



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/27/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, September 10, 2010

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Patty Evernden, Coos County
Jon Jinings, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative

<paa> YA

Notice of Adoption

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

In person electronic mailed

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DEPT OF

AUG 20 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Coos County**

Local file number: **AM-10-01/RZ-10-01**

Date of Adoption: **8/17/10**

Date Mailed: **8/19/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/10/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

A Comprehensive Plan Map Amendments to change the Plan Map designations from Agriculture to Forest and amendments to the change the zoning map designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed use overlay for a portion (approximately 3 acres) of the 11+ acre subject property.

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

Plan Map Changed from: **Agriculture**

to: **Forest**

Zone Map Changed from: **Exclusive Farm Use (EFU)**

to: **Forest Mixed Use (FMU)**

Location: **Township 28, Range 14, Section 19, tax lot 30**

Acres Involved: **3 acres**

Specify Density: Previous: **80 acres**

New: **80 acres**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-10 (18353) [16289]

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

ODOT-Roseburg, Coquille Tribe, Bandon RFPD and Southern Coast General Hospital District, City of Bandon.

Local Contact: **Patty Evernden, Planning Director** Phone: **(541) 396-3121** Extension: **210**
Address: **250 N. Baxter** Fax Number: **541-756-8630**
City: **Coquille** Zip: **97423** E-mail Address: **jrolfe@co.coos.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

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3)
4 IN THE MATTER OF AMENDING THE COOS)
5)
6 COUNTY COMPREHENSIVE PLAN & COOS) ORDINANCE 10-05-004PL
7)
8 COUNTY ZONING & LAND DEVELOPMENT)
9)
10 ORDINANCE (COLLIER REZONE))
11)
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9 This matter came before the Coos county Board of Commissioners sitting for
10 the transaction of business on the August 17, 2010, concerning amendments to
11 the Coos county Comprehensive Plan and Coos County Zoning & Land Development
12 Ordinance. Specifically, The Board considered a plan amendment and rezone of
13 a portion of the subject property described as Township 28, Range 14, Section
14 19, Tax Lot 300.

15 WHEREAS, on May 17, 2010, David and Kathleen Collier filed an application to
16 amend the Coos County Comprehensive Plan Map and the Zoning Map to change the
17 current zoning for a portion of the subject property from Exclusive Farm Use
18 to Forest Mixed Use;

19 WHEREAS, the application was considered by the Special Hearings Officers at
20 public hearing on August 5, 2010, and following deliberation, the Special
21 Hearings Officers recommended the Board of Commissioners approve the
22 proposal;

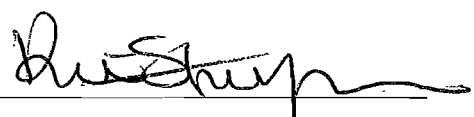
23 WHEREAS, consideration for the ordinance complies with Coos County Zoning &
24 Land Development Ordinance Section 5.1.400 criteria for rezones.
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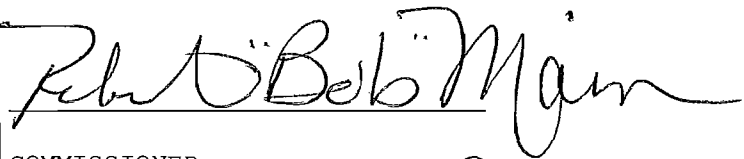
WHEREAS, all notices to interested property owners and interested parties
have been provided pursuant to law; now therefore, THE BOARD OF COMMISSIONERS
adopts the Findings and Conclusions in Attachment "A".

ADOPTED this 17th day of August 2010.

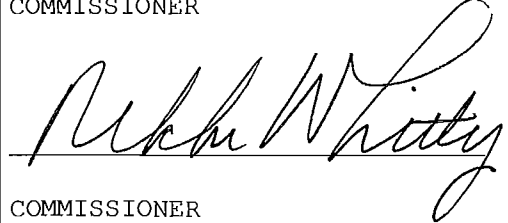
BOARD OF COMMISSIONERS



COMMISSIONER



COMMISSIONER

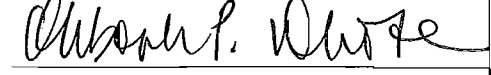


COMMISSIONER

ATTEST:


Recording Secretary

APPROVED AS TO FORM:


Office of Legal Counsel

ATTACHMENT "A"

I. Brief Statement of Application and Decision

The applicants, David and Kathleen Collier, own property legally described as township 28, range 14, section 19, tax lot 300 located north of Bandon, Oregon. The subject property is currently zoned Exclusive Farm Use (EFU). The Colliers have applied for a rezone of a portion of the subject property to Forest within the farm-forest mixed use overlay. The rezone was requested on the basis the rezone area meets the definition for forestland in the county's zoning code.

