



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

10/01/2009

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Coos County Plan Amendment  
DLCD File Number 002-09

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:** Wednesday, October 14, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Patty Evernden, Coos County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative

<paa> YA

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

In person electronic mailed

DATE STAMP

DEPT OF

SEP 24 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: Coos County Local file number: AM-09-03/RZ-09-02/HBCU-09-01

Date of Adoption: 9/23/09 Date Mailed: 9/23/09

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 6/29/09

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

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

A comprehensive Plan Map Amendments to change the Plan Map designations from Recreation and Forest to Agriculture and amendments to change the zoning map designation from Recreation (REC) and Forest (F) to Exclusive Farm Use (EFU). This amendment application is accompanied by a conditional use application to allow active mitigation and active and passive restoration use in the 15-Rural Shoreland segment in the Coos Bay Estuary Management (CEMP) zone and a reconciliation and interpretation of the applicable zoning district boundaries.

Does the Adoption differ from proposal? The proposal remains the same but there are conditions of approval to ensure compliance.

Plan Map Changed from: Recreation and Forest to: Agriculture
Zone Map Changed from: Recreation (REC) & Forest (F) to: Exclusive Farm Use (EFU)
Location: located northeast of the City of North Bend off of golf Course Lane 25-12-06C/07 and 25-13-01D/12A Acres Involved: 135 acres

Specify Density: Previous: New:

Applicable statewide planning goals:

- Goals 1-19 with checkboxes indicating adoption status

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment:

BOARD OF COMMISSIONERS  
COUNTY OF COOS  
STATE OF OREGON

1  
2  
3 In the matter of Plan Amendment and )  
4 rezone, zoning boundary ) ORDINANCE 09-09-005PL  
5 interpretation and administrative )  
6 conditional use for active and )  
7 passive restoration in Coos Bay )  
8 Estuary Management Plan (CBEMP) 15-RS  
9

10 This matter came before the Coos County Board of Commissioners sitting for  
11 the transaction of business on the September 23, 2009, concerning amendments  
12 to the Coos county Comprehensive Plan designation and Coos County Zoning &  
13 Land Development Ordinance as well as an interpretation and administrative  
14 condition use for active and passive restoration in the CBEMP zoning district  
15 15-Rural Shoreland (15-RS). Specifically, the Board considered a plan  
16 amendment and rezone of property described as Township 25 Range 12 Section  
17 06C/07 Tax Lots 100/799 and Township 25 Range 13 Section 01D/12A Tax Lots  
18 400/100 and identified as file nos. AM-09-03/RZ-09-02/HBCU-09-01.

19 WHEREAS, on June 12, 2009, Oregon International Port of Coos Bay filed an  
20 application to amend the Coos County Comprehensive Plan Map and the Zoning  
21 Map to rezone all of the Recreation (REC) zone and a portion of the Forest  
22 (F) zone to Exclusive Farm Use (EFU). This proposal will also entail  
23 amending the Coos County Comprehensive Plan designation from Recreation and  
24 Forest to Agriculture. Also, requesting an Administrative Conditional Use  
25

1 (ACU) application to allow for mitigation and restoration, both active and  
2 passive, in the Coos Bay Estuary Management Plan (CBEMP) Segment 15-RS (Rural  
3 Shorelands). The last request was for a related interpretation that the  
4 existing boundaries of the Recreation Plan and Zoning districts do not extend  
5 beyond the property boundary of the Kentucky Golf Course, and as necessary,  
6 request for related reconciliation of district boundaries to conform with  
7 property boundary of the Kentucky Golf Course;

8 WHEREAS, the application was considered by the Planning Commission at public  
9 hearing on August 6, 2009, and deliberated on at the September 4, 2009, and  
10 the Planning Commission unanimously recommended the Board of Commissioners  
11 approve the proposal with conditions as follows:

- 12 1. The applicant shall not remove or modify the existing tidegate at the  
13 mouth of Kentucky Slough.
- 14 2. Breaching the East Bay road dike to allow tidal waters into the  
15 proposed mitigation site would be accomplished by construction of a  
16 bridge in lieu of construction of multiple culverts.
- 17 3. Any plan for future mitigation ("Future Mitigation") that would affect  
18 the eastern half of the existing golf course (otherwise described as  
19 the "front nine") will include the requirement that a berm or similar  
20 engineered structure, designed to prevent flooding or saltwater  
21 intrusion on adjacent land, be constructed between the area of Future  
22 Mitigation and adjacent land that is owned by or in which Lone Rock  
23 Timberland Co. or its successor holds a property interest. This  
24 condition shall not be mandatory if Lone Rock Timberland Co. or its  
25 successor waives the benefit of the condition in writing.
4. At least 90 days prior to the issuance of a 'zoning compliance letter'  
for building and/or septic permits under LDO 3.1.200, the County  
Planning Department shall make initial contact with the Tribe(s)  
regarding the determination of whether any archaeological sites exist  
within the area for proposed development, consistent with the  
provisions of LDO 3.2.700. Once the applicant's plot plan has been  
submitted and the Tribe(s) have commented or failed to timely comment  
under the provisions of LDO 3.2.700, the County shall take one of the  
following actions: (1) if no adverse impacts to cultural, historical  
or archaeological resources on the site have been identified, the  
County may approve and issue the requested zoning compliance letter and  
related development proposal; (2) if the Tribe(s) and the applicant

1 reach agreement regarding the measures needed to protect the identified  
2 resources, the development can be approved with any additional measures  
3 the County believes are necessary to protect those resources; or (3) if  
4 the County finds that there will be adverse impacts to identified CBEMP  
5 Policy #18 resources on the site and the applicant and Tribe(s) have  
6 not reached agreement regarding protection of such resources, then the  
7 County Board of Commissioners shall hold a quasi-judicial hearing to  
8 resolve the dispute. The hearing shall be a public hearing at which  
9 the governing body shall determine by preponderance of evidence whether  
10 the development project may be allowed to proceed, subject to any  
11 modifications deemed necessary by the governing body to protect the  
12 cultural, historical and archeological values of the site. For  
13 purposes of this condition, the public hearing shall be subject to the  
14 provisions of Section 5.8.200 of the CCZLDO with the Board of  
15 Commissioners serving as the Hearings Body.

