



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/2/2010

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 002-10

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, November 17, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Patty Evernden, Coos County
Jon Jinings, DLCD Community Services 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



Jurisdiction: **Coos County**

Local file number: **AM-10-02/RZ-10-02**

Date of Adoption: **10/20/10**

Date Mailed: **10/26/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/19/10

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".

A Comprehensive Plan Map Amendment to change the zoning map from Rural Residential-5 (RR-5) Rural Residential (RR-2).

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

Plan Map Changed from: **Rural Residential-5**

to: **Rural Residential-2**

Zone Map Changed from: **Rural Residential-5**

to: **Rural Residential-2**

Location: **Township 25, Range 12, Section 05D, tax lot 2700**

Acres Involved: 5

Specify Density: Previous: **5 acres**

New: **2 acres**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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 file No. 002-10 (18478) [16379]

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

**ODOT-Roseburg, Confederated Tribes of Lower Umpqua and Siuslaw Indian Tribe, Oregon
Department of Fish and Wildlife, Timber Park RFPD, Coos Bay-North Bend Water Board, Oregon
International Port of Coos Bay.**

Local Contact: **Patty Evernden, Planning Director** Phone: (541) 396-3121 Extension: 210
Address: **250 N. Baxter** Fax Number: **541-756-8630**
City: **Coquille** Zip: **97423** E-mail Address: **jrolfe@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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

1
2
3 IN THE MATTER OF AMENDING THE COOS)
4 COUNTY COMPREHENSIVE PLAN & COOS) ORDINANCE 10-08-005PL
5 COUNTY ZONING & LAND DEVELOPMENT)
6 ORDINANCE (MAULT REZONE))
7)
8)

9
10 This matter came before the Coos county Board of Commissioners sitting for
11 the transaction of business on October 19, 2010, concerning amendments to the
12 Coos county Comprehensive Plan and Coos County Zoning & Land Development
13 Ordinance. Specifically, The Board considered a plan amendment and rezone of
14 property described as Township 25, Range 12, Section 29C, Tax Lot 403.

15 WHEREAS, on July 20, 2010, George McNair filed an application to amend the
16 Coos County Comprehensive Plan Map and the Zoning Map to change the current
17 zoning from Rural Residential-5 to Rural Residential-2 on property owned by
18 Jason and Brandy Mault;

19 WHEREAS, the application was considered by the Special Hearings Officers at
20 public hearing on October 7, 2010, and following deliberation, the Special
21 Hearings Officers recommended the Board of Commissioners approve the
22 proposal;

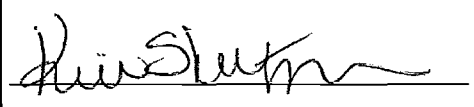
23 WHEREAS, consideration for the ordinance complies with Coos County Zoning &
24 Land Development Ordinance Section 5.1.400 criteria for rezones and Oregon
25 Administrative Rules 660-04-040(6) and 660-14-030.

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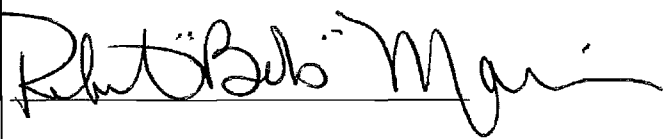
WHEREAS, all notices to interested property owners and interested parties
have been provided pursuant to law; now therefore, THE BOARD OF COMMISSIONERS
adopts the Findings and Conclusions in Attachment "A".

ADOPTED this 17th day of August 2010.

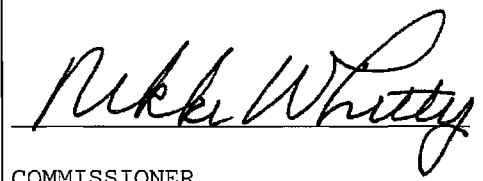
BOARD OF COMMISSIONERS



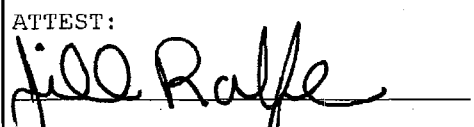
COMMISSIONER

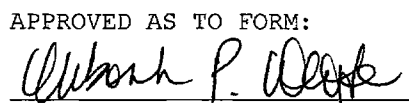


COMMISSIONER



COMMISSIONER

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Office of Legal Counsel



**Application for a Zone Change from
RR-5 to RR-2 for
Jason and Brandy Mault.**

July 15, 2010

Prepared by

**George McNair
Oregon Registered
Landscape Architect
Land Use Planner**

**541 267 7400
gmcnair2@verison.net**

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by George McNair
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Landscape Architect
Coos Bay, Oregon

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Chapter One: Amendment/Rezone Application

Rezone/Rezone Application

The following questions are to be completed in full. An application will not be accepted for and 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.

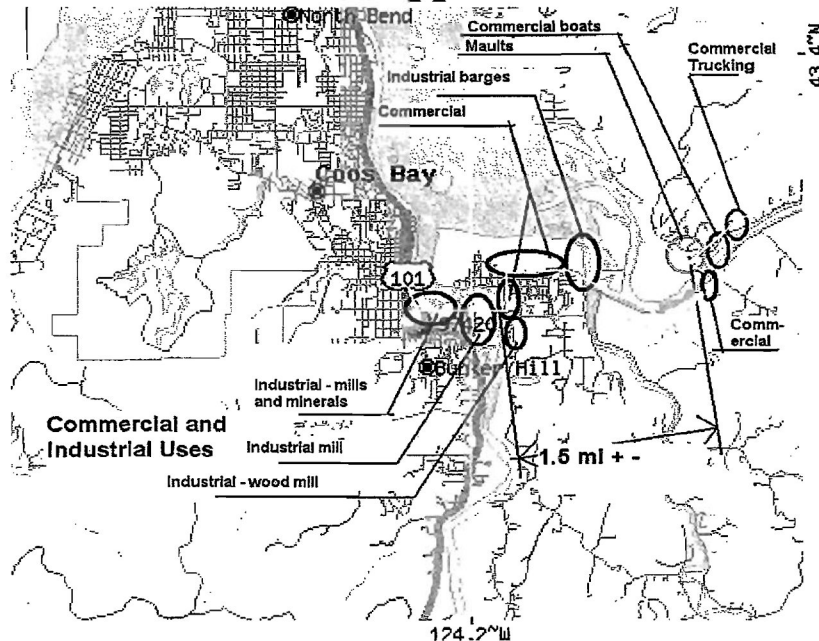
The Board of Commissioners and Hearing Body will use these answers in their analysis of the merits of the request.

Please Print of Type.

A. Applicant: Jason and Brandy Mault, Phone: 541 756 4551, address: 94937 Riverview Lane, Coos Bay, OR 97420

As the applicant, I am the owner of the property.

B. Property Description: Township 25, Range 12, Section 29C, Tax Lot 403 Lot size: 5.38 acres, Zoning District RR-5, Exist-



ing Use: residential

C. State specific zone district requested: RR-2

D. Justification:

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

This is not the purpose of the rezone and does not apply.

(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? Yes, the comprehensive plan clearly allows residential uses outside urban growth boundaries. Residential parcels are allowed starting with 2 acre lots, then 5 acres, and finally 10 acres. The comprehensive plan clearly states quality



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residential lands should be made available to the public. As we will show many of the RR-2 lands located in the vicinity of Coos Bay have problems with available well water, weak soils for foundations, long drives to work, windy conditions, or sandy soil that is not adequate for home landscaping.

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? Most of the nearby parcels are used for existing residential use. These properties lie to the north across East Bay Drive where 2 large subdivision exist. To the East are several homes on 5 acre residential lots as shown on the attached maps. To the west is a vacant residential lot and to the south are more vacant lots next to the river. These lots to the south are wetlands. Subsequent maps will clearly show properties.

c. Will the rezone comply with other adopted plan policies and ordinances. Explain. Yes. Other comprehensive plan policies are rooted in the state's planning goals and this proposal is in harmony with these state goals. Goal 13, Energy Conservation states, "*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*":

This proposal makes quality RR-2 land available for home building on the Mault property. Many RR-2 lands have poor soil for home foundations unlike the Mault property. Their land has excellent soil for foundations. Less energy will be needed for construction since the foundation will require less materials and labor to build. In addition, residents from other RR-2 land are farther from town and must consume more fuel for commuting.

Goal 10 Housing states, "*Build able lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*"

The availability of RR-2 lands is low as this report will depict. Many RR-2 lands shown on subsequent maps have geologic problems that cause increased building costs since foundations must be made more elaborate and stronger. Home prices are increased when inadequate soil structure forces up building costs. Making one more RR-2 lot available such as the Maults, provides quality housing opportunities and offers housing density choices.

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Goal 12 Transportation; states, *“Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.”*

The carrying capacity of East Bay Drive, south across the Chandler Bridge and over the Coos River and then west into Eastside and Coos Bay is well below maximum.

Chapter Two Exception Process

This chapter will help for showing how the Mault proposal is justified according to Oregon state’s planning standards. The land is irrevocably committed to urban levels of development, and the four factors in Goal 2 exception process, OAR 660-004-0020, will be addressed. The material below helps explain the exception process.

DIVISION 4 INTERPRETATION OF GOAL 2 EXCEPTION PROCESS 660-004-0000

Purpose

(1) The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 “Land Use Planning, Part II, Exceptions.” Except as provided for in OAR chapter 660, division 14, “Application of the Statewide Planning Goals to Newly Incorporated Cities and to Urban Development on Rural Lands” and OAR chapter 660, division 12, “Transportation Planning”, section 0070, “Exceptions for Transportation Improvements on Rural Land”, this division interprets the exception process as it applies to statewide Goals 3 to 19.

An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions.

The documentation for an exception must be set forth in a local government’s comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

This document will show that an exception is justified.

