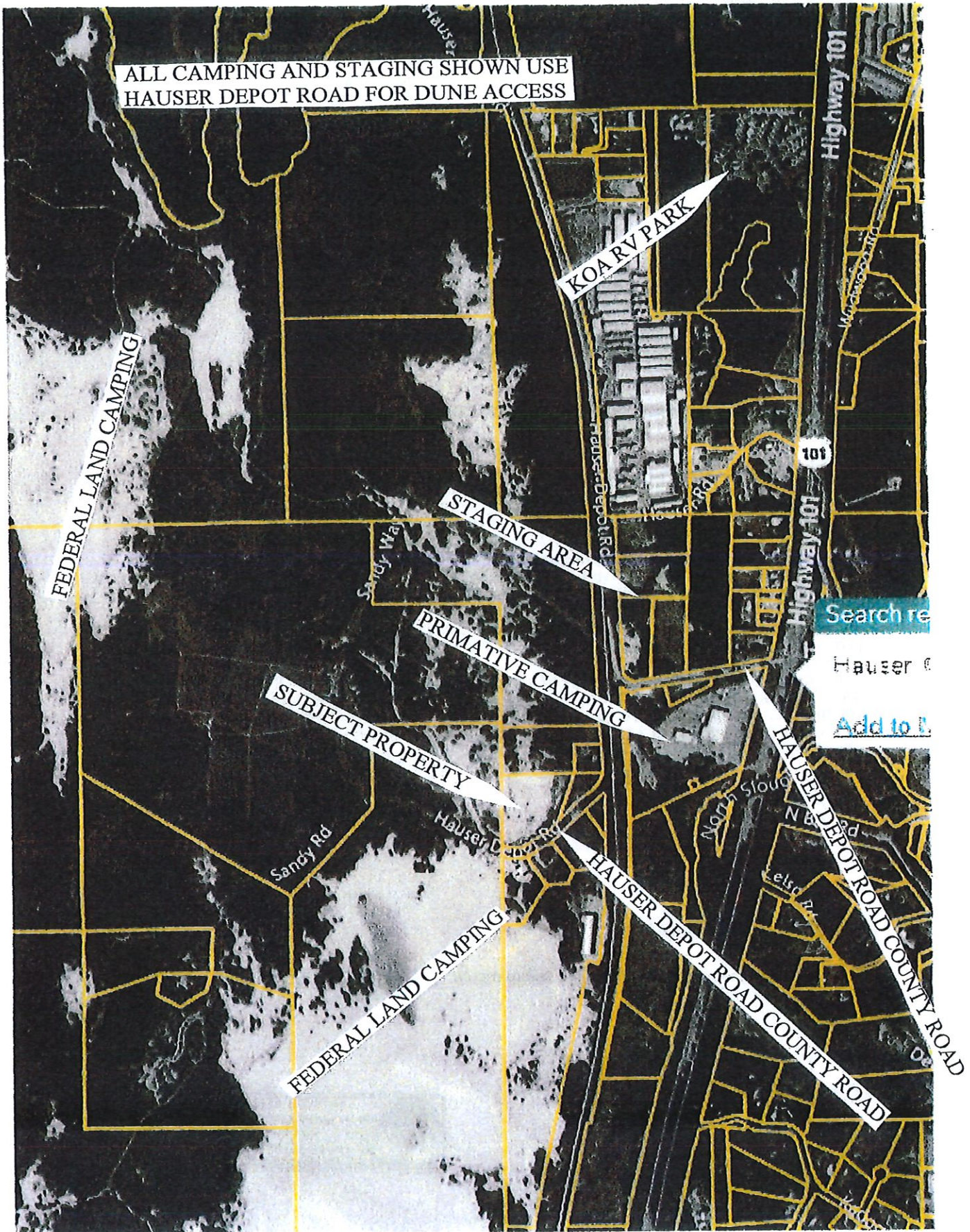
62—Willanch fine sandy loam. This deep, poorly drained soil is in depressional areas on flood plains. It formed in alluvium. Slope is 0 to 3 percent. The native

TABLE 6.--WOODLAND MANAGEMENT AND PRODUCTIVITY--Continued

Soil name and map symbol	Management concerns				Potential productivity		Trees to plant
	Equipment limitation	Seedling mortality	Wind-throw hazard	Plant competition	Common trees	Site index	
161* Millicoma	Severe	Slight	Slight	Moderate	Sitka spruce Western hemlock Western redcedar Red alder	169 --- --- ---	Douglas fir, Sitka spruce, western hemlock.
58E* Upcoos	Severe	Severe	Severe	Moderate	Douglas fir Incense cedar Pacific madrone	79 --- ---	Douglas fir, incense cedar.
Rock outcrop. 590, 59E Waldport	Moderate	Severe	Slight	Slight	Shore pine Sitka spruce Douglas fir Western hemlock	90 --- --- ---	Shore pine, Sitka spruce.
110* Waldport	Moderate	Severe	Slight	Slight	Shore pine Sitka spruce Douglas fir Western hemlock	90 --- --- ---	Shore pine, Sitka spruce.
100* Waldport	Moderate	Slight	Slight	Severe	Douglas fir Western hemlock Grand fir Western redcedar Port Orford cedar Red alder Oregon myrtle	160 --- --- --- --- --- ---	Douglas fir.
110* Waldport	Moderate	Slight	Slight	Severe	Douglas fir Western hemlock Grand fir Western redcedar Port Orford cedar Red alder Oregon myrtle	160 --- --- --- --- --- ---	Douglas fir.

* See description of the map unit for composition and behavior characteristics of the map unit.

AREA MAP



Grantor's Name and Address:
Paul Hanken
4230 SE 114th Avenue
Portland, OR 97266

Grantee's Name and Address:
Hauser Hill Campground, LLC
4230 SE 114th Avenue
Portland, OR 97266

After recording return to and
Send all tax statements to:
Hauser Hill Campground, LLC
c/o Paul Hanken
4230 SE 114th Avenue
Portland, OR 97266

Coos County, Oregon 2022-05676
\$86.00 06/17/2022 04:30 PM
Pgs=1



Diris D. Murphy, Coos County Clerk

BARGAIN AND SALE DEED

Paul Hanken ("grantor") conveys to Hauser Hill Campground, LLC ("grantee"), all of grantor's interest in the following described real property:

Parcel 1, Final Partition Plat 2011-#12, filed and recorded December 13, 2011, CAB C-646 bearing Microfilm Reel No. 2011-9957, Records of Coos County, Oregon

The true and actual consideration paid for this transfer is Zero Dollars (\$0).

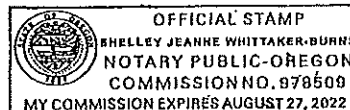
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 6 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 6 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Paul Hanken

STATE OF OREGON _____)
County of Wallowa) ss.

This instrument was acknowledged before me on June 10, 2022 by Paul Hanken.

NOTARY PUBLIC FOR OREGON



Attachment “B”

Findings of Fact



BOARD OF COMMISSIONERS STAFF REPORT

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

I. File # AM-23-001/RZ-23-001 (Ordinance Number 23-05-004PL)

HEARING: August 1, 2023 at 1:30 p.m.
Owen Building
201 N. Adams St. Coquille OR 97414

APPLICANT: Paul Hanken, Hauser Hill Campground

CONSULTANT: Chris Hood, Stuntzner Engineering & Forestry, LLC

STAFF CONTACT(S): Jill Rolfe, Coos County Community Development Director

SUMMARY PROPOSAL: The proposal is for an Amendment/Rezone of a parcel of land from Industrial zoning to Recreation or Commercial zoning district.