- 16 5. Prior to commencing mitigation or restoration activities on the  
17 Property, the applicant shall obtain permits and approvals from all  
18 agencies with applicable regulatory jurisdiction.

19 WHEREAS, the Board of Commissioners held a de novo hearing on this matter on  
20 September 22, 2009, prior to reaching a decision. The Board moved to adopt  
21 the Planning Commission's recommendations, including the conditions as listed  
22 in this ordinance and add additional conditions of approval as follows:

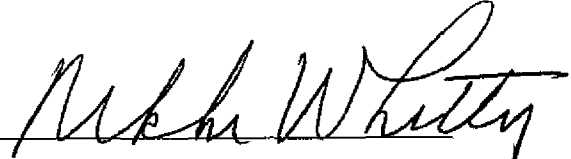
- 23 1. The design of the bridge shall incorporate sheet pile retaining walls  
24 to retain earth embankment at the bridge ends in order to limit future  
25 maintenance requirements.
- 26 2. The applicant shall maintain the tidegates and dikes within the  
27 mitigation project area. The applicant shall, at its own risk and  
28 expense, perform the maintenance described, and unless otherwise  
29 specified, furnish all labor, equipment, materials and permits required  
30 for the proper performance of such work. If the applicant fails to  
31 maintain the tidegates and/or dikes the County may perform any  
32 necessary maintenance and/or repairs and the landowner shall be liable  
33 for the costs associated with same.

1 3. The Oregon International Port of Coos Bay's Technical Advisory  
2 Committee ("TAC") shall review each step of this mitigation project for  
3 environmental impacts, and a copy of the TAC's meeting minutes or any  
4 subsequent reports shall be sent to the Planning Department for the  
5 file.

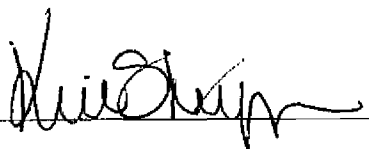
6 WHEREAS, all notices to interested property owners and interested parties  
7 have been provided pursuant to law; now therefore, THE BOARD OF COMMISSIONERS  
8 adopts the Findings and Conclusions in Attachment "A" subject to the  
9 conditions of approval described in this ordinance.

10 ADOPTED this 23rd day of September, 2009.

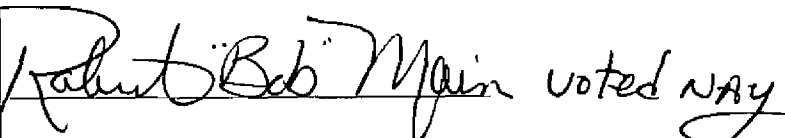
11 BOARD OF COMMISSIONERS

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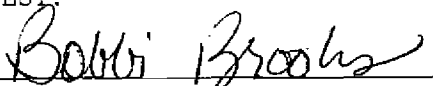
14 COMMISSIONER

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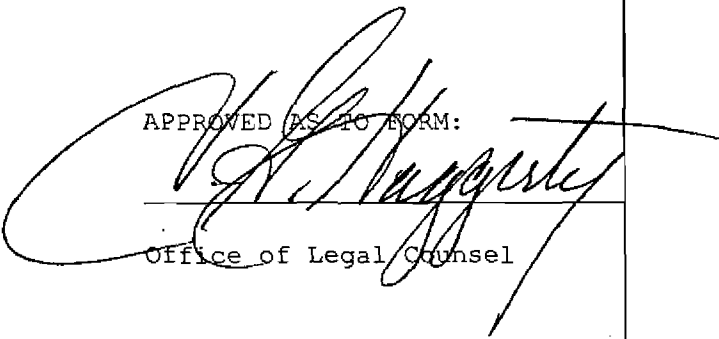
17 COMMISSIONER

18   
19 \_\_\_\_\_

20 COMMISSIONER

21  
22 ATTEST:  
23   
24 \_\_\_\_\_

25 Recording Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Office of Legal Counsel

## ATTACHMENT "A"

### FINDINGS AND CONCLUSIONS

#### A. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

##### 1. Section 4.1.400 Site Specific Zoning Districts

**FINDING:** Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale 1" = 800'), County zoning district boundaries were drawn to the nearest 10 acres.

Section 4.1.400 lists options based on physical features to determine the location of a zone boundary, including: streets/highways/alleys, platted/surveyed lines, city limits, railroad lines/public utility easements, centerlines of streams/rivers, canals/water bodies, shorelines, and ridge tops/topographic features.

When the physical features conflict with the official zoning map, the Planning Director shall interpret the zone boundary or refer the matter to the Hearings Body for an interpretation pursuant to Section 1.1.700.<sup>1</sup>

In this matter the applicant requests a determination that the northwestern boundary of the "REC" zone follows the northwestern boundary of Kentuck Golf Course.

The Comprehensive Plan Map sets forth, as a matter of official policy, very general designations of land use categories for various geographic areas within the County. These designations are the basis for zoning designations set forth in the zoning and land development ordinance. The "Recreation" designation was adopted for the Kentuck Golf Course because the 18-hole golf course was established prior to acknowledgement of the County's comprehensive plan.

The Comprehensive Plan Map shows the "Recreation" zone crossing the water highway and up to the south side of Glasgow-Kentuck County Road. The official Zoning Map shows the "REC" zone extending to the north side of Glasgow-Kentuck County Road.

The Planning Director determined that at the time the comprehensive plan designation (Recreation) and the implementing zoning were applied, the County intended to include the established golf course in the "REC" zone. Therefore, the Planning Director determined that the northwestern boundary of the "REC" zone follows the northwestern boundary of the golf course.

Based upon the findings in the staff report, the Planning Commission acknowledged and endorsed the Planning Director's interpretation of the applicable comprehensive plan and zoning district boundaries. Further, the Planning Commission recommended that the Board of

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<sup>1</sup> When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance, the Planning Director, in conjunction with County Counsel shall issue an interpretation to resolve the doubt. Any interpretation shall conform with the Oregon Revised Statutes and appropriate court cases. Such interpretation shall not have the effect of emending the provision of this Ordinance.

Commissioners ("Board") adopt the Planning Director's interpretation in conjunction with the Board's concurrent review of the applications pursuant to CCZLDO 5.0.400.

