



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

AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 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 010-07

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: February 15, 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

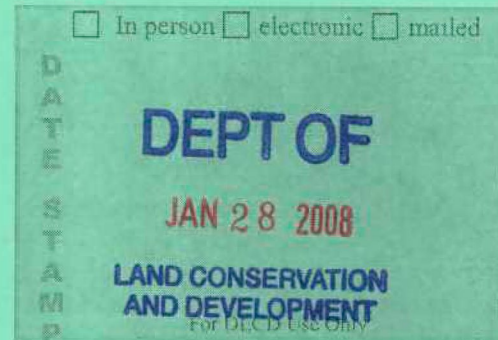
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FORM 2

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-07-09/RZ-07-09**

Date of Adoption: **1/23/08**

Date Mailed: **1/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/26/2007

- 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 19.08 acres from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU) and to amend the Coos County Comprehensive Plan Designation

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

Plan Map Changed from: **Agriculture** to: **Residential**

Zone Map Changed from: **Exclusive Farm Use(EFU)** to: **Forest Mixed Use (FMU)**

Location: **T.29, R.14, S.18, Tax lot 3100**

Acres Involved: **19**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- 1
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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 # 010-07 (16504)

DLCD file No. _____

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

Fairview RFPD, ODOT, Dept of Forestry, Dept of Agriculture, Confederated Tribes of Lower Coos, Umpqua and Siuslaw Indians

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.



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 7000 1530 0006 2168 1628

January 25, 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-07-09/RZ-07-09, Nelson

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 08-01-001PL.

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

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

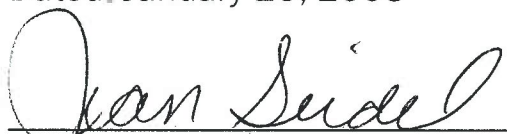

Jean Seidel, Office Specialist II

c: David Perry
file

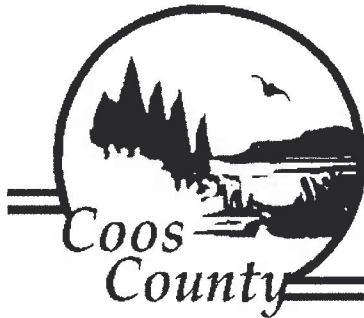
CERTIFICATE OF MAILING

I hereby certify that on January 25, 2008, I deposited the attached NOTICE OF ADOPTION into the U.S. mail, in an envelope with first class postage affixed thereto.

Dated: January 25, 2008



Jean Seidel, Office Specialist II



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

NOTICE OF ADOPTION

January 25, 2008

Robert and Diane Nelson
48521 Highway 101
Bandon, OR. 97411

Re: Amendment/Rezone Application

File: AM-07-09/RZ-07-09 Coos County Ordinance No. 08-01-001PL
Township 29, Range 14, Section 18, Tax Lot# 3100

Dear Mr. and Mrs. Nelson:

This is to inform you that on January 23, 2008, the Board of Commissioners adopted the above-referenced Ordinance amending the Coos County Comprehensive Plan (CCCP) and Zoning and Land Development Ordinance (ZLDO) to rezone the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU).

The adopted ordinance, together with all exhibits adopted as part of the ordinance may be reviewed at the **Coos County Planning Department, 290 N. Central, Coquille, Oregon**, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m.

The adoption of the above-referenced ordinance may be appealed to the Land Use Board of Appeals (LUBA), pursuant to ORS 197.830 to 197.845, by filing a Notice of Intent to Appeal within 21 days of the date this notice was deposited in the mail, as indicated on the attached Certificate of Mailing. LUBA may be contacted by phone at 503-373-1265, or in writing at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301-2552.

If you have any questions pertaining to this notice or the adopted ordinances, please feel free to contact the Planning Department at (541) 396-3121 or 756-2020, extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT


Patty Evernden, Director

w/o attachments

C: Planning Commission
Dave Perry, DLCD
Thomas Guevara, ODOT Roseburg Office
Chris Hood, Stuntzner Engineering
File

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BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

IN THE MATTER OF AMENDING)
THE COOS COUNTY)
COMPREHENSIVE PLAN & COOS) ORDINANCE 08-01-001PL
COUNTY ZONING & LAND)
DEVELOPMENT ORDINANCE)
(Nelson rezone and)
map amendment))

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

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 08-01-001PL".

SECTION 2. AUTHORITY

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

SECTION 3. PURPOSE

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

This amendment is necessary to rezone the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU). The subject property is described as Township 29, Range 14, Section 18, Tax Lot 3100 in the County of Coos.

SECTION 4. FINDINGS

The review criteria, evidence and Planning Commission recommendations 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".

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

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

6 SECTION 6. SEVERANCE CLAUSE

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

11 ADOPTED this 23rd day of January, 2008.

12 BOARD OF COMMISSIONERS

13 Absent
14 Commissioner
15 [Signature]
16 Commissioner
17 [Signature]
18 Commissioner

19 ATTEST:
20 [Signature]
21 Recording Secretary

22 APPROVED AS TO FORM:
23 [Signature]
24 Office of County Counsel

25 SIGNED this 23rd day of January, 2007.

26 Effective Date: 1/23/08

28



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

COOS COUNTY PLANNING COMMISSION
NOTICE OF ACTION

Date: January 10, 2007
Applicant: Robert & Diane Nelson, Nelson Family Living Trust
File Number: AM-07-09/RZ-07-09
Property Description: Township 29, Range 14, Section 18 Tax Lot 3100

Facts of the Matter

The applicants, Robert and Diane Nelson ("Applicants"), submitted an application for an Amendment/Rezone (File # AM-07-09/RZ-07-09) to allow a plan and zone change of 19.08 acres re-designating the zoning to Forest Mixed Use (FMU). The application was submitted on September 26, 2007 ("Application"). The Application was heard at a public hearing on January 3, 2008, ("Hearing"). The Hearing was noticed on December 14, 2007, pursuant to CCZLDO Section 5.7.100.

The subject property is 19.08 acres. According to the assessment records there is no development on this property. The property seems to have some tree vegetation on the southern and eastern portions of the property. Properties to the north of the subject property are zoned Rural Residential-2 (RR-2). Properties to the east are zoned Forest (F), to the south are zoned EFU, and to the west are zoned Commercial (C-1). Properties located within the 500-foot notification area range in size from approximately 1 to 123.55 acres; all are in private ownership. Two of the adjoining tax lots are in the same ownership as the subject property.

Pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.800(1) all lots or parcels lawfully created prior to January 1, 1986, are legal lots or parcels, unless the lot or parcel lines have changed. Pursuant to 1990 Coos County assessment records, the subject property was deeded in DOC # 66-6103 to Ronald Fraser, pre-dating the January 1, 1986, date and, therefore, this property is a legal lot of record.

CRITERIA

- I. Coos County Zoning and Land Development Ordinance –
Section 5.1.400(1) Decisions of the Hearings Body for a Rezone
- II. Coos County Comprehensive Plan
 - A. Volume I, Part 1, Policy 5.4(8)
 - B. Volume I, Part 2, 3.2 Forest Lands (5) Implementation Strategies

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973

III. Oregon Administrative Rule 660-006-0057

FINDINGS TO THE CRITERIA

I. CCZLDO

Section 5.1.400(1).

- 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 rezoning will not affect the rural character of the area, and permitted uses on nearby parcels will not be affected. If adopted, the property will be zoned FMU which will allow for both forest and farming to take place. There are adjacent properties that are zoned forest and appear to have both farm and forest uses.

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 proposed area to be rezoned is part of a larger tract that is currently receiving special assessment for growing trees of marketable species and farming.

