



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

April 26, 2007

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 002-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 11, 2007

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

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

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

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

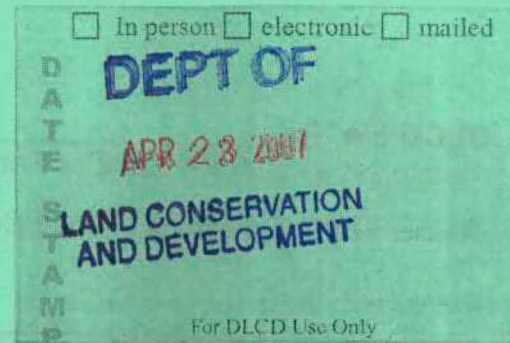
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FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: **Coos County**

Local file number: **AM-07-01/RZ-07-01**

Date of Adoption: **4/17/2007**

Date Mailed: **4/20/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 2/12/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amendment/rezone to rezone the subject property from Agriculture/Exclusive Farm Use (EFU) to Forest plan and zone designations and to include the property in the "Mixed Agricultural-Forest Uses Areas" inventory of the Coos County Comprehensive Plan.

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

Plan Map Changed from: **Exclusive Farm Use**

to: **Forest**

Zone Map Changed from: **Exclusive Farm Use**

to: **Forest**

Location: **T.24, R.13, S.11, Tax lot 1200**

Acres Involved: **40**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

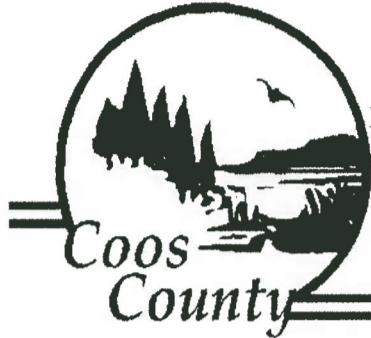
If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 002-07 (15875)



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

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

(541) 396-3121 Ext.210

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

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7000 1530 0006 2168 1970

April 20, 2007

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

RE: Form 2, DLCD Notice of Adoption for AM-07-01/RZ-07-01, Warner

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 07-02-004PL.

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

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Jan Mollé, Planning Secretary

c: David Perry
file

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

4 IN THE MATTER OF AMENDING)
5 THE COOS COUNTY COMPREHENSIVE)
6 PLAN AND ZONING AND LAND) ORDINANCE 07-02-004PL
7 DEVELOPMENT ORDINANCE)
8 (Warner Application))

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

10 SECTION 1. TITLE

11 This Ordinance shall be known as "Coos County Ordinance No. 07-02-004PL".

12 SECTION 2. AUTHORITY

13 This Ordinance is enacted pursuant to the provisions of ORS Chapters 197 and
14 215.

15 SECTION 3. PURPOSE

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

24 These amendments are necessary to reflect the forest suitability and predominant
25 characteristics, and the subordinate agricultural characteristics which exist on the
26 rezone area.

27 Jason & Anna Warner, owners of the subject property, filed an application (AM-
28 07-01/RZ-07-01) seeking re-designation of the subject property to "Forest" plan
and zone designation from the existing "Exclusive Farm Use" and "Agriculture"
plan and zone designations. The applicant proposes to add the subject property to
the Comprehensive Plan inventory "Mixed Agricultural-Forest Use Areas". See

1 attached map at Map 1.

2 SECTION 4. FINDINGS

3
4 The review criteria for the proposed action are set forth in Attachment A, attached
5 hereto and incorporated herein by this reference, together with the findings of fact
6 and conclusions that the criteria have been satisfied. The Board of Commissioners
7 hereby adopts the findings and conclusions set forth in Attachment A.