The Planning Director explained at the Board hearing in this matter that if no further action is taken, the effect of the interpretation is to cause the area between the northwestern boundary of the golf course and the north side of Glasgow-Kentuck County Road to have no zoning designation at all. The Planning Director further explained that, as to the Kentuck Slough waterway, this result is consistent with the County's practice not to apply zoning designations to non-estuarine waterways. However, the Planning Director explained that this result is not consistent with the County's practice to apply zoning designations to upland areas of the County. Accordingly, the Planning Director recommended that the Board authorize the extension of the existing zoning designations on these two private properties ("F" and "RR-5," respectively) from the north side of the Glasgow-Kentuck County Road to the southeastern boundary of such properties to replace the "REC" designation contemporaneous with adoption of an ordinance implementing the applicant's requested map amendments.

Based upon the findings in the staff report and the evidence presented at the hearing in this matter, the Board adopts the Planning Director's interpretation of the applicable comprehensive plan and zoning district boundaries in conjunction with the Board's concurrent review of the applications pursuant to CCZLDO 5.0.400. The Board further finds that it is appropriate and necessary to complete the related adjustments to the County's official zoning map as explained by the Planning Director at the hearing in this matter.

## **B. COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE**

### **1. Definitions**

**Section 2.1.200 Agricultural Lands:** Those lands designated in the Coos County Comprehensive Plan (Volume 1 "Balance of County") for inclusion in Exclusive Farm Use (EFU) Zones. These lands include Soil Capability class I, II, III, and IV lands as defined by the United States Soil Conservation Service in their Soil Capability Classification system and other [l]ands suitable for farm use.

**Oregon Statewide Planning Goal 3 Definition of Agricultural Land :** in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event. More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal. Agricultural land does not include land within



acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.

**FINDING:** The NRCS Soil Survey contains the available data regarding soil classifications. The applicant's Exhibit "K" is a Memorandum dated June 12, 2009, prepared by David Evans and Associates which provides a breakdown of the soils within the amendment area of the subject property. Based upon the map at Exhibit "K," the primary soil classification for the rezone area is Class III and IV soils. The applications acknowledge that there are some lands, primarily on the forest-zoned portion of the property, that are characterized by lower-class soils that are not, by themselves, ideal for cultivation. However, the Board finds that these characteristics do not eliminate these lands as agricultural lands for three reasons. First, these lands may still be appropriate for grazing or pasture uses. Secondly, the areas of lower-class soils still satisfy the definition of "agricultural land" set forth in Goal 3, as further interpreted by the County.

The County's own Agricultural Lands Inventory and Assessment interprets Goal 3 to provide considerable flexibility in defining "agricultural land" as follows:

"[A]gricultural land is that of predominantly I-IV soils...[T]here are often units of lower-class soils within a general area of predominantly Class I-IV soils. The intent of the Goal is to define the general area, together with the lower soil class 'inclusions' as 'agricultural lands.' The word 'predominantly' provides for some flexibility in the identification of agricultural lands." (Emphasis in original.)

Thus, the Board finds that it is the County's practice to include within "agricultural lands" not only those lands that are predominantly Class I-IV soils, but also lands in the same general area that are characterized by incidental lower-class soils. In the instant case, the subject property is all located in the same general area, and nearly 90% of it is comprised of Class III and IV soils. As a result, the subject property is predominantly higher-class soils. Therefore, it is reasonable to conclude based upon the County's standard practice that the soils on the subject property, as a whole, are properly characterized as "agricultural lands."

Third, to the extent that the subject property is construed to include farm land interspersed with some forest land as described above, the County is not required to apply one resource designation over another. *Washington County Farm Bureau v. Washington County*, 17 Or LUBA 861 (1989); OAR 660-006-015. This is particularly true when the applications include evidence that, pursuant to Implementation Strategy 8 of Plan Policy 5.4, the EFU zoning district would be at least as effective at conserving the resources on the forest-zoned parcel as the existing Forest zoning district. Finally, the applicable approval criteria do not require the County to consider whether agricultural uses are viable on the forest-zoned parcel. Accordingly, the Board finds that the subject property is properly characterized as "agricultural lands."

Therefore, a plan designation of Agriculture and an EFU implementing zone as proposed is appropriate for the site.

**Section 2.1.200 Forestland:** Those lands designated in the Coos County Comprehensive Plan (Volume I “Balance of County”) for inclusion in a Forest Lands zone. These areas include (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries, livestock habitat, scenic corridors and recreational use.

**Oregon Statewide Planning Goal 4 defines forest land:** Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

**FINDING:** The applicant proposes to rezone approximately 17 acres from Forest to EFU.

The southeast area of the property is currently zoned Forest and is a part of the golf course development. As explained in the prior finding, evidence in the record identifies the forest zoned portion of the property as predominantly agricultural lands consistent with Goal 3.

2. **Section 3.1.250. Existing Structures. Structures or land uses existing at the time of passage of the Ordinance, and which are delineated as a conditional use within the applied zone, shall be deemed as having an approved conditional use permit for such existing use or structure.**

**FINDING:** The existing golf course development and associated structures will comply with this criterion upon adoption of the rezone.

3. **Section 3.2.300. Hearings Body Conditional Use. Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purposes listed as Hearings Body conditional uses in the district in which such building or land is located only after the applicant has:**

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**Any use established prior to this Ordinance within a district which is listed as a Hearings Body conditional use shall be deemed to be an approved administrative conditional use.**

**FINDING:** Upon approval of the rezone, the existing golf course will be deemed to be an approved conditional use.

**4. Section 4.9.350.O "Hearings Body Conditional Uses, Golf Course"**

**FINDING:** The 18-hole Kentuck Golf Course meets the requirements for a golf course under this criterion because the site is between 120 to 150 acres, has a playable distance of approximately 5,393 yards and a par of 70. The property is not high-value farmland.

**5. Section 5.1.400 of the CCZLDO in order for the Hearings Body to recommend approval of the application to the Board of Commissioners the following must be addressed:**

**the rezoning will conform with the Comprehensive Plan...**

**FINDING:** The proposed rezoning from REC to EFU is consistent with the Comprehensive Plan Policies to preserve agricultural land and the CCZLDO definition of Agricultural Lands. The applicant has demonstrated that soils within the proposed amendment area are primarily Class III and IV.