PLANNING COMMISSION RECOMMENDATION:

On July 6, 2023, the Planning Commission met and reviewed the application, testimony, and evidence, and made a motion to recommend to the Board of Commissioners the approval of the rezone from Industrial to Commercial based on the record. The Planning Commission chose commercial because they found it to be more consistent with the surrounding uses of the property. Furthermore, the Planning Commission recommends to the Board of Commissioners conducting a comprehensive study and inventory of all industrial lands from the City of North Bend city boundary north to the Douglas County line.

REVIEW CRITERIA: The applicant will need to comply with:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan
 - Volume I, Part I
 - Section 5.16 Industrial & Commercial Lands
 - Section 5.20 Recreation
 - Volume I, Part II
 - Section 4.4 Industrial Lands
 - Section 4.4.2 Commercial Lands
 - Section 4.85 Recreational Lands
 - Volume I, Part III – Exceptions
- Coos County Comprehensive Plan Maps #14 Zone Maps
- Oregon's Statewide Planning Goals & Guidelines Goals
 - 3 Agricultural Lands
 - 4 Forest Lands
 - 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
 - 6 Air, Water and Land Resource Quality
 - 7 Areas Subject to Natural Hazards
 - 8 Recreational Needs
 - 9 Economic Development
 - 10 Housing
 - 11 Public Facilities and Services
 - 12 Transportation
 - 13 Energy Conservation
 - 14 Urbanization

PROPERTY DETAILS:

Account Number 99916796
Map Number 24S131500-00802

Property Owner HAUSER HILL CAMPGROUND LLC
C/O HANKEN, PAUL
4230 SE 114TH AVE
PORTLAND, OR 97266-2243

Situs Address NONE

Acreage 3.80 Acres

Zoning INDUSTRIAL (IND)

Special Development ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
Considerations and BEACHES/DUNES - LIMITED
Overlays: NAT. HAZARDS WIND EROSION
NATIONAL WETLAND INVENTORY SITE
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION
NATURAL HAZARD - EROSION - WIND EROSION
NATURAL HAZARD - TSUNAMI

I.I STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. DETAILS AND BACKGROUND:

- i. **PROPOSAL:** According to the application, the property owners are requesting to rezone the entire subject property from Industrial to Recreation zoning district. However, the applicant was in favor of changing the proposal to rezone the property from Industrial to Commercial as it provides more business opportunities. There are no additional requests for any specific uses or development with this application.
- ii. **LOCATION AND SURROUNDING USES:** The subject property is situated approximately five (5) miles north of the City of North Bend. It can be accessed directly from Sandy Way Road, which is a platted public road. Sandy Way Road connects to Hauser Depot Road, leading eastward to Highway 101. The subject property itself is located around a quarter mile southwest of the intersection of Sandy Way Road and Hauser Depot Road, specifically on the north side of the road.

Notable geographical features in this area include the Oregon Dunes National Recreation Area, located about three-quarters of a mile west of the subject property, and approximately three-quarters of a mile to the northeast is the Rural Community of Hauser.

- iii. **PROPERTY HISTORY:** The subject property was created through a partition in 2010 (County File number P-10-005). The two-parcel partition divided Township 24, Range 13, Section 15, Tax Lot 800 and consisted of approximately 28.51 acres of Industrial zoned land.

On April 8, 2020, a pre-application (PA-20-001) meeting regarding the steps for potential rezone of the subject property from Industrial to Recreation. On June 16, 2021, an alleged violation letter was mailed to landowner to inform them that alleged violation of illegal RV Park exists on the subject property. The property did change ownerships and the current owner has consulted with Planning Staff and has submitted this application to allow for recreational uses. A temporary use permit was issued to the property owner to use the property on a temporary basis for recreational purposes. If this application is not approved the permit will be invalid.

- iv. **ZONING:** The subject property is currently zoned Industrial.

SECTION 4.2.300 COMMERCIAL AND INDUSTRIAL

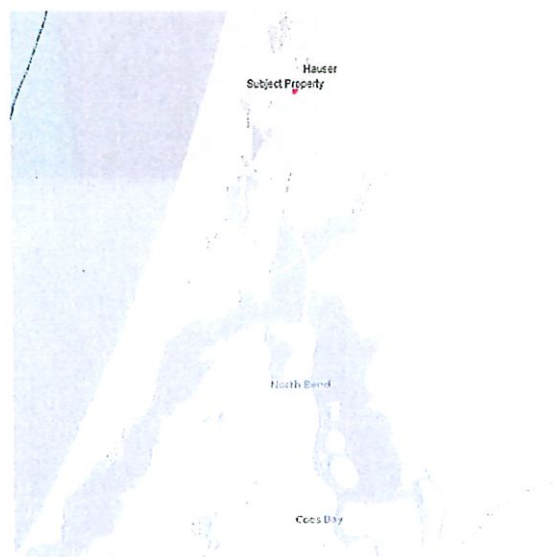
Industrial (IND)

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

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

- v. **SITE DESCRIPTION:** The subject property is a 3.8 acres parcel. The subject property has been cleared of vegetation. The property is currently vacant based on aerial imagery and County Assessor records. There is Rural Residential-2 zoned parcels located on the northern and eastern side of the subject property. West of the subject property is a Recreation zoned parcel. There are Industrial zoned parcel directly south of the subject property.

