



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

AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 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 011-07



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: February 15, 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

<paa> yal

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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-07-10/RZ-07-10**

Date of Adoption: **1/23/2008**

Date Mailed: **1/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/26/2007

- 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".

An amendment/rezone request to rezone approximately 20 acres of the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU), and to amend the Coos County Comprehensive Plan Designation

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

Plan Map Changed from: **Agricultural**

to: **Forest**

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

to: **Forest Mixed Use**

Location: **T.29, R.13, S.2, Tax lot 901**

Acres Involved: **20**

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**

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 # 011-07 (16505)

DLCD file No. _____

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

Coquille RFPD, Coos Forest Protective Association, ODOT-Roseburg

Local Contact: **Patty Evernden, Planning Director** Phone: (541) 396-3121 Extension: 210
Address: **Coos County Courthouse** Fax Number: **541-396-2690**
City: **Coquille, OR** Zip: **97423-** E-mail Address: **pevernden@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:

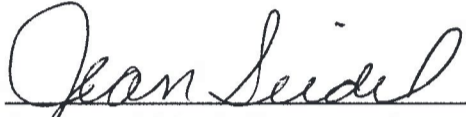
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CERTIFICATE OF MAILING

I hereby certify that on January 25, 2008, I deposited the attached NOTICE OF ADOPTION into the U.S. mail, in an envelope with first class postage affixed thereto.

Dated: January 25, 2008

A handwritten signature in cursive script that reads "Jean Seidel". The signature is written in black ink and is positioned above a horizontal line.

Jean Seidel, Office Specialist II



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 1611

January 25, 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-07-10/RZ-07-10, Lillie

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 08-01-002PL.

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

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Jean Seidel, Office Specialist II

c: David Perry
file



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

NOTICE OF ADOPTION

January 25, 2008

Albert Lillie
92122 Lampa Lane
Myrtle Point, Or. 97458

Re: Amendment/Rezone Application

File: AM-07-10/RZ-07-10 Coos County Ordinance No. 08-01-002PL
Township 29, Range 13, Section 02, Tax Lot# 901

Dear Mr. Lillie:

This is to inform you that on January 23, 2008, the Board of Commissioners adopted the above-referenced Ordinance amending the Coos County Comprehensive Plan (CCCP) and Zoning and Land Development Ordinance (ZLDO) to rezone a portion of the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU).

The adopted ordinance, together with all exhibits adopted as part of the ordinance may be reviewed at the **Coos County Planning Department, 290 N. Central, Coquille, Oregon**, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m.

The adoption of the above-referenced ordinance may be appealed to the Land Use Board of Appeals (LUBA), pursuant to ORS 197.830 to 197.845, by filing a Notice of Intent to Appeal within 21 days of the date this notice was deposited in the mail, as indicated on the attached Certificate of Mailing. LUBA may be contacted by phone at 503-373-1265, or in writing at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301-2552.

If you have any questions pertaining to this notice or the adopted ordinances, please feel free to contact the Planning Department at (541) 396-3121 or 756-2020, extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT


Patty Evernden, Director

w/o attachments

C: Planning Commission
Dave Perry, DLCD
Thomas Guevara, ODOT Roseburg Office
Chris Hood, Stuntzner Engineering
File

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BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

IN THE MATTER OF AMENDING)
THE COOS COUNTY)
COMPREHENSIVE PLAN & COOS) ORDINANCE 08-01-002PL
COUNTY ZONING & LAND)
DEVELOPMENT ORDINANCE)
(Lillie rezone and)
map amendment))

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

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance No. 08-01-002PL".

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of ORS Chapter 215.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend Volume I of the acknowledged Coos County Comprehensive Plan; this Ordinance therefore amends Coos County Ordinance 82-12-022L, and amendments thereto, which adopts Volume I of the Coos County Comprehensive Plan. The purpose of this Ordinance is also to amend Coos County Ordinance 85-03-004L and amendments thereto, which is the Coos County Zoning and Land Development Ordinance that implements Volume I of the Coos County Comprehensive Plan; this Ordinance therefore amends Ordinance 85-03-004L and amendments thereto.

This amendment is necessary to rezone a portion of the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU). The subject property is described as Township 29, Range 13, Section 02, Tax Lot 901 in the County of Coos.

SECTION 4. FINDINGS

The review criteria, evidence and Planning Commission recommendations for the proposed action are set forth in Attachment "A", attached hereto and incorporated herein by this reference, together with the findings of fact and conclusions that the criteria have been satisfied. The Board of Commissioners hereby adopts the findings and conclusions set forth in Attachment "A".

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

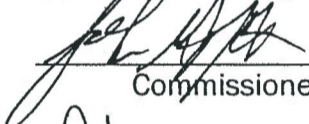
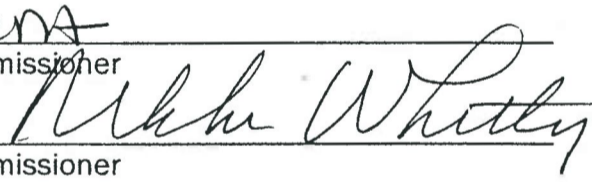
1 Ordinance 82-12-022L and amendments thereto adopting Volume I of the Coos County
2 Comprehensive Plan, and the Plan's map designation described in Section 3, above, are
3 amended as necessary to change the Plan designation of the subject property to Exclusive
4 Farm Use (EFU) and to remove the property from the Rural Unincorporated Community
5 Boundary of Broadbent. Ordinance 85-03-004L and amendments thereto implementing
6 Volume I of the Coos County Comprehensive Plan are amended as necessary to change the
7 official zoning map to reflect the rezone of the subject property to Exclusive Farm Use and to
8 remove the subject property from the Rural Unincorporated Community Boundary of
9 Broadbent.

6 SECTION 6. SEVERANCE CLAUSE

7 If any section, subsection, provision, clause or paragraph of this Ordinance shall be
8 adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid,
9 such judgment shall not affect the validity of the remaining portions of this Ordinance; and it
10 is hereby expressly declared that every other section, subsection, provision, clause or
11 paragraph this Ordinance enacted, irrespective of the enactment or validity of the portion
12 thereof declared to be unconstitutional or invalid, is valid.

11 ADOPTED this 23rd day of January, 2008.


12 BOARD OF COMMISSIONERS

13 
14 Commissioner
15 Absent
16 Commissioner
17 
18 Commissioner

19 ATTEST:

20 
21 Recording Secretary

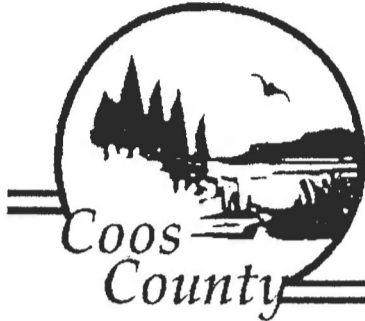
22 APPROVED AS TO FORM:

23 
24 Office of County Counsel

25 SIGNED this 23rd day of January, 2007.

26
27 Effective Date: 1/23/08

28



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

**COOS COUNTY PLANNING COMMISSION
NOTICE OF ACTION**

Date: January 10, 2008
Applicant: Albert Lillie
File Number: AM-07-10/RZ-07-10
Property Description: Township 29, Range 13, Section 02, Tax Lot 901

Facts of the Matter

The applicant, Albert Lillie ("Applicant"), submitted an application for an Amendment/Rezone (File # AM-07-10/RZ-07-10) to allow a plan and zone change of a portion of tax lot 901 (approximately 20 acres) re-designating the zoning to Forest Mixed Use (FMU). The application was submitted on September 26, 2007 ("Application"). The Application was heard at a public hearing on January 3, 2008, ("Hearing"). The Hearing was noticed on December 14, 2007, pursuant to CCZLDO Section 5.7.100.

The subject property is identified as a portion of Township 29, Range 13, Section 02, Tax Lot 901. The subject property is 191.80 acres and is located northwest of the City of Myrtle Point and southwest of the Community of Arago.

Pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.800(1), all lots or parcels lawfully created prior to January 1, 1986, are legal lots or parcels. Pursuant to 1987 Coos County assessment records, the subject property was deeded in DOC # 83-04-2446 to The Robley E. Doyle Living Trust, et al, c/o Albert Lillie, et al. Therefore, this property is a legal lot of record.

The property is multi-zoned EFU & Forest zoning. According to the assessment records there is a barn on this property; however, there are no records to indicate the barn was sited with permits, and that issue will have to be resolved prior to any type of permits being issued on this property.

The subject property is surrounded by EFU on the north and F to the south, east and west. The property appears to have heavy tree vegetation. Properties located within the 500-foot notification area range in size from 0.51 of an acre to 191.80 acres. There are some properties that are owned by a commercial timber company. All other ownerships are private.

B. Volume 1, Part 2, 3.2 Forest Lands (5) Implementation Strategies

FINDING: This Plan Implementation Strategy identifies "Mixed Farm-Forest" areas as those areas that include land currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.

The soils information provided with the application identifies the subject property qualifies for inclusion in the "Mixed Farm-Forest" designation.

III. Oregon Administrative Rule 660-006-0057

Rezoning Land to an Agriculture/Forest Zone

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

FINDING: The applicant demonstrated compliance with the OAR. The soil data demonstrates that the area contains a mixture of agriculture/forest uses such that neither Goal 3 nor 4 can be applied alone.

DECISION

Based on the Facts of the Matter, Findings of the Criteria, staff report, and public testimony received, the Planning Commission unanimously voted to **Recommend Approval** of the application for an Amendment/Rezone (AM-07-09/RZ-07-09) to rezone the subject property from EFU to FMU.