The applicant has provided a written statement that he understands the potential tax consequences if the property is rezoned.

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 subject property 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 contains a mixture of agriculture/forest uses such that neither Goal 3 nor 4 can be applied alone.

DECISION

Based on the Facts of the Matter, Findings of the Criteria, staff report, and public testimony received, the Planning Commission unanimously voted to **Recommend Approval** of the application for an Amendment/Rezone (AM-07-09/RZ-07-09) to rezone the subject property from EFU to FMU.

RIGHT TO APPEAL

The Planning Commission's decision is final unless appealed in writing to the Board of Commissioners within 15 days of the date final action was reduced to writing and mailed. This means any appeals filed after **January 25, 2008**, are not timely and will not be considered. Any notice of appeal pursuant to CCZLDO Section 5.8.223 shall be filed with the Department and shall be accompanied by a written statement of the grounds for the appeal and any required filing fee. Appeals before the Board of Commissioners are limited to the record and no additional testimony or evidence will be considered. Please note there will be an additional chance to present testimony and evidence. This matter will be heard before the Board of Commissioners.

BOARD OF COMMISSIONERS HEARING

The hearing before the Board of Commissioners on this matter will take place on January 23, 2008, at 1:30 p.m. in the Board's Courtroom, Coos County Courthouse, 250 N. Baxter, Coquille OR. This hearing was published on January 10, 2008, in the "Bandon Western World".

Questions regarding this decision need to be directed to the Coos County Planning Department at (541) 396-3121 or 756-2020, extension 210.

Sincerely,
COOS COUNTY PLANNING COMMISSION


Joann Hansen, Planning Commission Chair
JH/jb

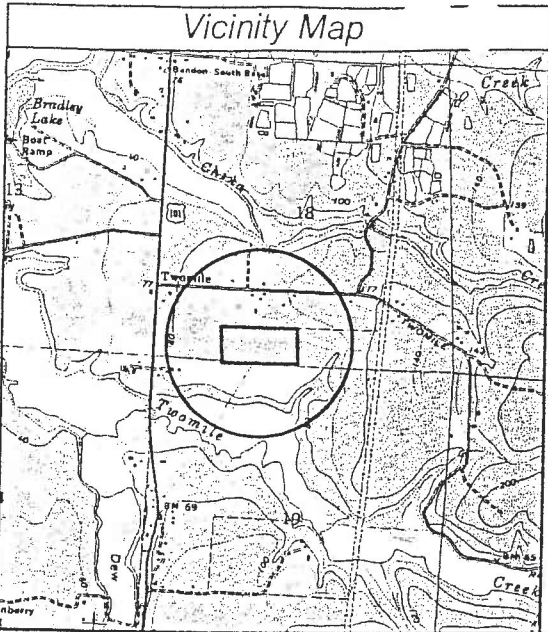
Attachments: Draft Ordinance 01-08-001 PL
Staff Report with attachments
Before and after vicinity maps and aerial photo

*With attachments

c: *Board of Commissioners	Applicant
*County Counsel	Owner
David Perry, DLCD	Participants
Planning Commission	File

