NOTICE OF ADOPTED AMENDMENT

August 15, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 004-08

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: August 28, 2008

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

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

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

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

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### DLCD Notice of Adoption

**Jurisdiction:** Coos County  
**Date of Adoption:** 8/5/2008  
**Local file number:** AM-08-05/RZ-08-03  
**Date Mailed:** 8/7/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes  
Date: 5/9/2008

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

**Summarize the adopted amendment. Do not use technical terms. Do not write “See Attached”.**

An amendment/rezone request to rezone the subject property from Forest Mixed Use (FMU) and Recreation (REC) to Commercial (C-1) and amend the Coos County Comprehensive Plan map designation.

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

<table>
<thead>
<tr>
<th>Plan Map Changed from: Forest/Recreation</th>
<th>to: Commercial</th>
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<tr>
<td>Zone Map Changed from: Forest (FMU)/Recreation (REC)</td>
<td>to: Commercial (C-1)</td>
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<tr>
<td>Location: T23S R13W S14 TL 500</td>
<td>Acres Involved: 2.55</td>
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Specify Density:  
- Previous:  
- New:  

Applicable statewide planning goals:

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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
August 7, 2008

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

RE: Form 2, DLCD Notice of Adoption for AM-08-05/RZ-08-03, Sandtrax, Inc.

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted Ordinance 08-04-005PL.

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

IN THE MATTER OF AMENDING THE COOS COUNTY ZONING & LAND DEVELOPMENT ORDINANCE AND COMPREHENSIVE PLAN (Sandtrax AM-08-05/RZ-08-03)

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 5th of August, 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 14, Tax Lot 500.

WHEREAS, on April 28, 2008, Sandtrax, Inc. 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 and Recreation to Commercial;

WHEREAS, the application was considered by the Planning Commission at public hearing on July 10, 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 Administrative Rule 660-004-0025 Exception Requirements for Land Physically Developed to Other Uses.

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. The procedural criteria under Article 5.1 have been followed and, after public hearing, investigation and review of the evidence submitted, the Board finds the rezone will conform to the Coos County Comprehensive Plan and Coos County Zoning & Land Development Ordinance by allowing the existing development to continue as commercial use.

2. The existing use will not expand, therefore, the Board finds the use has not and will not seriously interfere with permitted uses on nearby parcels.

3. Prior to acknowledgment, the Planning Commission authorized off-road vehicle rental on the subject property in the Small Woodlot (SW-10) zone\(^1\). The subject property is physically developed to the extent that it is no longer available for uses allowed by Oregon Statewide Planning Goal 4.

\(^1\) The subject property was split zoned SW-10 and Recreation Ordinance 08-04-005PL
ADOPTED this 5th day of AUGUST, 2008.

BOARD OF COMMISSIONERS

[Signatures]

Commissioner

[Signatures]

Commissioner

[Signatures]

Commissioner

ATTEST:

[Signature]
Recording Secretary

APPROVED AS TO FORM:

[Signature]
Office of County Counsel

Ordinance 08-04-005PL