RIGHT TO APPEAL

The Planning Commission's decision is final unless appealed in writing to the Board of Commissioners within 15 days of the date final action was reduced to writing and mailed. This means any appeals filed after **January 25, 2008**, are not timely and will not be considered. Any notice of appeal pursuant to CCZLDO Section 5.8.223 shall be filed with the Department and shall be accompanied by a written statement of the grounds for the appeal and any required filing fee. Appeals before the Board of Commissioners are limited to the record and no additional testimony or evidence will be considered. Please note there will be an additional chance to present testimony and evidence. This matter will be heard before the Board of Commissioners.

BOARD OF COMMISSIONERS HEARING

The hearing before the Board of Commissioners on this matter will take place on January 23, 2008, at 2:00 p.m. in the Board's Courtroom, Coos County Courthouse, 250 N. Baxter, Coquille OR. This hearing was published on January 10, 2008, in the "Myrtle Point Herald".

Questions regarding this decision need to be directed to the Coos County Planning Department at (541) 396-3121 or 756-2020, extension 210.

CRITERIA

- I. Coos County Zoning and Land Development Ordinance –
Section 5.1.400(1) Decisions of the Hearings Body for a Rezone
- II. Coos County Comprehensive Plan
 - A. Volume I, Part 1, Policy 5.4(8)
 - B. Volume I, Part 2, 3.2 Forest Lands (5) Implementation Strategies
- III. Oregon Administrative Rule 660-006-0057

FINDINGS TO THE CRITERIA

I. CCZLDO

Section 5.1.400(1).

- a. the rezoning will conform with the Comprehensive Plan or Section 5.1.250; and
- b. the rezoning will not seriously interfere with permitted uses on other nearby parcels; and
- c. the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

FINDING: The proposed zoning is consistent with Comprehensive Plan provisions and future development will be subject to provisions set forth at Article 4.8 of the CCZLDO.

The rezoning will not affect the rural character of the area and permitted uses on nearby parcels will not be affected. If adopted, the property will be zoned FMU which will allow for both forest and farming to take place. The majority of the adjacent properties are zoned Forest Mixed Use and appear to have both farm and forest vegetation.

Because the Board of Commissioners has adopted no other policies or ordinances applicable to the rezoning of the area, (c) is inapplicable.

II. Comprehensive Plan Amendment

A. Volume I, Part 1, Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states:

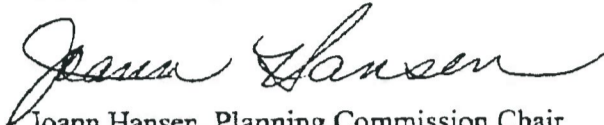
This Plan Policy requires the County to consider and approve where appropriately justified, changes from agriculture to forestry upon findings, which establish:

- I. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,**
- II. That the proposed rezone would not create a nonconforming use,**
- III. That the applicant for the proposed rezone has certified that they understand that the rezone, if granted, could have significant tax consequences.**

FINDING: The subject property would remain in a resource zoning district. The subject property is undeveloped; therefore, rezoning would not create a nonconforming use. The proposed area to be rezoned is part of a larger property that is currently receiving special assessment for growing trees of marketable species and farming.

The applicant has provided a written statement that he understands the potential tax consequences if the property is rezoned.

Sincerely,
COOS COUNTY PLANNING COMMISSION



Joann Hansen, Planning Commission Chair
JH/jb

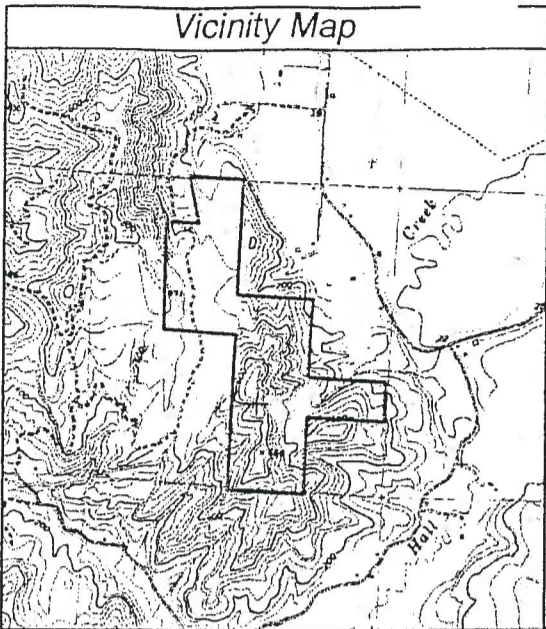
Attachments: Draft Ordinance 01-08-002PL
Staff Report with attachments
Before and after vicinity maps and aerial photo

*With attachments

c: *Board of Commissioners	Applicant
*County Counsel	Owner
David Perry, DLCD	Participants
Planning Commission	File

COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

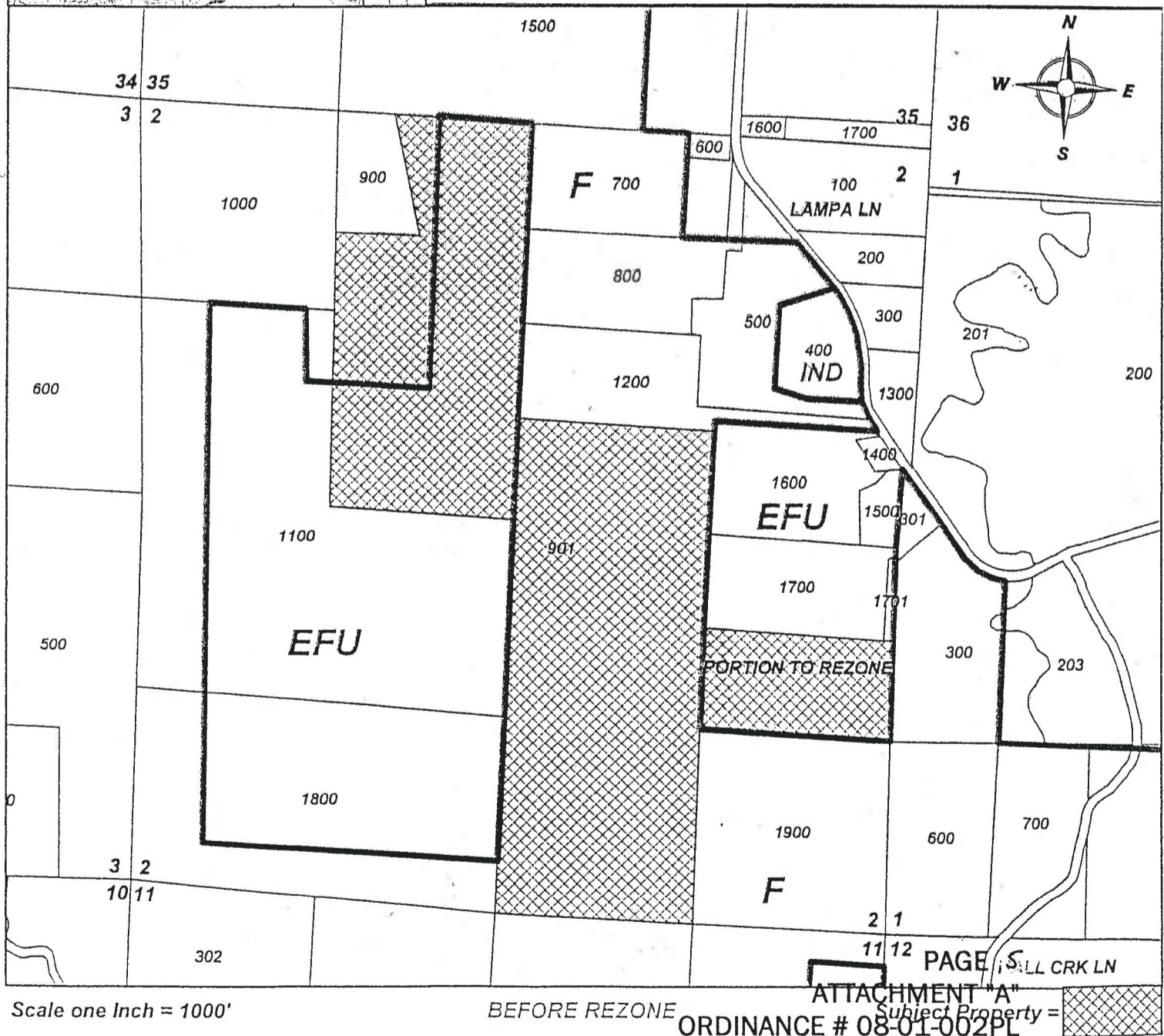


File Number: AM-07-10/RZ-07-10

Applicant: Albert Lillie
92122 Lampa Ln
Myrtle point, OR 97458

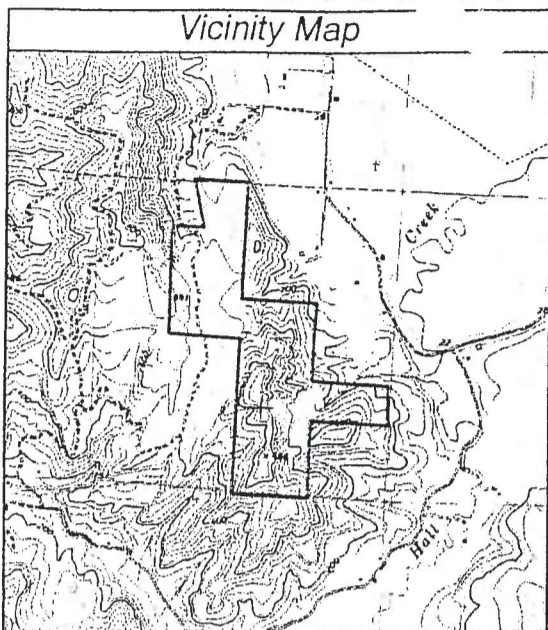
Location: T29 R13 Sec.02 TL 901

Proposal: Rezone portion of property from EFU to F



COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

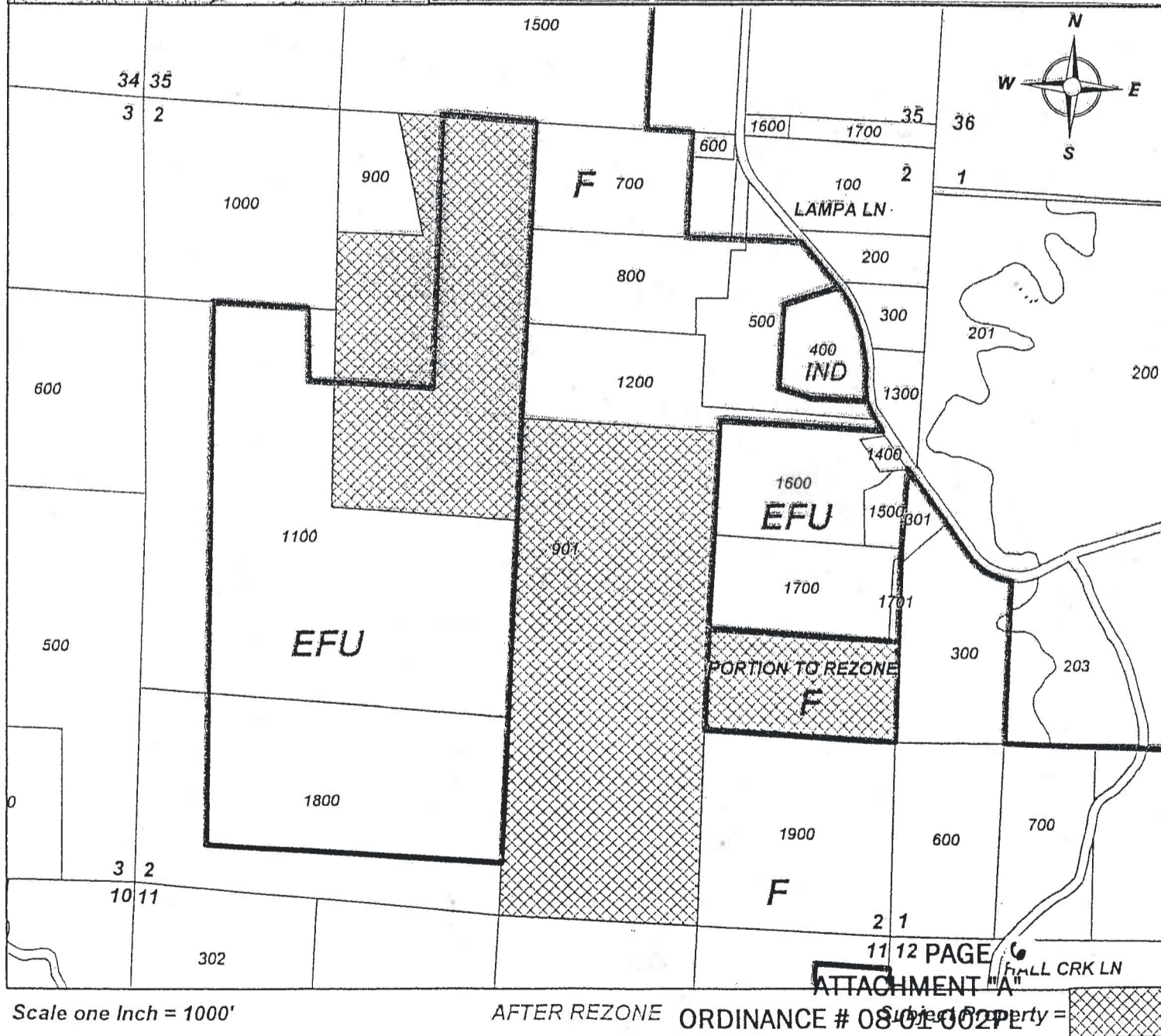


File Number: AM-07-10/RZ-07-10

Applicant: Albert Lillie
92122 Lampa Ln
Myrtle point, OR 97458

Location: T29 R13 Sec.02 TL 901

Proposal: Rezone portion of property from EFU to F



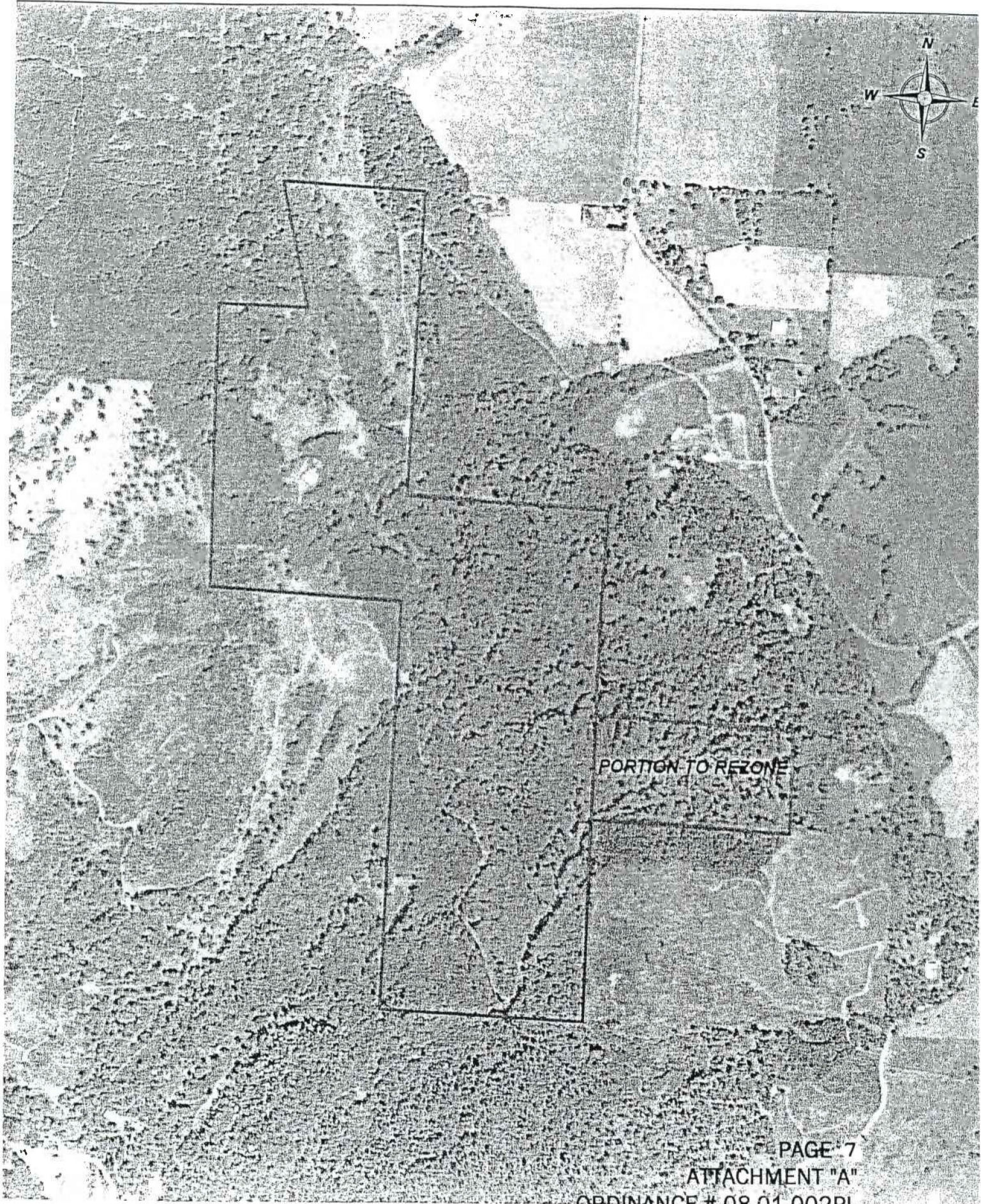
Scale one Inch = 1000'

AFTER REZONE ORDINANCE # 08-01-0027

11 12 PAGE ATTACHMENT A

MILL CRK LN

2005 ORTHO 1" = 800'



LAND SURVEYING PLANNING ENGINEERING WATER RIGHTS FORESTRY GPS & GIS



TELEPHONE (541) 267-2872
FAX (541) 267-0588
EMAIL: stuntzner.com

705 South 4th Street – PO Box 118
Coos Bay, Oregon 97420

COOS BAY • BROOKINGS • FOREST GROVE • DALLAS

ALBERT LILLIE REZONE APPLICATION ADDENDUM

October 18, 2007

Staci Leep, Planner
Coos County Planning Department
Coos County Courthouse Annex
Coquille, Oregon 97423

RE: ALBERT LILLIE REZONE ADDENDUM
T.29, R.13, S.2, Portion of Tax Lot 901

RECEIVED

OCT 22 2007

COOS COUNTY
PLANNING DEPARTMENT

Dear Staci:

Pursuant to your request, we are submitting an addendum to the Albert Lillie rezone application.

The purpose of this addendum is to amend the Albert Lillie rezone application form to include Mr. Lillie's entire ownership. Although the applicant is requesting a rezone of a portion of Tax Lot 901 as identified above, he is also the owner of other contiguous property. The entire ownership is described as follows:

T.29, R.13, S.2, Tax Lots 901, 1100, 1701, 1800

T.29, R.13, S.3, Tax Lots 500, 600

Please include the referenced property with the Albert Lillie application ownership. Also, please include the enclosed amended ownership tract map.