COOS COUNTY PLANNING DEPARTMENT

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

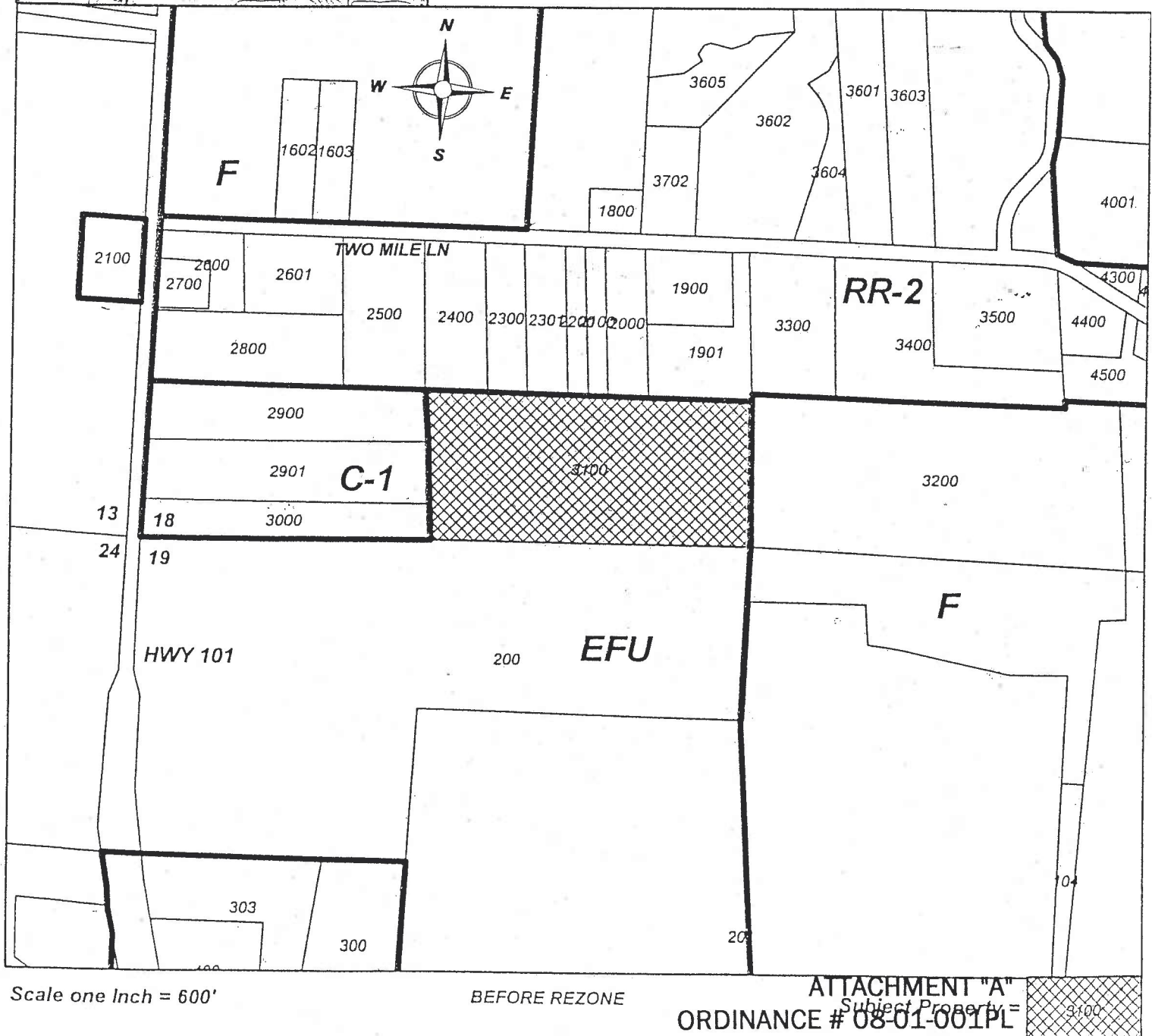


File Number: AM-07-09/RZ-07-09 IACU-07-47

Applicant: Robert & Diane Nelson
48521 Hwy 101
Bandon, OR 97411

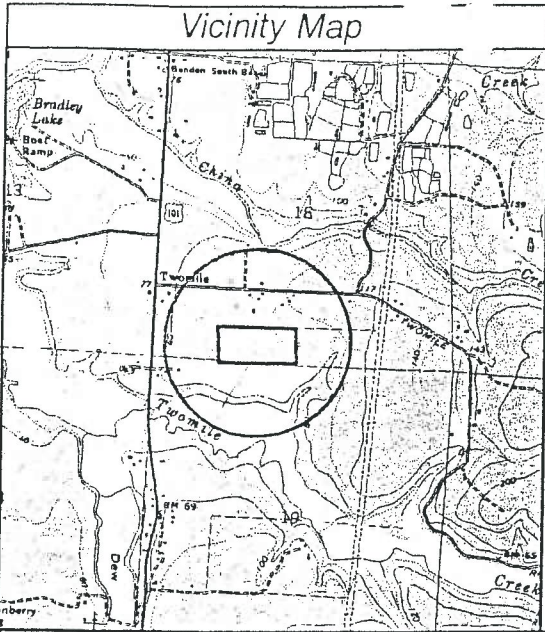
Location: T29 R14 Sec.18 TL 3100

Proposal: Rezone from EFU to F/Template dwelling



COOS COUNTY PLANNING DEPARTMENT

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

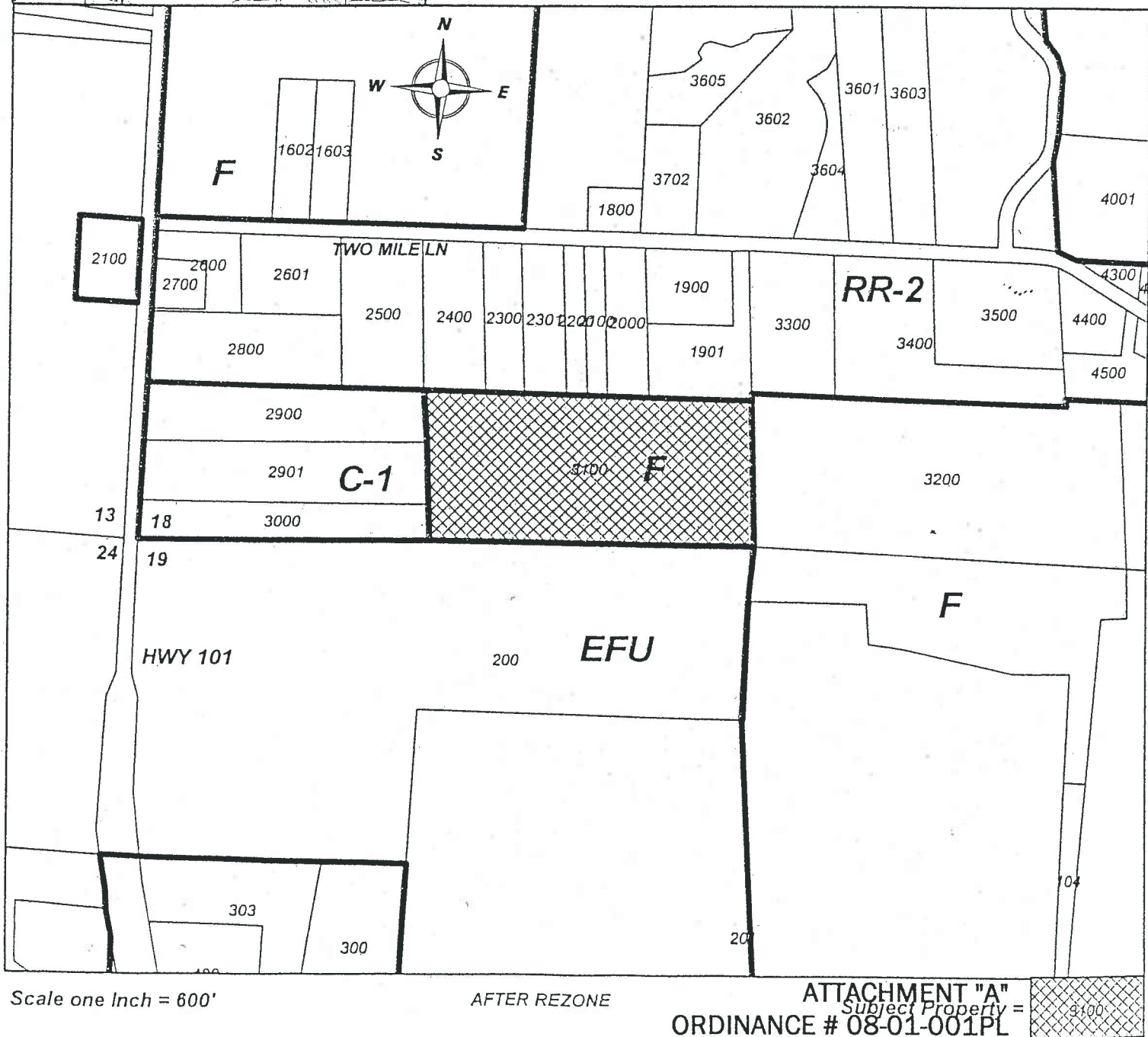


File Number: AM-07-09/RZ-07-09/ACU-07-47

Applicant: Robert & Diane Nelson
 48521 Hwy 101
 Bandon, OR 97411

Location: T29 R14 Sec. 18 TL 3100

Proposal: Rezone from EFU to F/Template dwelling



2005 Ortho 1" = 400'



ATTACHMENT 'A'
ORDINANCE # 08-01-001 PL

NELSON FAMILY LIVING TRUST
FARM TO FOREST
REZONE & PLAN AMENDMENT

LOCATED IN T.29, R.14, S.18 TL.3100

TABLE OF CONTENTS

APPLICATION

APPLICATION, FINDINGS AND CONCLUSIONS

INTRODUCTION
APPLICATION SUPPLEMENTAL
OREGON ADMINISTRATIVE RULE
COOS COUNTY COMPREHENSIVE PLAN (FOREST LAND)
COOS COUNTY COMPREHENSIVE PLAN (MIXED USE AREAS)

EXHIBITS

GENERAL LOCATION MAP
SUBJECT PROPERTY MAP
AERIAL PHOTOGRAPHS
ZONING MAP
SOILS INFORMATION
DEED OF RECORD

PREPARED FOR

ROBERT AND DIANE NELSON
TRUSTEES OF THE NELSON FAMILY LIVING TRUST
48521 HWY 101
BANDON, OREGON 97411

PREPARED BY

STUNTZNER ENGINEERING & FORESTRY, L.L.C.
PO BOX 118/705 S. 4TH STREET
COOS BAY, OREGON 97420

ATTACHMENT "A"
ORDINANCE # 08-01-001PL

Coos County Planning Department
Mail: COURTHOUSE, COQUILLE, OREGON 97423
Located at: 290 North Central, Coquille, Oregon 97423
(541) 396-3121 ext. 210, FAX (541) 396-2690

AMENDMENT/REZONE APPLICATION

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:

NELSON FAMILY REVOCABLE LIVING TRUST, ROBERT & DIANE NELSON, TRUSTEES
Name: ROBERT & DIANE NELSON Telephone: 541-347-2657
Address: 48521 HWY 101, BANDON, OR 97411

As applicant, I am (check one):

- The owner of the property;
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
- A lessee in possession of the property who has written consent of the owner to make such application;
- The agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

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

B. DESCRIPTION OF PROPERTY:

Township 29 Range 14 Section 18 Tax Lot 3100
Account No. 12184.00 Lot Size 19.08 ACRES Zoning District EFU
Existing Use FOREST PRODUCTION

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: FOREST (F)

ATTACHMENT "A"
ORDINANCE # 08-01-001PL

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 one of the following sets of criteria must be addressed. An applicant must demonstrate that all of the standards of I, II, or III have been met.

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.