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

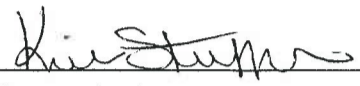
11 Ordinance 82-12-022L and amendments thereto adopting Volume I of the Coos
12 County Comprehensive Plan, and the Plan's map designation described in Section
13 3, above, are amended as necessary to change the Plan designation of the subject
14 property to "Forest". Also, Ordinance 82-12-022L and amendments thereto
15 adopting Volume I of the Coos County Comprehensive Plan are amended to
16 change the "Mixed Agricultural-Forest Use Areas" inventory map to include the
17 rezone area. Ordinance 85-03-004L and amendments thereto implementing
18 Volume I of the Coos County Comprehensive Plan are amended as necessary to
19 change the official zoning map to reflect the rezone of the subject property to
20 "Forest" Mixed Use.


21 SECTION 6. SEVERANCE CLAUSE

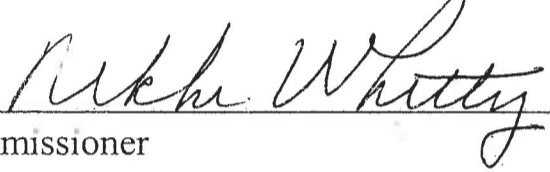
22 If any section, subsection, provision, clause, or paragraph of this Ordinance shall
23 be adjudged or declared by any court of competent jurisdiction to be
24 unconstitutional or invalid, such judgment shall not affect the validity of the
25 remaining portions of this Ordinance; and it is hereby expressly declared that
26 every other section, subsection, provision, clause or paragraph this Ordinance
27 enacted, irrespective of the enactment or validity of the portion thereof declared to
28 be unconstitutional or invalid, is valid.

1 ADOPTED this 17TH day of APRIL, 2007

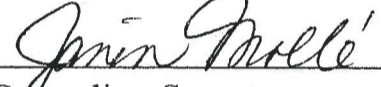
2 BOARD OF COMMISSIONERS

3
4 
5 Commissioner

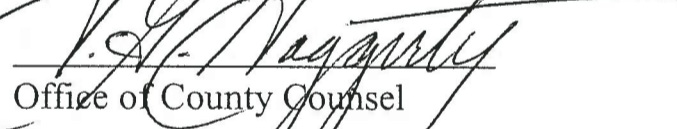
6
7 
8 Commissioner

9
10 
11 Commissioner

12 ATTEST:

13 
14 Recording Secretary

15 APPROVED AS TO FORM:

16 
17 Office of County Counsel

18 SIGNED this 17TH day of APRIL, 2007

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20 Effective Date: APRIL 17, 2007

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FINDING OF FACTS AND CONCLUSIONS

OREGON ADMINISTRATIVE RULES

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

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

FINDING: According to the United States Natural Resource Conservation Service (NRCS) survey maps, there are four soil types existing on the subject property. The predominant soil unit is Bullards Sandy Loam with 12 to 30 percent slopes. The other three soil types consist of Bandon-Blacklock Complex with 0-to12 percent slopes (28%), Bullards Sandy Loam with 7 to 12 percent slopes (22%) and Bullards Sandy Loam with and 30 to 50 percent slopes (20%). According to the NRCS survey, the Bullards Sandy Loam units are primarily used for timber production, wildlife habitat and home site development. They soil types are also utilized for pasture and recreation. The Bandon Blacklock Complex soil contains 60 percent Bandon Soil and 20 percent Blacklock soil.

On the basis of a 100-year site curve, the mean site index within the Bullards and Bandon Soils for Douglas Fir production is 132. However, based on a 50-year site curve, the mean site index is 105, which is comparable to some of the best timber growing soils in Coos County. On the basis of a 100-year site curve, the mean site index for the Blacklock soil is 90 for Shore Pine production. The Blacklock soil type is also utilized for the agricultural production of cranberries and is classified as a high value farm soil by the CCZLDO.

The adjacent land surrounding the subject property to the West, South and East is currently zoned Exclusive Farm Use (EFU). There are farm uses lying south of the subject property and it is assumed that the subject property was zoned for farm use in conjunction with those lands.