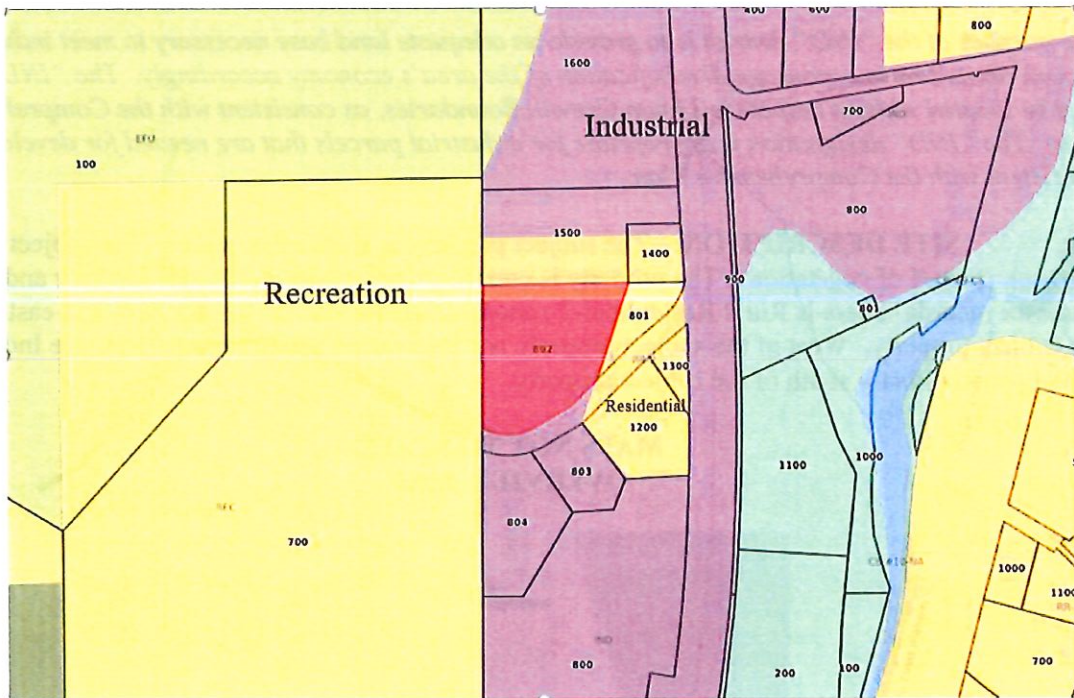
**MAPS NOT TO SCALE
OVERVIEW MAP**



SUBJECT PROPERTY MAPS



ZONE MAP





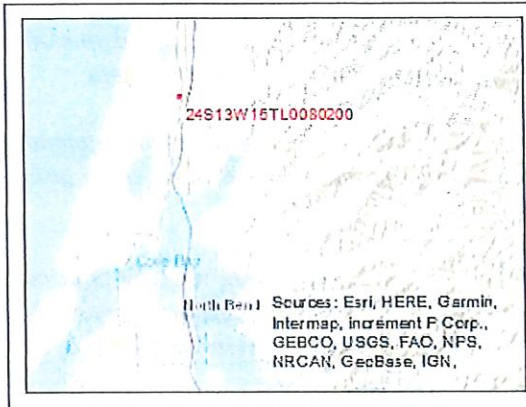
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



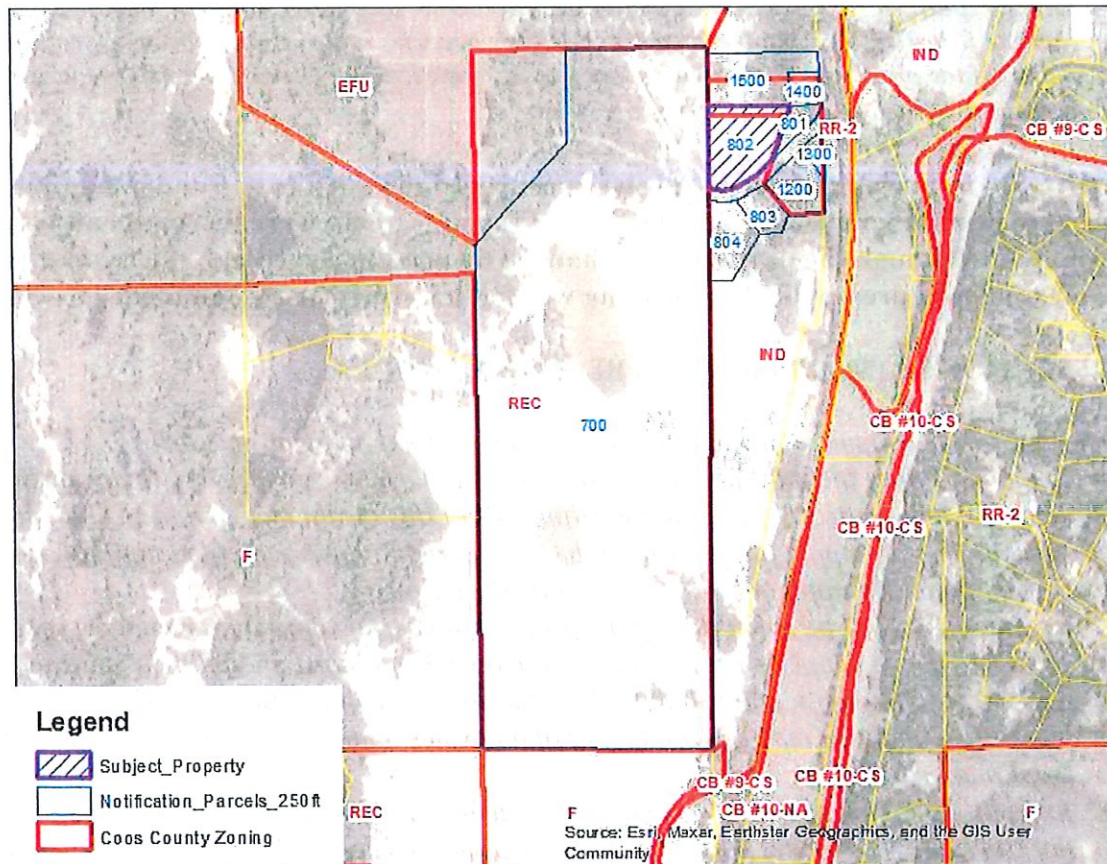
File: AM-23-001/RZ-23-001

Owner: Paul Hanken

Date: April 12, 2023

Location: Township 24S Range 13W
Section 15 TL 802

Proposal: Amendment/Rezone



B. COMMENTS RECEIVED: There have been no comments received on this proposal as of the date of this report.

C. ADMINISTRATIVE PROCEDURES:

ARTICLE 5.0 ADMINISTRATION AND APPLICATION REVIEW PROVISIONS

• **SECTION 5.0.100 PRE-APPLICATION CONFERENCE:**

The purpose of a pre-application conference is to familiarize the applicant with the provisions of this Ordinance and other land use laws and regulations applicable to the proposed development.

A pre-application is strongly recommended prior to submission of plan or ordinance amendment application or rezone application. For other types of applications an applicant may request a pre-application conference under this Ordinance.

A pre-application conference shall be requested by filing a written request along with the applicable fee to the Planning Department. The written request should identify the development proposal, provide a description of the character, location and magnitude of the proposed development and include any other supporting documents such as maps, drawings, or models.

The Planning Department will schedule a pre-application conference after receipt of a written request and the appropriate fee. The Planning Department will notify agencies and persons deemed appropriate to attend to discuss the proposal. Following the conference, the Planning Department will prepare a written summary of the discussion and send it to the applicant.

FINDINGS: A pre-application is always encouraged to gain a better understanding of all potential issues from an agency perspective. At the time, there were no comments opposing the proposal. Although the property has changed ownership since then, the request remains the same, so a new pre-application meeting was not necessary or recommended.

• **SECTION 5.0.150 APPLICATION REQUIREMENTS:**

Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee. An application shall not be considered to have been filed until all application fees have been paid. All applications shall include the following:

- 1. Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.*
- 2. An application for a variance to the requirements of the Airport Surfaces Overlay zone may not be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within twenty (20) days after receipt, the Planning Director may act to grant or deny said application.*

3. *One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications.*

An application may be deemed incomplete for failure to comply with this section.

The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.

