



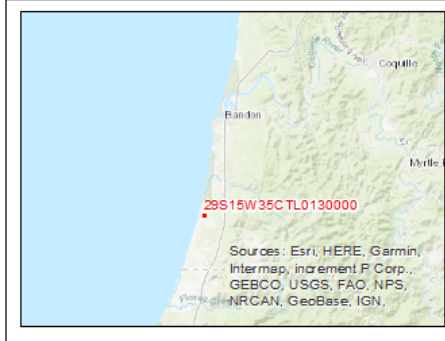
COOS COUNTY PLANNING DEPARTMENT

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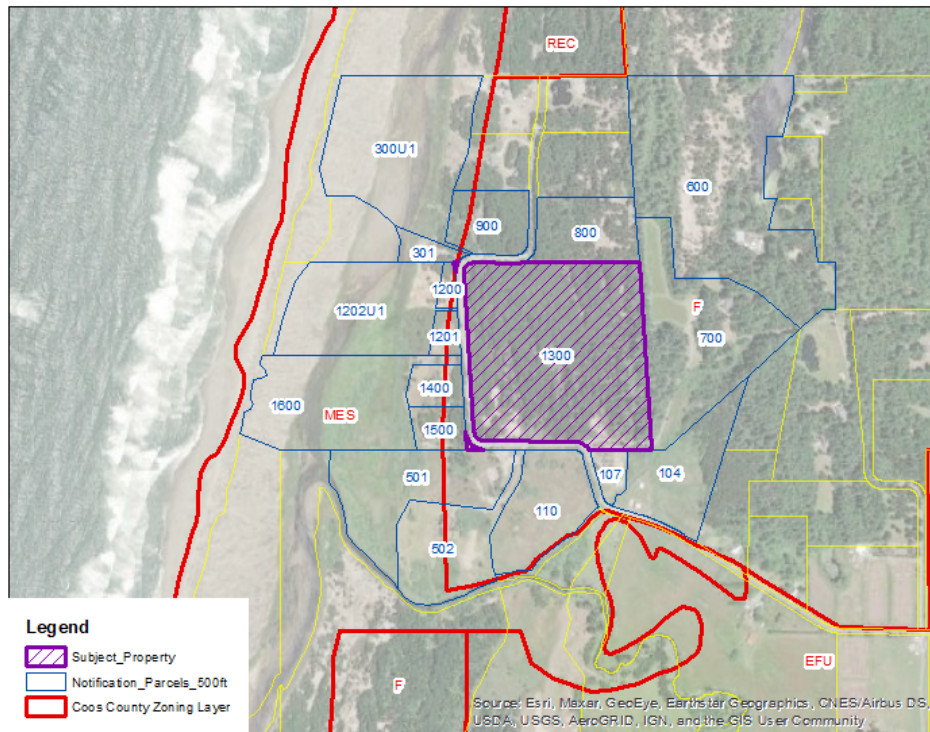
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File: AM-22-002 / RZ-22-001
Applicant/
Owner: Lance Morgan, Coos County Forester
Coos County
Date: April 8, 2022
Location: Township 29S Range 15W
Section 35C TL 1300
Proposal: Amendment / Rezone



Map is not to scale.

- i. **Notice Requirement:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732.

Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

- ii. **REVIEW PERIOD:** This application was originally submitted on March 4, 2022. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

II. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. SUBJECT PROPERTY DETAILS AND BACKGROUND:

The subject property is located approximately 7 miles southwest of the City of Bandon. The Assessor's map identifies the site of the subject property as located in Sections 35C of Township 29 South, Range 15 West, in Coos County, Oregon.

The subject property is zoned as Forest with a Mixed-Use overlay. There are Beaches and Dunes with Limited Suitability, Floodplain, Natural Hazards Wind Erosion, Natural Hazard – Earthquake – Liquefaction Potential, Natural Hazard – Tsunamis overlay zone.

There was a previous amendment and rezone application (AM-17-006 / RZ-17-004) submitted on July 24, 2017; however, it was held to allow for additional information to be obtained. At the County's request this was withdrawn and replaced with the current application. At that time the Board of Commission acted within their authority to allow the County Land Agent to move forward with an application to amend the land use zoning. Furthermore, the Board voted in a regular scheduled Board of Commissioners meeting to hire Crystal Shoji, Shoji Planning to comply the application on behalf of the County Forestry Department and submit to the County Planning Department for full review.

- B. SURROUNDING LAND USES:** There are smaller 4 to 7 acre parcels located north of the subject property. These parcels are zoned Forest and fully developed with single family dwellings.

There are four smaller 0.9 to 2.7-acre parcels located immediately west of the subject property with scatter residential development. These parcels are zoned a sliver of Forest zoning and mostly Minor Estuary & Shorelands zoning. Between the subject property and these parcels is Lower Fourmile Ln.

South of the subject property are 2 to 11 acre parcels that are either developed or have been approved for forest template dwellings in the past. These lands zoned Forest and the is a little Minor Estuary & Shorelands zoning districts. Between the subject property and these parcels is Lower Fourmile Ln.

There is a large 60 acre tract of land located east of the subject. Based on aerial photos, this property is open and has some timber that appears to be similar to the subject property, but it does contain dwellings. There is also a couple of developed cranberry bogs located immediately east of the subject property. The tract also has several

developed residential structures. The property is surrounded by Forest and Minor Estuary Zones.

C. BACKGROUND: There has been no activity on this property. The process for rezone was started in 2017 but due to the lack of findings at the time it was held until such time a consultant could be hired to complete the process. The file number was mark as void and new one issued when the updated application was submitted to alleviate any confusion.

D. COMMENTS:

i. PUBLIC AGENCY:

Staff requested comment from Oregon State Forester on April 8, 2022. There has not been any response received. There have been no other public agency comments received on the proposal.

ii. PUBLIC COMMENTS: A notice of hearing was mailed and published but as of the date of this report no comments have been received.

iii. LOCAL TRIBE COMMENTS: There have been no tribal comments received at this time.