Because the use was established prior to this Ordinance, the existing golf course will be recognized as an approved conditional use consistent with Section 3.2.300. The golf course has existed since 1961 and if rezoned could continue as a lawfully established use pursuant to Plan Policy 5.2 (Land Use & Community Development Planning), Plan Implementation Strategy 9. Therefore, the use will conform with the Coos County Comprehensive Plan and implementing ordinance.

Additional findings with respect to specific Plan Policies are set forth below.

**the rezoning will not seriously interfere with permitted uses on other nearby parcels; and**

**FINDING:** This area is primarily a mix of resource (private and commercial) and residential uses. The existing golf course operation is only commercial use in the area. "EFU" uses would not seriously interfere with permitted farm and forest operations in the area, nor would "EFU" uses seriously interfere with nearby rural residential use.

**Impacts to Forest Lands**

Lone Rock Timberland Co. ("Lone Rock") submitted testimony stating that it owned an interest in the subject property by virtue of a restrictive covenant and non-exclusive easement set forth in a 1979 deed of conveyance. Lone Rock contended that the covenant prevents the cutting or removal of any trees (except those that are dead or diseased) and prevents the construction of any residences, except one, on a portion of the subject property adjacent to off-site forestland owned by Lone Rock. Lone Rock further contended that the easement allows use of an area for various purposes "including but not limited to timber removal, road construction, subdivision, residential use and utility location."

The Board finds that this testimony is not relevant for three reasons. First, the easement and covenants are purely private matters between the applicant and Lone Rock. No third parties, including the County, have any rights to modify or enforce these restrictions, by their terms.

Secondly, the Board's role in this matter is limited to determining whether the applications satisfy the County's mandatory approval criteria, and the existence or impact of these restrictions is not an applicable approval criterion in this matter.

Finally, the applicant and Lone Rock have agreed to the following condition of approval to ensure that the applicant's use of the subject property is consistent with the terms of the easement and covenant:

"Any plan for future mitigation ('Future Mitigation') that would affect the eastern half of the existing golf course (otherwise described as the 'front nine') will include the requirement that a berm or similar engineered structure, designed to prevent flooding or saltwater intrusion on adjacent land, be constructed between the area of Future Mitigation and adjacent land that is owned by or in which Lone Rock Timberland Co. or its successor holds a property interest. This condition shall not be mandatory if Lone Rock Timberland Co. or its successor waives the benefit of this condition in writing."

Jeff Parker from David Evans and Associates, Inc. has prepared and submitted into the record a letter explaining that it is feasible for the applicant to implement mitigation on the subject property and comply with the easement and the covenant. No one submitted substantial evidence rebutting this testimony. The Board finds that it is feasible to comply with this condition.

Moreover, on August 19, 2009, Karen Reed submitted a letter to the Planning Commission stating that Lone Rock's concerns regarding potential adverse impacts to adjacent properties have been addressed, subject to the imposition of the condition. Finally, on September 21, 2009, Jake Gibbs submitted a letter to the Board reiterating this position. For the reasons stated above, the Board finds that Lone Rock's concern is not relevant, but in any event, it is addressed by the condition of approval.

#### Saltwater Intrusion

There was concern expressed at the Planning Commission hearing that mitigation and restoration activities on the subject property could cause saltwater intrusion that would negatively impact surrounding properties and/or the interests of the Kentuck Inlet Water Control District ("KIWCD"). One opponent also inquired whether the applicant intended to exercise its power of eminent domain to condemn any affected properties.

The applicant's conceptual mitigation plan is designed to prevent saltwater intrusion and any concomitant negative impacts on surrounding properties by maintaining the existing tidegate at the mouth of the Kentuck Slough. The applicant is willing to accept a condition of approval on the ACU requiring that the tidegate remain in its existing location as follows:

"The applicant shall not remove or modify the existing tidegate at the mouth of the Kentuck Slough."

Jeff Parker of David Evans and Associates, Inc. has prepared and submitted into the record a letter stating that it is feasible for the applicant to implement a mitigation and restoration plan that complies with applicable standards, including protecting nearby properties from flooding and saltwater intrusion. As there will be no saltwater intrusion, there will no occasion for the applicant to exercise any power of eminent domain which it may have in conjunction with the mitigation or restoration.

The Chairman of the KIWCD has also prepared and submitted into the record a letter stating that the members of the KIWCD reached a consensus to approve the applicant's conceptual mitigation plan as presented to the Planning Commission on August 6, 2009 (which was identical to the version presented to the Board on September 22, 2009). Therefore, the Board finds that approval of the applications, subject to the proposed condition, will not negatively impact the interests of the KIWCD or the owners of other adjacent properties.

**the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.**

**FINDING:** There are no other ordinances or policies that the Board has adopted or proposed that will conflict with the proposed zone.

**6. Coos County Comprehensive Plan Policies and Oregon Statewide Planning Goals**

**Policy 5.3 Agricultural Lands**

**FINDING:** If the property had not been developed with an 18-hole golf course at the time of acknowledgement, it would have qualified for a plan designation as "Agriculture" and an implementing zone of "EFU". Further, the finding in response to the definition of "agricultural land" is incorporated by reference. The proposed rezone and plan amendment is consistent with this Plan Policy.

**Policy 5.4 Forest Lands**

**FINDING:** The southeast area of the property is zoned Forest. This area is covered with trees with the exception of that portion developed as part of the golf course. As noted above the primary soil classification for the rezone area is Class III and IV soils. Rezoning the 17 acres from Forest to EFU will not have a significant impact to the amount of forest resources in Coos County. The property will remain in a resource designation which allows farm and forest uses outright; therefore, the proposed EFU zoning is as effective at conserving the resource as the existing forest zoning. Forest practices are permitted outright in the EFU zone; therefore, a non-conforming use would not be created by the proposed rezoning.

The applicant has indicated their understanding that rezone could potentially result in significant tax consequences as required by this Plan Policy.

Also, consistent with this Plan Policy, the applicant has met the submittal requirements for this application which is subject to the public hearing process.

As noted in this Policy, Coos County recognizes that agriculture and forestry are closely related because the land resource base is capable of and suitable for supporting both agriculture and forest use and activities.

