



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

01/13/2009

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 008-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, January 29, 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
Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



Coos County Planning Department

Coos County Annex, 225 North Adams Street, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 756-8630 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7000 1530 0006 2168 6074

DEPT OF

January 9, 2008

JAN 09 2009

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

**LAND CONSERVATION
AND DEVELOPMENT**

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

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted Ordinance 08-10-011PL.

If you have any questions, or we can be of further service, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Patty Evernden
Patty Evernden, Planning Director

c: David Perry
file

BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

IN THE MATTER OF AMENDING THE COOS)
COUNTY ZONING & LAND DEVELOPMENT) FINAL DECISION AND
ORDINANCE AND COMPREHENSIVE PLAN) ORDINANCE 08-10-011PL
(Walters AM-08-08/RZ-08-04))

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 30th of December, 2008, concerning amendments to the Coos County Zoning and Land Development Ordinance and Comprehensive Plan. Specifically, the Board considered a plan amendment and rezone of property described as Township 23, Range 13, Section 26, Tax Lot 500.

WHEREAS, on October 3, 2008, George Walters filed an application to amend the Coos County Comprehensive Plan Map and Zoning Map to change the current zoning of the subject property from Forest to Recreation;

WHEREAS, the application was considered by the Planning Commission at public hearing on December 4, 2008 and following deliberation, the Planning Commission recommended the Board of Commissioners approve the proposal;

WHEREAS, consideration for the ordinance complies with Coos County Zoning & Land Development Ordinance Section 5.1.400 criteria for rezones and Oregon Statewide Planning Goals 3 and 4.

WHEREAS, all notices to interested property owners and interested parties have been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF COOS COUNTY FINDS:

1. On September 7, 2004, the applicant was issued zoning clearance (ZCL-04-511) for a site evaluation only. On December 15, 2006, zoning clearance (ZCL-06-684) was issued to allow the applicant and his immediate family to camp for up to 45 days per calendar year on the subject property. The property has been utilized for private recreational purposes.

2. Through a submitted report, DLCD agrees the subject property has very limited resource value for farming or forestry and that the Recreation planning and zoning designations are appropriate. DLCD cautions that other issues impact the proposal to subdivide and market the subject property including transportation access, provision of drinking water and on-site waste disposal. DLCD recommends in the event of future land division, the plat or title include restrictions on development in the Recreation zone

1 3. Through submitted report, the Oregon Department of Transportation (ODOT) advises
2 there is a valid Road Approach Permit (#07A35139) for a single-family residence. Future
3 development and/or land division will require an updated ODOT Road Approach Permit.

4 4. Through submitted report, ODOT Rail Division, advises that a change in zoning
5 from Forest to Recreation will change the crossing from private to public status which will
6 require ODOT Rail Division authorization. ODOT Rail is generally opposed to creation of new
7 grade crossings (in this case the conversion of a private crossing to public status).

8 5. There are jurisdictional (state/federal) wetlands associated with the eastern portion of the
9 property. Future development will likely involve a coordinated review.

10 **ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11 1. Oregon Statewide Planning Goal 3 defines agricultural lands in western Oregon as
12 comprised predominantly of Class I, II, III, and IV soils as identified in the Soil Capability
13 Classification System of the United States Soil Conservation Service, and other which are
14 suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic
15 conditions, existing and future availability of water for farm irrigation purposes, existing land-
16 use patterns, technological and energy inputs required, or accepted farming practices.
17 Approximately half of property is class 6 soils, which are not considered farm soil. Dune land
18 covers approximately 7% of the property along its western edge. The capability class for this
19 area is 8, again not suitable for commercial crop production. 44% of the property is class 4w, the
20 "w" shows that water in or on the soil interferes with plant growth or cultivation.

21 2. Oregon Statewide Planning Goal 4 defines forest land as including lands suitable for
22 commercial forest uses including adjacent or nearby lands which are necessary to permit forest
23 operations or practices and other forested lands that maintain soil, air, water, and fish and
24 wildlife resources.