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Rural lands are important to the state since this is where very productive activities occur such as farming and timber land harvesting. This land is referred to as resource land and is zoned as Exclusive Farm Use of Forest. Residential uses historically have caused conflicts with resource land management. However, there are rural areas where residential use was present prior to statewide planning goal and these areas are an exception to resource land. These lands were designated as RR-2, RR-5, or RR-10. The state made an exception for these lands by preserving the residential use. There is a second class of Rural Residential land. This land must be shown to be an exception, or exceptional since conflicts aren't predicted to occur if this land is made available for residential use. Through this exception process, the county is then justified in creating more rural residential land through zone changes. Zone changing the applicant's land from RR-5 to RR-2 will not cause any conflicts with Forest resource land that lies a few miles to the north and northeast.

- (3) *The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to: see (a)*

As this document will show, the zone change approval will provide for needed flexibility to help provide a variety of residential lands for county residents.

- (a) *Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and*

The planning commission's public hearing will insure this.

- (b) *Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide Goal.*

The evidence presented will justify this zone change request.

- (4) *When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception.*

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660-014-0030

Rural Lands Irrevocably Committed to Urban Levels of Development

(1) A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed

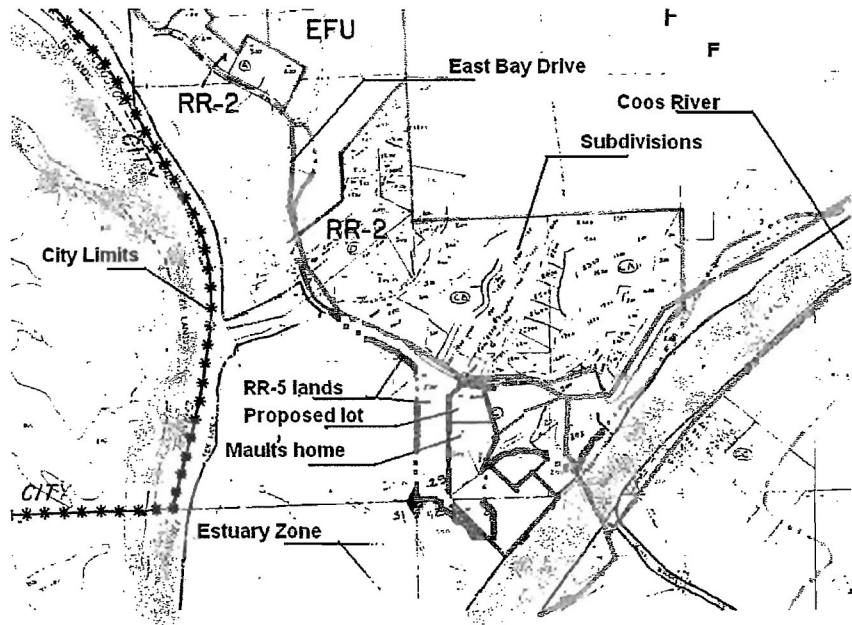
This conclusion will be determined by the planning department, and in addition the four factors in Goal 2 will be addressed.

(2) A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.

The specific site indicates a level of urban development that will not recede but is irrevocably committed to this beginning level of urban residential use.

The map to the right shows developed RR-2 pre-existing substandard lots to the north and northeast of the subject property. Many of these lots are less than 2 acres.

The subject property is committed to initial stages of urban levels of development, which clears the way for a smaller lot size of 2 acres.



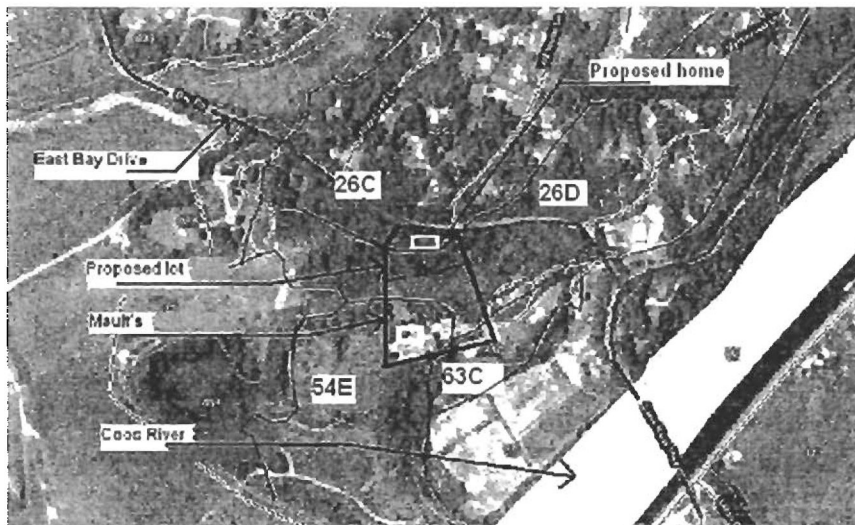
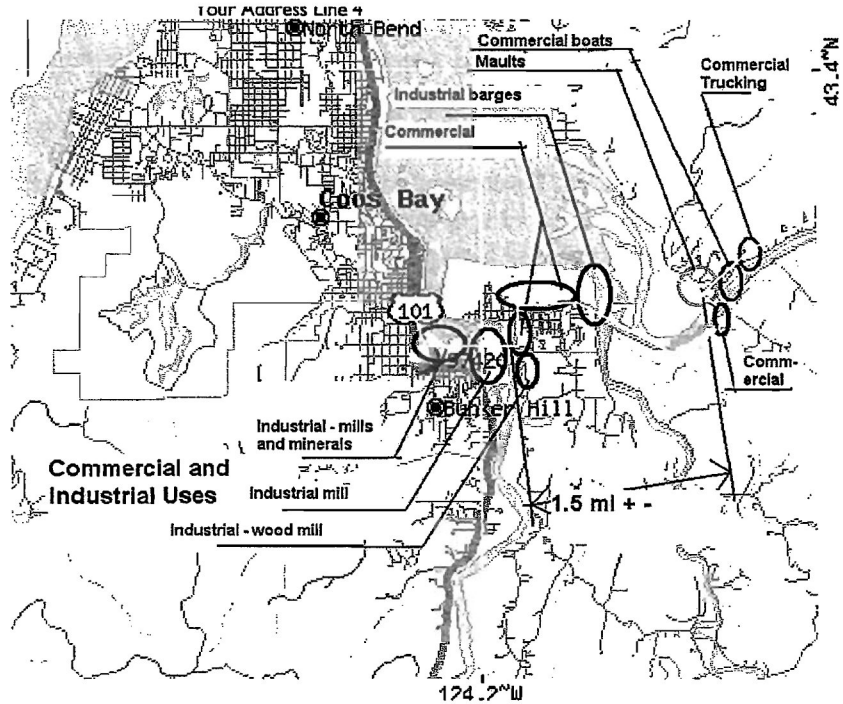
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(a) Size and extent of commercial and industrial uses.

As shown on the map, the subject property is within a 1 1/2 mile of Coos Bay's most intense and prosperous commercial and industrial uses. The property is 1/2 mile from the city limits. As these uses grow, there is more of a demand for residential land close to work so workers can make short drives to conserve energy.

(b) Location, number, and density of residential dwellings.



Soil Types for Mault Land

The Maults land is 5.84 acres and it borders two major subdivisions as shown on the map. The lots in this subdivision are less than 2 acres in size. The Mault's land and vicinity presently is committed to a low level of urban development with residential lots that vary from 1/2 acre to 5 acres in size. The map shows a dense developed subdivision known as Timber Park. These lots are preexisting substandard lots that were occupied prior to the present RR-2 ordinance. Many of the 49 lots are below 1 acres in size. East of the Maults the land is zoned RR-5 and is occupied by single family residences.



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† Our Address Line †

c) Location of urban levels of facilities and services, including at least public water, and sewer facilities; and)

A county paved two lane paved road, East Bay Drive, serves the subject's land. The road is well maintained and stays open 12 months out of the year. The road is not close to capacity. Power is provided by Pacific Power and Light Company and is available from poles at the road's edge. Verizon phone lines will be brought off the road poles to the new home. Charter Cable TV is available. These utilities should be brought to the home through underground lines. Water is provided by individual wells. Sewer is by individual home drain field systems.

(d) Parcel sizes and ownership patterns. This question was answered in a previous section.

(4) A conclusion that rural land is irrevocably committed to urban development shall be based on all of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development.

The Maults land and vicinity presently is committed to a low level of urban development with residential lots that vary from 1/2 acre to 5 acres in size. Due to the geography of the area, this use will remain stable for many years to come. The residential development lies at the base of the hill and urban development exists to the southwest not more than a 1 1/2 miles away across an estuary. There is little to no resource use in the area between. Forest land exists to the north east of the Mault land but is separated by a road, subdivision, and high hill. Extending water and sewer across an estuary and wetlands will be impractical. This area will become urbanized through a community water and sewer system since this type of quality flat land with good soil and close to Coos Bay is in short supply as this report will show.

660-004-0040

Application of Goal 14 to Rural Residential Areas

(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule. The subdivisions across the street from the Maults have urban uses since some lots are less than 2 acres.