CONCLUSION

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

APPENDIX 1, COOS COUNTY COMPREHENSIVE PLAN, VOLUME 1

POLICY 5.4 FORESTLANDS

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

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

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

Appendix I CCCP Volume I Policy 5.4(1) states in part that, Coos County “shall conserve those resources designated as forestlands by regulating uses and activities in such areas through requirements stipulated in the Forest (F) zone.”

Furthermore, the policy goes on to state, “This strategy recognizes that Coos County’s forestlands are an extremely valuable resource, and that the above-referenced zones are; (1) necessary and responsible to respond to the varying situational characteristics addressed in the inventory, and (2) adequate to conserve the county’s forestlands for forest uses.”

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

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

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

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

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

"MIXED AGRICULTURAL-FOREST USE AREAS"

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

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

FINDINGS: Approximately 70 to 80 percent of the subject property consists of gentle Southerly slopes and bench areas while approximately 20 percent of the property in the Southwest corner contains 30 to 40% slopes.

According to the United States Natural Resource Conservation Service (NRCS) survey maps, there are four soil types existing on the subject property. The predominant soil unit is Bullards Sandy Loam with 12 to 30 percent slopes (30%). The other three soil types consist of Bandon-Blacklock Complex with 0-to12 percent slopes (28%), Bullards Sandy Loam with 7 to 12 percent slopes (22%) and Bullards Sandy Loam with and 30 to 50 percent slopes (20%). According to the NRCS survey, the Bullards Sandy Loam units are primarily used for timber production, wildlife habitat and home site development. These soil types are also utilized in some instances for pasture and recreation. The Bandon Blacklock Complex soil contains 60 percent Bandon Soil and 20 percent Blacklock soil.

On the basis of a 100-year site curve, the mean site index within the Bullards and Bandon Soils for Douglas Fir production is 132. However, based on a 50-year site curve, the mean site index is 105, which is comparable to some of the best timber growing soils in Coos County. On the basis of a 100-year site curve, the mean site index for the Blacklock soil is 90 for Shore Pine production. The Blacklock soil type is also utilized for the agricultural production of cranberries and is classified as a high value farm soil by the CCZLDO.

The Bandon-Blacklock Complex with 0 to12 percent slopes (28%) is identified as an agricultural capability class IIIe. The Bullards Sandy Loam with 7 to 12

percent slopes (22%) is identified as an agricultural capability class IIIe. The Bullards Sandy Loam with 12 to 30 percent slopes is identified as an agricultural capability class IVe. Pursuant to Goal 3, agricultural land in Western Oregon is comprised of predominantly Class I, II, III, and IV soils. The subject property contains 80% class III and IV subclass soils.

The lands lying adjacent to and South of the subject property consists of uplands fronting bottomland along North Slough. These lands have historically and currently contain farm uses.