- **SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:**

A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. *Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:*
 - a. *Property boundaries;*
 - b. *Location of all structures on the subject property;*
 - c. *Required parking spaces;*
 - d. *Current utilities and proposed utilities;*
 - e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*
 - f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*
 - g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;*
 - h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*
 - i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*
 - j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;*
 - k. *Number and direction of lanes to be constructed on the road plus striping plans;*
 - l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
 - m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*
2. *Traffic Study completed by a registered traffic engineer.*
3. *Access Analysis completed by a registered traffic engineer*
4. *Sight Distance Certification from a registered traffic engineer.*

FINDING: After reviewing the application, staff contacted the applicant's consultant to inquire about the traffic plan. On May 18, 2023, the consultant, acting on behalf of the property owner, submitted additional information to address the traffic plan. They also requested the waiver of a traffic study, access analysis, and sight distance certification from a

registered traffic engineer. It is anticipated that the majority of the traffic impacts will be addressed when a specific use is requested, considering that the parcel is small in size and recreational use may not have the same impacts as industrial uses. A request for comments was sent to the Roadmaster, but as of the time of this report, no response had been received.

- **SECTION 5.0.300 FINDINGS REQUIRED [ORS 215.416(9)-(10)]:**

Approval or denial of an application shall be in writing, based upon compliance with the criteria and standards relevant to the decision, and include a statement of the findings of fact and conclusions related to the criteria relied upon in rendering the decision.

- **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.*

- **SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763):**

All applications that receive a notice shall follow this section except for land divisions within the urban growth boundary or lands designated as Regionally Significant Industrial Areas (RSIA). See Article 5.12 for processing and time tables.

1. **Notice Public Hearing :**

- a. *The Planning Department shall forward a copy of the application to any affected city or special district pursuant to applicable provisions of this Ordinance;*
- b. *The Planning Department shall mail a copy of the staff report to the city, special district, applicant and Hearings Body at least seven (7) days prior to the scheduled public hearing.*
- c. *Notice shall be mailed at least twenty days prior to the hearing, or ten before the first evidentiary hearing if there will be two or more hearings. Notice shall:*
 - i. *Describe the nature of the application and the proposed use or uses that could be authorized;*
 - ii. *Set forth the address or other easily understood geographical reference to the subject property;*
 - iii. *Include the name of the local government representative to contact and a telephone number where additional information may be obtained;*
 - iv. *State that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost, and will be provided at reasonable cost;*

- v. *List the applicable criteria that apply to the application;*
 - vi. *State the date, time, and location of the hearing;*
 - vii. *State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;*
 - viii. *State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
 - ix. *Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of the hearings.*
 - x. *The Planning Director shall cause notice of the hearing to be mailed to, the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site and to the owners of record of property on the most recent property tax assessment roll where such property is located:*
 - 1) *Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;*
 - 2) *Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;*
 - 3) *Within 500 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone*
- d. *Notice of the decision shall be afforded to the applicant and those persons participating in the public hearing. ****

3. *Plan Map Amendment/Rezone*

- a. *If the application includes an exception to a goal, notice shall comply with ORS 197.732. The notice shall be published at least 20 days prior to the date of the hearing. All notice requirements in "1" of this Section shall apply.*
- b. *At least 35 days prior to the initial hearing, notice shall be provided as required by ORS 197.610. [OR 04 12 013PL 2/09/05]*
- c. *Notice of decision shall be afforded to the applicant and those participating in the process. Notice of the decision shall also be afforded to any witness participating in the public hearing and requesting such notification.*
- d. *Requirements for hearings on a rezone of property containing a mobile home park shall be provided pursuant to ORS 215.223(7).*
- e. *Special notice requirements for zone changes within the environs of public use airports shall be provided pursuant to ORS 215.223(4), (5), and (6).*

FINDINGS: This application is a Plan Map Amendment and Text Amendment governed by CCZLDO Section 5.0.900. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice of the hearing was given in accordance with the relevant section. This pertains to a Plan Map Amendment/Rezone, but it does not include a new exception as part of the request. A 35-day notice was provided to the Department of Land Conservation and Development on March 27, 2023 (Coos County 002-23). Findings have been prepared in draft form as a part of the staff report. The required notice will be posted in The World

Newspaper. Any notices are on file with the Department and can be viewed upon request during regular business hours. The applicant has submitted all the necessary applications, and staff has prepared all the required notices to proceed with this proposal through the formal hearing process.

D. ARTICLE 5.1 REZONES

• **SECTION 5.1.100 LEGISLATIVE AMENDMENT OF TEXT ONLY:**

An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

FINDING: The application is not for a text amendment. Therefore, this criterion is not applicable.

• **SECTION 5.1.110 WHO MAY SEEK CHANGE:**

Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon:

1. *A motion by the Board of Commissioners; or*
2. *A motion of the Planning Commission; or*
3. *The submission of formal request made by either:*
 - a. *The Citizen Advisory Committee; or*
 - b. *An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.*

FINDING: The application was submitted by Paul Hanken, who is both the property owner and a citizen, as permitted under Subsection 3.b. The necessary forms were properly filed, and this application does not require a Measure 56 notice to be issued.

• **SECTION 5.1.115 ALTERATION OF A RECOMMENDED AMENDMENT BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

FINDING: The Planning Director recommended to the Planning Commission that they consider a Commercial zoning, as the commercial uses seem to be consistent with the applicant's vision for the use of the property. The property is currently zoned IND, and a Commercial designation would have a similar level of impact. Recreational Zoning is more of an open space designation and does allow for recreational and some commercial recreational uses, but given the location of the property to the National Dune, the commercial zoning provides more opportunities to accommodate the uses that are occurring in the vicinity.

• **SECTION 5.1.120 PROCEDURE FOR LEGISLATIVE AMENDMENT:**

The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223). Notice to DLCD shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

FINDING: Staff has fulfilled the requirement of publishing and mailing notices. All relevant documentation is on file with the Planning Department. The initial hearing will take place before the Planning Commission, who will provide a recommendation to the Board of Commissioners. The Board will review the matter on August 1, 2023, and will either make a final decision or schedule another hearing if needed. As a result, this matter has been duly addressed.

- **SECTION 5.1.125 MINOR TEXT CORRECTIONS:**

The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

STAFF FINDING: This is not applicable to this request.

- **SECTION 5.1.130 NEED FOR STUDIES:**

The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

FINDING: This is not a text amendment. The staff has prepared a comprehensive staff report that addresses all relevant criteria by utilizing information from the Coos County Comprehensive Plan, as well as evidence and written testimony provided by the applicant.

- **SECTION 5.1.135 STATUS OF HEARINGS BODY RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS:**

A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

FINDING: At the public hearing on July 6, 2023, the Hearings Body (Planning Commission) recommended to the Board of Commissioners that they find the proposal to rezone the property as Commercial to be consistent with the Comprehensive Plan. However, in the event that the Board of Commissioners did not agree with the Planning Commission's recommendation, they requested the Board to consider Recreational Zoning as an alternative.

- **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.

FINDING: This proposal will change the zoning from Industrial to Commercial or Recreational which requires a Post Acknowledgement Plan Amendment. That will change the permissible uses of the subject property to align with commercial instead of industrial. A post acknowledgment plan amendment was filed with the State of Oregon and a final decision will be filed once a final decision made.

- **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.

FINDING: The Planning Director has not recommended an expansion of the geographic limits set forth in the application. However, the properties located in this area do not seem to be used for industrial purposes and may be considered for future changes when the staff is able to review all current employment lands. The Planning Commission supports this request and encourages the Board of Commissioners make a motion to allow all employment lands in Coos County to be re-inventoried as part of a larger comprehensive review.

- **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.

FINDING: This is not within the interior of the of the Exclusive Farm Zone. Therefore, this is not applicable.