E. APPLICABLE IDENTIFIED REVIEW CRITERIA:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan Volume I, Part I Section 3.2 and Part II Section 5.1
- Coos County Comprehensive Plan Maps #14 Zone Maps and #16 Mixed Use Maps
- Oregon's Statewide Planning Goals & Guidelines Goals
 - 3 Agricultural Lands
 - 4 Forest Lands
 - 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
 - 6 Air, Water and Land Resource Quality
 - 7 Areas Subject to Natural Hazards
 - 9 Economic Development
 - 10 Housing
 - 11 Public Facilities and Services
 - 12 Transportation
 - 13 Energy Conservation
 - 14 Urbanization
 - 15 Willamette River Greenway
 - 16 Estuarine Resources
 - 17 Coastal Resources
 - 18 Beaches and Dunes
 - 19 Ocean Resources

F. KEY DEFINITIONS

CHAPTER II. DEFINITIONS ARTICLE 2.1.

DEFINITIONS SECTION 2.1. 100. General Definitions. For the purposes of this Ordinance, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined SECTION 2.1.200. Specific Definitions.

AGRICULTURAL LANDS: Those lands designated in the Coos County Comprehensive Plan (Volume 1 "Balance of County") for inclusion in Exclusive Farm Use (EFU) Zones. These lands include Soil Capability class I, II, III, and IV lands as defined by the United States Soil Conservation Service in their Soil Capability Classification system and other lands suitable for farm use.

FOREST LAND: Those lands designated in the Coos County Comprehensive Plan (Volume 1- "Balance of County") for inclusion in a Forest Lands zone.

These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

SECTION 4.2.500 RESOURCE ZONES

Forest (F)

The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Forest Mixed Use (FMU)

The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is 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 grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

Exclusive Farm Use (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
- 6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

The secondary criterion for establishing the "Agricultural Lands Inventory" was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.

Rural Residential (RR)

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

The “RR-5” district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

- **ARTICLE 5.1 REZONES**

- **SECTION 5.1.100 LEGISLATIVE AMENDMENT OF TEXT ONLY:**

An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

- **SECTION 5.1.110 WHO MAY SEEK CHANGE:**

Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon: 1. A motion by the Board of Commissioners; or 2. A motion of the Planning Commission; or 3. The submission of formal request made by either: a. The Citizen Advisory Committee; or b. An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.

- **SECTION 5.1.115 ALTERATION OF A RECOMMENDED AMENDMENT BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

- **SECTION 5.1.120 PROCEDURE FOR LEGISLATIVE AMENDMENT:**

The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223). Notice to DLCD shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

- **SECTION 5.1.125 MINOR TEXT CORRECTIONS:**

The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

- **SECTION 5.1.130 NEED FOR STUDIES:**

The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

- **SECTION 5.1.135 STATUS OF HEARINGS BODY RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS:**

A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

RECOMMENDED FINDING: This request is not a text amendment as described in Section 5.1.100. This request meets the both Sections 5.1.110(1) and (3)(b) as by motion of the Board of Commissioners to contract out directly with Crystal Shoji to draft the application and submit it for review on behalf of the County Forestry Department. This property was under the management of the County Forestry Department to manage. This does not require a Measure 56 notice as it only effects one property. This property is considered under Ordinance 22-03-002PL.

The Planning Director does not request any additional alternations at this time. If the Planning Commission chooses, they may wish to recommend a different approval to the Board of Commissioners; however, the parcel size cannot go below 10 acres without an exception to Statewide Planning Goal 14. During the course of deliberations, the Planning Commission may wish to include additional qualifiers to ensure compatibility with surrounding properties.

As a reminder, the Planning Commission is being requested for a recommendation. The Board of Commissioners' will issue the final decision.

- **SECTION 5.1.200 REZONES:**

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or

parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

• **SECTION 5.1.220 PROCESS FOR REZONES:**

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

• **SECTION 5.1.225 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 5.1.215; 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.*
2. *Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*
 - a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*
 - b. *The development of the site must conform to certain specified standards; or*
 - c. *Any combination of the above.*

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
- ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
- iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
- iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

- **SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

- **SECTION 5.1.240 REQUIREMENTS FOR “Q” QUALIFIED CLASSIFICATION:**
Where limitations are deemed necessary, Board of Commissioners may place the property in a “Q” Qualified rezoning classification. Said “Q” Qualified Classification shall be indicated by the symbol “Q” preceding the proposed zoning designation (for example: Q C-1).

- **SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:**

1. The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and /or Forest Land under Statewide Planning Goal 4.

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;
3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.
4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.
5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.
6. If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.
7. The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.

Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.

8. Rezoning of land that is found to be nonresource land shall be to a “rural” zone that is appropriate for the type of land and its intended use.

Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.

Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)