CONCLUSION

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

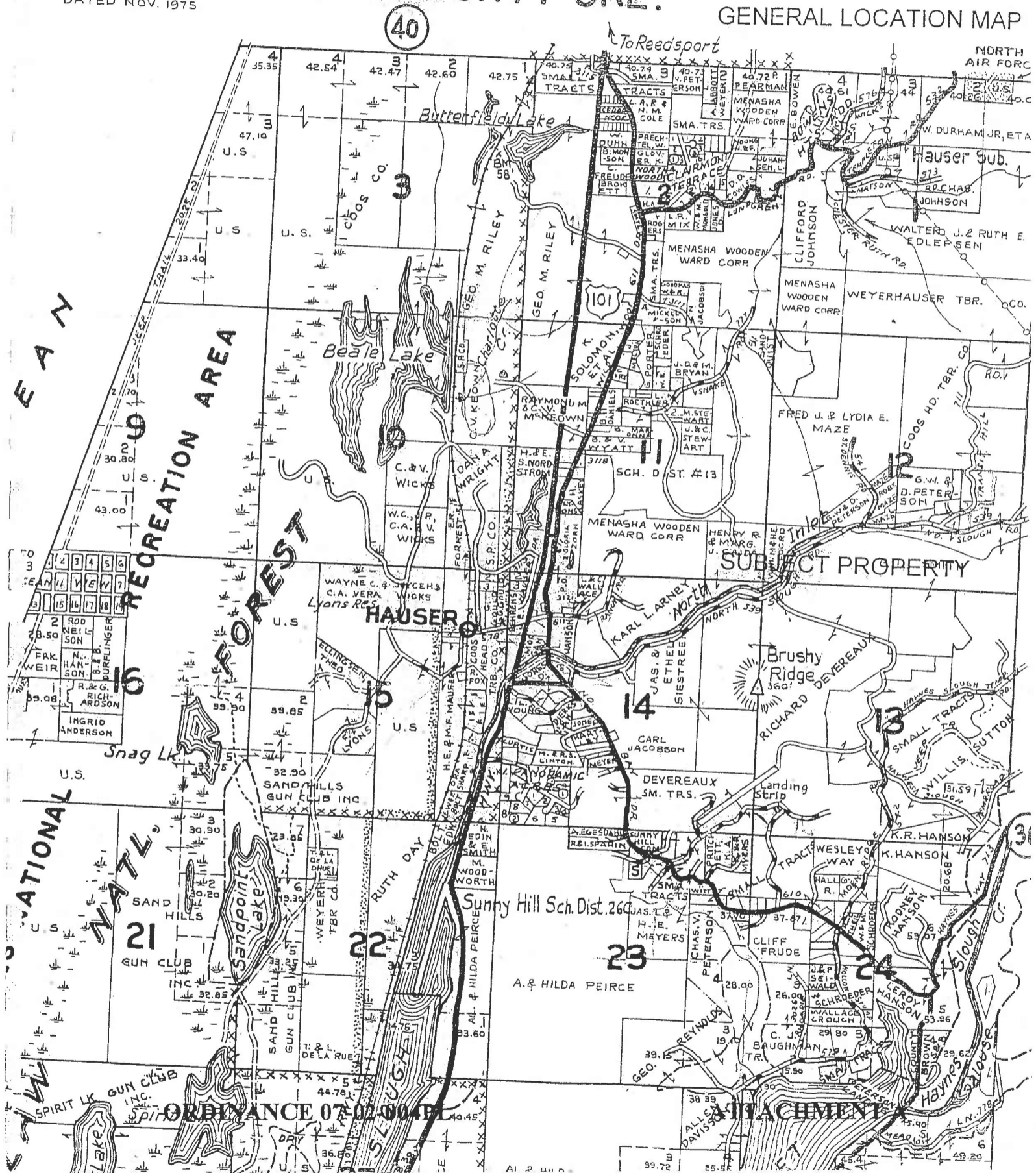
FINAL CONCLUSION

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

TOWNSHIP 24 S., RANGE 13 W. W.M. COOS COUNTY ORE.