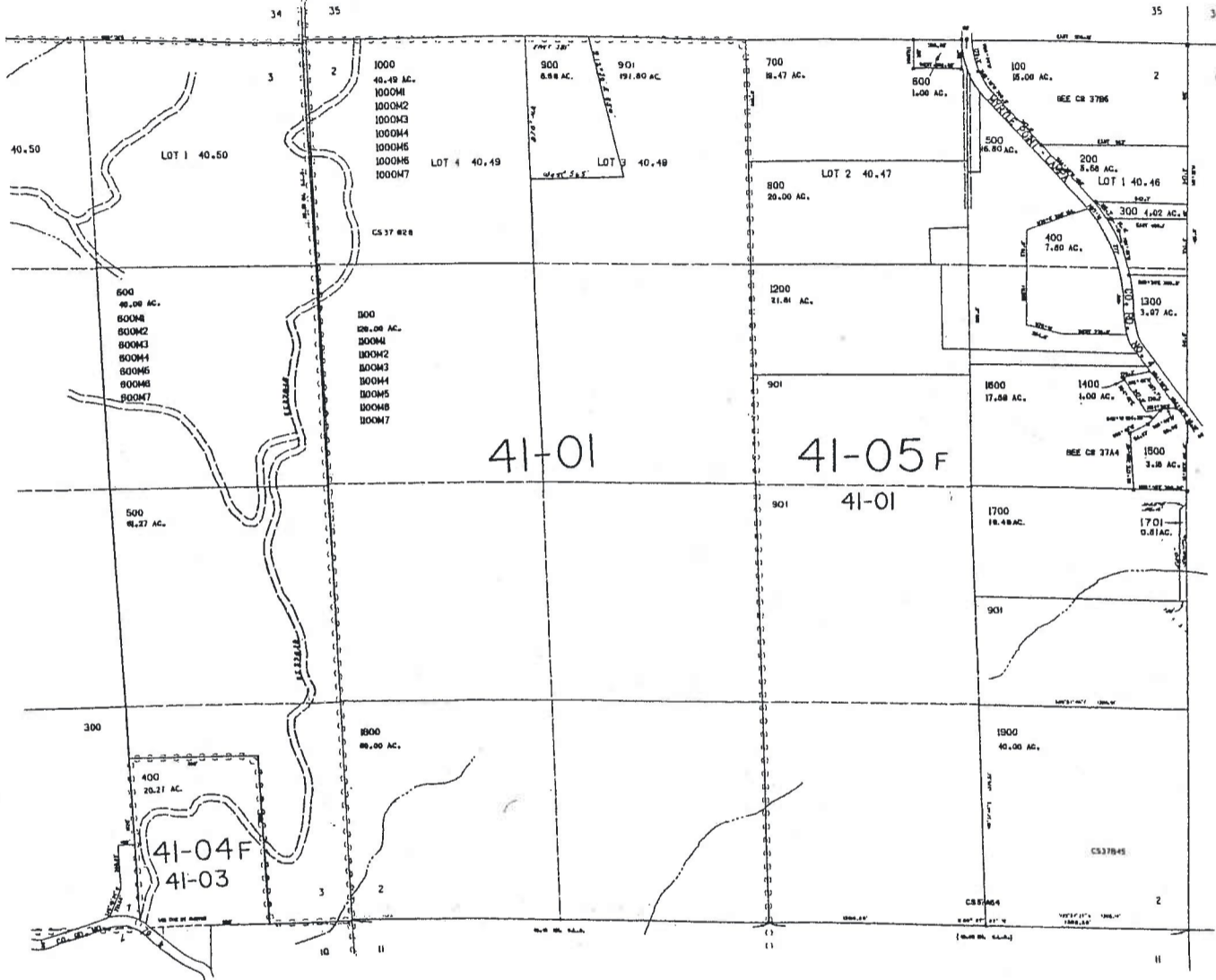
If you have any questions or need more information, please let me know.

Sincerely
STUNTZNER ENGINEERING AND FORESTRY, L.L.C.

A handwritten signature in black ink, appearing to read 'Chris Hood'.

Chris Hood
Enclosure: amended map

PAGE 8
ATTACHMENT "A"
ORDINANCE # 08-01-002PL



OWNERSHIP TRACT

ALBERT LILLIE FARM TO FOREST REZONE &
COMPREHENSIVE PLAN AMENDMENT

LOCATED IN T.29, R.13, S.02, PORTION OF TL.901

SUBJECT PROPERTY: SOUTH HALF (S1/2) OF THE NORTHEAST
QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4)
OF SECTION 2

TABLE OF CONTENTS

APPLICATION

APPLICATION, FINDINGS AND CONCLUSIONS

INTRODUCTION
APPLICATION SUPPLEMENTAL
OREGON ADMINISTRATIVE RULE
COOS COUNTY COMPREHENSIVE PLAN (FOREST LAND)
COOS COUNTY COMPREHENSIVE PLAN (MIXED USE AREAS)

EXHIBITS

GENERAL LOCATION MAP
SUBJECT PROPERTY MAP
AERIAL PHOTOGRAPHS
ZONING MAP
SOILS INFORMATION
DEED OF RECORD

PREPARED FOR

ALBERT LILLIE
92122 LAMPA LANE
MYRTLE POINT, OREGON 97458

PREPARED BY

STUNTZNER ENGINEERING & FORESTRY, L.L.C.
PO BOX 118/705 S. 4TH STREET
COOS BAY, OREGON 97420

PAGE 10
ATTACHMENT "A"
ORDINANCE # 08-01-002PL

Coos County Planning Department
Mail: Coos County Courthouse, Coquille, Oregon 97423
Location: 290 N. Central, Coquille, Oregon 97423
Phone: (541) 396-3121 ext. 210
Fax: (541) 396-2690

File #

AMENDMENT/REZONE APPLICATION

(PLEASE SUBMIT 20 COMPLETE COPIES OF THIS APPLICATION)

The following questions are to be completed in full. An application **will not** be accepted for an 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 Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: ALBERT LILLIE Telephone: 541-396-2778

Address: 92122 LAMPA LANE, MYRTLE POINT, OR 97458

As applicant, I am (check one):

- The owner of the property;
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
- A lessee in possession of the property who has written consent of the owner to make such application;
- The agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

If other than the owner, please give the owner's name and address:

B. DESCRIPTION OF PROPERTY:

Township 29 Range 13 Section 02 Tax Lot PORTION OF 901
Account No. 11771.01 Lot Size 20 ACRES Zoning District FARM
Existing Use FORESTRY 19180 RW

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: FOREST (F) ORDINANCE # 08-01-002PL

D. JUSTIFICATION: SEE APPLICANT'S EXHIBIT "A"

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

Explain and provide documentation: _____

(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? _____
Explain:

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? _____
Explain:

c. Will the rezone comply with other adopted plan policies and ordinances? _____
Explain:

(3) If a Goal Exception is required one of the following sets of criteria must be addressed. An applicant must demonstrate that all of the standards of I, II, or III have been met.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

I. For a "Physically Developed" Exception, OAR 660-004-0025 applies:

a. Findings must demonstrate that land is already physically developed to the extent that it is no longer available for uses allowed by the applicable Goal.

b. Findings must show:

- The exact nature and extent of the area;
- Extent and location of existing physical development;
- Uses allowed by a Goal to which an exception is being taken shall not be used to justify an exception as "physically developed".

II. For an "Irrevocably Committed" Exception, OAR 660-004-0028 applies:

a. An exception is justified under this category when "land subject to the exception is irrevocably committed to uses not allowed by the applicable Goal because existing adjacent uses and other relevant factors make uses allowed by the applicable Goals

impracticable.”

b. Findings must address:

- Existing adjacent uses;
- Public facilities and services;
- Parcel size and ownership patterns:
 - i) This must include an analysis of how existing parcel sizes came about. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment—the County must also show some other type of development to justify commitment.
 - ii) Parcels created under the Goals cannot be used to justify commitment.
 - iii) Differing contiguous parcels under one ownership must be considered as one parcel.
 - iv) Small parcels alone do not justify commitment—parcels must be clustered in a large group and at least partially developed to justify commitment.
 - Neighborhood and regional characteristics;
 - Natural boundaries or other buffers separating the exception area from adjacent resource land;
 - Other relevant factors; and
 - Facts must support a conclusion that it is “impracticable” to apply the Goal.

III. For a “Need” or “Reasons” Exception, OAR 660-004-0022 applies:

- a. Reasons must justify why the state policy embodied in the applicable Goals should not apply.
- b. It must be demonstrated that areas which do not require a new exception cannot reasonably accommodate the use.
- c. The economic, social, environmental and energy consequences resulting from the 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.
- d. The proposed uses must be shown to be compatible with other adjacent uses or can be so rendered.
- e. Reasons 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.”

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

- 1. A legal description of the subject property (deed);
- 2. Covenants or deed restrictions on property, if any;
- 3. A general location map of the property;
- 4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper;
- 5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent

- c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 20 copies of the entire application, including all exhibits and color photocopies, or as directed by the Planning Staff.

G AUTHORIZATION:

I hereby verify that I am authorized to make the application for a rezone and/or amendment and the statements within this application are true and correct to the best of my knowledge and belief. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued on account of false statements or misrepresentation.

PURSUANT TO ORS 215.416(1), THE FOLLOWING FEE REPRESENTS THE AVERAGE COST FOR PROCESSING EACH PERMIT APPLICATION. IF THE ACTUAL COST OF PROCESSING A PERMIT EXCEEDS THE AMOUNT OF THE FEE BY MORE THAN 20%, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING THE FULL AMOUNT OF THE ACTUAL COST.