- I. For a "Physically Developed" Exception, OAR 660-004-0025 applies:
- a. Findings must demonstrate that land is already physically developed to the extent that it is no longer available for uses allowed by the applicable Goal.
- b. Findings must show:
- The exact nature and extent of the area,
 - Extent and location of existing physical development;
 - Uses allowed by a Goal to which an exception is being taken shall not be used to justify an exception as "physically developed".
- II. For an "Irrevocably Committed" Exception, OAR 660-004-0028 applies:
- a. An exception is justified under this category when "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 Goals

- c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 20 copies of the entire application, including all exhibits and color photocopies, or as directed by the Planning Staff.

G. AUTHORIZATION:

I hereby verify that I am authorized to make the application for a rezone and/or amendment and the statements within this application are true and correct to the best of my knowledge and belief. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued on account of false statements or misrepresentation.

PURSUANT TO ORS 215.416(1), THE FOLLOWING FEE REPRESENTS THE AVERAGE COST FOR PROCESSING EACH PERMIT APPLICATION. IF THE ACTUAL COST OF PROCESSING A PERMIT EXCEEDS THE AMOUNT OF THE FEE BY MORE THAN 20%, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING THE FULL AMOUNT OF THE ACTUAL COST.

x Robert Nelson x Deanne McNeilson Applicant's Signature
6-15-07 Date

<u>Application Check List (for departmental use only)</u>			
Date Received: _____	Receipt number: _____	Fee: _____	
Application accepted by: _____	File number assigned: _____		
Planner assigned: _____	Date deemed complete: _____		
Scheduled PC hearing date: _____	Scheduled BC hearing dates: _____		
Ordinance # _____			
Date notice mailed to DLCD: _____	Date adoption mailed to DLCD: _____		
Other applications included: _____	Plan Map Amendment _____	Plan Text Amendment _____	
	Code Text amendment _____	Other _____	
____ Proposal is located within:			
UGB/UCB _____	Planning area _____		
Fire District _____	A.O./Airport notification area _____		
Floodplain _____	Hazard Area _____	Wetland _____	
Wildlife Habitat _____	Riparian Habitat _____		
Historic/Arc _____			
Accurate maps and site plans _____	# of copies received _____		

APPLICANTS EXHIBIT "A"

NELSON FARM TO FOREST PLAN AMENDMENT AND REZONE

INTRODUCTION

Location, Zoning and Access

The applicant is the owner of a 19.08-acre parcel of land that is generally located two miles South of the City of Bandon. The subject property is currently zoned Exclusive Farm Use (EFU) and the applicant wishes to change the zone designation to Forest (F) with a "Mixed Use" (agricultural) overlay. Access to the subject property is by way of a private easement that extends from U.S. Highway 101.

Surrounding Lands

The adjacent land to the North is zoned Rural Residential (RR-2). The land contains two to four acre parcels with existing residential uses. The property lying directly West of the subject property fronts Highway 101 and is zoned Commercial C-1. The property to the South is owned by the applicant, is zoned Exclusive Farm Use (EFU), and contains a mixture of pastureland and cranberry bogs. The Property to the East is zoned Forest Mixed Use and also contains cranberry bogs.

Land Topography and Soil Types

The subject property is generally flat with a gentle slope to the South. According to the United States Natural Resource Conservation Service (NRCS) survey maps, the entire property contains Bullards Sandy Loam soils with 7 to 12 percent slopes. For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 132. However, on a 50-year site curve, the mean site index is 105, which is comparable to some of the best timber growing soils in Coos County. It is important to note that timber is generally managed on a 40 to 50 year cycle rather than 100-year cycle.

Current Use of the Property

The subject has historically been managed for forest use and was been logged and replanted with commercial tree species within the last five years. The land is vacant with no structural development.

State Wide Planning Goals

Pursuant to Statewide Land Planning Goal 4 (Forest Lands), where a plan amendment is proposed, forestlands shall include lands that are suitable for commercial forest uses. Based upon the identified forest soils and the historic forest use of the land, the subject property is forestland by use and definition.

Because the soil types on the tract are also subclass III agricultural soils, the land is also suitable for agricultural use pursuant to Statewide Planning Goal 3 (Agriculture). With consideration given to the predominate forest use and existing forest soil types together with the surrounding agricultural uses and supporting agricultural soil types, a more appropriate zone district for the subject property is Forest (F) with a mixed-use agricultural overlay.

Therefore, pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, Oregon Statewide Planning Goals 3 and 4, and the applicable Administrative Rules, the applicant is requesting a change in the zone designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed-use agricultural overlay. The requested change will better support the suitability and predominant (forest) characteristics and the subordinate agricultural characteristics and uses on adjacent lands.

APPLICATION REQUEST

This request is to amend the Coos County Comprehensive Plan Designation for the subject property from Agriculture to Forest and to change the zone designation of the implementing Coos County Zoning and Land Development Ordinance from Exclusive Farm Use (EFU) to Forest (F) with a mixed-use agricultural overlay.

APPLICATION SUPPLEMENTAL

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 questions must be answered:
 - a) 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:

FINDING: No. The purpose of this rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest

(F) with a mixed-use overlay to reflect the suitability and predominant "forest" characteristics and the subordinate agricultural characteristics. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation provided it can be documented that the requested zone designation satisfies the definitions prescribed by the pertaining Goal (see *OAR 660-33-030(4) below). Furthermore, standard farm practices are allowed outright in the Forest zone district.

**OAR 660-33-030(4) When inventoried land satisfies the definition requirements of both agricultural land and forestland, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

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:

FINDING: Yes. Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa, provided adequate findings are made supporting the request. The policy recognizes "That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

b) will the rezone seriously interfere with permitted uses on other nearby parcels? Explain:

FINDING: No. This request is to rezone the subject property to reflect the existing forest use and subordinate agricultural characteristics. The lands surrounding the subject property to the South and East are currently zoned for and contain agricultural and forestry uses. Although, the land to the North and East contain Rural Residential and Commercial uses, a zone change from farm to forest will not change the resource uses that are currently allowed and have historically existed on the subject property.

2) will the rezone comply with other adopted plan policies and ordinances?

FINDING: Yes. The intent of this application is to adopt an appropriate zone designation for the subject property pursuant to Oregon Statewide Planning Goal 4 (Forestry) and those portions of the Coos County Comprehensive Plan and Zoning

Ordinance that have been acknowledged to be in compliance with Goal 4. Substantial evidence has been submitted showing compliance with both the Comprehensive Plan and implementing Ordinance.

FINDING OF FACTS AND CONCLUSIONS

OREGON ADMINISTRATIVE RULES

OAR 660-06-057 Rezoning Land to an Agricultural/Forest Zone

Any rezoning or plan 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: According to the United States Natural Resource Conservation Service (NRCS) survey map, the exclusive soil type identified as existing on the subject property is Bullards Sandy Loam with 7 to 12 percent slopes.

For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 132. However, on a 50-year site curve, the mean site index is 105, which is comparable to some of the best timber growing soils in Coos County. It is important to note that timber is generally managed on a 40 to 50 year cycle rather than 100-year cycle.

The Bullards Soils are also identified as an agricultural capability subclass IIIe. In Western Oregon Subclass I through IV soil types are considered agricultural soils pursuant to Goal 3. The adjacent land to the South currently zoned Exclusive Farm Use (EFU) and contains farm uses. The land to the East is zoned Forest and contains a combination of farm and forest uses.

CONCLUSION

Based upon the predominate forest use and soil characteristics of the subject property together with the subordinate agricultural characteristics and uses on surrounding lands, a conclusion can be made that the area contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

APPENDIX 1, COOS COUNTY COMPREHENSIVE PLAN, VOLUME 1

POLICY 5.4 FORESTLANDS

5.4(8) Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:

- i. that the proposed rezone would be at least as effective at conserving the resource as the existing zone.

FINDING: The subject property is forestland by use and definition.