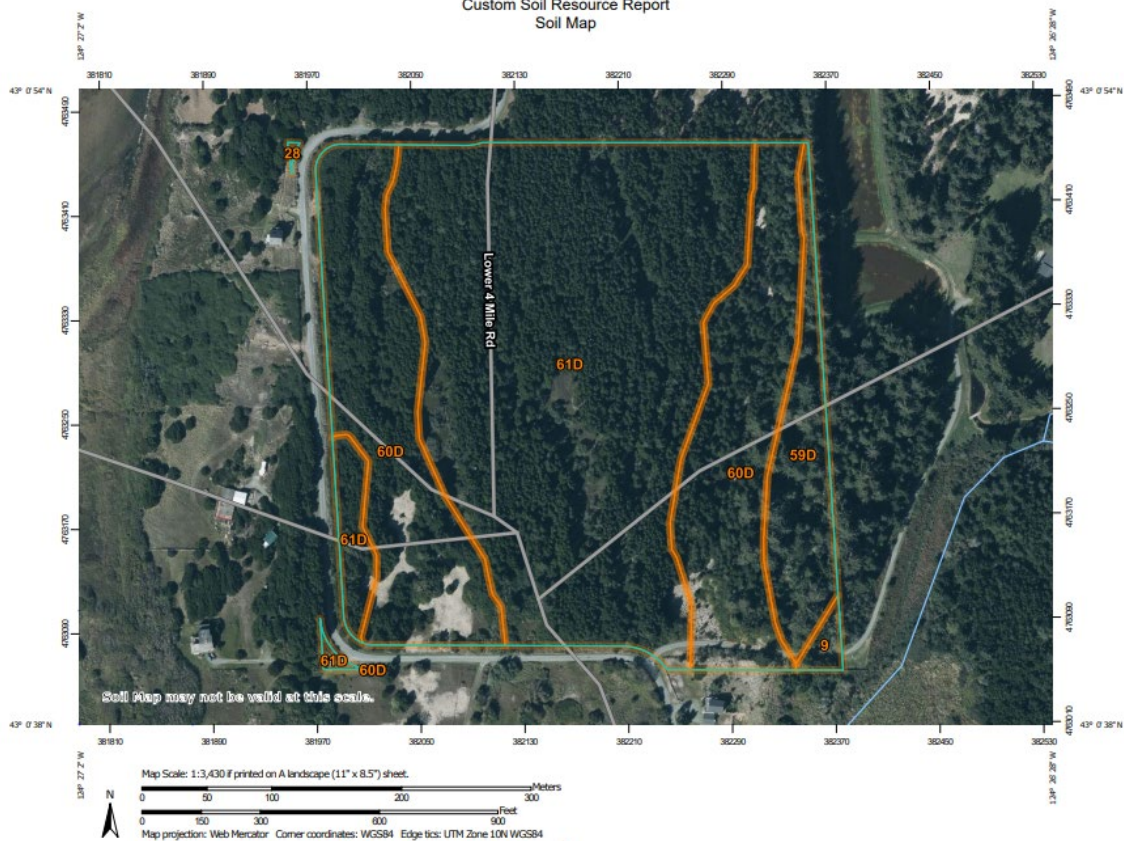
RECOMMENDED FINDING: The applicant is requesting to change the Plan Map to change the official zone form from Forest to Rural Residential. This requires the removal from the mixed use inventory and because the minimum size is 10 acres a it will be mapped as a Qualified-Rural Residential-5 zone.

The subject property is not inventoried as having any Goal 5 resources. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract as explained in the application and within this staff report. The county has tried to sell and lease this property with no interest from anyone as described in the application. This property is exempt from property tax classification at this time but that has not been a factor in this process. A nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.

The subject property is not predominately classified as Class I-IV soils. The applicant stated, and Staff verified, that approximately 98% of the subject property composes of soil not classified as Class I-IV soils; these soils are Waldport-Heceta fine sands – 61D, Waldorf-Dune land complex – 60D, Waldorf fine sand – 59D.

The other criteria is to address is whether the subject property is predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

Custom Soil Resource Report
Soil Map



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9	Chetco silty clay loam	0.3	0.7%
28	Heceta fine sand	0.0	0.1%
59D	Waldport fine sand, 0 to 30 percent slopes	2.8	7.6%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	12.7	34.1%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	21.4	57.5%
Totals for Area of Interest		37.2	100.0%

Custom Soil Resource Report

Forestland Productivity with Site Index Base—Coos County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAI)
		ft	yrs		cu ft/ac/yr
9—Chetco silty clay loam					
Chetco	—	—	—	—	—
Coquille	—	—	—	—	—
Langlois	—	—	—	—	—
28—Heceta fine sand					
Heceta	—	—	—	—	—
59D—Waldport fine sand, 0 to 30 percent slopes					
Waldport	shore pine	92	100 TA	Alexander 1966 (520)	86.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
Heceta	—	—	—	—	—
60D—Waldport-Dune land complex, 12 to 30 percent slopes					
Waldport	—	—	—	—	—
Dune land	—	—	—	—	—
Heceta	—	—	—	—	—
61D—Waldport-Heceta fine sands, 0 to 30 percent slopes					
Waldport	shore pine	92	100 TA	Alexander 1966 (520)	86.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
Heceta	—	—	—	—	—
Yaquina	shore pine	—	—	—	—
	Sitka spruce	85	100 TA	Meyer 1961 (490)	100.00

Staff calculated the following table identifying the cu ft / ac / yr of the subject property. The subject property calculated at 4221.2 cu ft/ac/yr, which is less than the 5000 cu ft/ac/yr requirement for being consider resource land.

Soil	Acres	Tree Species	cu ft/ac/yr	Total
59D	2.8	Shore pine	86	240.8
61D	21.4	Shore pine	86	1840.4
61D	21.4	Sitka spruce	100	2140
Total				4221.2

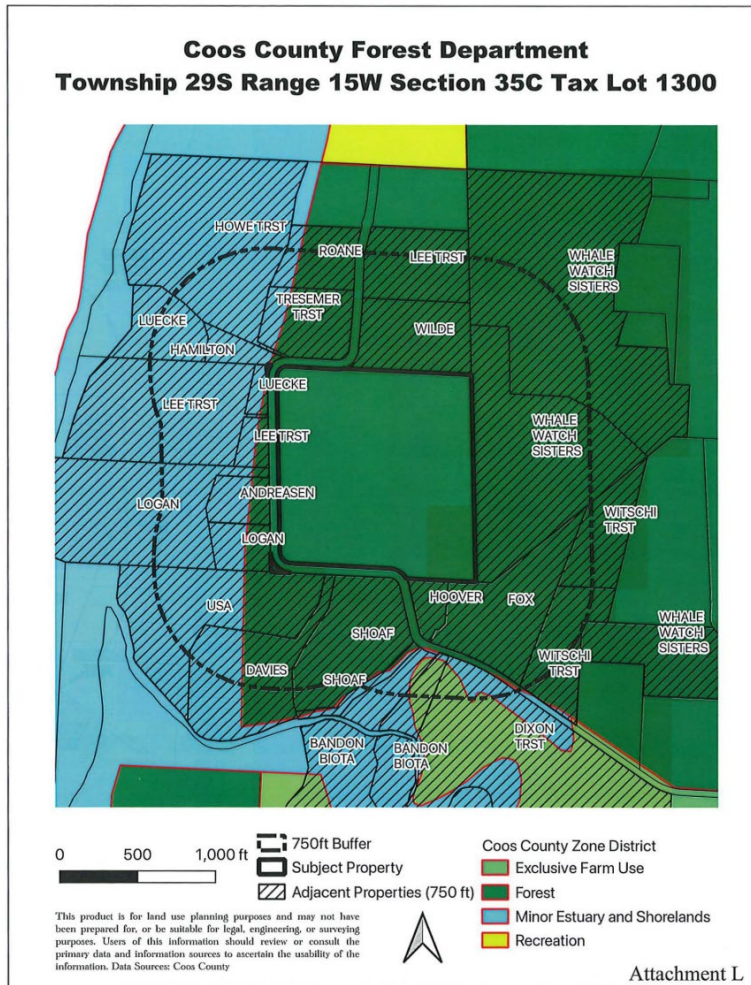
This property is surrounded by other resource zoned property. However, the property to the west is a non-conforming subdivision and mostly develop with residential uses. The property is surrounded by tax lots that range in size from 0.90 to 67.84. With an average size of 13.34 and within those tax lots.