Albert Lilla

Applicant's Signature

9-26-07

Date

Application Check List (for departmental use only)

Date Received: _____ Receipt number: _____ Fee: _____

Application accepted by: _____ File number assigned: _____

Planner assigned: _____ Date deemed complete: _____

Scheduled PC hearing date: _____ Scheduled BC hearing dates: _____

Ordinance # _____

Date notice mailed to DLCD: _____ Date adoption mailed to DLCD: _____

Other applications included: _____ Plan Map Amendment _____ Plan Text Amendment
 _____ Code Text amendment _____ Other _____

_____ Proposal is located within:

UGB/UCB _____ Planning area _____

Fire District _____ A.O./Airport notification area _____

Floodplain _____ Hazard Area _____ Wetland _____

Wildlife Habitat _____ Riparian Habitat _____

Historic/Arc _____

Accurate maps and site plans _____ # of copies received _____

APPLICANTS EXHIBIT "A"

LILLIE FARM TO FOREST PLAN AMENDMENT AND REZONE

INTRODUCTION

BACKGROUND

The applicant is the owner of a 493 ± acre tract that is generally located in the Arago area of Coos County. Access to the subject property is provided by private easement from Lampa-Myrtle Point County Road.

The subject ownership currently contains both Exclusive Farm Use (EFU) and Forest (F) zone districts and is managed by the applicant for both farm and forest uses. There is a 20-acre segment (subject property) of the ownership along its easterly boundary that is currently zoned EFU. The subject property is surrounded on its southerly, easterly and westerly boundaries by forest-zoned lands that are currently in forest production. The segment is in forest use and contains forest type soils. It is the applicant's desire to rezone that segment from Exclusive Farm Use (EFU) to Forest (F) to better reflect the nature and use of the land.

Surrounding Lands

The subject property is surrounded on its southerly, easterly and westerly boundaries by forest-zoned lands that are currently in forest production. The land to the north is currently zone Exclusive Farm Use although it appears to be predominantly in forest use.

Land Topography and Soil Types

The subject property contains both easterly and westerly slopes with a ridgeline running southwesterly through the center of the property. The slopes vary from 40 percent in the steepest areas to 10 percent along benched areas. According to the United States Natural Resource Conservation Service (NRCS) survey maps, the entire property contains Rinearson Silt Loam soils with 0 to 50 percent slopes.

For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 170. A 170-site index equates to some of the best timber growing soil in Coos County.

Current Use of the Property

The subject is currently and has historically been managed as forestland. The land is vacant with no structural development.

Goals and Comprehensive Plan Provisions

Pursuant to Statewide Land Planning Goal 4 (Forest Lands), where a plan amendment is proposed, forestlands shall include lands that are suitable for commercial forest uses. Based upon the identified forest soils and historic forest use, the subject property is forestland by use and definition.

The soil types on the tract are subclass VIe agricultural soils, however, there is a mixture of farm and forest uses within the applicant's ownership as well as on other adjacent lands. Therefore, with consideration given to the historic forest use and forest soil types, and the surrounding mixture of agricultural uses, a more appropriate zone district for the subject property is Forest (F) with a mixed-use agricultural overlay.

Therefore, pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, Oregon Statewide Planning Goals 3 and 4, and the applicable Administrative Rules, the applicant is requesting a change in the zone designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed-use agricultural overlay. The requested change will better support the suitability and predominant (forest) characteristics and the subordinate agricultural characteristics and uses on adjacent lands.

APPLICATION REQUEST

This request is to amend the Coos County Comprehensive Plan Designation for the subject property from Agriculture to Forest and to change the zone designation of the implementing Coos County Zoning and Land Development Ordinance from Exclusive Farm Use (EFU) to Forest (F) with a mixed-use agricultural overlay.

APPLICATION SUPPLEMENTAL

JUSTIFICATION:

- (1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following questions must be answered:

a) were the lots or parcels for which a rezone request is made physically developed for a non-farm use prior to February 16, 1983? Explain and provide documentation:

FINDING: No. *The purpose of this rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest (F) with a mixed-use overlay to reflect the suitability and predominant "forest" characteristics and the subordinate agricultural characteristics. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation provided it can be documented that the requested zone designation satisfies definitions prescribed by the pertaining Goal (see *OAR 660-33-030(4) below). Furthermore, standard farm practices are allowed outright in the Forest zone district.*

**OAR 660-33-030(4) When inventoried land satisfies the definition requirements of both agricultural land and forestland, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

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? Explain:

FINDING: Yes. *Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa, provided adequate findings are made supporting the request.*

This policy also recognizes "That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

b) will the rezone seriously interfere with permitted uses on other nearby parcels? Explain:

FINDING: No. *This request is to rezone the subject property to reflect the existing forest use and the agricultural characteristics of adjacent lands. The area proposed for rezone is surrounded on its south, east and west boundaries by forest-zoned lands that are currently in forest production. The subject 20-acre segment is also in forest use and contains forest type soils. The land to the north*

is currently zoned Exclusive Farm Use, although it appears to be predominantly in forest use.

It is an excepted principal that both farm uses and forest uses are generally compatible. And because the majority of the land encompassing the rezone area is currently in forest uses, there is no reason to believe the rezone will seriously interfere with permitted resource uses, whether farm or forest, on other nearby parcels.

2) will the rezone comply with other adopted plan policies and ordinances?

FINDING: Yes. The intent of this application is to adopt an appropriate zone designation for the subject property pursuant to Oregon Statewide Planning Goal 4 (Forestry) and those portions of the Coos County Comprehensive Plan and Zoning Ordinance that have been acknowledged to be in compliance with Goal 4. Because this rezone is intended to bring the property into compliance with the acknowledged provisions of the Comprehensive Plan, it can be assumed the rezone is also in compliance with the implementing zoning ordinance.

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 re-planned 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, the entire property contains Rinearson Silt Loam soils with 0 to 50 percent slopes. For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 170. A 170-site index equates to some of the best timber growing soil in Coos County.

The soil types on the tract are subclass Vle agricultural soils, however, there is a mixture of farm and forest uses within the applicant's ownership as well as on other adjacent lands. Therefore with consideration given to the historic forest use and forest soil types, and the surrounding mixture of agricultural uses, a more appropriate zone district for the subject property is Forest (F) with a mixed-use agricultural overlay.

CONCLUSION

Based upon the forest use and characteristics of the subject property together with the agricultural and forestry 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 use existing 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.

FINDING: According to the United States Natural Resource Conservation Service (NRCS) survey maps the entire property contains Rinearson Silt Loam soils with 0 to 50 percent slopes. For forestry purposes, on a 100-year site curve, the mean site index for Douglas Fir is 170. A 170-site index equates to some of the best timber growing soil in Coos County.

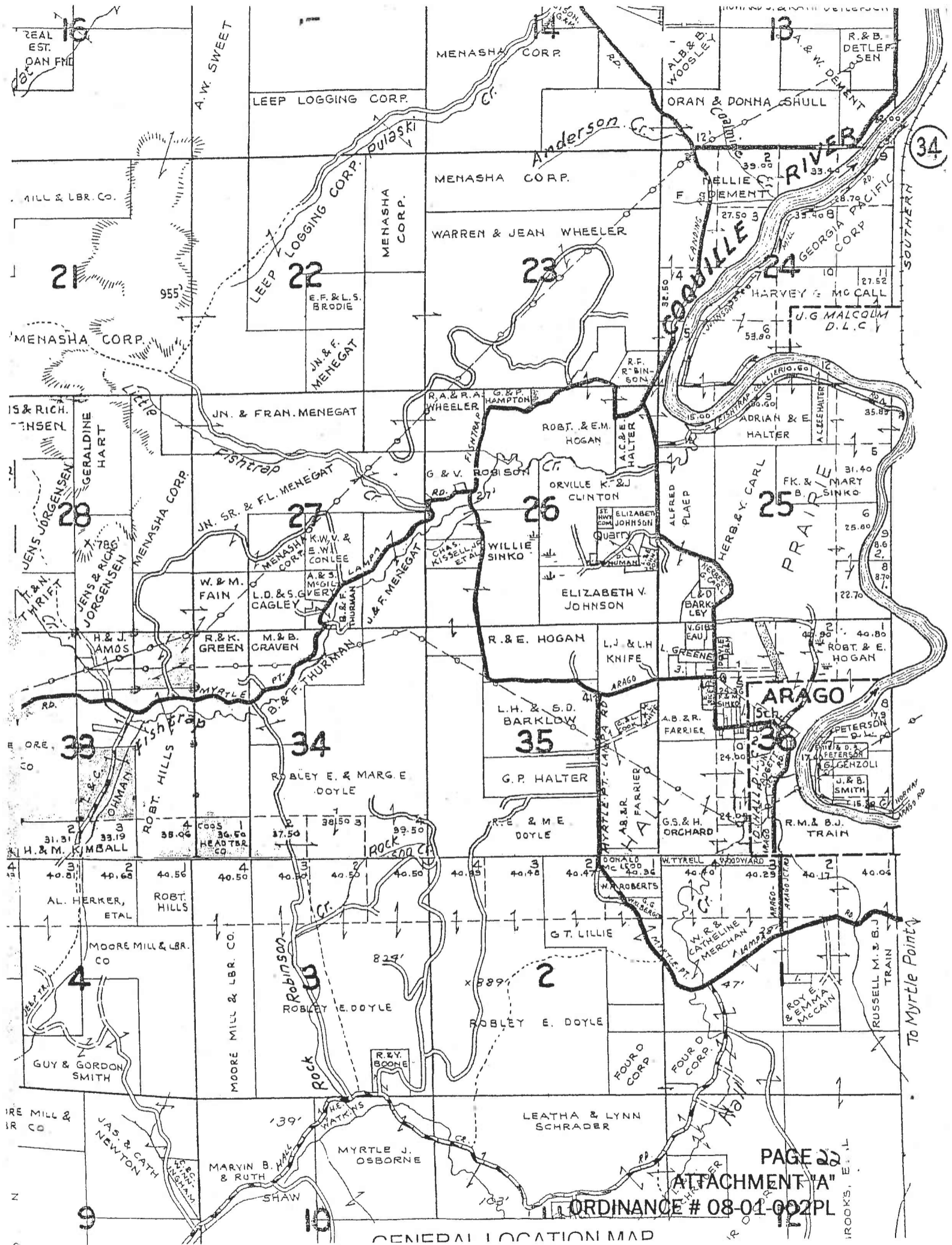
The soil types on the tract are subclass Vle agricultural soils, however, the applicant's ownership, as well as the surrounding area, contains a mixture of both farm and forest uses.