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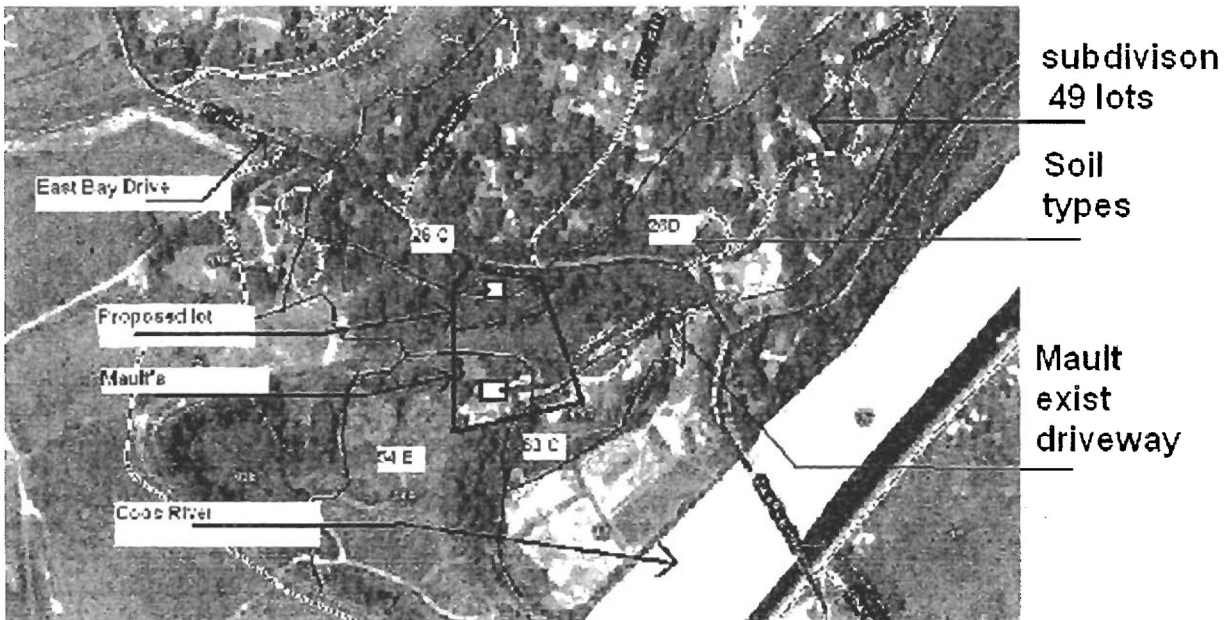
Phone: 541 267 7400

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Chapter Three: Exception to Goal 14 Letter May 12, 2006

1. What is the full potential for development of the property after the zone change (e.g. partition of 5 acre tract into 2 lots and construction of one or more dwellings) and the type of infrastructure that will be needed to serve the potential development.

After the zone change, one new residential lot will be created. A new home will be located next to East Bay Drive where the best soils for foundations exist. This is the full potential of outright uses allowed in a Rural Residential zone. Once the land is partitioned and surveyed, the development will include drilling a well, and the construction of a well house that will contain the well head and pressure tank. Then a septic system will be installed that will include a drain field and septic tank. A standard system is required unlike septic systems for other RR-2 lots that require expensive layouts.



Planning

Mault Zone Change by George McNair - Planner/Landscape Architect

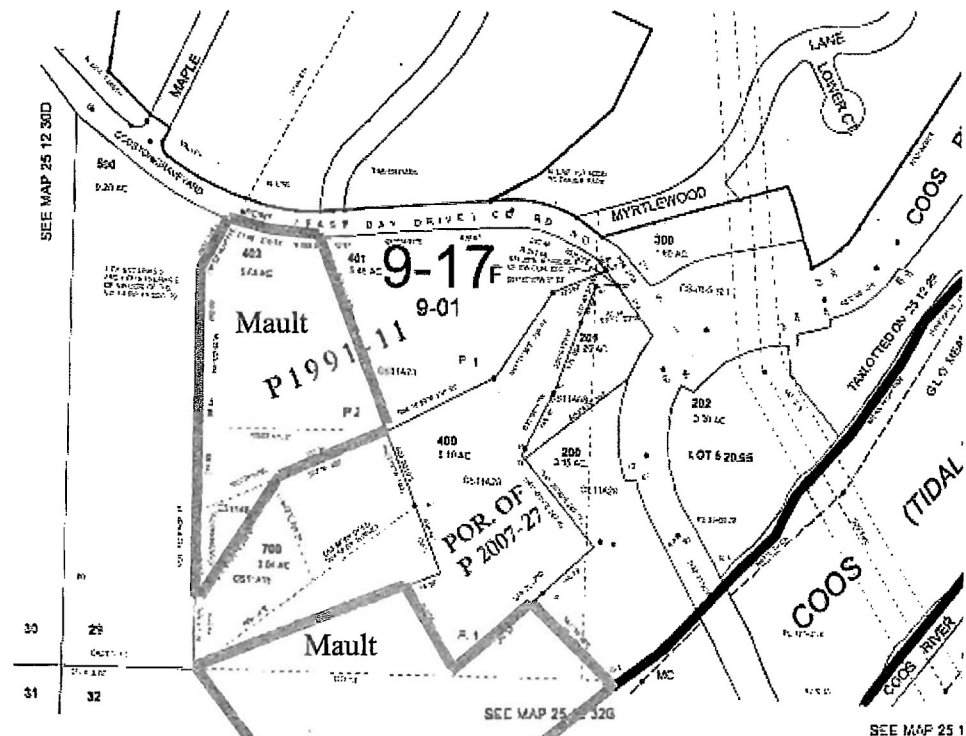
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2. What is the nature of the surrounding land use pattern (lot sizes, types of land use)

The surrounding land use pattern is predominantly residential. Lands to the east and north of the Maults are in residential use. The map above shows the lots that surround the Mault's land. These lots range in size from Tax Lot 201 that is about 1.2 acres and tax lot 401 that is 5.48 acres. Lot 500 to the west is 9.2 acres and is zoned residential RR-5 and is vacant.

To the north are two ex-



Douglas, Howard V. & Phyllis 2892.4, 25S 12W 29C tax lot 700, 94932 Riverview LN 97420

Weyerhaeuser Company 2891., 25S 12W 29c Tax Lot 500

Frink, John & Helgaf 2892.09, 25S 12W 29C Tax Lot 401, 94975 Riverview Lane 97420

Lindsley, David A and Lisa G 2892.06, 25S 12W 29C Tax Lot 201, 63146 East Bay Rd 97420

Saunders, Randy A 2892.02 25S 12W 29C Tax Lot 200, 95247 Hwy 241, 97240

Welsh, Joel & Julie, 2892.07, 25S 12W 29C Tax Lot 202, 95248 HWY 241, 97240

Weyerhaeuser Company 2984.00, 25S 12W 32B Tax Lot 300

Mault, Jason and Brandy 2983, 25S 12W 32B Tax Lot 200, 94932 Riverview LN 97420



Mault Zone Change by George McNair - Planner/Landscape Architect

by George McNair
Land Use Planner
Landscape Architect
Coos Bay, Oregon

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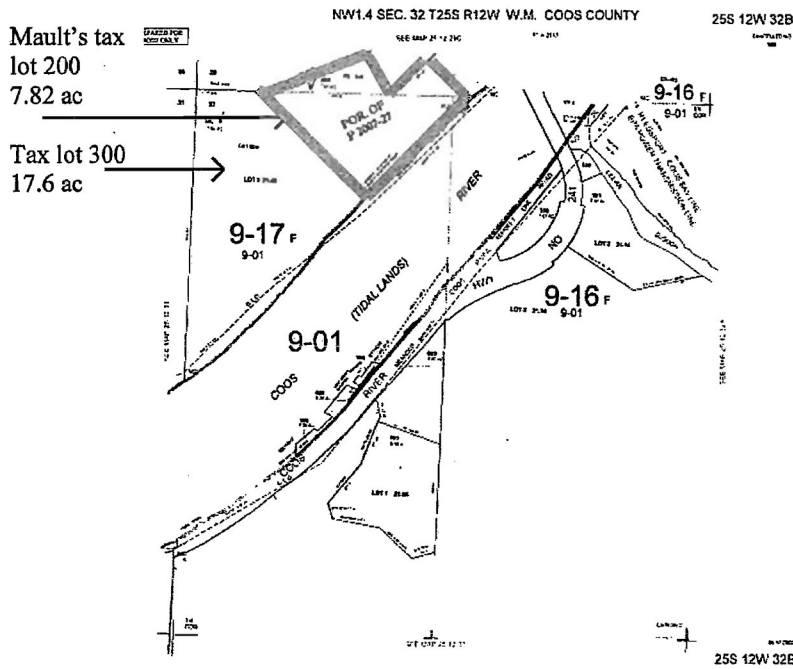
Email: gmcnair2@verizon.net

Lots to the south are at the bottom of a hill and are wetlands used for grazing. The map to the left shows these lots. The Maults own one of these parcels which is tax lot 200 and is 7.28 acres in size.

Ownership below:

