



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 19, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 3, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Patty Evernden, Coos County

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DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Coos County**

Local file number: **AM-08-04/RZ-08-02**

Date of Adoption: **6/10/2008**

Date Mailed: **6/12/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/11/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

An amendment/rezone request to rezone the Exclusive Farm Use (EFU) portion of the subject property to Forest Mixed Use (FMU) and amend the Coos County Comprehensive Plan map designation.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Agriculture**

to: **Forest**

Zone Map Changed from: **Exclusive Farm Use (EFU)**

to: **Forest (F)**

Location: **T.24S, R.11W, S.20B, Tax lot 103**

Acres Involved: **3**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD #003-08 (16774)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Patty Evernden, Planning Director** Phone: (541) 396-3121 Extension: 210
Address: **Coos County Courthouse** Fax Number: 541-396-2690
City: **Coquille, OR** Zip: 97423- E-mail Address: **pevernden@co.coos.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

1 BOARD OF COMMISSIONERS
2 COUNTY OF COOS
3 STATE OF OREGON

4 IN THE MATTER OF AMENDING)
5 THE COOS COUNTY)
6 COMPREHENSIVE PLAN & COOS) ORDINANCE 08-03-004PL
7 COUNTY ZONING & LAND)
8 DEVELOPMENT ORDINANCE)
9 (Anne Bellman))

10 The Board of Commissioners for the County of Coos ordains as follows:

11 SECTION 1. TITLE

12 This Ordinance shall be known as "Coos County Ordinance No. 08-03-004PL".

13 SECTION 2. AUTHORITY

14 This Ordinance is enacted pursuant to the provisions of ORS Chapter 215.

15 SECTION 3. PURPOSE

16 The purpose of this Ordinance is to amend Volume I of the acknowledged Coos
17 County Comprehensive Plan; this Ordinance therefore amends Coos County
18 Ordinance 82-12-022L, and amendments thereto, which adopts Volume I of
19 the Coos County Comprehensive Plan. The purpose of this Ordinance is also to
20 amend Coos County Ordinance 85-03-004L and amendments thereto, which is
21 the Coos County Zoning and Land Development Ordinance that implements
22 Volume I of the Coos County Comprehensive Plan; this Ordinance therefore
23 amends Ordinance 85-03-004L.

24 This amendment is necessary to rezone a portion of the subject property from
25 Exclusive Farm Use to Forest with a Mixed Use overlay on property described
26 as Township 24, Range 11, Section 20B, Tax Lot 103 in the County of Coos.

27 SECTION 4. FINDINGS

28 The review criteria for the proposed action are set forth in Attachment A,
attached hereto and incorporated herein by this reference, together with the
findings of fact and conclusions that the criteria have been satisfied. The
Board of Commissioners hereby adopts the findings and conclusions set forth
in Attachment A.

1 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE
2 PLAN AND TO THE COOS COUNTY ZONING AND LAND DEVELOPMENT
3 ORDINANCE

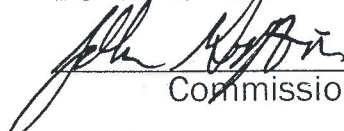
3 Ordinance 82-12-022L and amendments thereto adopting Volume I of the
4 Coos County Comprehensive Plan, and the Plan's map designation described
5 in Section 3, above, are amended as necessary to change the Plan designation
6 of the subject property to Agriculture (Exclusive Farm Use). Ordinance 85-03-
7 004L and amendments thereto implementing Volume I of the Coos County
8 Comprehensive Plan are amended as necessary to change the official zoning
9 map to reflect the rezone of the subject property to Forest (Forest Mixed Use).

8 SECTION 6. SEVERANCE CLAUSE

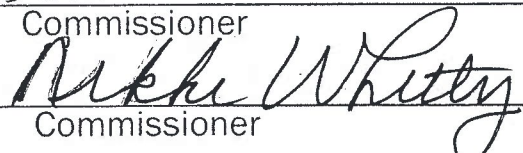
9 If any section, subsection, provision, clause or paragraph of this Ordinance
10 shall be adjudged or declared by any court of competent jurisdiction to be
11 unconstitutional or invalid, such judgment shall not affect the validity of the
12 remaining portions of this Ordinance; and it is hereby expressly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

13 ADOPTED this 10TH day of JUNE, 2008

15 BOARD OF COMMISSIONERS

16 
Commissioner

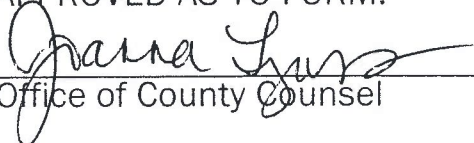
17 ABSENT
18 Commissioner

19 
Commissioner

20 ATTEST:

21 
22 Recording Secretary

23 APPROVED AS TO FORM:

24 
25 Office of County Counsel

26 SIGNED this 10TH day of JUNE, 2008.

27 Effective Date: JUNE 10, 2008
28

FINDINGS BASED ON THE CRITERIA

I. CCZLDO Section 5.1.400(1) 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 5.1.250; 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.**

FINDING: The proposed zoning is consistent with Comprehensive Plan provisions and future development will be subject to provisions set forth at Article 4.8 of the CCZLDO. The soils would support a Forest Mixed Use Zoning because Statewide Planning Goals 3 & 4 cannot be applied alone.