CONCLUSION

The lands surrounding the area proposed for rezone contain soil, topographic features and ground cover that are best suited to a combination of forest and agricultural uses. Those areas are generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas. It is clear that the surrounding area is co-managed for both farm and forest uses.

FINAL CONCLUSION

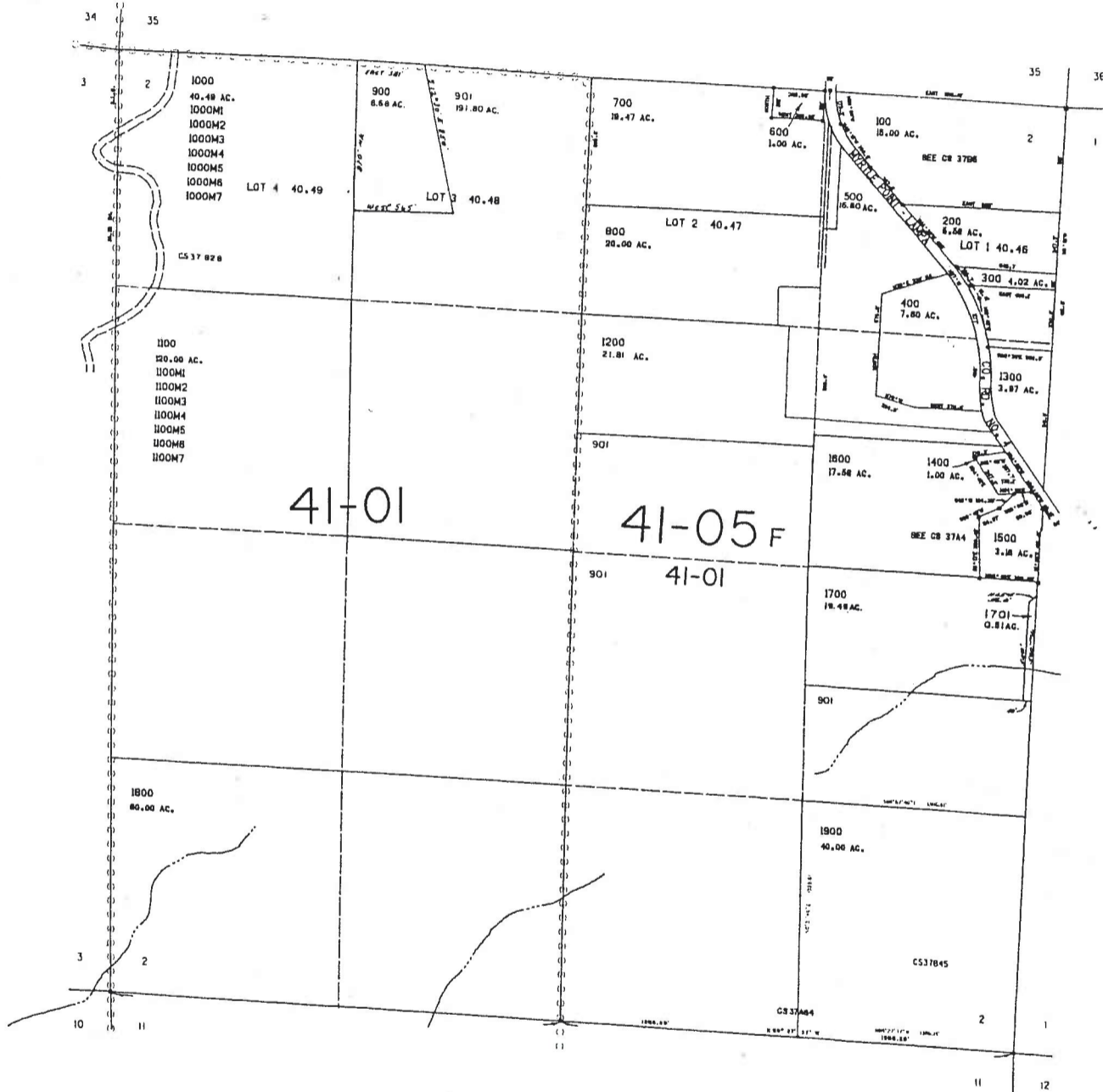
Based upon the submitted evidence addressing Appendix 1, Volume 1 Policy 5.4(8) and Volume 1, Part 2, Setting 3.2(5) of the Coos County Comprehensive Plan and the Oregon Statewide Planning Goals 3 and 4, a conclusion can be made that the applicable criteria has been satisfied and that a Forest (F) zone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



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 2 T.29S. R.13W. W.M.
COOS COUNTY

29 13 2

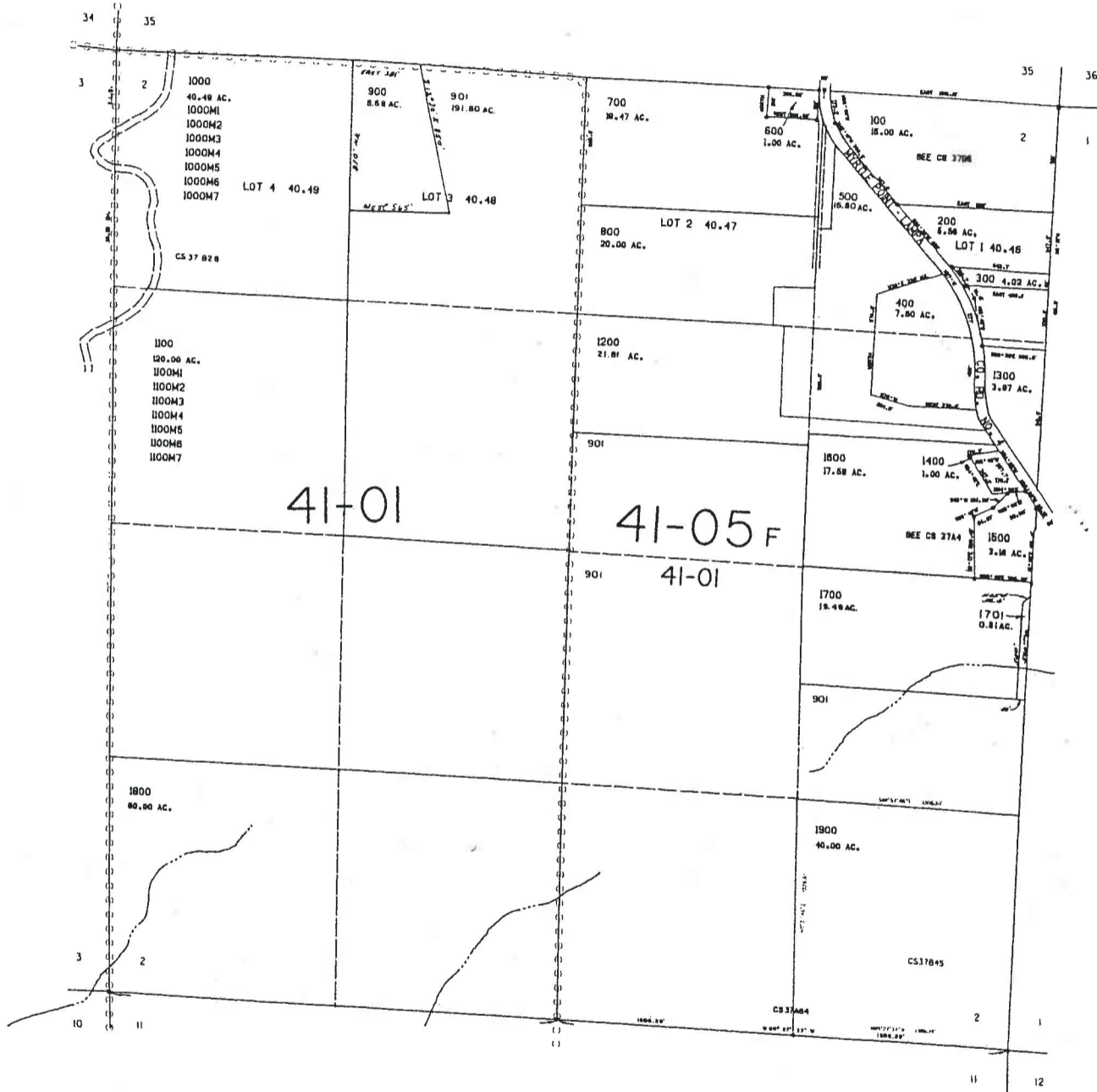


29 13 2

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 2 T.29S. R.13W. W.M.
COOS COUNTY