Appendix I CCCP Volume I Policy 5.4(1) states in part that, Coos County "shall conserve those resources designated as forestlands by regulating uses and activities in such areas through requirements stipulated in the Forest (F) zone." Furthermore, the policy goes on to state, "This strategy recognizes that Coos County's forestlands are an extremely valuable resource, and that the above-referenced zones are; (1) necessary and responsible to respond to the varying situational characteristics addressed in the inventory, and (2) adequate to conserve the county's forestlands for forest uses."

It is clear from the above referenced policy that the Forest (F) zone district has been established specifically for the purpose of conserving forest resources. Furthermore, the implementation of the Mixed Use overlay recognizes the existence of agricultural lands in conjunction with forestlands and assures the conservation and continuation of agricultural uses.

- ii. that the proposed rezone would not create a non-conforming use.

FINDING: There is currently no development or existing use occurring on the subject property that would become a non-conforming use when the zone district is changed from Exclusive Farm Use (EFU) to Forest (F).

- iii. that the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences.

FINDING: The applicant is aware that if granted the proposed rezone may have significant tax consequences.

"MIXED AGRICULTURAL-FOREST USE AREAS"

COMPREHENSIVE PLAN VOLUME 1 PART 2, SETTING 3.2(5)

1. Mixed-use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.
2. Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
3. Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

FINDING: According to the United States Natural Resource Conservation Service (NRCS) survey map, the exclusive soil type identified as existing on the subject property is Bullards Sandy Loam with 7 to 12 percent slopes.

For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 132. However, on a 50-year site curve, the mean site index is 105, which is comparable to some of the best timber growing soils in Coos County. It is important to note that timber is generally managed on a 40 to 50 year cycle rather than 100-year cycle.

The Bullards Soils are also identified as an agricultural capability subclass IIIe. In Western Oregon Subclass I through IV soil types are considered agricultural soils pursuant to Goal 3. The adjacent land to the South currently zoned Exclusive Farm Use (EFU) and contains farm uses. The land to the East is zoned Forest and contains a combination of farm and forest uses.

CONCLUSION

Based upon the soil aspects and topographic features and the fact that the surrounding area is predominantly co-managed for both farm and forest uses, a mixed-use overlay is appropriate pursuant to the Coos County Comprehensive Plan.

FINAL CONCLUSION

Based upon the submitted evidence addressing Appendix 1, Volume 1 Policy 5.4(8) and Volume 1, Part 2, Setting 3.2(5) of the Coos County Comprehensive Plan and the Oregon Statewide Planning Goals 3 and 4, a conclusion can be made that the applicable criteria has been satisfied and that a Forest (F) zone designation with a Mixed-use overlay is appropriate for the subject property. Therefore, the applicant respectfully requests a decision supporting the proposed zone change.