The rezoning will not affect the rural character of the area and permitted uses on nearby parcels will not be affected. It would be consistent with surrounding zoning. If adopted, the subject portion of the property will be zoned FMU which will allow for both forest and farming to take place. The majority of the adjacent properties are zoned Forest and appear to have little grass vegetation but do have dense forest vegetation.

Because the Board of Commissioners has adopted no other policies or ordinances applicable to the rezoning of the area, (c) is inapplicable.

II. Comprehensive Plan Amendment

a. Volume I, Part 1, Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states: This Plan Policy requires the County to consider and approve where appropriately justified, changes from agriculture to forestry upon findings, which establish:

- I. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,**
- II. That the proposed rezone would not create a nonconforming use,**
- III. That the applicant for the proposed rezone has certified that they understand that the rezone, if granted, could have significant tax consequences.**

FINDING: The subject property would remain in a resource zoning district. The subject property is undeveloped; therefore, rezoning would not create a nonconforming use. The property is 18.550 acres and is not receiving special assessment for growing trees of marketable species.

The applicant has provided a written statement indicating understanding of the potential significant tax consequences of the proposed rezone.

B. Volume 1, Part 2, 3.2 Forest Lands (5) Implementation Strategies

FINDING: This Plan Implementation Strategy identifies “Mixed Farm-Forest” areas as those areas that include land currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.

The soils information provided with the application identifies the soil, aspect, and topographic features as best suited for a combination of farm and forest uses, and the surrounding area is being predominantly co-managed for farm and forest uses; therefore, the area proposed to be rezoned qualifies for inclusion in the “Mixed Farm-Forest” designation.

III. Oregon Administrative Rule 660-006-0057

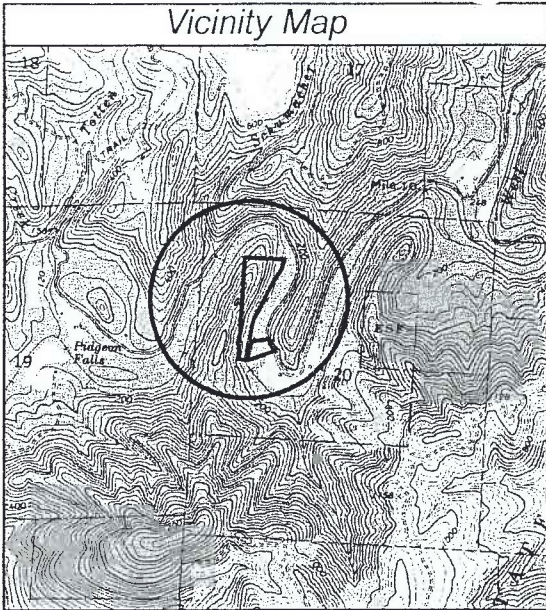
Rezoning Land to an Agriculture/Forest Zone

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

FINDING: The applicant demonstrated compliance with the OAR. The soil data demonstrates that the area is predominately forest, and with forest soil capabilities together with the agricultural soil capability, it can be determined the area contains such a mixture of agricultural and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