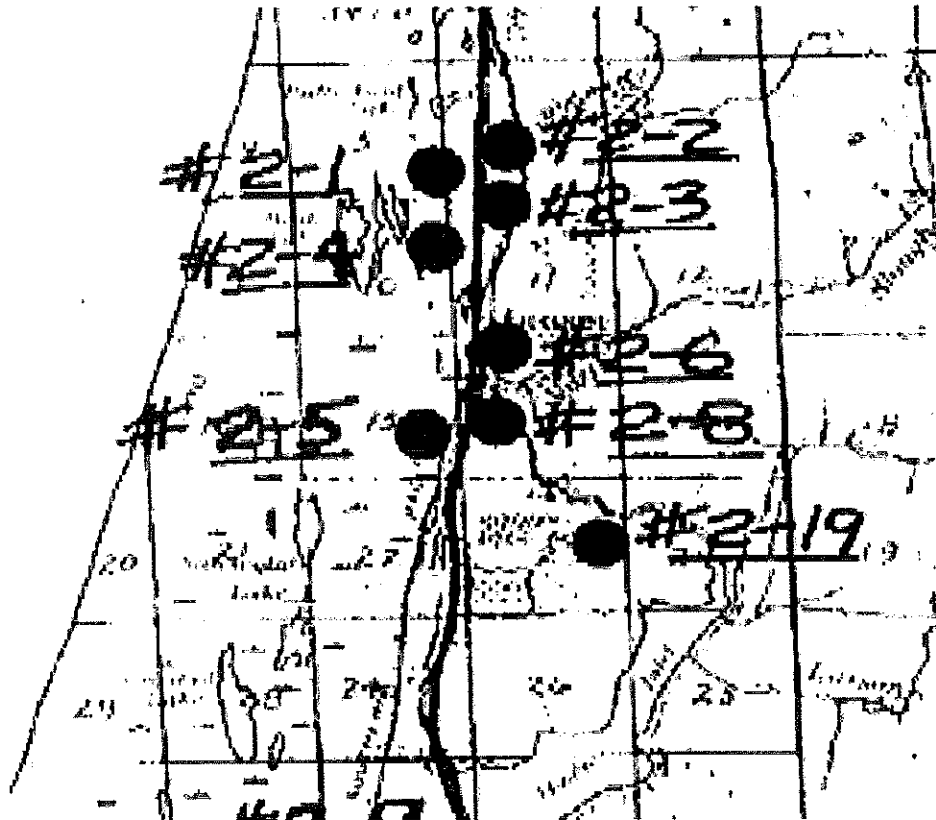
- **SECTION 5.1.220 PROCESS FOR REZONES:**

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.*

FINDING: The application was filed on February 3, 2023 and the 35-day notice was provided to DLCD on March 27, 2023. Staff did request additional information to cover the traffic plan that was omitted from the original submittal. The additional information was received in May and then the hearings were scheduled.

This report is the investigation and information required by Section 5.1.220.2. That section requires a determination of compatibility with the ordinance and other findings required. This property was designated as Industrial at the time of the 1985 Plan Acknowledgment.

The subject property is part of an industrial exception area as identified in the Coos County Comprehensive Plan. The site analysis is identified as #2-5 in Volume 1, Part 2 of the Coos County Comprehensive Plan. Below is a map showing the adopted industrial sites map.

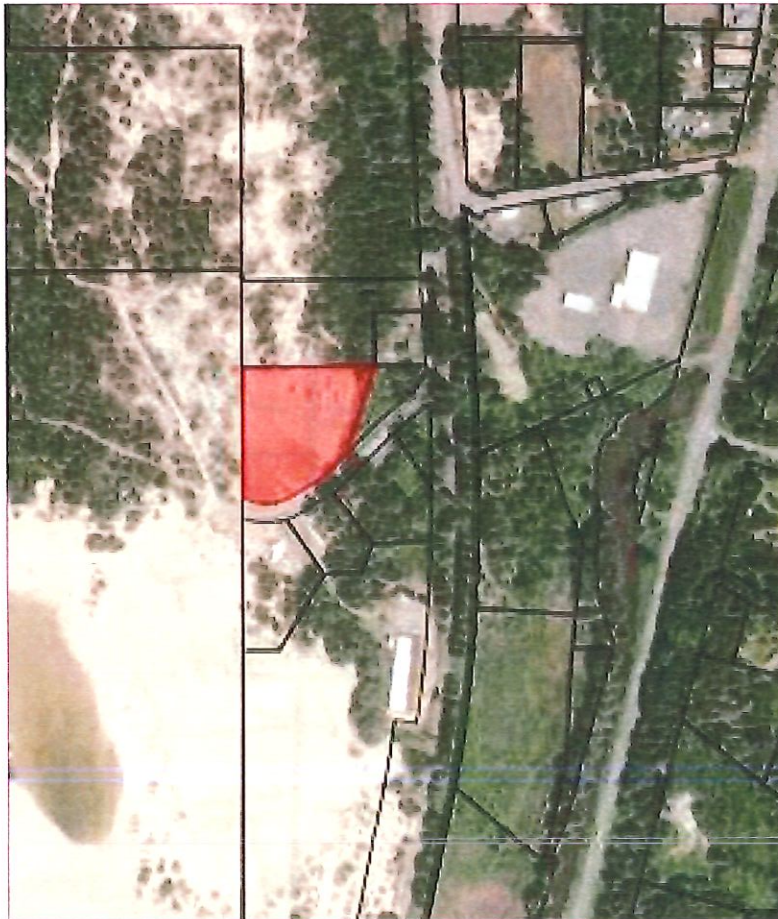


INDUSTRIAL SITE ANALYSIS

Site #	occupied	partially occupied	Vacant acres available (potentially)	Location		Outside UGA, and...		Notes: <u>CBEMP</u> =Coos Bay Estuary <u>E.R.</u> = Exception Required <u>CREMP</u> = Coquille River Estuary	
				City	Unincorporated UGA	Ag. soils	Forest soils		
2-5		X	15			X	Yes	Yes	E.R.

The site was vacant at the time and identified as a vacant and available for potential industrial uses. The plan acknowledges the need for employment lands, both industrial and commercial. The property would have access to the railroad system that is located to the east of the property. The exception was based on site analysis and location. This property may contain ag and forest soils but given the

location size and surrounding uses would not be viable for a successful industrial use. Commercial to serve the surrounding dunes area seems to be consistent with the comprehensive plan.