MES = Minor Estuary Shorelands, F = Forest, EFU = Exclusive Farm Use and RR-5 = Rural Residential.

Below is the tax lot information to show size, zoning and average size. The area under consideration was the notification area.

Map No	Parcel No	Acres	Plan Zone	
29S15W35C	300	3.88	MES	
	301	1.70	F	
	600	4.18	F, MES	
	700	7.29	F	
	800	7.74	F	
	900	5.54	F, MES	
	1000	1.08	MES	
	1200	0.90	F, MES	
	1201	1.41	F, MES	
	1202	8.20	F, MES	
	1400	2.70	F, MES	
	1500	2.60	F, MES	
	1600	20.70	F, MES	
	29S15W35D	600	37.52	F
		700	22.87	F
801		5.93	F	
30S15W02	101	55.16	MES, EFU	
	102	6.20	F	
	104	9.74	F	
	105	10.27	F	
	107	1.54	F	
	109	40.00	MES, EFU	
	110	9.95	F	
	111	67.84	Q-RR-5, MES, F, EFU	
	112	1.08	MES	
	501	14.20	MES, F	
	502	10.00	MES, F	
		Average	13.34	

**Coos County Forest Department
Township 29S Range 15W Section 35C Tax Lot 1300**



Staff finds it appropriate based on the zoning that at least a minimum of 10 acres be applied. Any proposal of at less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040 based on the language of the CCZLDO. The Planning Commissioner could state that the minimum lot size cannot be less than the average tax lot size of 13.34 acres if they find it necessary to be compatible with surrounding zoning. The properties range in uses, zoning and development capabilities, soils, hydrology of the soils, zoning, flood hazard, erosion and size. However, based on the these factors it does not appear that this proposal will change the overall stability of the land pattern.

The subject property is not developed. Based on the zoning map, the subject property is surrounded by similar forest zoning district.

Typically, the RR-5 zoning district requires a 5-acre minimum lot size. However, applicant requested that a qualifier be placed on the zoning district that lot size is a minimum of 10 acres to be consists with the nonresource rezone criteria. This will meet the standard for non-resource land based on the LUBA case Oregon Shores Conservation Coalition v. Curry County, 53 Or LUBA 503 (2007). The subject

property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.



The application was received on March 4, 2022 and the 35 day notice to DLCD was provided within the appropriate period. The notice shall be provided 35 days prior to the first hearing. The first hearing on this matter is May 5, 2022 and the notice was required to be submitted by March 31, 2022. Notice was provided on March 23, 2022. This hearing is after this date. Therefore, this application meets the minimum of being filed 35 days prior to the first hearing.

This application is plan map amendment to change the zoning from Forest to Rural Residential and the official zoning from Forest to Qualified- Rural Residential with the Qualifier requiring 10 acre minimum lot size. Staff requests the Planning Commission recommend the Board of Commissioners approve the rezone based on the findings found in the staff report and application.

Coos County Comprehensive Plan

- *Coos County Comprehensive Plan Volume II, Part I Section 3.2 and Part II Section 5.1*

3.2 FOREST LANDS

1. Legislative Framework

1.1 Introduction

Forest lands are the resource base for Oregon's leading industry, lumber and wood products. In addition, they provide many other benefits of economic, ecologic, and aesthetic value: water quantity and quality, minerals, grazing for livestock, fish and wildlife, recreation and scenic resources. According to the State Department of Forestry's "Forestry Program for Oregon," there are currently more than 24 million acres of commercial forest land in the State. Of these lands, more than 15 million acres are in public ownership, under the U.S. Forest Service and Bureau of Land Management. Five (5) million acres are owned by the forest industry and more than four (4) million areas are in other private-ownerships. Conservation and proper management of the State's commercial forest lands is essential.

1.2 Statewide Land Use Goal #4: Forest Lands

The State has adopted the following Goal:

GOAL: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest management dwellings that are necessary for, and accessory to, forest operations; and (5) other dwellings under prescribed conditions."

COMMENTARY

1) Mapping of site classes. The State Land Conservation and Development Commission has clarified the requirement of the Goal on mapping of site classes. It requires mapping according to "cubic foot site class," a measure of the potential forest productivity of the land.

Where cubic foot site class mapping is not directly available, it can be derived by conversion of other readily available mapping showing other types of site classification, e.g. the State

Department of Revenue system. The State Department of Forestry has provided a convenient conversion table which is shown in Table 2.

2) Definition of forest lands. This definition encompasses not only existing and potential commercial forest lands but also non-commercial forest land supporting forest uses other than timber production, non-forest lands which require protection due to their fragility and forested lands in urban and agricultural areas. "Commercial forest land" is not defined in the Goal.

3) Definition of forest uses. This definition includes a number of potential uses, and constitutes a mandate for a "multiple-use" approach to the use of forest lands. It includes all the uses in the multiple-use concept under which public forest lands are managed by the U.S. Forest Service and Bureau of Land Management. While public land must be managed for this full range of uses, private forest land may be managed to emphasize one or other (or more) of these uses. However, other uses like dispersed recreation and water supply may occur on private lands incidentally to the primary use. Most forest uses are compatible with one another, and may occur simultaneously. However, emphasis on one use may exclude others. For instance, developed recreational uses may not always be compatible with timber harvest. The Comprehensive Plan identifies special areas where significant resources exist (for example, significant wildlife habitats, or special scenic resources) where conflicts may occur with other forest uses like timber harvest. It should be noted that a residence is not defined as a forest use, whether or not it is provided in conjunction with forest management.