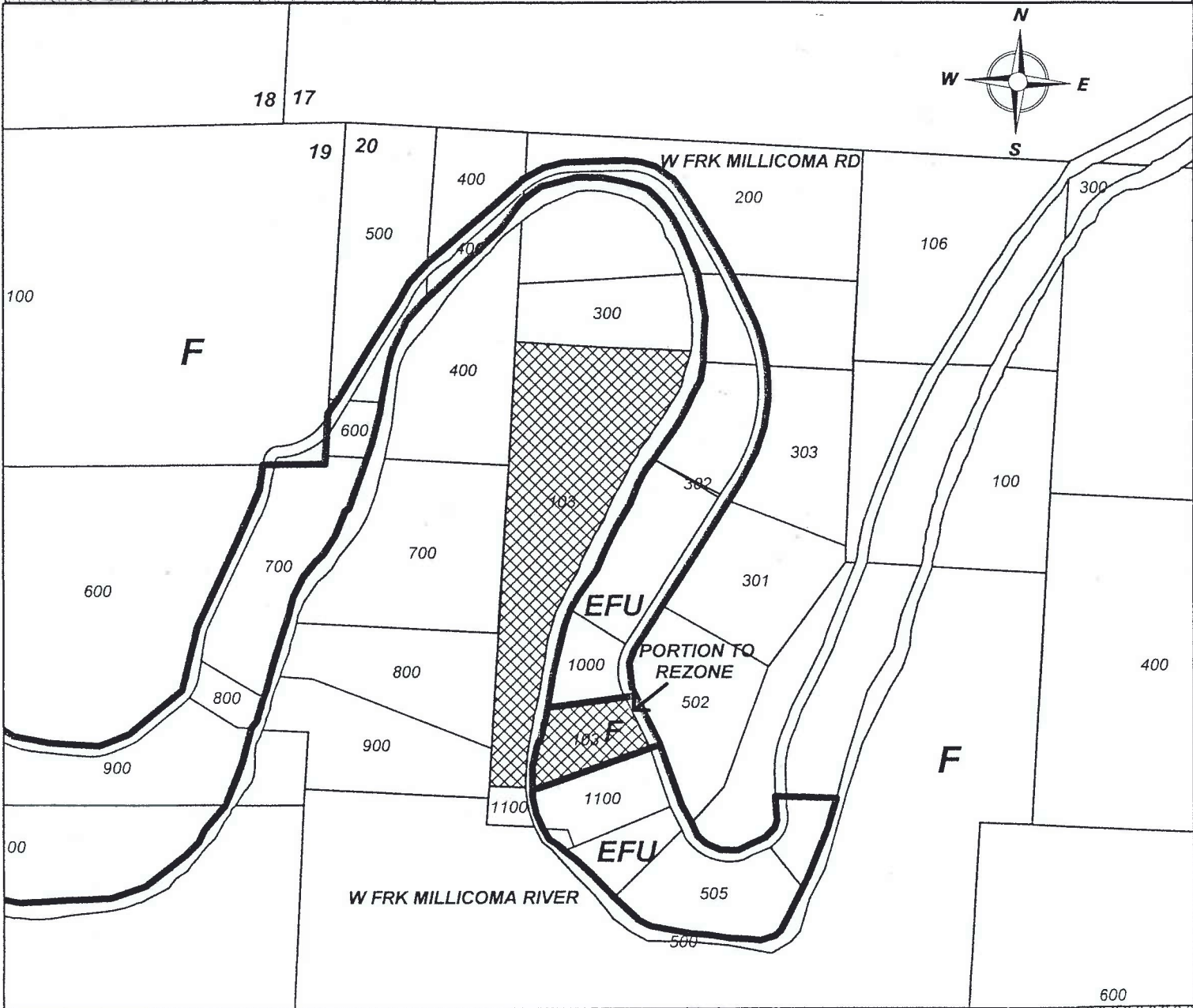


File Number: AM-08-04 / RZ-08-02

Applicant: Anne Bellman
6301 N 44th St
Paradise, AZ 85253

Location: T24 R11 Sec.20B TL 103

Proposal: Rezone approximately 3.5 Ac from EFU to F



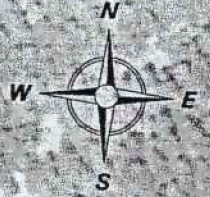
Scale one Inch = 600'

AFTER REZONE

Page 1
Subject Property =
ATTACHMENT "B"

ORDINANCE # 08-03-004PL

2005 Photo 1" = 400'



PORTION TO
REZONE



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7007 0220 0000 0761 2842

June 12, 2008

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

RE: Form 2, DLCD Notice of Adoption for AM-08-04/RZ-08-02, Bellman

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted Ordinance 08-03-004PL.

If you have any questions, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

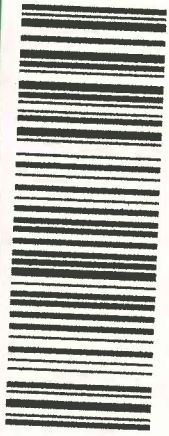
COOS COUNTY PLANNING DEPARTMENT

Jan Mollé, Planning Secretary

c: David Perry
file

Coos County Planning Department
Coos County Courthouse
Coquille OR 97423

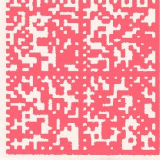
CERTIFIED MAIL™



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MAILED FROM ZIP CODE 97423



Larry French, Plan Amendment Specialist
DLCD
635 Capitol St. NE, Ste. 150
Salem OR 97301-2540