29 13 2



29 13 2



AERIAL PHOTOGRAPH

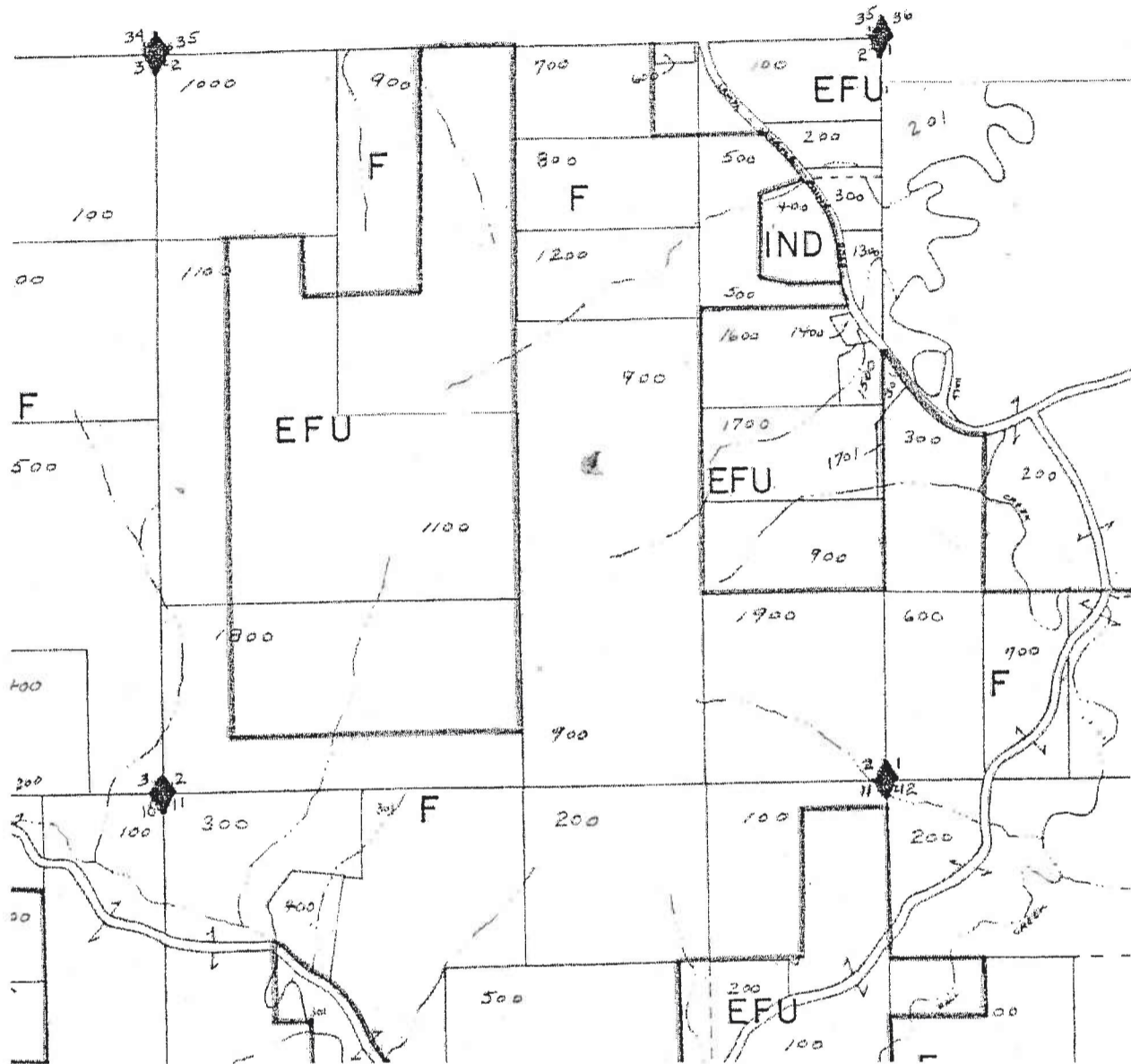
GENERAL LOCATION

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ATTACHMENT "A"
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AERIAL PHOTOGRAPH
SUBJECT PROPERTY

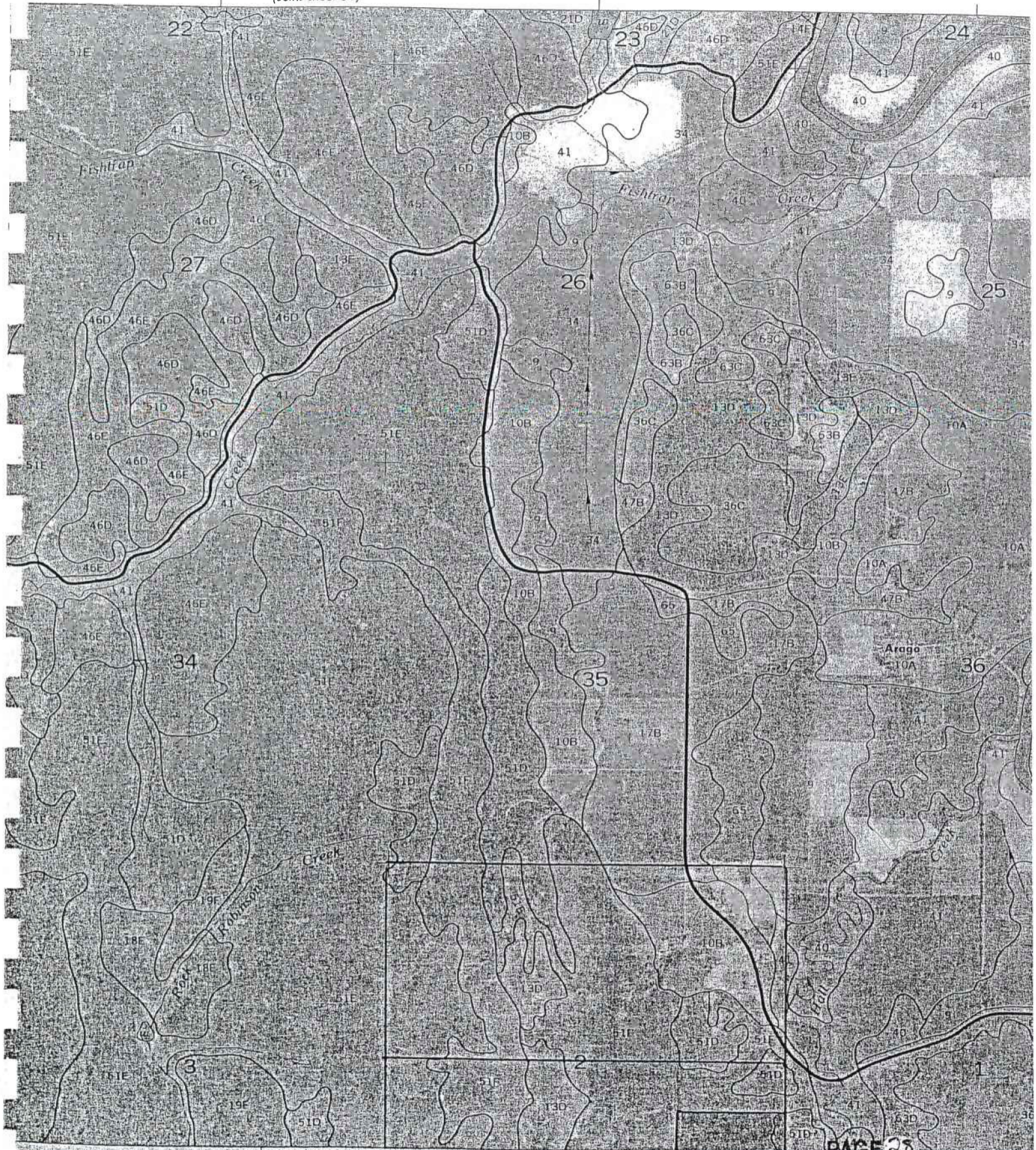
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ZONING MAP

SOIL SURVEY OF COOS COUNTY

(Joins sheet 51)



(Joins sheet 54)

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ATTACHMENT "A"
SOILS INFORMATION ORDINANCE # 08-01-002PL



rapid and the hazard of water erosion is high.

The Digger soil is moderately deep and well drained. It formed in colluvium derived dominantly from sedimentary rock. Typically, the surface is covered with a mat of undecomposed leaves, moss, and twigs 1 inch thick. The surface layer is dark brown gravelly loam 6 inches thick. The upper 3 inches of the subsoil is dark yellowish brown gravelly loam, and the lower 18 inches is brown very gravelly loam and very cobbly loam. The substratum is brown extremely cobbly loam 4 inches thick. Weathered, fractured sandstone is at a depth of 31 inches.

Permeability of the Digger soil is moderately rapid. Available water capacity is about 2 to 5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

The Preacher soil is deep and well drained. It formed in colluvium and residuum derived dominantly from arkosic sandstone. Typically, the surface is covered with a mat of organic litter 4 inches thick. The surface layer is very dark grayish brown and dark brown loam 14 inches thick. The subsoil is dark yellowish brown clay loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown clay loam.

Permeability of the Preacher soil is moderate. Available water capacity is about 6.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used mainly for timber production and wildlife habitat.

This unit is well suited to the production of Douglas fir. Among the other species that grow on the unit are western hemlock, western redcedar, red alder, bigleaf maple, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, red huckleberry, cascade Oregon grape, salal, western swordfern, and Pacific trillium.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 145 on the Remote soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 152 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 111.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Digger soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 122.

On the basis of a 100-year site curve, the mean site

index for Douglas fir is 170 on the Preacher soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, the hazard of windthrow on the Remote and Digger soils, and plant competition. The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

Because the growth of roots is restricted by bedrock, trees on the Remote and Digger soils commonly are subject to windthrow. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass VIe.

51D—Rinearson silt loam, 0 to 30 percent slopes

This deep, well drained soil is on ridgetops and side slopes of mountains. It formed in residuum and colluvium derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs and hardwoods. Elevation is 300 to 1,000 feet. The average annual precipitation is 60 to 85 inches, the

average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 6 inches thick. The upper 12 inches of the subsoil is dark reddish brown silt loam, and the lower 24 inches is reddish brown and dark reddish brown silty clay loam. Weathered sandstone is at a depth of 42 inches.

Included in this unit are small areas of Dement and Remote soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Rinearson soil is moderate. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used mainly for timber production and wildlife habitat. It is also used for homesite development and livestock grazing.

This unit is suited to the production of Douglas fir. Among the other species that grow on the soil in the unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, trailing blackberry, western swordfern, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment damages the soil less and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing

for year-round use. Rock for road construction is not readily available in this unit.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting western hemlock and Douglas fir seedlings.