1.4 Relationship of the Forest Lands Goal to the Forest Practices Act

The Forest Practices Act (FPA) (ORS 527.620-527.990) is implemented by the State Department of Forestry and sets minimum standards for the following forest practices:

- (a) reforestation of forest land economically suitable therefore;*
- (b) road construction and maintenance operations in forest land;*
- (c) harvesting of forest tree species;*
- (d) application of chemicals on forest land; and*
- (e) disposal of slashing on forest land.*

Sets minimum standards for surface mining. These practices are regulated for the following objectives:

- (a) maintaining forest tree species;*
- (b) maintaining soil air and water resources; and*
- (c) providing a habitat for wildlife and aquatic life.*

These rules apply to any operations on all forest lands throughout the State, except federal lands, and provide a significant level of protection for forest uses. These standards have been recognized by EPA as “Best Management Practices” to protect water quality for forest operations (See ORS 527.620).

The relationship between the Forest Practices Act (FPA) and the goal was addressed by the 1979 Oregon Legislature in HB 3008, which; upon passage, became incorporated into the FPA as part of ORS Chapter 527.

ORS 527.722 (1) Except as provided in subsection (2) of this section, no unit of local government shall adopt any rules, regulations or ordinances regulating the conduct on forest lands of forest operations governed by the Oregon Forest Practices Act or rules promulgated thereunder.

(2) Notwithstanding subsection (1) of this section, a city may adopt rules, regulations or ordinances regulating the conduct on forest lands of forest operations within city boundaries if those rules, regulations, or ordinances establish standards equal to or more stringent than those established by the Oregon Forest Practices Act or rules promulgated thereunder.

ORS 527.724 Any forest operations on forest lands within this state shall be conducted in full compliance with the rules and standards of the Environmental Quality Commission relating to air and water pollution control. In addition to all other remedies provided by law, any violation of those rules or standards shall be subject to all remedies and sanctions available under statute or rule to the Department of Environmental Quality or the Environmental Quality Commission.

ORS 527.726 (1) Nothing in ORS 527.722 and ORS 527.724 is intended to preclude counties from performing their planning duties pursuant to ORS 197.005 to 197.430 with respect to forested lands by:

- a) Designating in comprehensive plans forested lands to be conserved in accordance with the statewide planning goals;*
- b) zoning forested lands for uses other than or complementary to commercial growing and harvesting of forest tree species in implementing a comprehensive plan; or*
- c) adopting rules, regulations or ordinances regulating forest operations on those forested lands zoned for primary uses other than the commercial growing and harvesting of forest tree species in accordance with the use or purpose for which those lands have been zoned.*

(2) As used in this section, "forested lands" means those lands upon which forest tree species are growing.

Thus, the statutes effectively prohibit counties from establishing forest practices rules beyond those in the FPA. The Forest Lands Goal itself does not directly address the application of management standards affecting forestry, the implication being that this is handled by the FPA. As noted in ORS 527.736 above, however, counties adopt more stringent forest practice rules only on forested lands zoned for primary uses other than and not including commercial timber management and harvest. Thus, if forest land is zoned for another forest use, for instance a

municipal watershed with timber management excluded or made a conditional use only, and if it is found that the normal practice of timber harvest would conflict with the water resource, then additional rules, regulations or ordinances regulating forest operations may be imposed to protect that resource. However, if the zone permits forest uses in general, additional regulations may not be imposed. An Attorney General's opinion [#7894, 4/28/80] makes it clear that this section of ORS 527 does not grant counties additional powers. It simply ensures that it retains the powers to zone and regulate uses granted in ORS Ch. 197. The opinion was given in answer to a question by State Senator Kulongowski, who asked whether a county might impose zoning regulations different from the FPA in a watershed.

If there is some concern over the FPA regulations, jurisdictions are required to either:

- (a) Work with the local forest practices officer of the State Department of Forestry to have the resource protected through forest operation management plans for specific areas and/or operations, or*
- (b) Seek an FPA rule amendment through the Regional Forest Practices Committee.*

1.5 Special Provision in Coastal Shorelands Goal (#17) Relating to Forest Practices

The Coastal Goals make specific provisions relating to the Forest Practices Act and its implementation. Most refer to estuarine shorelands. (See Estuary Elements). However, there is one requirement which also relates more generally to non-estuarine shorelands. The State Department of Forestry must:

"recognize the unique and special values provided by coastal shorelands when developing standards and policies to regulate uses of forest lands within coastal shorelands. With other state and federal agencies, the Department of Forestry shall develop forest management practices and policies which protect and maintain the special shoreland values and forest uses." (Goal 17, Implementation Requirement (1).)

This means that special forest practices regulation must be developed in coastal shorelands to protect diverse values such as recreation, scenic resources, wildlife habitats or natural areas.

2. Forest Land Inventory

2.1 Forest Productivity Measures.

The 'site index' concept is used to measure the forest productivity of a particular location. 'Site index' is based on the height that a free-growing forest tree will reach within a certain time period (normally 100 years). A fully-stocked stand of trees of this species will add a certain volume of wood growth per acre per year. An alternative measurement of productivity is based on this volume and is called "cubic foot site class." There is a variety of productivity classifications based on these two measures. The classification systems used for Douglas Fir in Western Oregon are summarized in Table 2 below.

Table 2

Classification Systems for Douglas Fir
(below 2500 feet in western Oregon)

Growth Measures	Scale																
Site Index: Height in Ft. at 100 years	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Potential Yield: cubic feet/acre/year	20	20-49	50-80			85-119			120-164			165-224					
<u>Classification Systems</u>																	
Cubic Foot Site Class	7	6	5			4			3			2					
Site Class (Bulletin 201)			V		IV			III			II		I				
Dept. of Revenue Forest Land Class	FX		FG		FF		FE		FD	FC		FB		FA			

Source: Oregon State Department of Forestry

Douglas fir is used as the basis for productivity because it is the dominant species in most areas west of the Cascades. Along the coast, however, other species like Shore pine or Sitka spruce may be dominant. While the shore pine areas are usually older stabilized sand dune areas and are of low productivity, in Sitka spruce areas the site class may be higher for this species than for Douglas fir.