GENERAL LOCATION MAP

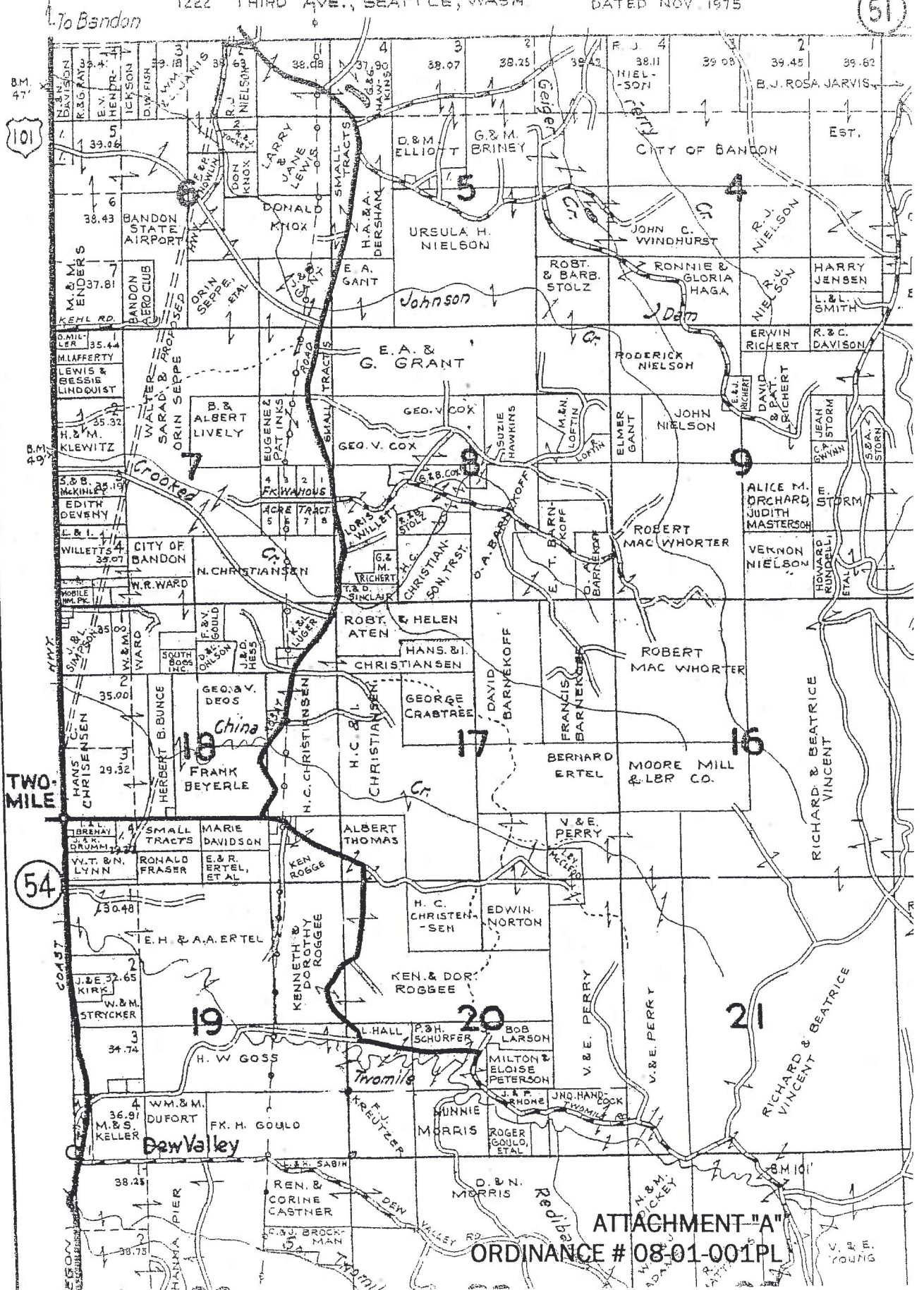
TOWNSHIP

METSKER MAPS

111 SO. TENTH ST., TACOMA, WASH.
1222 THIRD AVE., SEATTLE, WASH.

DATED NOV. 1975

COX
51



ATTACHMENT "A"
ORDINANCE # 08-01-001PL

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

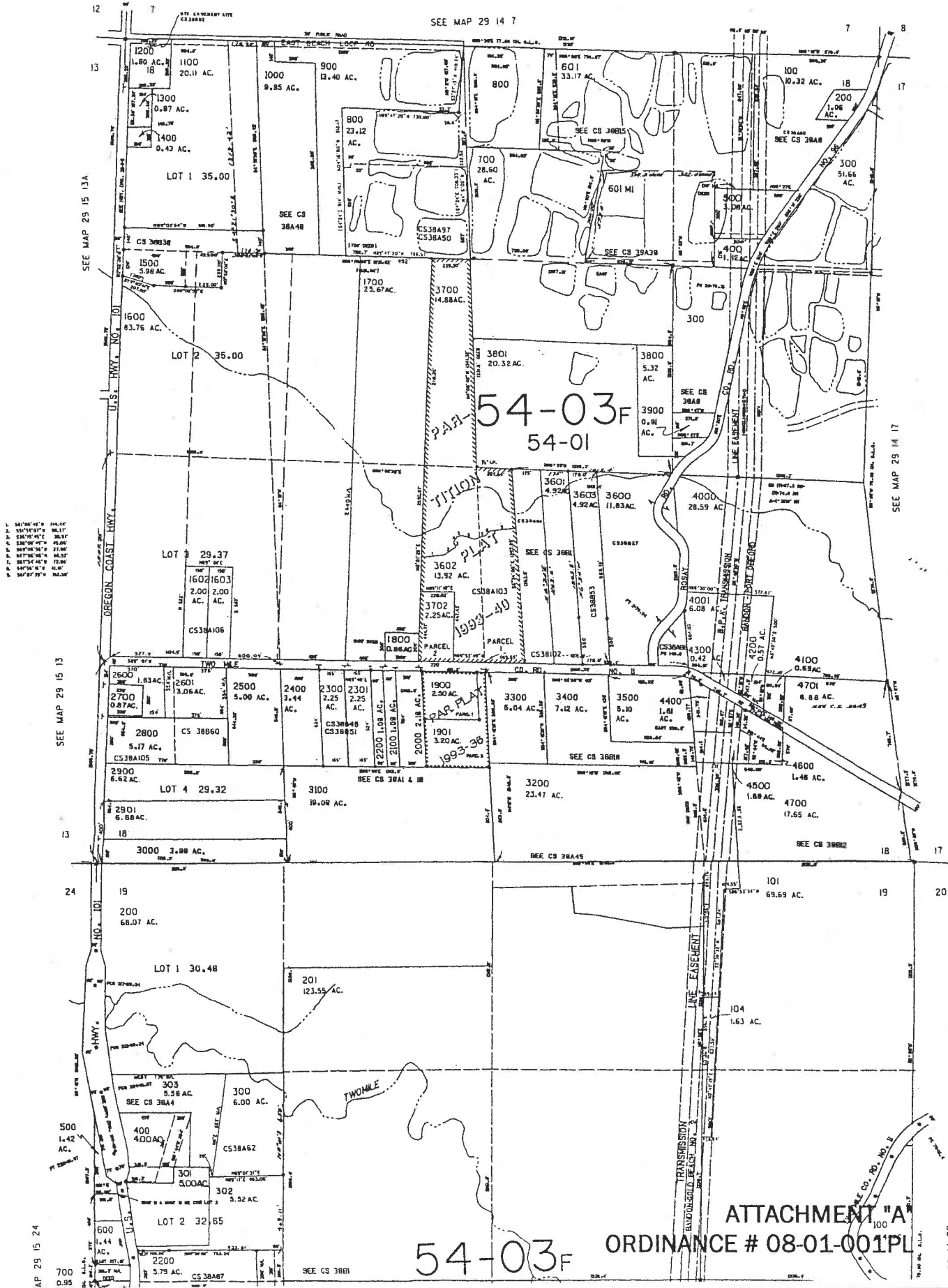
SECTION 18 T.29S. R.14W. W.M.
COOS COUNTY

29 14 18

1" = 400'

SUBJECT PROPERTY

CANCELLED
1600M
600
602
1101
3701
1601
1102
4702
4002
3703
3802



1. 58°50'00" E 100.00'
2. 33°15'00" E 96.37'
3. 53°15'00" E 96.37'
4. 33°15'00" E 96.37'
5. 58°50'00" E 100.00'
6. 33°15'00" E 96.37'
7. 58°50'00" E 100.00'
8. 33°15'00" E 96.37'

AP 29 15 24

29 14 20

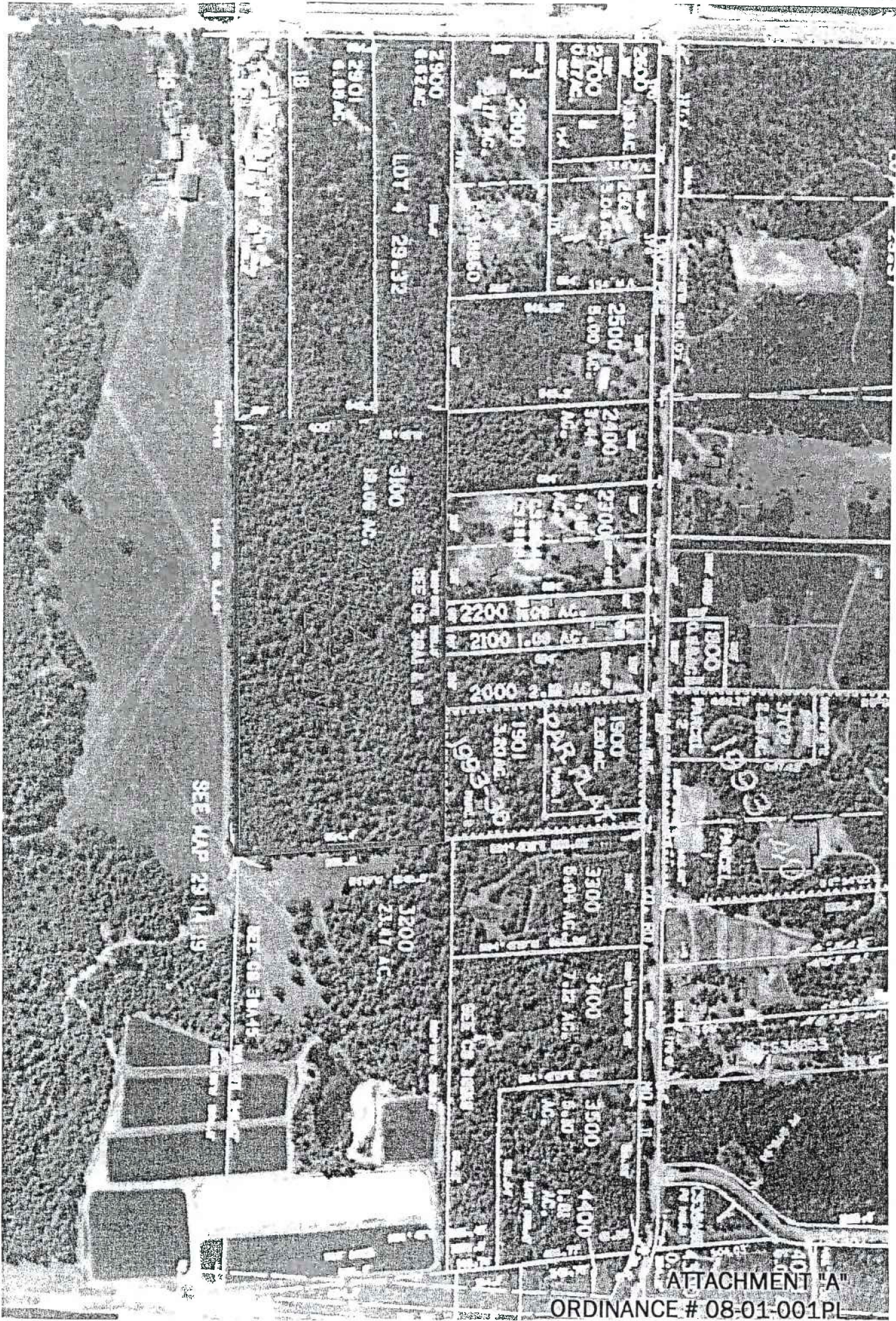
SUBJECT PROPERTY



ATTACHMENT "A"