If this unit is used for livestock grazing, the main limitation is the susceptibility of the surface layer to compaction. Grazing cattle when the soil is moist results in compaction of the surface layer, poor tilth, and excessive runoff. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of slope in the steeper areas and an inadequate water supply.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion. Rotation grazing increases the production of forage and helps to control weeds and brush.

If this unit is used for homesite development, the main limitations are slope in the steeper areas and depth to bedrock. Some areas of the soil in this unit generally are too steep for proper operation of septic tank absorption fields. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep. Because of the depth to bedrock, onsite investigation is needed so that the absorption fields can be located where the soil depth is greatest.

Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. In summer, supplemental irrigation is needed

for lawn grasses and vegetable gardens.

This map unit is in capability subclass VIe.

51E—Rinearson silt loam, 30 to 50 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 300 to 1,000 feet. The average annual precipitation is 60 to 85 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 6 inches thick. The upper 12 inches of the subsoil is dark reddish brown silt loam, and the lower 24 inches is reddish brown and dark reddish brown silty clay loam. Weathered sandstone is at a depth of 42 inches.

Included in this unit are small areas of Dement and Remote soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Rinearson soil is moderate. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used mainly for timber production and wildlife habitat.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, trailing blackberry, western swordfern, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, and plant competition. The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of topsoil occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help to maintain productivity.

Proper design of road drainage systems and care in

the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting western hemlock and Douglas fir seedlings.

This map unit is in capability subclass VIe.

51F—Rinearson silt loam, 50 to 70 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 300 to 1,000 feet. The average annual precipitation is 60 to 85 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 6 inches thick. The upper 12 inches of the subsoil is dark reddish brown silt loam, and the lower 24 inches is reddish brown and dark reddish brown silty clay loam. Weathered sandstone is at a depth of 42 inches.

Included in this unit are small areas of Preacher and Remote soils. Also included are small areas of Milbury soils in the central and northwestern parts of the survey area. Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Rinearson soil is moderate. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production and wildlife habitat.

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

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AFTER RECORDING, RETURN TO: Daniel M. Hinrichs, P.C., 590 Commercial, Coos Bay, Oregon 97420

BARGAIN AND SALE DEED

CINDY LEE LILLIE, Grantor, conveys to ALBERT THOMAS LILLIE, Grantee, all of her interest in the following described real properties:

See Exhibits "A" through "F" attached hereto and incorporated herein by this reference.

The true and actual consideration for this conveyance in terms of dollars is none. This conveyance is made pursuant to a Stipulated Judgment of Dissolution of Marriage entered in Coos County Case No. 02DM0021 on July 1, 2002.

Until a change is requested all future tax statements should be sent to Grantee at the following address: Albert Lillie 92122 Lamp Lane Myrtle Point OR.

97458

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 27 day of December, 2002.

Cindy Lee Lillie
CINDY LEE LILLIE

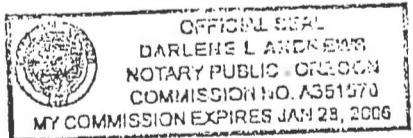
STATE OF OREGON)

County of Coos) ss: Dec. 27, 2002.

Personally appeared the above-named CINDY LEE LILLIE and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Darlene L. Andrews
Notary Public for Oregon



COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

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Beginning at a point on the West boundary of the Lampa Mt. to Myrtle Point Road (county road), said point being West 400.00 feet, more or less, from the Southeast corner of the NE ¼ NE ¼ of Section 2, Township 29 South, Range 13 West of the Willamette Meridian, and running then Southeasterly along the West boundary of said county road 400.00 feet, more or less, then leaving the county road boundary and running West 370.00 feet, then North 79° 00' West 224.00 feet, then North 570.00 feet, then North 70° 00' East 320.00 feet, more or less, to the West boundary of the county road, then Southeasterly along said West boundary 420 feet, more or less, to the point of beginning, containing 7.6 acres, more or less.

Tax Account Nos. 11768.93 and 11768.03



ATTACHMENT "A"
ORDINANCE # 08-01-002PL

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

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The South 1/2 of the Northwest 1/4; the Southwest 1/4; the West 1/2 of the Southeast 1/4; the South 1/2 of the Northeast 1/4 of the Southeast 1/4; the South 1/2 of the Southwest 1/4 of the Northeast 1/4; and Government Lot 3 of Section 2, Township 29 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, EXCEPT the following:

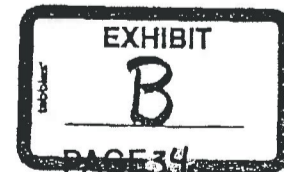
Beginning at the Northwest corner of said Government Lot 3; thence East along the North line of said Government Lot a distance of 381 feet; thence South 12° 30' East 850 feet; thence West 565 feet to the West line of said Government Lot 3; thence North along the West line of said Government Lot a distance of 830 feet, more or less, to the point of beginning.

ALSO: The Southeast 1/4 of the Northeast 1/4; the East 1/2 of the Southeast 1/4 of Section 3, Township 29 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; EXCEPT the following:

Beginning at the Southwest corner of the East 1/2 of the Southeast 1/4 of said Section 3; thence East 800 feet; thence North 1020 feet; thence West 800 feet; thence South 1020 feet, more or less, to the pointing of beginning.

TOGETHER WITH that certain gateway roadway and all rights acquired thereunder as set forth in that certain Warranty Deed dated May 29, 1957, and recorded June 3, 1957, in Book 258, Page 453, Deed Records of Coos County, Oregon.

Tax Account Nos. 11771.01, 11772.00, 11773.00, 11775.00, and 11779.01.



ATTACHMENT "A"
ORDINANCE # 08-01-002PL

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

01/08/2003
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That portion of the North ½ of the SW ¼ of Section 1, Township 29 South, Range 13, West of the Willamette Meridian in Coos County, Oregon, bounded on the West by the center line of Hall Creek; on the North by the Lampa-Myrtle Point County Road and on the East by the Hall Creek County Road.

EXCEPTING THEREFROM:

An easement for a water pipeline as the same is now located for the use and benefit of the real property lying East of that herein conveyed.

Tax Account No. 11761.04



ATTACHMENT "A"
ORDINANCE # 08-01-002PL

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

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Beginning at the East ¼ corner of Sec 2, in T. 29 S., R. 13 WWM, and running then South along the Sec. line 75.00 feet to the true point of beginning of the following described tract; and running then South along the Sec. line 560 feet more or less to the Southeast corner of the N½NE¼SE¼ of said Sec 2; then West 40.00 feet; then North on a line parallel with and 40.00 feet from the East line of said Sec 2 for a distance of 520.00 feet more or less to a point South 45° 00' West from the pointing of beginning; then North 45° 00' East 56.6 feet to the point of beginning containing 0.51 acres more or less.

Tax Account No. 11768.08



ATTACHMENT "A"
ORDINANCE # 08-01-002PL

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

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That portion of the West 1/2 of the NW 1/4, except the North 297 feet thereof, and the NW 1/4 of the SW 1/4 of Section 1, Township 29 South, Range 13, West of the Willamette Meridian, in Coos County, Oregon, lying West of the center line of Hall Creek and North and East of the Myrtle Point-Lampa County Road.

Tax Account No. 11761.03



ATTACHMENT "A"
ORDINANCE # 08-01-002PL

COOS COUNTY, COQUILLE TOTAL \$56.00
TERRI L. TURI, COOS COUNTY CLERK

01/08/2003
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PARCEL 1:

That part of the North 590 feet of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 29 South, Range 13, West of the Willamette Meridian, lying West of the Lampa to Myrtle Point Road (County Road) and that part of Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) in Section 2, Township 29 South, Range 13, West of the Willamette Meridian, Coos County, Oregon, lying West of the Lampa to Myrtle Point Road, but excepting the following described parcel:

Beginning at a point on the West boundary of the Lampa Mountain to Myrtle Point Road (county road) said point being West 400.00 feet, more or less, from the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 29 South, Range 13, West of the Willamette Meridian, Coos County, Oregon, and running then Southeasterly along the West boundary of said county road 400.00 feet, then leaving the county road boundary and running West 370.00 feet, then North 79° 00' West 224.00 feet, then North 570.00 feet, then North 70° 00' East 320.00 feet, more or less, to the West boundary of the county road, then Southeasterly along said West Boundary 420 feet, more or less, to the point of beginning; containing 7.6 acres, more or less.

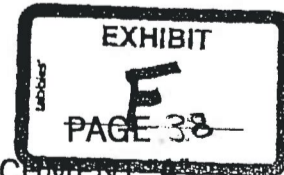
PARCEL 2:

Beginning at the NE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 29 South, Range 13 WWM and running then West along the $\frac{1}{4}$ $\frac{1}{4}$ line 155.00 feet; then South on a line parallel with and 155.00 feet from the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 515.00 feet; then East on a line parallel with the North Line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 155.00 feet to the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; then North along the $\frac{1}{4}$ $\frac{1}{4}$ line 515 feet to the point of beginning containing 1.81 acres.

PARCEL 3:

Beginning at the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 29 South, Range 13 WWM and running then North along the $\frac{1}{4}$ $\frac{1}{4}$ line 200.00 feet; then West 225.00 feet; then South 200.00 feet; then East along the $\frac{1}{4}$ $\frac{1}{4}$ line 225.00 feet to the point of beginning containing 1.03 acres more or less.

Tax Account Nos. 11768.00 and 11768.90.



ATTACHMENT A
ORDINANCE # 08-01-002PL

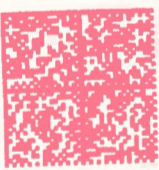
6006 COUNTY PLANNING DEPT
COURTHOUSE (COQUILLE AVENUE)
COQUILLE, OR 97423

CERTIFIED MAIL



7000 1530 0006 2168 1611

Larry French
Plan Amendment Specialist
DLCD
635 Capitol St. NE, Ste. 150
Salem OR 97301-2540



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