**Policy 5.7 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness**

**FINDING:** This portion of the subject property is not located within an inventoried area subject to this Plan Policy. Therefore, this Plan Policy does not apply to the proposed rezone from Forest to EFU. In an abundance of caution, staff recommended adoption of a condition of approval to protect the rights of the affected tribes. The applicant has agreed to such a condition as follows:

"At least 90 days prior to the issuance of a 'zoning compliance letter' for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the applicant's plot plan has been submitted and the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the County shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the County may approve and issue the requested zoning compliance letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the County believes are necessary to protect those resources; or (3) if the County finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of Section 5.8.200 of the CCZLDO with the Board of Commissioners serving as the Hearings Body."

Subject to adoption of this condition, the Board finds that the application will be consistent with the applicable policies on cultural and archaeological resources.

### **Policy 5.11 Natural Hazards**

**FINDING:** A portion of the subject property is located within the 100-year floodplain. However, this plan policy does not contain review criteria. Proposed uses/activities are subject to Article 4.6 of the CCZLDO which is the implementing provision for areas within the floodplain.

### **Policy 5.18 Public Facilities and Services**

**FINDING:** This application does not include a proposal to extend public facilities to serve development on the site. Therefore, this plan policy does not apply.

### **Policy 5.20 Recreation**

**FINDING:** This plan policy requires the county to increase recreational opportunities and facilities in proportion to population growth consistent with the guidelines established by the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

Since the time of acknowledgment, the county has authorized approximately 6 new 18-hole golf courses. The applicant has demonstrated that with the loss of the Kentuck Golf Course, the County will remain in compliance with this plan policy.

## **7. Oregon Revised Statutes**

### **ORS 215.283 Uses Permitted in Exclusive Farm Use Zones in Nonmarginal Lands Counties; Rules**

**FINDING:** Once rezoned, uses permitted in the "EFU" zone shall be subject to those provided in the CCZLDO unless the CCZLDO is more restrictive than those uses permitted by Oregon Revised Statute (ORS) 215.283(1). The CCZLDO shall govern the permitted uses except that the CCZLDO cannot be more restrictive than the list of permitted uses provided by ORS 215.283(1).

The Oregon Supreme Court has concluded that the legislature intended that the uses delineated in ORS 215.283(1) be uses "as of right" which may not be subjected to additional local approval criteria. *Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995).

## **8. Oregon Statewide Planning Goals (Goals 3 and 4 are addressed under 1 above)**

### **Goal 2 Land Use Planning**

**FINDING:** The Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance are the controlling land use documents for the subject property, with the exception of ORS 215.283(1) for uses "as of right" as noted above.

### **Goal 5 Open Spaces, Scenic and Historic areas, and Natural Resources**

**FINDING:** There are no inventoried Goal 5 resources on the rezone portion of the property.

### **Goal 7 Areas Subject to Natural Disasters and Hazards**

**FINDING:** See response to Plan Policy 5.11 above.

### **Goal 8 Recreational Needs**

**FINDING:** See response to Plan Policy 5.20 above. Further, testimony in the record contended that Guideline A(2) of Goal 8 requires that the applications include a discussion of potential impacts to all "recreational opportunities" in the area. The Board finds that this contention is refuted for two reasons. First, the guidelines to the Goals are not mandatory approval criteria that must be satisfied in order to approve or deny a post-acknowledgment plan amendment. *Downtown Commercial Association v. City of Portland*, 80 Or App 336, 340, 722 P2d 1258 (1986). Thus, it is not necessary that the applications satisfy Guideline A(2) of Goal 8.

Secondly, LUBA has held that Goal 8 does not require that a local government determine that there will be no adverse effects on any recreational activity occurring in the vicinity of the proposed amendment; rather, when reviewing a post-acknowledgment plan amendment for compliance with Goal 8, the relevant inquiry is whether the proposed amendment affects "recreation areas, facilities and opportunities" inventoried and designated by the local comprehensive plan to satisfy the local government's recreational needs. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

In the instant case, the County has included the Kentuck Golf Course in its designated inventory of recreational areas, facilities, and opportunities. No other designated, inventoried facilities are located on the subject property. Thus, the relevant inquiry under *Salem Golf Club* is whether the applications impact the Kentuck Golf Course. Based upon evidence submitted by the applicant, the County has determined that even if the Kentuck Golf Course closes, the County nevertheless maintains adequate numbers of golf holes to satisfy the existing population base (and projected growth) consistent with the SCORP guidelines incorporated into the Plan. Therefore, the County is not required to analyze impacts to any other facilities. The Board finds that approval of the applications is consistent with Goal 8.

### **Goal 12 Transportation**

**FINDING:** The proposed rezoning will not result in additional traffic impacts. Therefore, the proposal will not significantly affect the transportation system and is consistent with Goal 12.

## **C. CONDITIONAL USE**

### **1. Section 4.5.175 Site Specific Zoning Districts**



**FINDING:** This provision identifies that areas within the CBEMP are in specific zoning districts as identified in Section 4.1.200 which states in part:

“The location and boundaries of the zoning districts designated in Section 4.1.100 are indicated on the ...Coos Bay Estuary Zoning Map. These zoning maps and their explanatory information are hereby adopted as part of this ordinance.”

The conditional use application applies to the portion of the subject property zoned CBEMP 15-RS.

- 2. Section 4.5.450 CBEMP 15-RS Management Objective.** This district shall be managed to maintain the present character of and uses in the area, which include low-intensity rural development having minimal association with the adjacent aquatic area. The district contains three designated mitigation sites: U-8(a) and U-9(a) shall be protected for pre-emptive uses as “medium” priority sites (see Policy #22).

**FINDING:** The proposed mitigation and restoration activities will maintain the rural character of the area and are consistent with this management objective.

- 3. Section 4.5.451 CBEMP 15-RS Uses, Activities and Special Conditions.** Table 15-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 15-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

**FINDING:** Section 4.5.451(B) Activities lists (8) mitigation and (9)(b) passive restoration as permitted activities subject to the General Conditions. Activity (9)(a) Active Restoration requires conditional use review subject to the same General Conditions and Special Condition 9a listed under Section 4.5.451.

#### **4. Section 4.5.452 Land Development Standards (15-RS)**

**FINDING:** This provision states that Table 4.5 shall govern development in the 15-RS zone. This Table contains the applicable standards (i.e. setbacks) imposed at the time of development.