The Planning Commission held a public hearing to consider the application on August 5, 2010. Because there was not a quorum present staff appointed Special Hearings Officers pursuant to Coos County Zoning and Land Development Ordinance (LDO) §1.3.985. After reviewing the testimony and evidence in the record, the Special Hearings Officers determined that there was substantial evidence to support the findings that the rezone area was appropriate for rezoning to Forest with inclusion the mixed use overlay. The Special Hearings Officers unanimously moved approval of the request and directed that the matter be forwarded to the Board of Commissioners with their recommendation of approval for the rezoning of approximately 3.16 acres of the 11.87 acre subject property.

The Coos County Board of Commissioners held its public hearing to consider the Special Hearings Officers' recommendation of approval for the rezone application on August 17, 2010. After reviewing the testimony and evidence in the record, including the testimony in the record, the Board of Commissioners agreed with the Special Hearings Officers that there was substantial evidence to support the findings that the rezoning was appropriate. The Board of Commissioners unanimously approved the rezoning of the subject property.

The requested rezone meets all criteria as set forth below.

II. Property and Ownership Information

The subject property is owned by David and Kathleen Collier and is identified as Township 28, Range 14, Section 19, tax lot 300.

The subject property is located north of the City of Bandon. Access is provided off of Ferry Road which is a relatively short, gravel road that employs an underpass (under Highway 101) and terminating at Riverside Drive. Riverside Drive is a two-lane road that flows north connecting to Highway 101 and winds south into Bandon city center. The current zoning of the subject property is EFU. The rezone area is approximately 3.16 acres, the 11.87 acre subject property is currently undeveloped.

III. FINDINGS

CCZLDO Section 5.1.400(1) Decisions of the Hearings Body for a Rezone. The Hearings Body shall, after a public hearing on any rezone application, either;

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
 - 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 the Comprehensive Plan provisions and future development will be subject to the provisions of Article 4.8 of the CCZLDO. The soils would support a Forest mixed use Zoning because Statewide Planning goals 3 and 4 cannot be applied alone.

The rezoning will not affect the rural character of the area and permitted uses on nearby parcels will not be affected. It would be consistent with surrounding zoning. The rezone area will be zoned Forest Mixed Use which will allow for both forestry and farming to take place.

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

Comprehensive Plan Amendment

- a. Volume I, Part 1, Policy 5.4 Plan Implementation Strategy (8): This Plan Policy requires the County to consider and approve where appropriate 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 a significant tax consequence.

FINDING: The subject property will remain in a resource zoning designation. The property is currently undeveloped; therefore, rezoning would not create a nonconforming use. The property is currently receiving special assessment. The applicants have provided a statement that complies with (iii) above.

b. Volume 1, Part 2, 3.2 Forest Lands Implementation Strategy (5):

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 identifies the soils, aspect, and topographic features as best suited for a combination of farm and forest uses, and the surrounding area is being co-managed for farm and forest uses; therefore, the rezone area qualifies for inclusion in the “Mixed Farm-Forest” overly.

IV. Conclusion

Based on the evidence in the record and findings of fact set forth above, the Board of Commissioners hereby approve the request that a portion of the subject property is appropriate for Forest designation and zoning as well as inclusion in the mixed use overlay. In addition, the proposed rezoning conforms with the County’s Comprehensive Plan, is compatible with and will not interfere with permitted uses on nearby parcels. Finally, the proposed rezone complies with all other policies and ordinances adopted by the County.



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille, Oregon
(541) 396-3121 Ext.210
FAX (541) 756-8630 / TDD (800) 735-2900
planning@co.coos.or.us
Patty Evernden, Planning Director

Certified Mail # 70081300000186486648

August 19, 2010

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

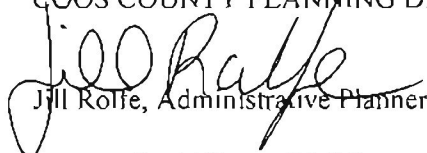
RE: Proposed Amendment/Rezone File# AM-10-01/RZ-10-01 Dave & Kathleen Collier

Dear Mr. French:

Enclosed please find the DLCD Notice of Adoption for Amendment with the applicant's submitted documentation. The proposal was submitted by Dave & Kathleen Collier on property identified as Township 28S Range 14W Section 19 Tax Lot 300. The current zoning is Exclusive Farm Use (EFU). The proposal is to rezone approximately 3 acres to Forest Mixed Use (FMU).

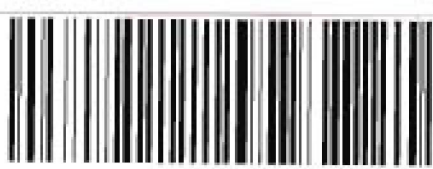
If you have any questions please contact the Department at 541-396-3121, extension 210.

Sincerely,
GOOS COUNTY PLANNING DEPARTMENT

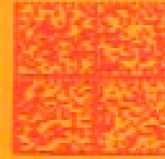

Jill Rolfe, Administrative Planner

cc: David Perry, DLCD
c: File

Coos County Planning Department
250 N. Baxter
Coquille OR 97423



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Larry French, Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE Suite 150
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