25 Before forest land is changed to another use, the productive capacity of the land in each use
26 should be considered and evaluated.

27 The acknowledged zoning is forest. According to the US NRCS data, 49% of the property has
28 Forest Site Index of 63 for Douglas Fir which is low for commercial growth in Coos County.
This soil type is limited for timber management by erosion hazard, wind throw, seedling
mortality, and plant competition.

3. Section 5.1.400(1)(a) requires a finding of conformance with the comprehensive plan.
The proposal would change the zone designation from Forest to Recreation which is an
acknowledged zone designation in the Coos County Comprehensive Plan. The implementing
zone would be amended to REC. The purpose of the "REC" district is to accommodate

1 recreational uses of areas with high recreational or open space value. New recreational
2 developments in this district must be conditioned by environmental considerations set forth in the
3 County's Coastal Shoreland/Dune Lands Comprehensive Plan Policies where such developments
are allowed in these coastal resource areas.

4 The rezone area is adjacent to the Oregon Dunes National Recreation Area which is an area of
5 high recreation value and high open space value.

6 The subject property is located within a Goal 18 dune area of "limited development suitability".
7 Future development is subject to administrative conditional use review which shall include a site
investigation report that addresses Comprehensive Plan Policy 5.10 Implementation Strategy 2.

8 A portion of the subject property is located within the Coastal Shoreland Boundary subject to
9 Plan Policy 5.10 Implementation Strategy 7 which allows private and public water dependent
10 recreation developments. Coastal Recreation is conducted not only in offshore ocean waters but
also in areas along beaches and dunes.

11 Based on the above, the rezone is in conformance with the Comprehensive Plan.

12
13 4. Section 5.1.400(1)(b) requires a finding that the rezoning will not seriously interfere with
14 permitted uses on other nearby parcels. Permitted uses in the area include forest use and
15 recreation. The Oregon Dunes National Recreation Area is adjacent to the subject property, the
16 applicant has received county authorization to temporarily camp on the property for up to 45 days
per calendar year for the purpose of recreation on the property as well as the adjacent public
recreational area. The proposed Recreation zone for the subject property is consistent with the
adjacent recreationally designated lands.

17 Considering the proximity of the public dune area to the forest zoned land in the area, it is
18 unlikely that rural recreational development of the property would seriously interfere with forest
19 uses on nearby parcels. Future development of the property is further restricted for development
because of wetlands, riparian setbacks and Goal 18 dune issues.

20 5. Section 5.1.400(1)(c) requires that the rezoning comply with all other policies and
21 ordinances a may be adopted by the Board of Commissioners. There are no other ordinances or
22 policies in place or proposed that will conflict with the proposal.

23 6. Section 5.1.400(2) provides 3 options for the Hearings Body to recommend a conditioned
24 or qualified approval to the Board of Commissioners. In this matter the Hearings Body
25 recommended approval with the condition that the property owner receive approval from ODOT
Rail Division regarding the railroad crossing.

26 **CONDITION OF APPROVAL**

27 The developer must demonstrate compliance with the Oregon Department of Transportation Rail
28 Division prior to obtaining future development authorization.

1 ADOPTED this 7th day of January, 2009.

2 BOARD OF COMMISSIONERS

3 absent
4 Commissioner

5 [Signature]
6 Commissioner

7 [Signature]
8 Commissioner
9

10 ATTEST:

11 [Signature]
12 Recording Secretary

APPROVED AS TO FORM:

[Signature]
Office of County Counsel

COOS COUNTY PLANNING DEPT.
COURTHOUSE (COQUILLE ANNEX)
COQUILLE, OR 97423

CERTIFIED MAIL



EUGENE OR 974

JAN 08 2009



HAPPY
HOLIDAYS

02 1M
0004261642 JAN 08 2009
MAILED FROM ZIP CODE 97423

7000 1530 0006 2168 6074

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