The Rural Exception that pertains to this property is found in Volume I Part III of the Coos County Comprehensive Plan:

Statewide Goal #2, "Land Use Planning", states in part that, when it is not possible to apply the appropriate statewide goal to specific properties or situations, a goal exception "shall be set forth" with "compelling reasons and facts" which justify the conclusion that an exception must be taken. Coos County's preparation of an inventory and factual base for industrial development planning has produced the conclusion that:

- i. Vacant suitable industrial sites within incorporated cities and urban growth areas of Coos County (and outside the area of the Coos Bay Estuary Management Plan), are insufficient to meet projected needs for industrial land to the year 2000; therefore,*
- ii. other sites in unincorporated areas that would otherwise be protected as agricultural land pursuant to Goal #3 or forest land pursuant to Goal #4 must instead be used to meet industrial development needs. This document sets forth the compelling reasons and facts which justify the conclusion that an exception must be taken to the requirements of Goals #3 and #4 as applied to 507 acres of resource land needed for industrial uses.*

2.2 "Why These Other Uses Should Be Provided For" Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) require the preservation of identified agricultural lands for agriculture uses and the conservation of forest lands for forest uses. This requirement for protection is excused when the land is included within an urban growth boundary; at that point, nonfarm and non-forest uses can be allowed to provide for urban development .•

Coos County's Industrial Lands Inventory has projected an overall need by the year 2000 for 1183 acres of industrial land in all areas of the county outside the area of the Coos Bay Estuary Management Plan. (Needs for that plan were separately projected.) However, the inventory's analysis of candidate industrial sites for their industrial suitability shows that sites in cities and urban growth areas proposed by the various cities for industrial use fall short of the projected need by 507 acres.

The intent of the Industrial designation applies to sites potentially needed for industrial development. Use of the designation is not restricted to urban growth areas. The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development, as consistent with the Comprehensive Plan.

Coos County has carefully identified the best flat sites with good access (road, and usually rail) that can overcome the deficiency of industrial sites within urban growth areas. It happens that all of these sites except one qualify under the terms of either Goal #3 as agricultural land or Goal #4 as forest land. Coos County now finds that it must designate these resource lands for a more precious resource: industrial land. The Industrial Lands Inventory clearly indicates that industrial diversification, as a means for economic improvement, cannot begin without an adequate supply of vacant suitable industrial sites.

The sites identified were mapped more broadly and based on mapping available at the time the inventory was completed. Due to a lack of population and slow growth on existing industrial lands, there has not been an overall community need to increase the inventory when periodic review was completed in the 1990s and there have been no substantial change to the inventory since inception. The population estimation that was used to produce both industrial and commercial lands was 69,513 but the current population is 64,999 (according to the last census). Some areas have been removed from the inventory while others have been added to the industrial inventory. The changes were not very significant in either direction. Inclusion and removal of industrial land have been based on site-specific needs and locations. Most industry in Coos County is related to agriculture, timber, fishing and construction with heavier industrial occurring in the estuary given the water transportation options. There are industrial uses occurring outside of the estuary lands as well but they are located closer to the urban areas and concentrated around major highways such as Hwy 101 or 42. Many industrial lands are currently being utilized for private recreational uses. Others are used for commercial rental of sand related recreational uses. The applicant has requested to rezone this particular property to allow for a recreational use that would allow him to capitalize on the recreational uses that the Oregon Dunes National Recreational Area provides.

According to the Coos County Comprehensive Plan the intent of the Recreation District is to designate recreation areas. The purpose of the "REC" district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as "Recreation" in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental

considerations set forth in the County's Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

The purpose of the "C-1" district is: To provide for needed commercial retail and service opportunities within urban growth Boundaries. To recognize existing commercial uses outside Urban Growth Boundaries.

This property is located in a dune land and designated as having limited suitability for development, which means that special consideration of the dune must be addressed during any development phase but it will not preclude development.

Based on site-specific information regarding this property, it appears that the site is more consistent with a recreational zoning designation rather than an industrial. However, recreational lands were not required to go through an exception process, as they are treated as open space designations and their uses are considered consistent with Goals 3 and 4 and treated as an open space designation. Recreational zones are typically not applied to properties outside of federal, state, local, or existing private parks, with the exception of golf courses, as they are viewed as appropriate open space with lower intensity uses¹. However, this does not prevent other small recreational opportunities.

If the Board of Commissioners does not find the Commercial Zone (given the uses available) is a viable option for this site-specific property because it is inconsistent, the Board of Commissioners has the option to consider commercial zoning is more appropriate or suggested text amendment to the existing Industrial Uses to added certain uses that would be beneficially to the tourist related industrial economy. If one of these options are suggested then Staff would request some guidelines and the from the Board of Commissioners to redraft the findings. If text were added, staff suggest it be related to Rural Industrial Lands to allow for more intense industrial recreational opportunities, as long as the county can demonstrate that these options are consistent with the intent of the Comprehensive Plan. Staff is just providing the options in the event the Commission are unable to find that the application meets all of the criteria.

At this time this is a rezone request and the procedures of 5.1.220 are being followed. The compatibility and conformance of this rezone will be discussed more under the next section to assist with the Planning Commission decision.

• 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:*

¹ This does not appear to be the case for Golf Course. Golf Course that have associated intense developments such as restaurants, hotels or more development have been required to take exceptions as part of the Coos County Comprehensive Plan (*see* Sunset Golf Course Exception).

- 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.*

FINDING: The application is required to conform to the Comprehensive Plan. To determine this, a review of the property's original zoning and the steps to zone it as recreational land must be conducted. The Planning Commission can recommend to the Board of Commissioners whether the proposal conforms to the Coos County Comprehensive Plan, conforms with conditions (qualifiers), or does not conform and should be denied.

The Coos County Comprehensive Plan Volume 1, Balance of County, is the relevant portion of the comprehensive plan that pertains to this property, as the property is not located within one of the estuary plans. To assess compliance, the county will need to follow the same process that was conducted during the initial determination of the appropriate zoning.

To understand the process a bit better it is helpful to understand what Oregon Statewide Planning Goals. Oregon Statewide Planning Goals are a set of 19 goals established by the state government to guide land use planning and decision-making throughout the state. These goals provide a framework for local governments, land use planning agencies, and other stakeholders to shape the physical, social, and economic development of their communities.

The Oregon Statewide Planning Goals cover a broad range of topics and aim to address various aspects of land use planning, conservation, and development.

- **Oregon's Statewide Planning Goals & Guidelines Goals**
 - **3 Agricultural Lands**
 - **4 Forest Lands**
 - **5 Natural Resources, Scenic and Historic Areas, and Open Spaces**
 - **6 Air, Water and Land Resource Quality**
 - **7 Areas Subject to Natural Hazards**
 - **8 Recreational Needs**
 - **9 Economic Development**
 - **10 Housing**
 - **11 Public Facilities and Services**
 - **12 Transportation**
 - **13 Energy Conservation**
 - **14 Urbanization**

Each goal includes specific policies and guidelines to guide land use planning and development decisions.

Local jurisdictions in Oregon are required to incorporate these goals into their comprehensive plans and land use regulations, ensuring consistency with the statewide planning framework. However, there is flexibility for local communities to adapt and interpret the goals based on their unique characteristics, needs, and priorities while still meeting the overarching objectives of sustainable development and resource conservation. The flexibility is accomplished through an exception process.

In most of Coos County Goals 3 and 4 apply. In more detail, Statewide Planning Goals 3 and 4 are part of the statewide planning framework that guides land use planning and development across the state.

Goal 3, also known as Agricultural Lands, focuses on the preservation and protection of agricultural lands and their long-term viability for farming activities. It aims to ensure that agricultural lands are conserved for current and future agricultural uses, promoting sustainable agriculture and protecting the state's agricultural economy.

Goal 4, referred to as Forest Lands, aims to preserve and manage forest lands for the production of timber, protection of forest resources, and enhancement of forest-related industries. It recognizes the importance of maintaining forested areas for their ecological, economic, and social benefits, including timber production, wildlife habitat, recreation, and clean water.