#### **5. Appendix 3 Volume II – CBEMP**

##### **Policy #17 Protection of “Major Marshes” and “Significant Wildlife Habitat” in Coastal Shorelands**

**FINDING:** There are no inventoried resources on this site; therefore, the Plan Policy does not apply.

##### **Policy #18 Protection of Historical, Cultural, and Archaeological Sites**

**FINDING:** The applicant has correctly identified there are no inventoried sites on the County's CBEMP Shoreland Values map. However, the Comprehensive Plan Goal 5 Inventory Map does identify the area within the CBEMP 15-RS as an area of archaeological concern. Consistent with Section 3.2.700 and this Plan Policy, the Planning Department will provide notice of the mitigation plan to the Tribe(s) prior to issuance of zoning compliance in accordance with the condition set forth above in response to Policy 5.7.

**Policy #23 Riparian Vegetation and Streambank Protection**

**FINDING:** The CCZLDO requires a 50-foot riparian setback. The proposal would enhance the riparian existing riparian area.

**Policy #28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary**

**FINDING:** This plan policy applies to uses in the 15-RS zone and not to the proposed activities of active and passive mitigation/restoration.

The CBEMP "Agricultural and Forest Lands" map does not identify the 15-RS portion of the property as agricultural lands. However, the soil map unit for this portion of the property is 12 which is in capability subclass IV and is an agricultural soil pursuant to Goal 3.

**Policy #34 Recognition of LCDC Goal #4 (Forest Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary**

**FINDING:** This plan policy applies to uses in the 15-RS zone and not to the proposed activities of active and passive mitigation/restoration. Based upon the finding above, the 15-RS portion of the property is properly identified as agricultural land.

**Policy #14 General Policy on Uses within Rural Coastal Shorelands**

**FINDING:** This plan policy applies to uses in the 15-RS zone and not to the proposed activities of active and passive mitigation/restoration. However, mitigation/restoration is a permitted use in the EFU zoning district consistent with ORS 215.283(1). The proposal is consistent with this Plan Policy.

**Policy #27 Floodplain protection within Coastal Shorelands**

**FINDING:** This policy applies to uses; however, a portion of this area is within the floodplain and future activities area subject to the floodplain provisions of Article 4.6 of the CCZLDO.

**Policy #22b Limiting Dredge and Fill as Estuarine Restoration**

**FINDING:** This plan policy addresses dredge or fill actions as estuarine restoration. There is no dredge or fill proposed for this project. Therefore, Policy #22b does not apply.

## **D. SUPPLEMENTAL FINDINGS**

### **1. County Roadmaster Condition of Approval.**

The County Roadmaster proposed a condition of approval for the applications that was included in the staff report. At the Planning Commission hearing, there was concern expressed that the Roadmaster's proposed condition should be revised. The applicant and County staff proposed that the Roadmaster's condition be deleted and replaced with the following:

"Breaching of the East Bay road dike to allow tidal waters into the proposed mitigation site would be accomplished by construction of a bridge in lieu of construction of multiple culverts."

No one objected on the record to this revised condition. The Board adopts this condition of approval on the ACU.

### **2. Compliance with Requirements of Applicable Permitting Authorities.**

An opponent inquired whether the applicant's implementation of mitigation and restoration would be subject to the applicable permitting requirements of all agencies with jurisdiction. This is a common condition of approval and one to which the project would be subject even if it was not expressly stated. The applicant proposed that the County adopt the following condition of approval:

"Prior to commencing mitigation or restoration activities on the Property, the applicant shall obtain permits and approvals from all agencies with applicable regulatory jurisdiction."

The Board finds that this condition adequately addresses the stated concern.

### **3. Lone Rock has Withdrawn its Concerns.**

As explained above, at the Planning Commission hearing, Lone Rock submitted written and oral testimony expressing concern over various aspects of the applications, particularly whether and to what extent use of the subject property as a mitigation site might affect certain lands in which Lone Rock holds a property interest. After the hearing, the applicant worked cooperatively with Lone Rock to fashion a condition of approval to address Lone Rock's concern. Additionally, Jeff Parker submitted a letter dated August 12, 2009, into the record explaining that it is feasible to design and implement a mitigation and restoration plan that complies with applicable standards, including protecting nearby properties from flooding and saltwater intrusion.

On the basis of these materials, on August 19, 2009, Karen Reed submitted a letter to the Planning Commission stating that Lone Rock's concerns regarding potential adverse impacts to adjacent properties have been addressed, subject to the imposition of the condition, which is included in the findings above. On September 21, 2009, Jake Gibbs submitted a letter to the Board reiterating this position. Accordingly, the Board finds that Lone Rock's concerns have been adequately addressed and are not a basis to deny or further condition the Applications.

#### **4. Arguments Raised by Opponents are not Persuasive.**

Finally, at the Planning Commission hearing, in the ensuing open record period, and at the Board hearing, opponents offered a series of additional arguments ranging from speculative concerns over pesticide contamination to concerns over "double-counting" the subject property as mitigation and recreation to the alleged unsuitability of the subject property as an eelgrass mitigation site (when no such mitigation is proposed on the subject property). Letters from the applicant dated August 13, August 20, and August 27, and oral testimony from the applicant at the hearings set forth detailed responses to each of these arguments and explain why they are inaccurate, irrelevant, and/or do not constitute substantial evidence to deny the applications. These responses are incorporated herein as findings by reference. The Board therefore disregards the opponents' unfounded concerns and unpersuasive arguments.

#### **5. Bridge Design.**

At the Board hearing in this matter, Commissioner Stufflebean inquired whether the bridge referenced in the Planning Commission's second condition of approval could be constructed with sheet piles. Jeff Parker of David Evans and Associates, Inc. testified that it was feasible to construct the bridge to include this feature. The applicant agreed to utilize sheet piles in the construction of the bridge. In order to implement this requirement, the applicant proposed that Condition of Approval 2 be revised to add the following:

"The design of the bridge shall incorporate sheet pile retaining walls to retain earth embankment at the bridge ends in order to limit future maintenance requirements."

The County Roadmaster testified that this condition was acceptable to him. The Board finds that this condition adequately addresses the stated concern.