Weyerhaeuser Company
25S 12W 32B Tax Lot 300

Mault, Jason and Brandy
25S 12W 32B Tax Lot 200,
94932 Riverview LN 97420



Mault Zone Change by George McNair - Planner/Landscape Architect

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 Land Use Planner
 Landscape Architect
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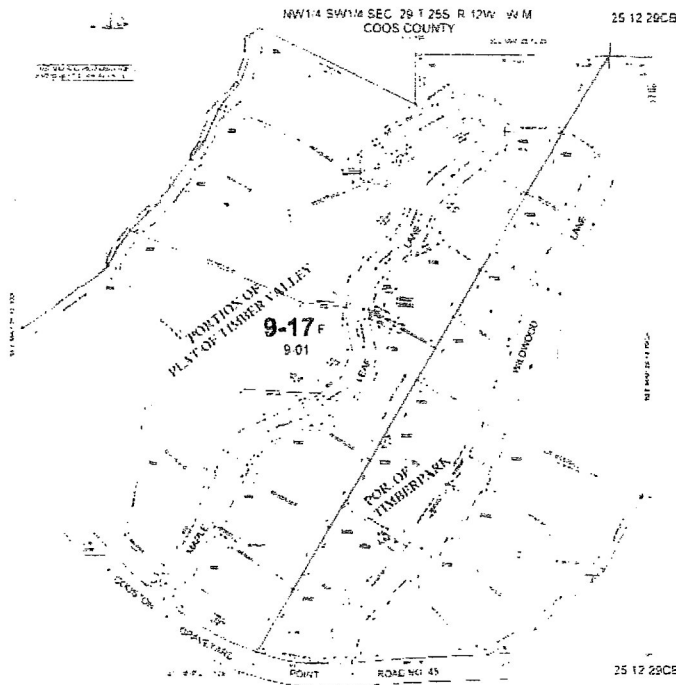
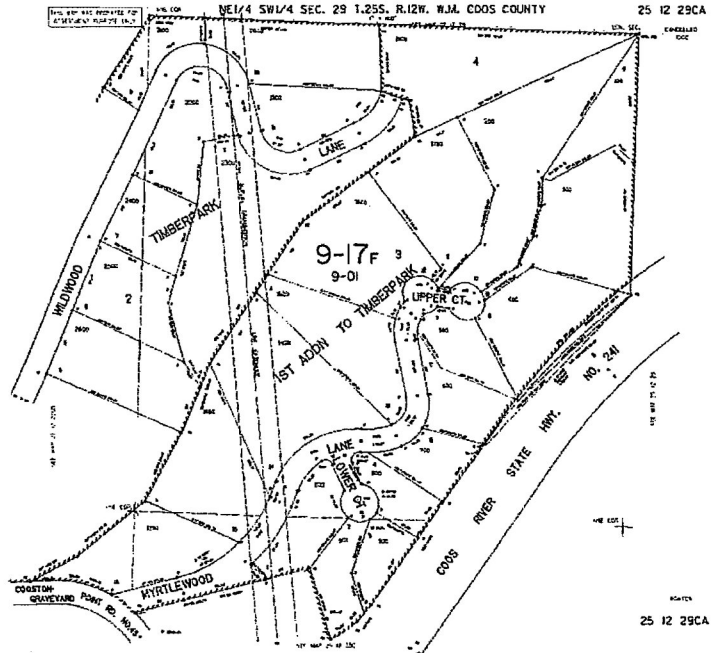
Email: gmcnair2@verizon.net

All of the lots on these two maps are across the street from the Mault property. The proposed zone change to RR-2 acre residential will be compatible since residential uses on 2 acre lots presently exist. Uses such as brush clearing, gardening, RV storage, animal pens and others will be typical of the area. The Maults proposed land use will blend in with typical use patterns.

Owners closest to Maults.

Riddle, John C, 111, 74753, 25S
 12W 29CB Tax Lot 2700, 94944
 Timber Park LN 97420

Paterewick, Joseph, 74742, 25S 12W
 29CB Tax Lot 2600, 94925 Timber
 Park LN 97420



The subdivisions bordering the Mault land is divided into two developments. The one to the left is due north from the Mault's while the other is north-west. The two subdivisions are adjacent to each other.



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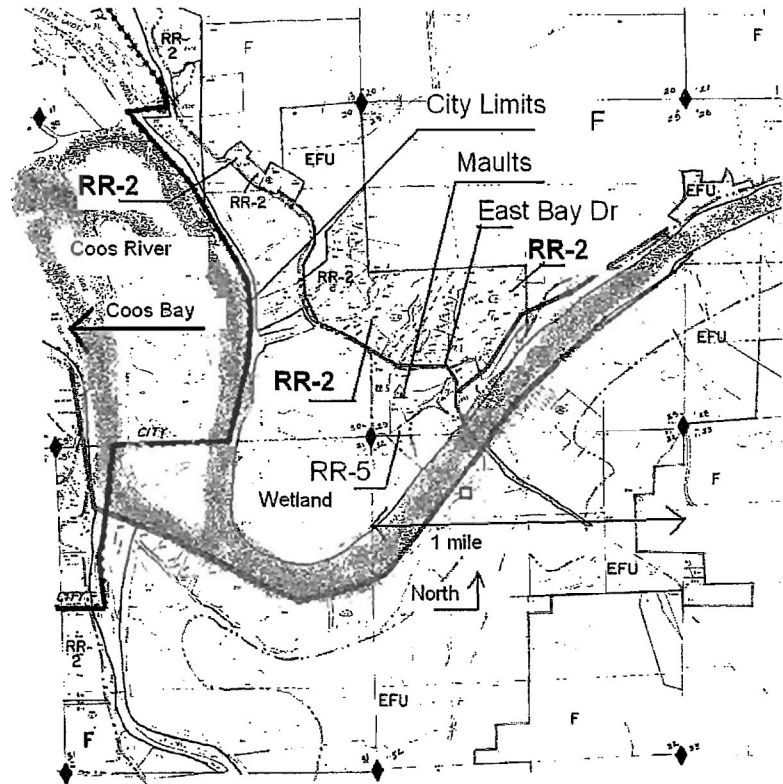
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3. What is the distance of the property from the nearest urban growth boundary?

In this situation the city limits is less than 1/2 mile from the Maults land. The county maps show no urban growth boundary in this area. Coos Bay and North Bend are west and across the broad estuary formed by the Pacific Ocean and the Coos River meeting. The Mault land is up where the Coos River narrows to create a typical river shape.

4. What are the public facilities that currently serve the property. (roads, water, sewer, etc.)



A county two lane paved road serves the subject's land. The road is well maintained and stays open 12 month out of the year. The road is not used to full capacity. Power is provided by Pacific Power and Light Company and is available from poles at the road's edge. Verizon phone lines will be brought off the road poles to the new home. Charter Cable TV is available.

5. Will the proposed zone change result in the potential need for urban services such as municipal sewer.

This does not appear to be in the near future due to the geographical barrier that prevents sewer services from crossing. The river and estuary would make a crossing expensive.



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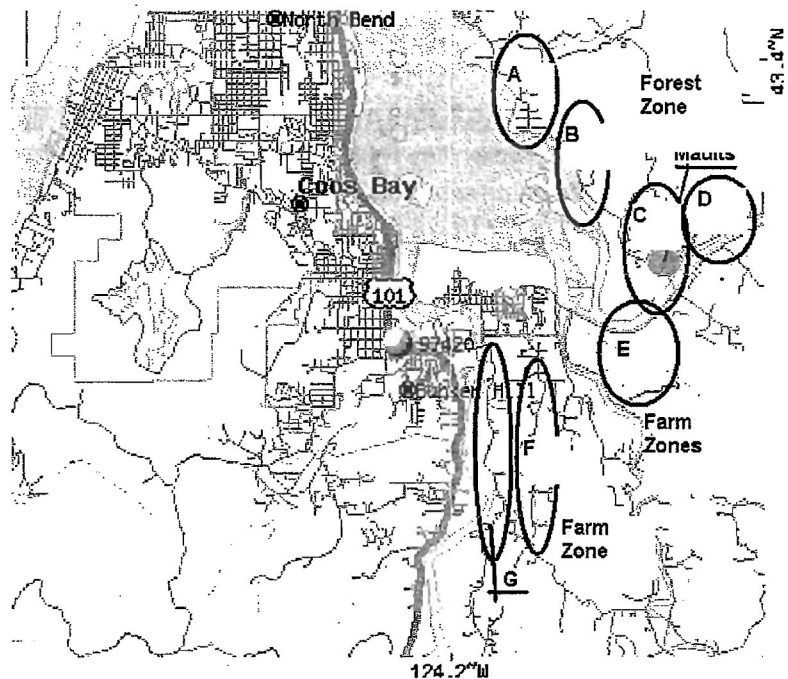
6. Will the rural exception area where the parcel is located be significantly altered (e.g., will existing infrastructure need to be enlarged or upgraded as a result of the new development that would be facilitated by the proposed zoning amendment):

This proposal will not increase the need for urban services such as public water or public sewer. Land owners of 2 acre lots can provide for their own water and service needs without seeking public provisions.. The proposed lot with existing friable soil has plenty of area for a septic drain fields. A drilled well that is 100 feet away from creeks and drain fields is doable.

This proposal will have a miniscule effect on the need for public services such as paved roads, TV, electricity, internet services, and mail service. These services are already available for this proposed new lot. TV, electricity, telephone and internet servers welcome new customers since they are in

7. Will the proposed zoning amendment allow land uses that will significantly change the character or public service requirements of the rural exception area?

The proposed zoning amendment will harmonize with the character of the area. A new residential use will have a miniscule effect on public service requirements of the exception area. The map below shows the land uses in the general vicinity of the Mault's land that is in area C. Area A, B, D, and G are in residential use. Area E has homes that border the highway and are build on wetlands. Area F is used for grazing.



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Chapter Four : For a Need or Reasons

A. Reasons must justify why the state policy embodied in the applicable goals should not apply.

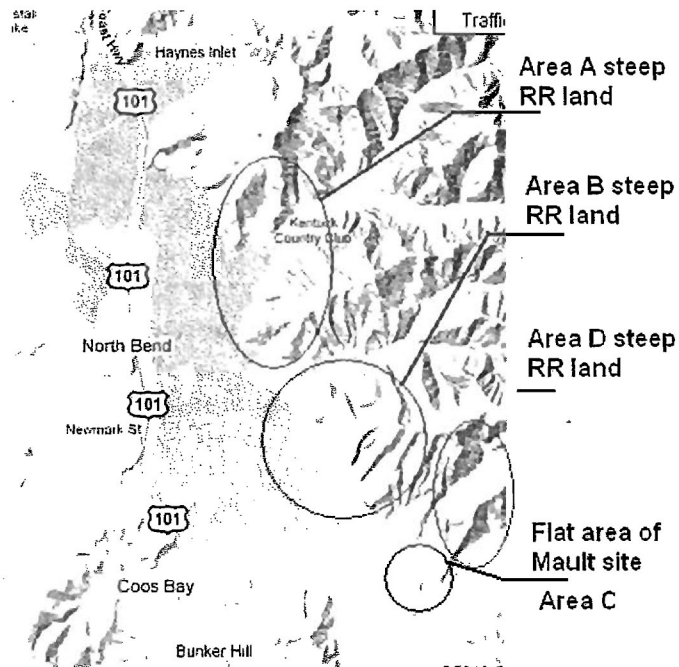
The present rural residential zoning designation if modified slightly would be more in line with state policy. For example, Goal 10: Housing ; OAR 660-015-0000(10) states:

To provide for the housing needs of citizens of the state.