ORDINANCE # 08-01-001PL
AERIAL PHOTOGRAPH

SUBJECT PROPERTY

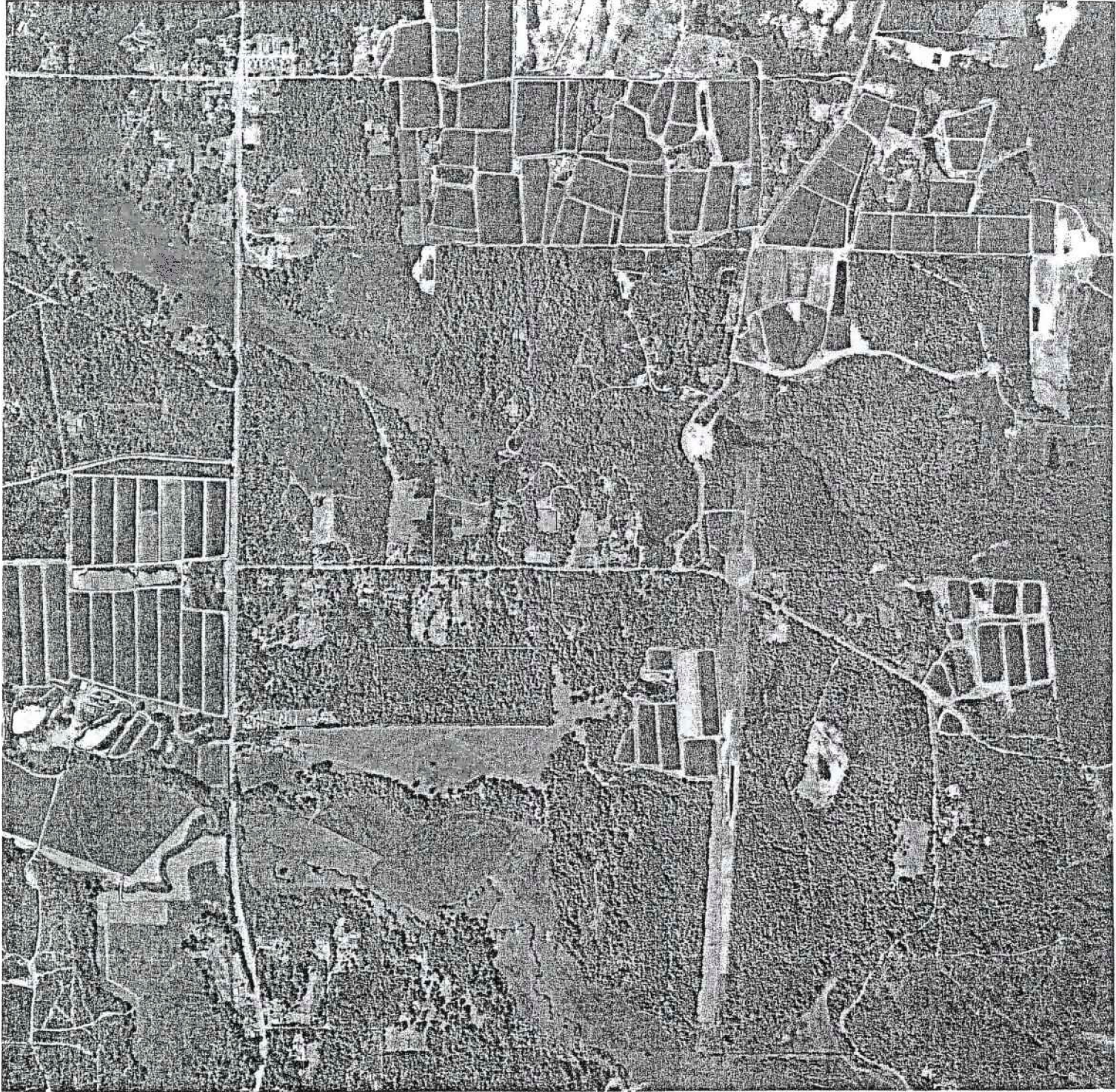


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ORDINANCE # 08-01-001P

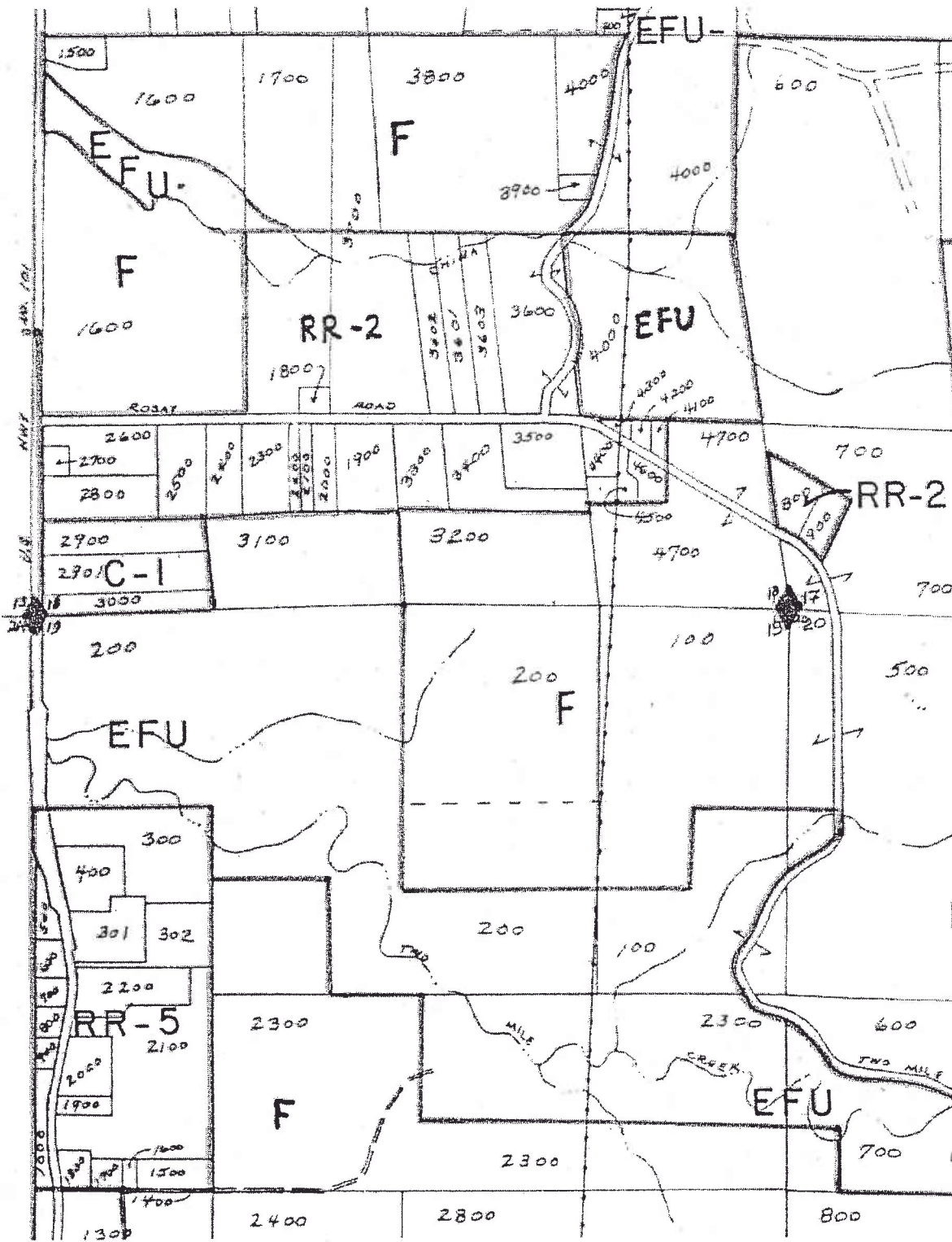
AERIAL PHOTOGRAPH

GENERAL LOCATION



AERIAL PHOTOGRAPH

ATTACHMENT "A"
ORDINANCE # 08-01-001PL



ZONING MAP

ATTACHMENT "A"
 ORDINANCE # 08-01-001PL

SOILS INFORMATION MAP



ATTACHMENT "A"
ORDINANCE # 08-01-001PL

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

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

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

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

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

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

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

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

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

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a

suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

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

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

This map unit is in capability subclass IIIe.