The Forest Lands Goals requires that forest productivity be inventoried and mapped by 'cubic foot site class.' However, as noted earlier, the Department of Revenue Forest Land Classification System is recognized as an acceptable equivalent, and may be converted to cubic foot site class by Table 2 above.

2.2 Forest Productivity Mapping

Generalized forest site classes for the forest lands of Coos County have been identified on the Forest Resources map at a scale of 1/2" = 1 mile and include:

- 1. Cubic Foot Site Classes 2 and 3 (combined) with a potential yield of 120-220 cubic foot per acre per year for Douglas fir.*
- 2. Cubic Foot Site Class 4 (85-119 cu. ft./acre/year)*
- 3. Cubic Foot Site Class 5 (50-84 cu. ft./acre/year)*
- 4. Boundary of area in which Sitka spruce and Hemlock tend to dominate as the major timber type.*

The site productivity mapping is based on the Forest Land classification of the Oregon State Department of Revenue.

These classifications reflect observed growth, rates on sites that were forested in 1967 and are generalized to 40 acre map units. The boundaried area addresses the concern of the Coos

County Forestry Department that in many areas where a relatively low site class is indicated for Douglas fir, a significantly higher site class exists for Sitka Spruce or Western Hemlock.

As Table 2 shows, there is not an exact correspondence between the divisions of the Department of Revenue site classes and those of cubic foot site class. For instance, the lower half of Class FE and the upper half of FF correspond with Site Class 4. Thus, some map interpolation is done in order to approximate the extent of Site Class 4 and 5, as suggested by the State Department of Forestry, the procedure followed was to separate Class FE and FF lands into upper or lower divisions based on whether one or more of the neighboring 40 acre units were in a higher or lower class, or the same class. For instance, if a unit of FF is bounded by one or more units of FE, then it is placed in Site Class 4. Otherwise, it is in Site Class 5. The Cape Arago to Beaver Hill area, which includes part of the Coos County Forest, is generally site class 3 or 4 land for Douglas fir. However, it is considerably more productive for Sitka spruce and Hemlock.

As the Forest Resources map indicates, much of the County is highly suitable for timber production of major commercial species. It should be noted that the flood plains, where in agricultural use, were not given site classes by the D.O.R. due to the fact that they were not under forest cover in 1967, though these soils are highly productive.

The original tree cover was mainly hardwoods, alder, maple, ash and myrtle, with some conifers. Technically, these lands could be classified as forest lands, because of the potential vegetation, but their primary value will continue to be as agricultural lands. A somewhat lower productivity is indicated on the coastal plain, where poorer soils and climate limit growth and in the Siskiyou National Forest in the southern part of the county, where elevation and rocky soils are limiting factors. However, even these sites have a potential productivity well above 20 cu. ft./acre/year, which is the standard definition of commercial forest land.

Only the sand dune areas of the coastal fringes have so little growth potential that they fall outside the definition of "commercial forest lands."

Unlike the definition of 'Agricultural Land', which has a different standard in Eastern Oregon, the definition of "commercial forest lands" is the same state-wide. However, in reality a rather different standard operates on the Oregon Coast, where the levels of forest productivity are generally very high. Land of lower site classes in Coos County (site class 4 or below) is regarded as relatively poor timber growing land. Commercial timber production is only feasible on lower site class lands where large contiguous tracts are managed (for example in the Coos County Forest or the upper elevations of the Siskiyou National Forest.) There are a few large corporate holdings on the coastal plain in these lower site class areas which may still be economically feasible to manage. However, many citizens in this area have complained that most timber companies are not interested in purchasing land and in the area for commercial timber production. Thus while these low site class lands are technically "commercial" forest lands, in practice they are not often managed intensively, particularly where they are in smaller private ownerships.

2.3 Forest Land Types

There are several types of forest land in Coos County, ranging from that intensively managed for timber production, to land used for both timber and grazing/agriculture, to smaller forest ownerships in areas experiencing pressure from development. The categories may generally be described in terms of their use and ownership characteristics as well as other influencing factors, such as topography and access.

Much of the commercial forest land in the County is devoted primarily to the growing and harvesting of timber and other forest products, though other forest benefits are also derived from the land (water, wildlife habitat and recreation, for instance.) Generally, the topography is quite rugged, and access provided through private logging roads. Lands in this category are the steep mountain slopes in the northern, eastern, and extreme southern portions of the County. This category includes much of the publicly-owned land in the County (Elliott State Forest, Bureau of Land Management, Coos County Forest, Siskiyou National Forest), and much of the forest-industry owned land. Basically, this type of land is unsuited for other non-forest uses. The remoteness of these areas, however, makes them well suited to "intensive" forms of forest management such as fertilization by helicopter and slash burning.

Forest and grazing land includes land that either by use or land ownership pattern, combines forested land with grazing land. Typically, this land is owned by farmers who combine cattle and sheep raising with timber production. There are distinct differences in land ownership/use patterns between different parts of the County. In the southern part of the County, particularly in the drainage of the South Fork of the Coquille River and south of Bandon, there are hill ranches, generally of very large acreage where open grazing land is intermingled with forested land. A few operations may cover an entire major drainage basin. In other parts of the County, particularly the northern and eastern parts, farm/forest ownerships follow narrow valleys. Typically, the bottom lands are in agricultural use, while the lower slopes and benches will also often be in open grazing. However, the upper slopes are generally forested. (Such farm ownerships generally lie along valleys, with the property extending well beyond the bottom land on either side and often reaching to the top of the first ridge.) Beyond that the uplands on all sides are typically in forest industry or public ownership. Good examples of this ownership pattern may be seen in the valleys of the East Bay or Tenmile Lakes. This ownership pattern historically stemmed from the fact that the more inaccessible lands originally in small private ownership were allowed to revert to the County due to non-payment of taxes mostly during the Depression years, and were bought by the major timber companies.