DATED NOV. 1975

GENERAL LOCATION MAP



ORDINANCE 07-02-00

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

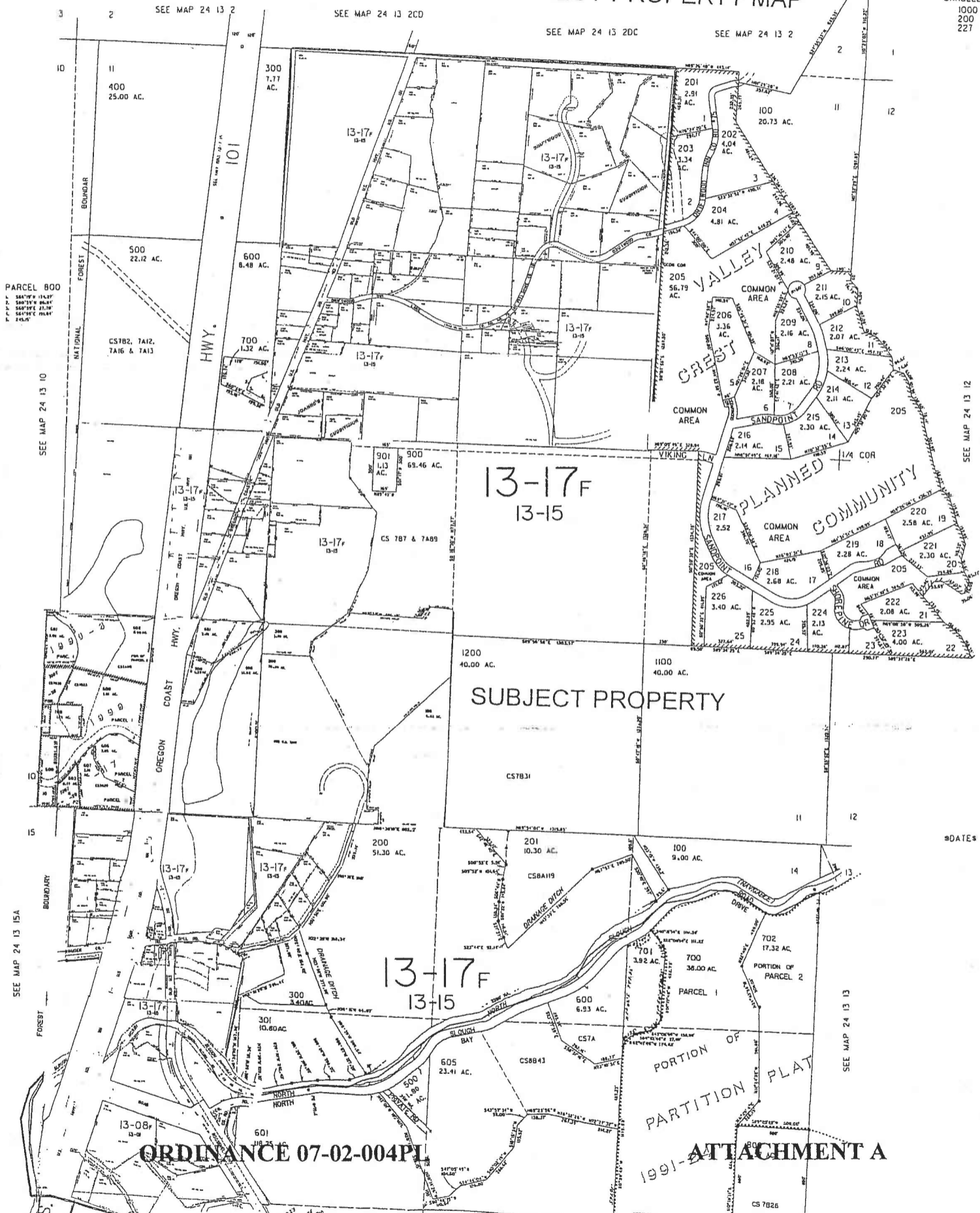
SECTION 11 T.24S. R.13W. W.M.
COOS COUNTY

1" = 400'

SUBJECT PROPERTY MAP

24 13 11
& INDEX

CANCELLED
1000
200
227



PARCEL 800
1. S84°17'W 134.27'
2. S80°17'W 86.81'
3. S65°57'W 21.10'
4. S61°52'W 16.64'
24.64'