Build able lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The Mault site offers build able land that slopes gently unlike many of the RR-2 lands that are in area A, B and D as shown on the map. These lands are steeper which increases home construction costs, road building, well drilling, and septic drain filed installation.

In addition, homes built on forested steep hillsides are more prone to devastating fires during the dry conditions. Fighting fires on



Steep Lands Areas A, B, C, and D

flat ground is more efficient since stable footing for fire trucks and personnel is achieved. Fire fighting complications caused by steep ground increases costs and damage.

These steep grounds also increase building costs since landslides need to be avoided by building expensive foundations, and masonry retaining walls. Homes on hillsides are prone to landslides especially when brush and trees are cleared or burned away. The soil in area C is classified by the US Soil Conservation service as solid ground that supports typical home foundations.



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Homes built on gently sloping land or flat land help keep price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. Goal 14 reads, "In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need." Goal 14 :Urbanization OAR 660-015-0000(14) By providing safe and economical flat rural residential building sites, flexibility of housing location, type and density consumer needs are met.

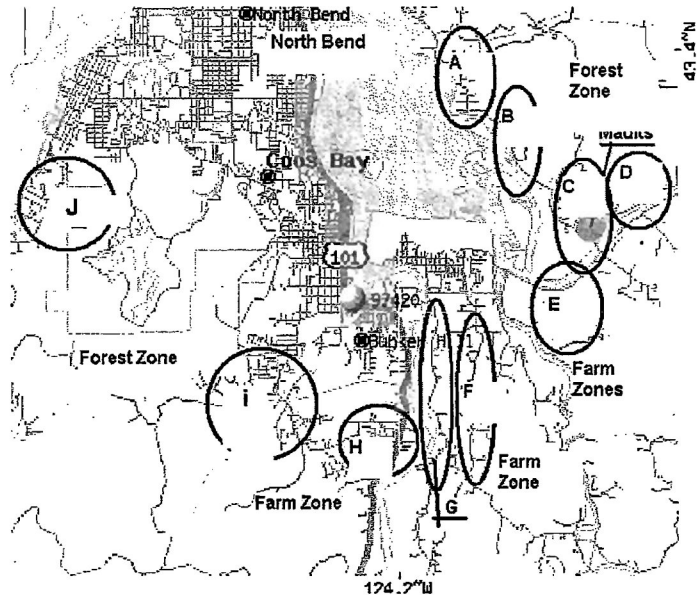
State policy has designated some lands outside the city limits of Coos Bay as rural residential 10, 5 and 2 acres. The Mault land is about 1/2 mile from the Coos Bay's City Limits. Generally lands farther from the city limits are designated as RR-10 such as areas A, B and D seen on the map. Lands close to the city limits such as the Maults can logically have a greater density such as RR-2.

In the area around the Mault's property the state allows 5 acre lots that was applicable when the zoning laws were enacted. Since then all of the RR-5 land has been utilized for housing. As the population has grown, more rural land is needed for housing. In the 500' radius from the Maults land there are 49 Rural Residential 2 acre lots, and all have developed housing. Approval of this zone change will provide one more housing opportunity.

One of the state's goals is to conserve energy which would include providing build able land that is relatively close to town and jobs. A commuter driving from area C will use less fuel, and auto parts when compared to others driving from area A, B, or D.

Shorter commutes cause less wear on roads, and less motor or transmission oil will leak onto the road and run into the estuary during the rains. Goal 12 reads, ".....minimize adverse social, economic and environmental impacts and costs; (6) conserve energy;...."

Goal 12: Transportation OAR 660-015-0000(12)





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Goal 13, Energy Conservation, OAR 660-015-0000(13) Goal 13 reads, " To conserve energy: Land and uses developed on the land and shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.'

As mentioned earlier, RR-2 land in area C will require a shorter drive to town which will conserve fuel energy. In addition, energy required to build homes will be less on flat building sites.

Goal 13 reads, "4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency."

This concept would harmonize with this planning request since high density RR-2 land should be adjacent to East Bay Drive where the Mault land is located. Less dense lands should be farther from the road or farther from town. Areas A, B and D should have less dense lot sizes when compared to Area C.

B. It must be demonstrated that the areas which do not require a new exception cannot reasonably accommodate the use.

This question can be answered by looking at Rural Residential 2 acre lands (RR-2) A, B, C, D, E, F, G, H, I, and J. that are within a few miles of Coos Bay. These lands do not accommodate RR-2 use as efficiently as the Mault's land seen in area C. As previously stated, from area C, the drive to town is shorter when compared to areas A, B, and D. More fuel is needed to drive to work from these lands therefore these areas don't reasonably accommodate the use.

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Area E has pre-existing nonconforming residential uses on flood plains and marshy soil. Here, wells can be polluted with river water or salt water, and installing septic systems requires an expensive sand filter. These problems increase costs for homeowners to live there.

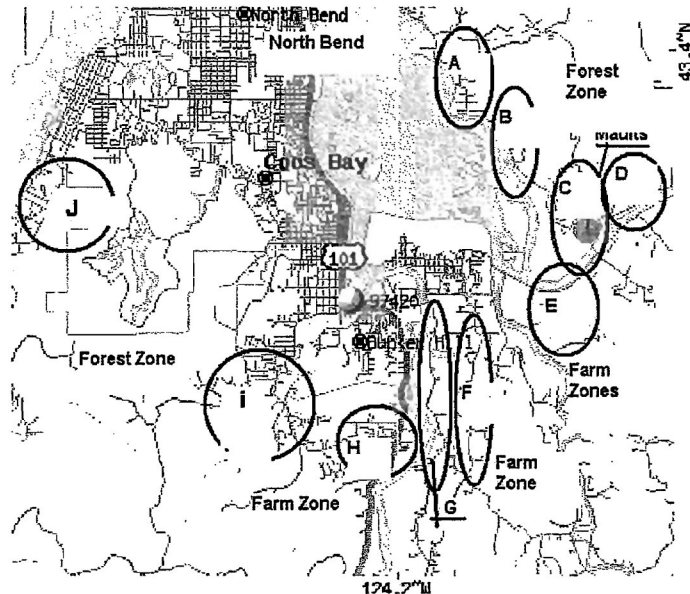
In area F, the flood plain and active resource grazing land is across the street from the RR land which is bordered on the opposite side with steep hill and dense forest. In area F, the atmosphere is damp caused by the wetlands and the dense shade from the high hill and tall forest. This factor causes black mold, that can have serious health effects. Other kinds of molds cause structural damage to the home. Older homes simply don't have the floor or wall plastic sheeting to help prevent this mold. These problems increase costs for homeowners to live since exterior siding can mold and require frequent cleaning or painting. Parked RVs become mold infested and their life span is shortened. In addition, the soil types for this area are predominately very weak for home foundations which increases home building costs. A study of the soil types later on in this report will make this fact clear.

Area G is ground along a ridge top that steeply drops off to the west and east. Much of the flat land has been purchased and developed leaving the steep land for future homes. Wells in this area must be as deep as 250 feet or more which adds to development costs and wastes electricity needed to pump water from deep wells. These factors cause the Maults land to be more desirable. In addition, the soil types for this area are predominately very weak for home foundations which increases home building costs. A study of the soil types later on in this report will make this fact clear.

Area H has flat damp land at the bottom of a hillside. The hillside to the west is steep enough to increase building costs. In addition, the soil types for this area are predominately very weak for home foundations which increases home building costs. A study of the soil types later on in this report will make this fact clear.

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Area I is covered by wetlands, pastures and homes on both sides of this small valley. On each side of the wetlands are residences. Developing on these wetlands cause greater expenses for septic systems and home foundations. The wetland will sink more readily so foundations must be more costly to work. Wells can become polluted with farm land waters full of animal wastes. A subdivision off of Red Dyke road is carved into a steep hillside and many wells drilled hit salt water. In addition, the soil types for this area are predominately very weak for home foundations which increases home building costs. A study of the soil types later on in this report will make this fact clear.

RR-2 lands in areas H and I are steep ground, and well water is scarce. Some residents haul water since wells dried up or produce little. Coal mines were excavated through out this hill and some believe the ground water was disturbed and drained from the hill. Some residents have drilled so deep seeking water, that salt water was found.

Area J is flat land that borders the bay and has existing homes on both sides of the road. There are few desirable vacant lands since these lands are nearly at sea level and will be effected by future tsunamis. The land has sandy soil that makes gardening and landscaping more expensive.

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Many residents brave the North winds that cover this area from May through July. Hurricane winds come from the southeast during the winter months. These lands are not more accommodating when compared to the Mault's property.

Goal 10 Housing: To provide for the housing needs of citizens of the state. This goal reads:

Build able lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The Mault land is some of the best RR-2 land of these lands available and close in for residents of Coos Bay and North Bend. Geologic reports will show the Mault land has the best soil for building home foundations. Home price ranges are increased when inadequate soil structure increases building costs. Many RR-2 lands have structural problems that increases construction costs. Many RR-2 lands such as F, G, H, and I shown on the opposite page have geologic problems that cause increased building costs since foundations must be made more elaborate and stronger. Many older homes on these RR-2 lands are under built prior to up-to-date Oregon building code legislation and may have serious foundation defects.

This proposal will help conserve energy as Goal 13 requires by making a quality RR-2 lot available. **Goal 13, Energy Conservation, OAR 660-015-0000(13) reads as follows,** "To conserve energy: Land and uses developed on the land and shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Less energy will be needed for construction since the foundation will require less materials and labor to build. Less fuel will be required for trucks delivering fewer materials and making fewer trips. Electric saws will be run less that helps conserve electric power. More money for home construction can now be spent on insulation or energy conservation.