Particularly on the hill ranches of the southern half of the County the land is characterized by a fluctuation in use between timber production and grazing. This includes both the practice of grazing livestock in wooded areas and conversion of timber land to grazing land after the timber is harvested. This type of use of forest land has been important to the County throughout its history.

In certain parts of the County, there are substantial acreages of forest land in smaller private ownerships (mostly under 160 acres) which are not managed in conjunction with farms. This type of land is found primarily in coastal areas north and south of Bandon and also in the Hauser area, on predominately low site class lands (as defined in 2.2 above). There are also similar smaller ownerships in higher site forest lands further inland, particularly close to urban areas, like the Isthmus Heights, Sumner area. Most of this land is still under forest cover, but is

generally not being managed intensively by modern forestry techniques. This is in part due to a low productivity (at least in the Bandon and Hauser areas), and in part due to the intrusion of developed uses, particularly rural homesites on small acreages into many of these areas. Inevitably, the pressure is great to remove any merchantable timber from these lands and convert it to rural homesites of various acreages. The bulk of citizen requests for rural residential designation (as expressed through the citizen involvement program) have been in areas like north and south of Bandon, Isthmus Heights/Sumner and Hauser. The rural housing section and Exception Statement have stated that such areas might best accommodate the public need for future rural residential growth in the County, given the commitment of nearby land to residential use, and other favorable factors, as assessed in the Suitability Rating System. The problem which remains is, how best to plan rural residential growth so that small-scale forest management remains a viable option on the remaining lands.

Finally, there are also certain corporate forest holdings in close proximity to established residential areas. Primary examples are found adjacent to the communities of Glasgow, Cooston, Barview and Millington. While acreages are substantial, there are still problems with the use of industrial forest management practices. The owners may eventually have to look at other options for these lands.

2.4 Forest Land Base

Preservation or enlargement of the amount of land available for timber production is essential to the maintenance of sufficient timber harvest levels. A decline in the amount of land available for growing trees will mean a decline in the potential harvest, unless the degree of intensive forest management practiced on the available lands is increased correspondingly. Estimates for 1973 show that there were 873,000 acres of "commercial forest land" in Coos County, while there were 847,000 acres in 1975.

"Commercial Forest Land," according to the source's definition, is land that is (a) producing or capable of producing usable wood crops (b) economically feasible to harvest now or in the future; (c) not withdrawn from timber harvest. The 1975 figure reflects a net loss of 53,000 acres of commercial forest land over a 12 year period (see Table 3 below). Some of this land went into the "unproductive forest land" category (land not capable of producing wood due to adverse site conditions) and the "productive-reserved" category (productive land removed from commercial use by statute or administrative order).

Of particular concern to land use planning is the 33,000 acre increase in the amount of non-forest land in the county. While most of this acreage may be attributed to conversion of tree-covered land to agricultural and grazing land, it must be assumed that some of it at least, has been permanently removed from the realm of resource production through development as rural homesites. The exact acreage is not known at this time. Land converted to agricultural or grazing use may, in a sense, be assumed to be only temporarily removed, as it can be reclaimed for the production of timber if economic feasibility and the landowner's desires so dictate.

Land converted to urban uses, however, cannot be reclaimed at all and may be assumed to be permanently lost. Considering the County's substantial economic dependence on the timber/forest products industry, the impact of these land losses to development may be

significant. The extent of the impact depends on whether the land lost is of high or lower site class. A fair proportion of rural homesite development over the years has occurred in relatively low site class forest lands, for example north and south of Bandon and near Hauser. Forest land ownership is divided between three major types as follows 35.2% is in public ownership (U.S. Forest Service, Bureau of Land Management, Elliott State Forest and Coos County Forest); 40.5% is in forest industry ownership (major owners are Weyerhaeuser, Menasha Corporation, Georgia Pacific and International Paper); 24.3% is owned by farmers and other private individuals.

The total volume of standing sawtimber was estimated at 17,346 million board feet in 1975. [ibid] Public lands contained 66.7% of this volume, forest industry lands 23.2% and private non-industrial lands, 10.1%. Thus, while private lands total almost two-thirds of the land base, they contain only one-third of sawtimber stocks. Examination of air photographs shows that there is little old growth timber remaining in the western half of the County. A very low percentage of the farm-forest lands in the County contain stands of fully mature timber, older than 100 years. Remaining reserves can be clearly identified by the darker color and rougher texture as it appears on infra-red photography. The more inaccessible areas of the Siskiyou National Forest contain the highest volumes of over-mature material. The Elliott State Forest, however, contains plentiful reserves of older second growth timber of approximately 90-100 years age-class, dating from extensive fires in the last century. In addition, the major timber companies have established extensive stands of younger reproductive growth on their free farms. Unfortunately, large acreages of land in the more accessible parts of the County support "bastard growth", a mixture of hardwoods (mostly alder, maple and myrtle) and conifers (Douglas fir, Grand fir, Hemlock, and cedars). Reproduction by the more economically valuable conifers has been cut back by the aggressive regrowth of "pioneer" species (especially alder.) While this is a stage of natural plant succession, (alder prepares a fertile soil for later colonization by conifers), it would take many times as long to establish a fully stocked coniferous stand by this process as by replanting a harvested site. Generally it takes at least 25 years before fir beneath it to start to grow more rapidly. Some foresters state that the process actually takes much longer, and that often the suppressed trees fail to respond at all.

Future timber supplies will be depleted because of a past failure to re-establish fully-stocked coniferous stands.

A State Department of Forestry Study of the Oregon Coast Range estimates that in 1976, 568,400 acres (or 15% of the area studied) was "underproductive", that is, land that "once supported mature conifer forests that are no longer commercially productive." This points to the magnitude of the problem. The study found that over half of this land is in the "other private" (non-industrial) category, and comprises 30.2% of the total holdings in that category.