SEE MAP 24 13 10

SEE MAP 24 13 15A

SEE MAP 24 13 12

NOTES

SEE MAP 24 13 13

ORDINANCE 07-02-004PL

1991-ATTACHMENT A



7-02-2011

B11005

MAY 12 0-02-CBB

15-19.2-75

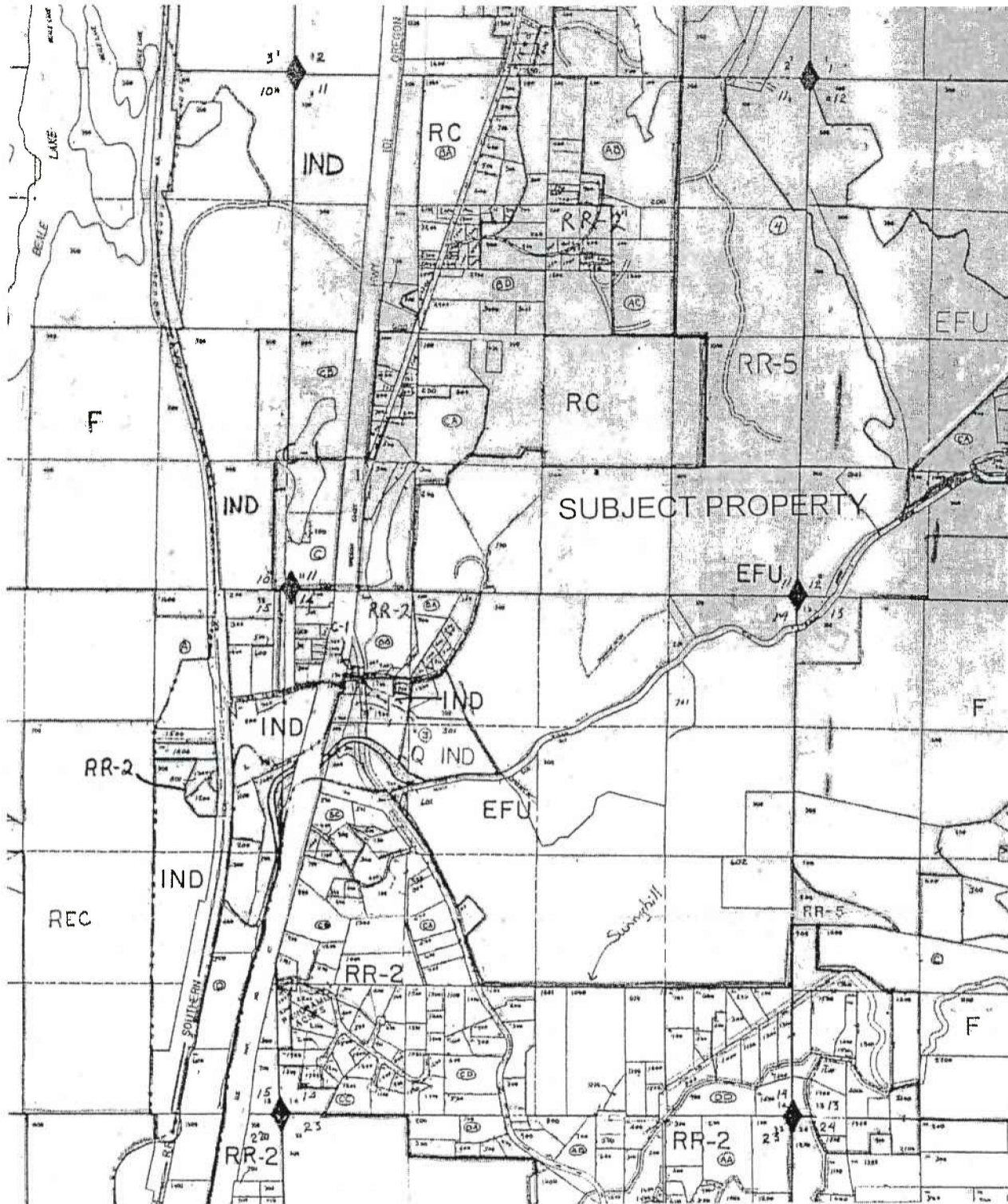
AERIAL PHOTOGRAPH

13

SUBJECT PROPERTY

ORDINANCE 07-02-0011

ZONING MAP



ZONING MAP

ORDINANCE 07-02-004PL

ATTACHMENT A