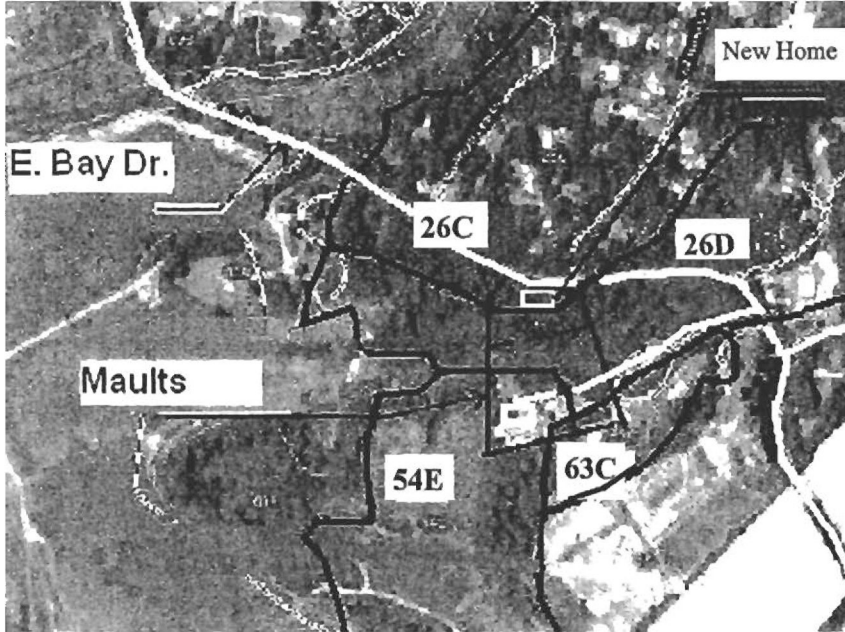
The federal Soil Conservation Service has classified a vast abundance of RR-2 lands having soils not recommended for home building. Foundations can crack, allowing water to flood basements, or to allows walls to sink, cracking sheet rock as this occurs. Floors can become out of level and windows fracture. To correct this problem more materials and energy for home building are needed. The subject property has ideal soil for home foundations. Making this lot available for another family harmonizes with Goal 10 Housing and Goal 13 Energy Conservation. RR-2 land in areas F, G, H, and I have soil problems unlike lands in area C where the subject property sits.

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9	Chetco silty clay loam	Very limited
10 A	Chismore silt loam 0 to 3% slope	Very limited
11	Clatsop mucky peat	Very limited
26C	Geisel silt loam 2 to 12% slope	Not limited
26D	Geisel silt loam 12 to 30% slope	Very limited
26E	Geisel silt loam 30 to 50% slope	Very limited
34	Langlois silty clay loam	Very limited
35	Langlois peaty silty clay loam	Very limited
41	Nestucca silt loam	Very limited
54B	Templeton silt loam 0 to 7% slope	Some what limited
54D	Templeton silt loam 7 to 30% slope	Very limited
54E	Templeton silt loam 30 to 50% slope	Very limited
63B	Wintley silt loam 0 to 8% slope	Very limited
63C	Wintley silt loam 8 to 15% slope	Very limited
W	A body of	Not

Soil Types that are rated for Home Foundations

Look at soil numbers and names on the chart. We will refer to the chart now and later on. This table shows the 26 C soils called Geisel silt loam 2 to 12% slope. This soil will not squish down under the tremendous weight of a home. This soil is the best of the soils in the areas studied for home foundations. This soil is classified as **not limited** by the Soil Conservation service. Look at some weak soils such as 54 D and 54E found in abundance. These soils squish down under tons of home weight and cause cement and sheet rock cracks, and even window cracks when some engineers rely on common, typical foundation designs.

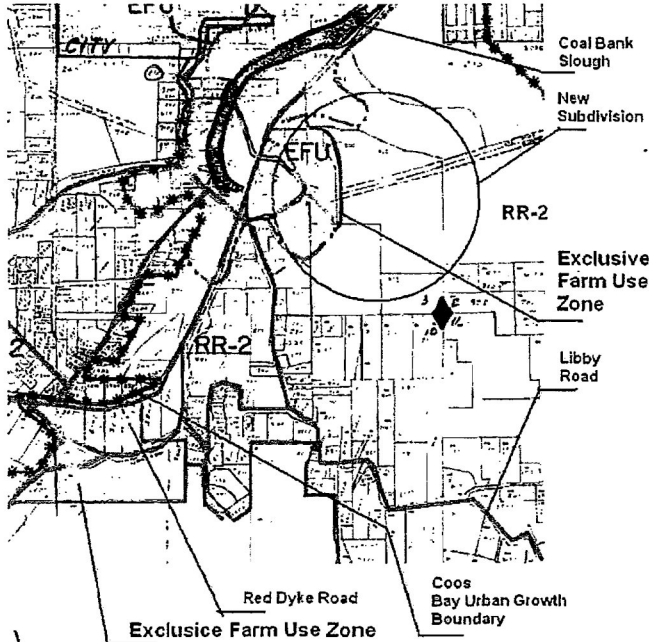
By the way, silt are grains of dirt that are smaller than sand and larger than clay dirt. Loam means gritty silt dirt or compost with decayed leaves and sticks present. Geisel silt loam 2 to 12% slope will not squish or compact under the weight of a home.

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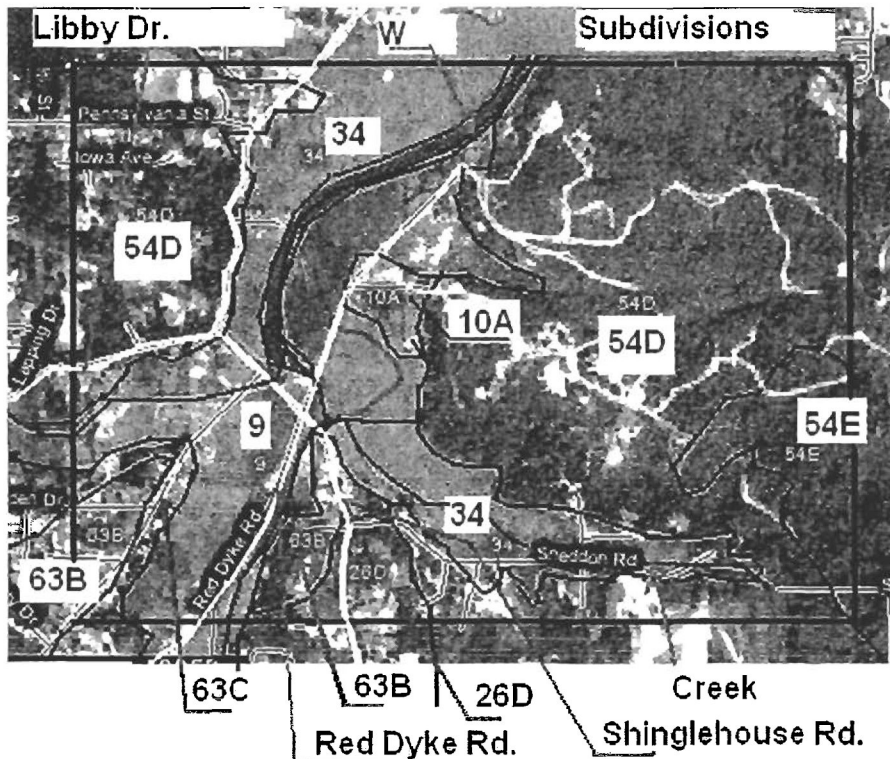
Area I Below



Look left, notice the RR-2 land near Red Dyke Road. Most of this land will be shown to have soils that are very limited for home foundations. This soil is 54 D and 54 E. Both soils are not conducive for home foundations.

Look below, notice the soils type in the circle are predominantly 54 D and 54 E or Templeton silt loam and are very limited for building foundations.

These soils make up huge areas of the land in area I. The chart on the next page provides the areas of the soil types. Notice there is no 26C land or land with good foundation soils in area I.





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To the right are soil types shown on the color map around the Red Dyke Road area. Note: Soil types that are circled in green are not good for home foundations.

Coos County, Oregon (OR011) Ⓢ			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9	Chetco silty clay loam	85.1	16.7%
10A	Chismore silt loam, 0 to 3 percent slopes	6.9	1.3%
26D	Geisel silt loam, 12 to 30 percent slopes	12.1	2.4%
34	Langlois silty clay loam	67.5	13.2%
54D	Templeton silt loam, 7 to 30 percent slopes	275.4	53.9%
54E	Templeton silt loam, 30 to 50 percent slopes	25.8	5.0%
63B	Wintley silt loam, 0 to 8 percent slopes	20.3	4.0%
63C	Wintley silt loam, 8 to 15 percent slopes	7.2	1.4%
W	Water	10.7	2.1%
Totals for Area of Interest		510.9	100.0%

Below is what the Soil Conservation Service has to say about soils and foundations.

As we progress through the soil types in each area, we will notice many areas are very limited for building foundations. Below is how the American Soil Conservations Service describes very limited soils for foundation purposes.

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frozen ground.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil.