Exceptions to Statewide Planning Goals 3 and 4 allow for certain land uses or activities that may deviate from the primary objectives of these goals. An exception is a mechanism that allows for flexibility in specific cases where there are compelling reasons to justify land use decisions that may conflict with the strict requirements of Goals 3 and 4. These exceptions are typically granted by local jurisdictions through a defined process.

To obtain an exception, a property owner or developer must demonstrate that the proposed land use or activity meets specific criteria and justifies why it is necessary or beneficial, despite potentially conflicting with the goals. The criteria for granting exceptions vary depending on the specific circumstances, but generally, they involve considerations such as economic necessity, public interest, environmental impacts, and the availability of alternative locations or resources.

In Coos County, Industrial and Commercial Lands (also known as Employment Lands) went through an exception process. Industrial Exceptions were considered based on a greater industrial need with a site analysis, while the commercial discussion in the Comprehensive Plan was designed to provide continuous planning for and maintaining an adequate supply of commercial and industrial land. This recognition stems from the understanding that a readily available supply of such land forms the basis for a sound economic development program.

There were limitations and challenges presented as the issues or problem statement, and then there was a solution provided with an explanation in the form of findings to justify why certain properties were needed to ensure the economic needs of the county were met. There was a similar process completed for all resources including recreational lands but the difference is the majority of recreational lands were found not to require an exception to Statewide Planning Goals 3 and 4 as they were viewed as open space designations and would be consistent. Only areas planned for very intense recreational developments that had a commercial component were required to take an exception to Goals 3 and 4.

There are different exception process outlined depending on the circumstance but in general a local government may adopt an exception to a goal when:

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) The following standards are met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

When a property is found to have been physically developed or irrevocably committed, a new exception process is not required. However, if the exception is based on certain reasons, a new exception or reasons must be provided and justified. The proposal is not requesting a new goal exception and staff does not find that one would be required. The proposal has been justified by the application as compliant.

The applicant has provided justification by also explaining some of the history from the Coos County Comprehensive Plan. He appropriately brings up the facts that the RV Parks were allowed as “High Intensity Recreational Developments” up until the ordinance change in 2018. Chapter 2 of the Coos County Zoning and Land Development Ordinance defines *Recreation* as follows:

RECREATION: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction:

- (1) *Coastal Recreation: occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants;*
- (2) *Low-Intensity Recreation: does not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation;*
- (3) *High-Intensity Recreation: uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.*

In 2018, a text amendment was proposed in order to alleviate conflicts that arose from the uses, which were causing inconsistencies in the zoning. The issue was that certain zoning regulations explicitly listed RV parks and other built facilities as not permitted, while the High Intensity Use category stated that they were permitted. To further complicate the issue a prior Board of Commissioners, through a text amendment, removed the language that stated the more restrictive use shall be applied. This change removed guidance but did provide some flexibility. During this time period, the applicant is correct, there are three major campgrounds approved

on Industrial Zoned property. One is Riley Ranch (a County Operated Facility), Myrtle Wood Factory and Box Car Hill. The two private ones provide a different experience but do fill a need as popularity of the Oregon Dunes National Recreational Area has gained in popularity.

Staff can agree with the applicant that there seems to still be a need. The application explains that “Coos County has amended their county code to restrict RV Parks in the Industrial Zone, the need for overnight accommodations still exists.” The application further explains that “The purpose of this rezone is to change the zone designation of the subject property to Recreation, for the express purpose of allowing an RV Park.

This application will rezone a total of 3.8 acres from an Industrial (IND) zone district to a Recreation (REC) zone district for the purpose of allowing an RV Park. That equates less than four percent (04) of the total amount of industrial land that the county has previously committed to recreational uses. It seems reasonable to conclude that following this rezone, Coos County will retain an Industrial land base that is sufficient to meet future industrial growth.”

The County is not required to address any of the arguments made by the applicant but to ensure the proposal meets the following applicable criteria:

- 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.*

The applicant has explained that the County reserved more than enough land for Industrial Use and the removal of 3.18 acres of land will not destabilize the current inventory leaving the remainder of the industrial inventory to satisfy the community needs. The applicant does not make a specific finding on why the rezone conforms with the recreational lands purpose or why another zoning district would not be more appropriate. However, staff does not find a reason why this would not be compatible with either zoning district given that it will be used for small private commercial and recreational opportunities.

The next criteria requires a finding that the rezone will not seriously interfere with permitted uses on other nearby parcels and the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners. The applicant has provided the following justification.

The adjacent land lying north and east of the subject property is zoned Rural Residential. The land adjacent to the south is zoned Industrial and the land adjacent to the west is zoned Recreation. The adjacent Rural Residential zoned land to the North and East consists of five ownerships (Tax Lots 1200, 1300, 1400, 1500, and 801). Four of the five Tax Lots (1200, 1300, 1500, 801) consist of vacant land and are owned by the US Forest Service. Tax Lot 1400 contains a residence together with a recreational vehicle rental, according to Coos County Assessment Records.

area surrounding the subject property is generally utilized for recreation in conjunction with the federal park and the adjacent county road exists as a primary access to the dunes. It is therefore reasonable to conclude that the proposed rezone to Recreation will not seriously interfere with uses on the adjacent vacant lands or to the one residence devoted to recreational use.

The Coos County Comprehensive Plan has established policies that are intended to implement Oregon Statewide Planning Goals and Guidelines. This application is not requesting a new exception, but rather is amending the zoning based on compliance with all applicable goals. The applicant is taking a two-pronged approach by showing compliance with the goals and demonstrating that the property is non-resource land pursuant to Section 5.1.275 CCZLDO, standards for amending and rezoning non-resource land.

The Coos County Comprehensive Plan has established policies that are intended to implement Oregon Statewide Planning Goals and Guidelines. This application is not requesting a new exception, but rather is amending the zoning based on compliance with all applicable goals. The applicant is taking a two-pronged approach by showing compliance with the goals and demonstrating that the property is non-resource land pursuant to Section 5.1.275 CCZLDO, standards for amending and rezoning non-resource land.

Staff would recommend the Board of Commissioners accept the findings proposed by the applicant. However, staff did provide alternatives in case the Board of Commissioners disagrees and does not find the applicant has adequately addressed the criteria.

- ***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.

FINDING: Any recommendation will not amend the zoning map.

- ***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.*

FINDING: The Board of Commissioners should adopt the recommendation of the Planning Commission and approve the application without any conditions.

- **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).

STAFF FINDINGS: The Planning Commission did not recommend this be a qualified rezone.

- **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.*

STAFF FINDING: There have been no building or sewage disposal system permits issued on this matter.

- **SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NON-RESOURCE LAND:**

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

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

2. *The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;*
3. *The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.*
4. *The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.*

5. *The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.*
6. *If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.*
7. *The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use. Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.*
8. *Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use. Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use. Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)*

STAFF FINDING: The applicant did address this section but it is not applicable to this request. The property went through an exception process and is no longer available for resources uses. The Planning Commission recommend the Board of Commissioners make the finding that the change in zoning meets the criteria found in Section 5.1.225.

E. CONCLUSION:

Staff has provided a pathway for the Board of Commissioners to consider approving the request but the Board of Commissioners does have the option to choose a different pathway after considering all the information in the record.