#### **6. Accountability and Oversight.**

At the Board hearing in this matter, opponents expressed concern that the proposal did not ensure that the applicant would properly implement or maintain possible mitigation activities on the site. These opponents requested that the applicant agree to oversight of the mitigation activities and to be held accountable for long-term maintenance and repair. Mike Gaul testified that there is a Technical Advisory Committee that advises the Port Commission on issues of water quality and environmental and scientific issues and that this standing board would be an appropriate and logical selection to engage in oversight activities. No one rebutted this testimony. The Board finds that any mitigation activities should be subject to oversight subject to the following condition:

"The Oregon International Port of Coos Bay's Technical Advisory Committee ("TAC") shall review each step of this mitigation project for environmental impacts, and a copy of the TAC's meeting minutes or any subsequent reports shall be sent to the Planning Department for the file."

Moreover, the applicant agreed to maintain the tidegates and dikes within the mitigation project area, subject to the following condition:

"The applicant shall maintain the tidegates and dikes within the mitigation project area. The applicant shall, at its own risk and expense, perform the maintenance described, and unless otherwise specified, furnish all labor, equipment, materials and permits required for the proper performance of such work. If the applicant fails to maintain the tidegates and/or dikes the County may perform any necessary maintenance and/or repairs and the landowner shall be responsible for the costs associated with same."

The Board finds that these conditions address the stated concern regarding accountability and oversight and adequately protect the interests of the County and its citizens.

#### **7. Possible Existence of Hazardous Materials.**

In testimony before the Planning Commission and the Board, opponents and Commissioner Main expressed concern regarding the possible existence of hazardous materials on the property. The Board finds that there was no evidence presented of the actual present existence of such materials on the property. Further, Sean Sullivan of David Evans and Associates, Inc. testified to the Board that the applicant would be required to complete a Phase I Environmental Site Assessment (and, if necessary, a Phase II Environmental Site Assessment) in order to obtain federal permits necessary to implement mitigation activities on the property. Mr. Sullivan further testified that if the applicant was not able to present evidence that the site was either: (i) free of hazardous materials; or (ii) if present, such materials had been appropriately remediated, the applicant would be unable to obtain applicable federal permits and implement the mitigation activities.

On the basis of this testimony and the lack of substantial evidence of the actual present existence of hazardous materials on the property, the Board dismisses this concern as speculative and irrelevant.



**Coos County Planning Department**  
Coos County Courthouse Annex, Coquille, Oregon 97423  
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423  
Physical Address: 225 N. Adams, Coquille, Oregon  
(541) 396-3121 Ext.210  
FAX (541) 756-8630 / TDD (800) 735-2900

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## NOTICE OF ADOPTION

September 23, 2009

Re: Coos County Planning Department File No. AM-09-03/RZ-09-02/HBCU-09-01  
Application submitted by the Oregon International Port of Coos Bay  
County Ordinance No. 09-09-005PL  
Township 25, Range 12, Section 06C/07, Tax Lots 100/799  
Township 25, Range 13, Section 10D/12A Tax Lots 400/100

On September 23, 2009, the Coos County Board of Commissioners adopted the above-referenced ordinance approving the applications submitted by the Oregon International Port of Coos Bay.

The adoption 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. For more information on this process, contact LUBA by telephone 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 ordinance, please contact the Planning Department by telephone at (541) 396-3121 or 756-2020, extension 210, or visit the Planning Department at 225 North Adams Street, Coquille, Oregon, Monday through Friday, 8:00 AM - 5:00 PM (closed Noon - 1:00 PM).

COOS COUNTY PLANNING DEPARTMENT



Patty Evernden, Planning Director

c: Mark Whitlow, Perkins Coie  
Mike Gaul, Oregon International Port of Coos Bay  
David Perry, DLCD (e-mailed and mailed)  
Participants (see attached list)  
John Rowe, Roadmaster (E-mail)  
Board of Commissioners (E-mail)  
Planning Commission  
File

<p>Kentuck Golf &amp; Country Club  c/o Gertrude E. Wickett  94506 Golf Course Lane  North Bend, OR 97459</p>	<p>Gertrude E. Wicket Trust etal  c/o Gertrude E. Wicket Trustee etal  94506 Golf Course Lane  North Bend, OR 97459</p>	
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**Adjacent Property Owners**

<p>Brett W. &amp; Georgiana C. Clarno  66528 Schoolhouse Road  North Bend, OR 97459</p>	<p>State of Oregon  c/o State Land Board  775 Summer ST. NE  Salem, OR 97301-1279</p>	<p>Edward A. Beverly Sandine  etal  66496 Mettman Creek Road  North Bend, OR 97459</p>
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<p>Joshua R. Walters  94557 Kentuck Way  North Bend, OR 97459</p>	<p>Jim Osborne  PO Box 1144  Coos Bay, OR 97420</p>	<p>Merle M. Henry etal  66488 Mettman Creek Road  North Bend, OR 97459</p>
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<p>Mary K. Colton  94725 Kentuck Way Lane  North Bend, OR 97459</p>	<p>Emmett &amp; Betty Rose Trust  c/o Irvin E. &amp; Betty D. Rose Trustees  66512 Waymire Road  North Bend, OR 97459</p>	<p>Hugh K. &amp; Ingrid M. Tyson  94715 Kentuck Way Lane  North Bend, OR 97459</p>
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<p>David Parker etal  94631 Kentuck Way Lane  North Bend, OR 97459</p>	<p>Stephen R. Samuels  94559 Kentuck Way Lane  North Bend, OR 97459</p>	<p>Irvin E. &amp; Betty D. Rose  66512 Waymire Road  North Bend, OR 97459</p>
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<p>Wallace &amp; Gertrude Wickett Trust  etal  c/o Gertrude Wickett Trustee etal  94506 Golf Course Lane  North Bend, OR 97459</p>	<p>Joanne Culp etal  94533 Golf Course Lane  North Bend, OR 97459</p>	<p>Lone Rock Timberlands Co.    PO Box 1127  Roseburg, OR 97470</p>
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<p>Lorryann Edwards L/E  c/o Kathleen Newton  94911 Kentuck Way Lane  North Bend, OR 97459</p>	<p>Don &amp; Rose Freeman Trust  c/o Donald E. Freeman Trustee etal  94532 Golf Course Lane  North Bend, OR 97459</p>	<p>William B. Una S. Schlaebitz  66441 Schoolhouse Road  North Bend, OR 97459</p>
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		<p>Beyer Trust  c/o Duane &amp; Colleen Beyer  Trustees  PO Box 746  North Bend, OR 97459</p>
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Applicant