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The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

*The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. **"Not limited" indicates that the soil has features that are very favorable for the specified use.***

Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

(This degree of detail was not needed for this planning report)

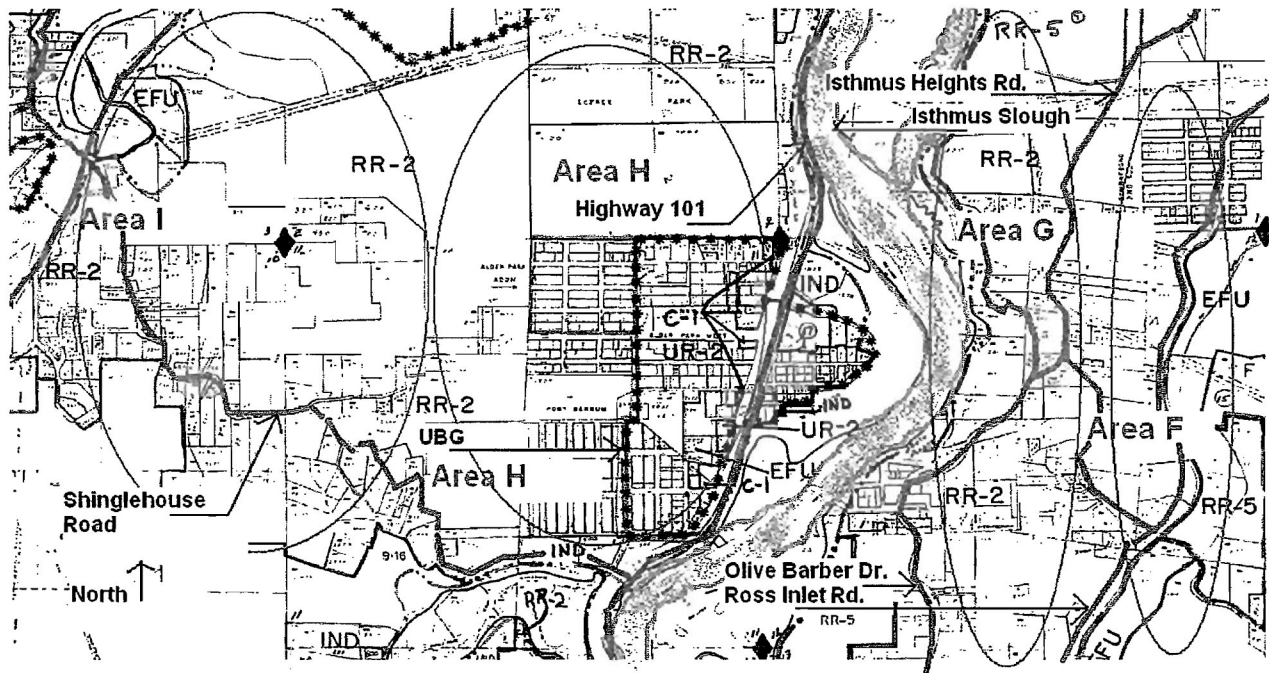
The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

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Zone Map for Lands South of Coos Bay.



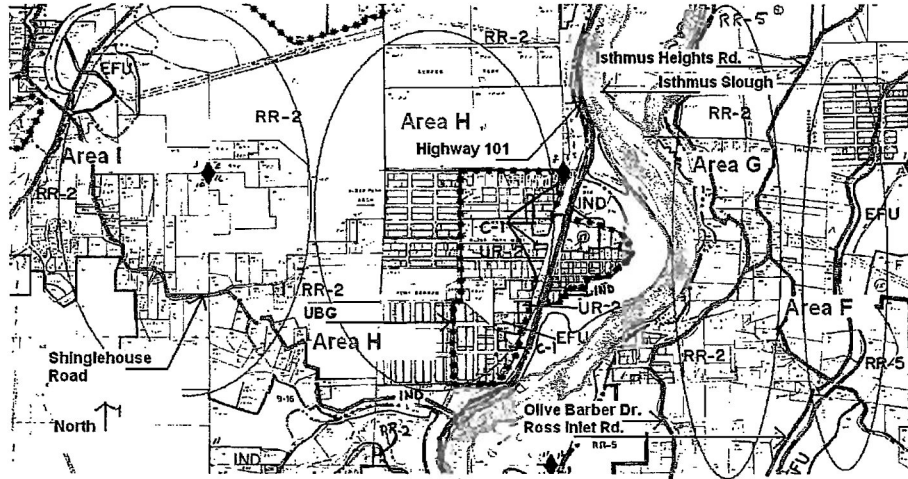
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The map shows areas F, G, H, and I that all have RR-2 lands. Each area is separated by hills or ridges. Area F is damp land at the bottom of a ridge. Area G is the top of a ridge. Areas H and I are on the side of a hill. The soil types are seen on the opposite page.



Soils circled in green are very poor for home foundations and ones in red are the best. Gold means fair and black means unclassified.

57	Udorhents, level	39.9	1.9
63B	Wintley silt loam, 0 to 8 percent slopes	73.0	3.5
63C	Wintley silt loam, 8 to 15 percent slopes	9.1	0.4
W	Water	127.7	6.1
Total Area		2104.6	100

Map Unit Symbol	Soil Name	Acres	Percent
11	Clatsop mucky peat	153.2	7.3
12	Coquille silt loam	56.3	2.7
26C	Geisel silt loam, 2 to 12 percent slopes	134.5	6.4
26D	Geisel silt loam, 12 to 30 percent slopes	35.5	1.7
26E	Geisel silt loam, 30 to 50 percent slopes	6.7	0.3
34	Langlois silty clay loam	139.8	6.6
35	Langlois peaty silty clay loam	7.8	0.4
41	Nestucca silt loam	23.7	1.1
54B	Templeton silt loam, 0 to 7 percent slopes	12.7	0.6
54D	Templeton silt loam, 7 to 30 percent slopes	1001.9	47.6
54E	Templeton silt loam, 30 to 50 percent slopes	282.4	13.4
54F	Templeton silt loam, 50 to 70	0.3	0.0



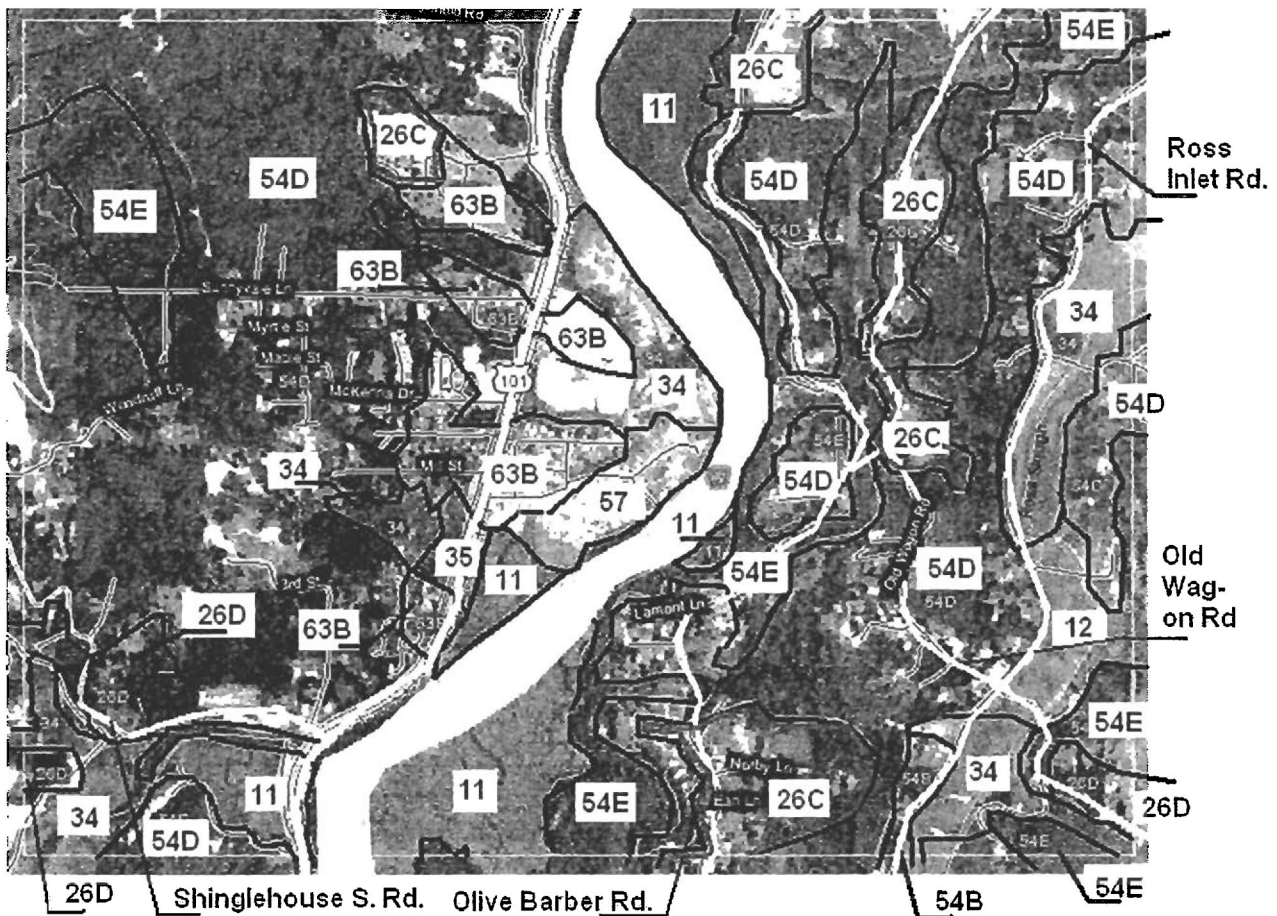
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The map below shows the soils types in the RR-2 lands. Notice the only soil type that supports foundations economically are the 26C soils in red. The table below the map shows this soil type makes up 134.5 acres 6.4% of the total or out of 2104.6 acres. The other areas have poor soils for home foundations.