8C—Bullards sandy loam, 7 to 12 percent slopes.

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

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

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

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

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

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

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

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

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.

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

If this unit is used for homesite development, the main limitations are slope and droughtiness in summer. Absorption lines should be installed on the contour. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

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

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

If this unit is used for recreational development, the main limitation is steepness of slope. Slope may restrict some kinds of activities and increase the cost of constructing facilities.

This map unit is in capability subclass IIIe.

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

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

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

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

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

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

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

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

The main limitations for the management of timber on this unit are the hazard of erosion, the hazard of windthrow, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gulying unless they are provided with adequate water bars or are protected by plant cover, or both. Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use.

After Recording, return to:

Walter B. Hogan
Attorney at Law
PO Box 458
Myrtle Point, Oregon 97458

Until requested otherwise, send all tax statements to:

Robert L. Nelson and Diane M. Nelson, Trustees
Nelson Family Revocable Living Trust - 48251 Hwy 101, Bandon, OR 97411

Consideration: \$0 for estate planning

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Robert L. Nelson and Diane M. Nelson, husband & wife, hereinafter called grantors, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto Robert L. Nelson and Diane M. Nelson, as Trustees of the NELSON FAMILY REVOCABLE LIVING TRUST, dated July 9, 2007, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Coos County, State of Oregon, described as follows, to wit:

ATTACHED AS EXHIBIT A

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. There is no consideration paid for this transfer as it is for estate planning.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

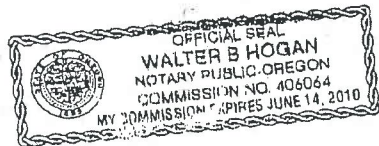
IN WITNESS WHEREOF, the grantor has executed this instrument this 9th day of July, 2007. If grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Robert L. Nelson
ROBERT L. NELSON

Diane M. Nelson
DIANE M. NELSON

STATE OF OREGON)
) ss.
County of Coos)

This instrument was acknowledged before me on July 9, 2007 by ROBERT L. NELSON and DIANE M. NELSON, husband & wife.



Walter B. Hogan
Notary Public for Oregon
My commission expires: 6/14/10

EXHIBIT A

PARCEL 1:

Beginning at the NE corner of the NW ¼ NE ¼ of Section 19, Township 29S, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence N 06°37'W along the East line of the SW ¼ SE ¼ of Section 18, Township 29S, Range 14 West of the Willamette Meridian, Coos County, Oregon, 690 feet; thence S89°19' E, 231 feet; thence S5°19'22"E, 888.06 feet; thence S86°53'34"W, 104.55 feet; thence S2° 38'32"W, 687.24 feet; thence West 99.34 feet; N00°06' East along the East line of the NW ¼ NE ¼ of Section 19, Township 29S, Range 14 West of the Willamette Meridian, 893.76 feet to the point of beginning.

PARCEL 2:

Government Lot 1, the North half of the Northeast quarter of the Northwest quarter and the North 165 feet of the Northwest quarter of the Northeast quarter of Section 19, Township 29 South, Range 14 West of the Willamette Meridian, EXCEPTING that portion conveyed to the State of Oregon by and through its State Highway Commission, as set forth by instrument recorded February 14, 1966 in Microfilm No. 66-2-6190, Records of Coos County, Oregon.

PARCEL 3:

The South half of the Southwest quarter of the Southeast quarter of Section 18, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

PARCEL 4:

The South ½ of the Southeast ¼ of the Southwest ¼ of Section 18, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

Fax
267-0589
Attn. Chris Hood

**CERTIFICATE OF AUTHENTICATION OF TRUST
AND
POWER OF TRUSTEES**

STATE OF OREGON)
) ss.
County of Coos)

Trustors, ROBERT L. NELSON and DIANE M. NELSON, being first duly sworn, depose and say:

1. Trustors are the sole Trustors of that certain Trust Agreement executed on July 9, 2007. The Name of the trust is: NELSON FAMILY REVOCABLE LIVING TRUST.

2. ROBERT L. NELSON and DIANE M. NELSON are the sole Trustees under said agreement.

3. During Trustors' lifetime, Trustors are the sole beneficiaries of said trust.

4. Trustors reside at 48521 HWY 101, Bandon, Oregon 97411.

5. This trust is in full force and effect as of the date hereof. In administering the trust, the Trustees have all power granted to Trustees under the ORS Chapter, including, but not limited to, the power to acquire and dispose of trust assets, to encumber, mortgage or pledge trust assets, and to grant options with respect to trust assets.

6. In the event ROBERT L. NELSON and DIANE M. NELSON should, for any reason, be unable or unwilling to act as Trustees, or should die or resign, Morgan [unclear] of Bandon, OR shall succeed as Trustee and shall have all powers as Trustee which Trustors have conferred upon Trustees in this Trust Agreement. In the event Morgan should, for any reason, be unable or unwilling to act as Trustee, or should die or resign, N/A of shall succeed as Trustee and shall have all powers as Trustee which Trustors have conferred upon Trustees in this Trust Agreement.

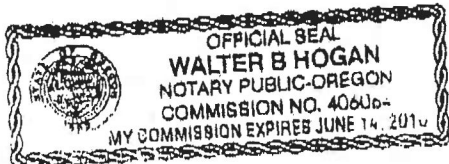
DATED this 9th day of July, 2007.

Robert L. Nelson
ROBERT L. NELSON
Trustor
Robert L. Nelson
ROBERT L. NELSON
Trustee

Diane M. Nelson
DIANE M. NELSON
Trustor
Diane M. Nelson
DIANE M. NELSON
Trustee

Subscribed and Sworn to before me this 9th day of July, 2007 by ROBERT L. NELSON and DIANE M. NELSON, Trustors and ROBERT L. NELSON and DIANE M. NELSON, Trustees.

Walter B. Hogan
Notary Public for Oregon
My Commission Expires: 6/14/10




December 22, 2007
Coos County Planning Dept.
Coos County Courthouse
Coquille, OR

Patty Evernden, Planning Director:

At this time I wish to withdraw my application for a first dwelling in a forest zone located at Township 29, Range 14, Section 18, tax lot 3100.

Sincerely,


Robert and Diane Nelson
48521 Hwy 101
Bandon, Or

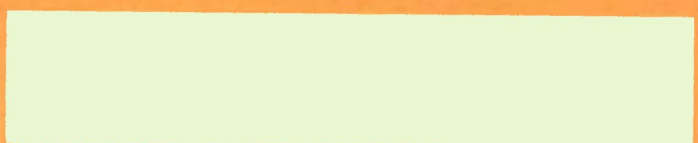
RECEIVED

DEC 26 2007

COOS COUNTY
PLANNING DEPARTMENT

ATTACHMENT "A"
ORDINANCE # 08-01-001PL

6008 GOVERNOR PLANNING DEPT
COURTHOUSE (COQUILLE ANNEX)
COQUILLE, OR 97423



FOLD AT DOTTED LINE
CERTIFIED MAIL



7000 1530 0006 2168 1628



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



UNITED STATES POSTAGE
FITNEY BOWES
\$ 07.640
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