Oregon International Port of Coos Bay  
PO Box 1215  
Coos Bay, OR 97420

Mark Whitlow  
c/o Perkins Coie  
1120 NW Couch Street, 10<sup>th</sup> Fir  
Portland, OR 97209-4128

Planning Commissioners

Joseph L. Cortez  
54065 Echo Valley Rd.  
Myrtle Point OR 97458

Joann Hansen  
3420 Ash Street  
North Bend OR 97459

Andrew Combs  
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North Bend OR 97459

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775 Summer St. NE  
Salem OR 97301

Department of Fish & Wildlife  
PO Box 5003  
Charleston OR 97420

Department of Environmental Quality  
381 N 2nd  
Coos Bay OR 97420

Department of Forestry  
63612 Fifth Road  
Coos Bay OR 97420

South Slough Estuarine Sanctuary  
Commission  
PO Box 5417  
Charleston OR 97420

Army Corps of Engineers  
PO Box 604  
North Bend OR 97459

National Marine Fisheries Services  
1201 NE Loyd Blvd, Ste 1100  
Portland OR 97232-2182

U.S. Fish & Wildlife Services  
911 NE 11th Ave. Ste. 1692  
Portland OR 97232-4181

State Water Resources  
Department  
Mitch Lewis  
250 N. Baxter  
Coquille OR 97420

Oregon Dept. Of Transportation  
3500 NW Stewart Parkway, Ste.  
164  
Roseburg OR 97470

Arrow Coyote,  
Confederated Tribes of Lower  
Umpqua and Siuslaw Indians  
1245 Fulton Ave.  
Coos Bay, OR 97420



Nicole Norris Cultural Resource Program Coquille Tribe PO Box 783 North Bend OR 97459	Superintendent's Office Coos Bay School District #9 P.O. Box 509 Coos Bay, OR 97420	North Bay RFPD PO Box 664 North Bend OR 97459
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David Perry, DLCD Oregon Coastal Mgmt Program 810 SW Alder St. Ste B Newport OR 97365		
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**Other Interested Parties**

**Other Interested Parties**

Gloria Tinker 44471 McKenzie Hwy Leaburg OR 97489	Lou Christian 80767 Turkey Run Rd Creswell OR 97426	Leroy Marney 4217 D Main St Springfield OR 97478
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Beverly Segner P O Box 191 Coos Bay OR 97420	Eldon Rollins 985 N Collier St Coquille OR 97458	Terry Mills 1650 Ocean Blvd SE Coos Bay OR 97420
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Paula Hoehn 63021 Crown Point Coos Bay OR 97420	David H. Lohman Huycke, O'Connor, Jarvis & Lohman 823 Alder Creek Dr. Medford OR 97504	James Brown Grag Law Center 917 SW Oak Street #417 Portland OR 97205
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Diane Phillips PO Box 179 Azalea OR 97410	Robin Hartman 1721 SE Main Street Roseburg OR 97470	Jody McCaffree PO Box 1113 North Bend OR 97459
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Judith Van Duzer Uno 62385 Old Sawmill Rd Coos Bay OR 97420	Robert Alexander 62226 Crown Point Rd Coos Bay OR 97420	Steve Jones 91516 Dolezal Ln Coos Bay OR 97420
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Alexander Rich The World News Paper PO Box 1840 Coos Bay OR 97420	Dennis Phillips Coos County Alternatives to Growth 64638 Wygant Rd Coos Bay OR 97420	Camby Collier PO Box 181 Coos Bay OR 97420
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Nancy Hayes 95033 Rink Creek Lane Coquille OR 97423	Suzanne Ross P.O. Box 1536 North Bend, OR 97459	Tom Scheidman P.O. Box 2590 Oregon City, OR 97045
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Curt Clay PO Box 822 Coos Bay OR 97420.		
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Additional Participants

Jeff Parker, Project Manager  
David Evans & Associates  
530 Center Street Northeast Suite  
605  
Salem OR 97301

Dana Siefried, Project Manager  
David Evans & Associates  
2100 Southwest River Parkway  
Portland OR 97201

Citizens Against LNG  
c/o Jody McCaffree  
PO Box 1113  
North Bend OR 97459

Gary Smith, Chairman  
Kentuck Water Control District  
94283 Kentuck Way Lane  
North Bend OR 97459

M.A. Hansen  
3246A Bilger Creek Rd  
Myrtle Creek OR 97457

Mary Margaret Munchrath  
62241 Old Sawmill Rd  
Coos Bay OR 97420

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Batemena Seidel  
888 SW Fifth Avenue, Suite 1250  
Portland OR 97204

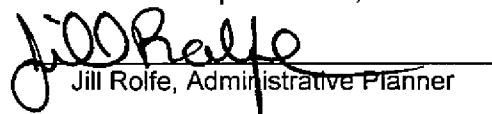
Jake Gibbs  
Lone Rock Timber Mgt Co.  
PO Box 1127  
Roseburg OR 97470

Shawn Sullivan  
David Evans & Associates  
2100 Southwest River Parkway  
Portland OR 97201

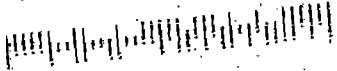
CERTIFICATE OF MAILING

I hereby certify that on September 23, 2009 I deposited the attached NOTICE OF ADOPTION into the U.S. mail, in an envelope with first class postage affixed thereto to the parties listed out below.

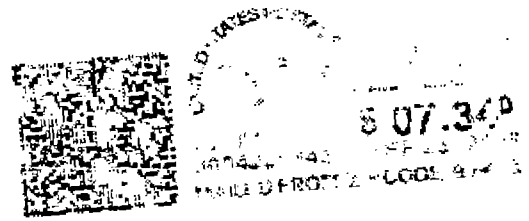
Dated: September 23, 2009

  
Jill Rolfe, Administrative Planner

**REGISTERED MAIL**



00 1530 0006 2168 6036



Coos County Planning Department  
250 N. Baxter Street  
Coquille, OR 97423



**Larry French, Plan Amendment Specialist**  
**Dept. of Land Conservation & Development**  
**635 Capitol Street NE Suite 150**  
**Salem, OR 97301-2540**