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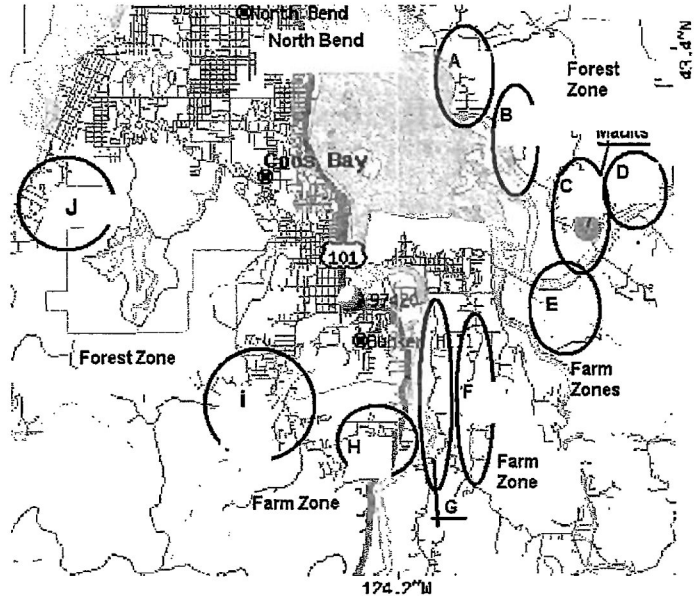
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C. The economic, social, environmental and energy consequences resulting from the new use must be shown to be not significantly more adverse than would result from the same proposal being located in another area requiring an exception.

Energy consequences created by a longer commute from areas A, B, and D has been described. Economic and social impacts on future home owners in these areas will be negative since more funds will be diverted to transportation from other needs such as health care or food. The local economy will suffer since more disposable income will be spent on fuel costs or higher mortgages caused by expensive home building on steep ground. More quality RR-2 land should be made available to help combat some of the economic and social problems mentioned.

Social impacts from more county tax dollars used for road repair rather than social programs will be less beneficial to Coos County residents. As residents are forced to drive greater distances to work, then the county must spend more money on road repairs, road widening, purchase of easements, and signs. All of these needs require tax dollars that could be spent for social needs such as jail space, half way houses, driving classes, and a whole host of other social needs.

Many industrial workers fabricate or repair personal or business equipment in home shops. These shops are also industrial learning centers for worker's offspring. Here learning centers around welding, drilling, metal cutting, metal bending, etc.



This activity requires rural settings where there is greater separation from neighbors so noise is not a problem. When RR-2 land is in abundance, then the price is lower and these workers can afford to purchase land, build a home, and equipped shop. This creates a positive social impact when our youth can be trained for future employment right at home.

The Environmental consequences from exhaust, tire wear, and oil run off will have an adverse effect on the environment due to air and water pollution. Oil from leaky cars that runs off roads that run parallel to the estuary is far more damaging when compared to roads that run parallel to flat, sandy, brushy land that is found along the Seven Devils Road near Bandon. This environmental damage is increased when commuters are forced to drive farther from areas such as A, B and D as shown on previous maps.



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The article below describes the economic situation of Coos Bay in regards to housing.

City of Coos Bay — Economic Opportunity Analysis

Final Report June 17, 2009 Source: Oregon Employment Department; ESRI Business Information Solution

Housing Affordability and Supply

Interviewees say housing is increasingly expensive in Coos Bay relative to the community's median household income. This represents a significant cost of living hurdle for younger, lower-income households.

According to interviewees, Coos Bay lacks an adequate supply of workforce housing. This may be due to several factors: there is increased market demand for single-family, upper-income housing on larger lots; the build able residential land supply is not suitable in places due to topographical issues that make development infeasible; and median home prices have inflated over the past several years following the housing boom. Recently, more affordable homes are being built on smaller lots.

http://www.coosbay.org/cb/departments/documents/CoosBayEOARreport_061709_Final_DC.pdf

Workforce housing needed in rural residential land would be 2 acre lots since 5 to 10 acres lots would be more costly yet desirable for business owners who employ the workforce. More RR-2 land will help push the price down and make it more affordable for the workforce. In many RR-2 lands, development is infeasible due to steep ground, poor foundation soil, or no well water. These problems increase the cost of RR-2 land which makes it less available for the workforce. Quality RR-2 land made more abundant will help create the opportunity for workers to purchase land and to build homes.



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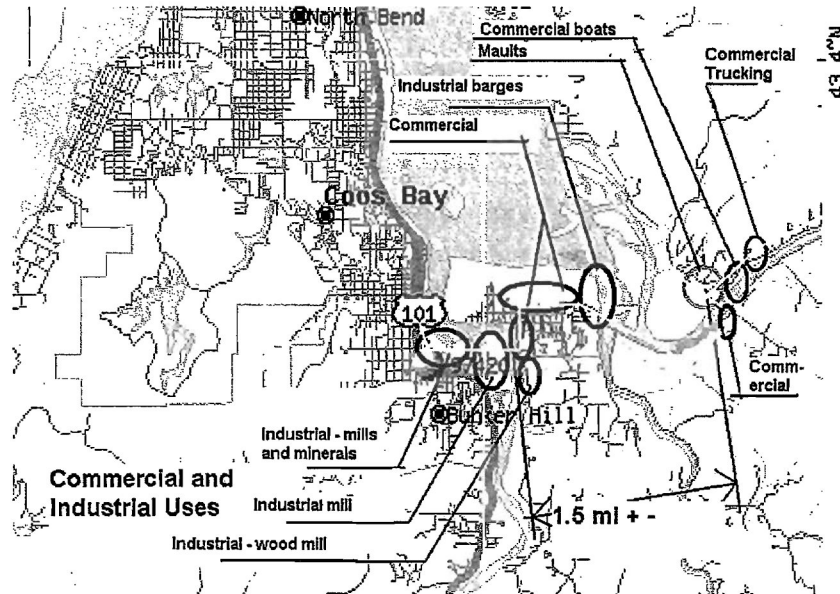
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E. Reason showing a need for rural residential land cannot be based on market demand; and a strong connection must exist between the subject area and existing or planned rural industrial, commercial, or other economic activity.

As shown on the map, the subject property is within 1 1/2 miles of Coos Bay's most intense and prosperous commercial and industrial uses. The property is 1/2 mile from the city limits. As these uses grow, there is more of a demand for residential land close to work so workers can make short drives to conserve energy. This level of urban development creates a need for more rural housing for workers that is close to work.

Two major local business proposals are moving forward which will generate a need for workers who will reside on residential lands. The proposals are chrome mining and a natural gas terminal.



The Malts proposal will provide another needed quality residence for a worker.

Read a news article from the Daily Journal of Commerce: Oregon Resources Corporation is an Oregon-based, wholly-owned subsidiary of the Australian mining company, Industrial Minerals Corp. The company spent the past three years working to start mining chromite, used in the manufacturing of steel castings, in the sands of the beach at Seven Devils state park, located 15 miles south of Coos Bay.

While the mine will create 70 full-time jobs once it opens, it's already providing a boost for the area's construction and transportation companies. Coos Bay-based **West Coast Contractors** started work earlier this year as the general contractor on a \$45 million processing facility that's built on a 17-acre Coos Bay site that Oregon Resources is leasing from the property owner, Weyerhaeuser.

<http://djcoregon.com/news/2010/06/28/oregon-mining-facility-boosts-jobs/>



Mault Zone Change by George McNair - Planner/Landscape Architect

by George McNair
Land Use Planner
Landscape Architect
Coos Bay, Oregon

Phone: 541 267 7400
Email: gmcnair2@verizon.net

Plans to develop a liquefied natural gas import terminal and pipeline near Coos Bay advanced Wednesday when the projects' developers filed applications with the Federal Energy Regulatory Commission.

Jordan Cove Energy Project LP and Pacific Connector Gas Pipeline LP applied for approval to build a facility capable of producing up to 1 billion cubic feet of natural gas a day and a 230-mile pipeline to transport the fuel throughout the Northwest.

The developers expect the two projects to provide 2,800 construction jobs, 120 permanent jobs and more than \$14 million in annual Coos County property taxes

<http://djcoregon.com/news/2007/09/06/coos-bay-terminal-pipeline-move-forward/>

In summary there is a strong connection between this proposal and planned rural industrial proposals just described. Oregon Resources Corporation predicts 70 full time jobs will be created once their operation moves to full production. Jordan Cove Energy Project LP (in Coos County) and Pacific Connector Gas Pipeline LP (not of Coos County) will create 120 jobs so we can predict half of them or 60 jobs will be for Coos County residents. This makes a total of 130 fulltime employment opportunities for local residents. Providing more quality rural residential land will enable some of these workers to live close to town and the job site.

When the Mault land is compared to other RR-2 lands, the other lands fall short in terms of quality. The commute to work from the Mault land is shorter. This is consistent to Goal 13, Energy Conservation. Many RR-2 lands have weak soil that can cause structural problems with home foundations but the Mault land has good soil. Approving the Mault request is consistent with Goal 10, Housing that states, "Buildable lands for residential use shall be inventoried....." Buildable land would mean lands that are conducive for home construction. Approving this request is consistent with Oregon's planning goals.



Coos County Planning Department

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FAX (541) 756-8630 / TDD (800) 735-2900
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Patty Evernden, Planning Director

Certified Mail # 70081300000186486129

October 26, 2010

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

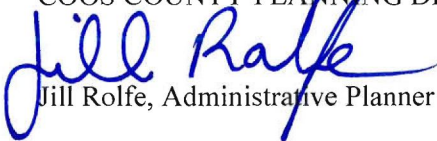
RE: Adoption Amendment/Rezone File# AM-10-02/RZ-10-02 George McNair

Dear Mr. French:

Enclosed please find the DLCDC Notice of Proposed Amendment with the applicant's submitted documentation. The proposal was submitted by George McNair on property identified as Township 25S Range 12W Section 29C Tax Lot 403.

If you have any questions please contact the Department at 541-396-3121, extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT


Jill Rolfe, Administrative Planner

ec: David Perry, DLCDC
c: File

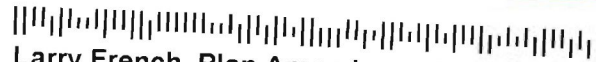


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