All hearing were noticed in accordance with Article 5.0 Administrative Procedures.

Are there any questions from the Board of Commissioners? When completed with questions and comments turn meeting back to Board Chair.

Board Chair –

If there are no questions from the Commission at this time the Commission will now take testimony from the applicant.

1. The applicant (15 Minutes)
2. Proponents - 5 minutes
3. Opponents - 5 minutes
4. Neutral Parties - 5 minutes
5. The applicant's rebuttal or closing remarks

Close the hearing on the matter ask the Board if there are any additional questions or comments and then call for the motion.

Potential Motion: Approval of Ordinance number 23-05-004PL In the Matter of Amending the Coos County Comprehensive Plan Designation and Zone Map from Industrial to Commercial and the File Nos. AM-23-001/RZ-23-001 Paul Hanken.

- After the record has been closed to further comment by all other participants, the applicant shall have a period of 7 days to submit final written argument; however, applicant's final argument may not include any new evidence.
- If the Board of Commissioners chooses to continue a matter it must be set on a specific date, time and place at least 7 days from the date of the hearing, and is subject to the time limitations of ORS 215.427, which may only be extended if agreed to by the applicant.

The matter before the Board of Commissioners today is File # AM-23-001/RZ-23-001 (Ordinance Number 23-05-004PL) - In the Matter of Amending the Coos County Comprehensive Plan Designation and Zone Map from Industrial to Commercial and the File Nos. AM-23-001/RZ-23-001 Paul Hanken. The subject property is identified as Map Number Township 24S, Range 13W, Section 15, Tax Lot 802, Tax Account Number 99916796 and this is a plan map amendment to change the plan designation and official zoning map from Industrial (IND) to Commercial or Recreation (REC). The property owner is Hauser Hill Campground LLC, C/O Paul Haken.

On July 6, 2023, the Planning Commission met and reviewed the application, testimony, and evidence, and made a motion to recommend to the Board of Commissioners the approval of the rezone from Industrial to Commercial based on the record. The Planning Commission chose commercial because they found it to be more consistent with the surrounding uses of the property.

Furthermore, the Planning Commission recommends to the Board of Commissioners conducting a comprehensive study and inventory of all industrial lands from the City of North Bend city boundary north to the Douglas County line.

The criteria in this matter is located in the Coos County Zoning and Land Development Ordinance Article 5.1 Plan Amendments and Rezones and the Coos County Comprehensive Plan Volume I, Part I, Section 5.16 Industrial & Commercial Lands and Section 5.20 Recreation; Volume I, Part II, Section 4.4 Industrial Lands and Section 4.85 Recreational Lands; Volume I, Part III – Exceptions; Coos County Comprehensive Plan Maps #14 Zone Maps; and Oregon's Statewide Planning Goals & Guidelines Goals 3 through 14.

1. A party may either represent themselves or be represented by an attorney. Consultants and other non-attorney professionals may appear as fact witnesses, but may not legally represent a party. Witnesses testifying on behalf of an organization must provide written documentation that they are authorized by the organization to appear and testify.
2. Testimony and evidence must be directed toward the identified criteria relating to the application, or other criteria in the Comprehensive Plan or Zoning Ordinance which you believe applies to the application.
3. The applicant or appellant has the burden of proof which means demonstration that all of the applicable criteria can be met.
 - In the case of an appeal the appellant has burden to show that the decision they are appealing is in error.
 - An appellant must have demonstrated they have standing to appeal. (a participant, entitled to notice, or adversely affected by)
4. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised no later than the close of the record at the final evidentiary hearing on the proposal. Failure to raise an issue and present statements or evidence clearly in a manner sufficient to allow the Board of Commissioners and the parties an opportunity to respond, will preclude an appeal to LUBA on that issue.
5. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application.
 - If a request to hold the record open is made, the record will be held open for a minimum of 7 days if a public hearing has not been held on the matter.
 - If new evidence is submitted during the period, any participant may file a written request for the opportunity to respond to the new evidence; if such a request is filed, the record will be held open an additional 7 days to allow written comment on the new evidence.

Coos County Board of Commissioners Hearing Procedures

Introductions

I hereby call this hearing on File Number AM-23-001/RZ-23-001 to order on August 1, 2023 at 1:30 p.m. This is the time and place for a public hearing to consider Ordinance number 23-05-004PL In the Matter of Amending the Coos County Comprehensive Plan Designation and Zone Map from Industrial to Commercial and the File Nos. AM-23-001/RZ-23-001 Paul Hanken.

If you are not the applicant and wish to speak at this matter, please fill out a request to speak form and give it to the staff. Oral presentation should begin by stating your name, address, and identifying the criteria you will be addressing. All testimony shall be directed toward the decision makers. The staff will present the merits of the matter and the relevant criteria for the Board of Commissioners to consider.

Those wishing to testify shall focus the substance of the testimony toward the criteria; endorse rather than repeat testimony of others; and clearly and accurately state your issues when testifying. Please turn off all cell phones and be aware that these hearing are being recorded and all other discussion should take place outside the hearing room to allow for clear recording.

The applicant in the case will receive 15 minutes for their presentation and all other parties will have 5 minutes to testify.

I will ask the Board members the following questions:

1. Has each Board member received their staff reports?
2. Do any of the Board members need to disclose conflicts or bias, this includes any site visits or discussion regarding this matter.
3. Does any Board member need to abstain from participating in the hearings?

Does anyone present wish to challenge any member of the Board of Commissioners from participation in today's public hearings?

Staff please read legal procedures and present the matter.

LAND USE PROCEDURE Pursuant to CCZLDO § 5.7.300 and ORS 197.763

Coos County Board of Commissioners Hearing Procedures

I hereby call this hearing on File # AM-22-004/RZ-22-003– The applicant/property owners are Richard and Kathleen Randol. The proposal is for a plan amendment to change the Comprehensive Plan Designation from Rural Residential-5 (RR-5) to Rural Residential-2 (RR-2). The zone map will be amended if approved from Rural Residential-5 to Rural Residential-2. The Subject Properties are identified as Map Number Township 27S, Range 14W, Section 28B, Tax Lots 100, Tax Account Number 767200 and is located north of the City of Bandon off of Seven Devils Road. The properties contain 13.60 acres. Below are the listed criteria for this proposal.

At this time the applicant has requested to a continuance. The continuance has been granted to November 29, 2023 at 10:00 am at the Owen Building 201 N. Adams St. Coquille.

I hereby call this hearing on File # AM-22-005 (Ordinance Number 23-06-005PL) – Legislative Amendment - The proposal is to amend Volume II, Part 1 (Coos Bay Estuary Management Plan Part 1 – Plan Provisions) and Volume II, Part 2 (Coos Bay Estuary Management Plan Part 2 – Inventories and Factual Base) of the acknowledged Coos County Comprehensive Plan to repeal the existing Volume II, Part 1 and 2 and replace them in their entirety with the updated 2023 Coos Bay Estuary Management Plan, Parts 1 and 2. This proposal also amends Chapter 3 of the Coos County Zoning and Land Development Ordinance (CCZLDO) to reflect the proposed changes made to the Coos Bay Estuary Management Plan.

At this time a continuance has been granted to October 24 at 1:30 pm at the Owen Building 201 N. Adams St. Coquille.