Table 3

	1963		1973		1963- 1973 Acre Change	1975		1973- 1975 Acre Change
	Acres	%	Acres	%		Acres	%	
Total Land Area	1,031,000	100.0	1,027,000	100.0	-4,000	1,027,000	100	-
Total Forest Land	905,000	87.8	891,000	86.8	-14,000	868,000	84.5	-23,000
Commercial	900,000	87.3	873,000	85.0	-27,000	847,000	82.5	-26,000
Productive-Reserve	2,000	0.2	3,000	0.3	+1,000	8,000	0.8	+5,000
Unproductive	3,000	0.3	15,000	1.5	+12,000	13,000	1.3	-2,000
Non-Forest Land	126,000	12.2	136,000	13.2	+10,000	159,000	15.5	+23,000

Sources: Forest Statistics for Southwest Oregon; USFS Resources Bulletin PNW-8; & Timber Resource Statistics for Oregon; USFS Resource Bulletin PNW-56.

4. Forest Management and Practices

4.1 Intensive Forest Management Techniques

Some degree of forest management, along with conservation of forest land, is necessary to ensure a continued harvest at levels equal to or greater than the present harvest. "Forest management" is a term used to denote a number of methods or tools aimed at increasing the useable timber harvest from a given piece of land.

"Forest management" refers to any or all of the following practices: (1) forest fire control; (2) insect or disease control; (3) vegetation control; (4) reforestation; (5) precommercial and commercial thinning; (6) fertilization; (7) genetic improvement of timber species; and (8) other measures, such as assistance to forest land-owners, forest research, etc."

Intensive forest management of commercial timberland assumes a management regime of:

- A. Harvesting when stands are mature by financial formula commonly used in the area. In most cases in this area this is no greater than stand age 60, though other factors are also used to determine maturity.*
- B. Investing in site preparation (if needed) and trees and planting as rapidly as possible following harvest, to secure an adequate stocking of the best commercial species as commonly used in the area for that forest growth site.*
- C. Investing in pre-commercial thinning if necessary to maintain or enhance growth of selected crop trees for future commercial thinning and eventual clearcut.*
- D. Investing in herbicide spray or hand clearing for site preparation or to secure release from competing overtopping vegetation if needed, keeping the conifers free to grow.*
- E. Being prepared to do commercial thinning where, early harvest can be secured to maintain or enhance growth of remaining crop trees. More than one commercial thinning at 3 to 8 year intervals may have financial advantages;*

F. Beginning the cycle again with clearcut harvest followed by site preparation and planting.

Increases in the level of forest management practices are necessary for all classes of forest land owners: public agencies, forestry industry and non-industrial private owners. There may be pressure from neighbors and local residents not to do many of the things necessary in forest management to obtain the desired standard where commercial lands abut farms or rural residences.

Intensive management using the above practices produces effects which may be objectionable to nearby residents. The use of fire in reducing slash hazard or site preparation will temporarily impact air quality. Management may involve aerial or ground application or herbicides for site preparation or release from competing vegetation. Harvesting operations will cause perceived reduction of aesthetic values for a few years at least. This might be objectionable to local residents for a certain period of time. Heavy truck hauling may cause temporary dust problems or potential extra hazard to school children and passenger car traffic where it passes through residential areas.

Forest management may involve operations close to 'class one streams' which includes streams used for domestic water supply, the protection of which may reduce the actual operable acreage of the tract in question. For reasons outlined above, there may -be pressure from adjacent property owners not to do many of the things necessary to forest management to desired standards, where commercial forest lands abut farms or rural residences.

Some forest industry companies and public timber agencies are experimenting with genetic improvement, specifically development of a larger and faster growing Douglas fir tree.

4.2 Problems for Encouraging Reforestation

The "farmer and other private" owner class controls 1/3 of the commercial forest land in the County. With some notable exceptions, this group practices a minimum of forest management. Their activities are controlled primarily by the regulations of the Oregon Forest Practices Act and individual economic concerns, especially taxes. Both the Forest Practices Act and Oregon timber tax structure are designed to encourage reforestation. The Forest Practices Act does this through requirements for reforestation within five years unless the owners states his intent to convert the land to non-forest use. The long term impact of these reforestation requirements on the continued or increased timber yield from the "farmer and other private" owner class is as yet unknown. Limited financial and staff resources are currently hindering full enforcement of the Forest Practices Act, especially with regard to small private landowners.

The problems of encouraging reforestation must still be addressed. The long term no-return commitment of land to timber growth is leading many to seek more immediate returns on that land, such as by conversion to agriculture and grazing use, after the timber has been harvested. Incentives have been made available to encourage the small private owners to keep that land in tree production.

There are three types of assistance currently available to small, private woodland owners for reforestation and stand improvement: (i) Federal cost-sharing programs administered by the State Department of Forestry Service Foresters with funding through the local Agricultural Stabilization and Conservation Service (ASCS); (ii) Tree farm programs of certain major forest companies; (iii) Assistance provided by forestry consultants. State Department of Forestry Service Foresters also provide other aid to small woodland owners. They may help them to form cooperatives so as to be able to purchase services at a lower rate (helicopter operation, tree planting, purchase of nursery stock and pre-commercial thinning). The Department will also provide equipment and labor where these are not available from the private sector. Service foresters also help landowners design management plans for their forests.

While it is beyond the scope of the State Department of Revenue (administrator of timber land taxation), the State Department of Forestry (administrator of the Forest Practices Act), and local planning agencies to require forest land owners to grow trees, it should, be noted that conversion of land to other uses will, in the long run, mean a decline in timber harvest. Such land will be used for the production of trees only when it is to the economic advantage of the land owner.

4.3 Problems for the Application of Intensive Forest Management Techniques on Small Tracts and Adjoining Lands

The problems discussed below apply especially to small forest-land tracts in the range of 10-40 acres. However, they also apply to larger farm-forest ownerships or even much larger corporate or agency lands where they abut farms or (especially) rural residential areas.

Most forest land tracts of under 10 acres are bought with the primary objective of securing a rural homesite. These areas are therefore classified in the Plan as "Rural Residential." Many owners in the 10-40 acre range also have the objective of rural living. However, few can justify the expense of a tract of this size without also intending to manage the land at some level for resource production, either purely for forest products or a mixture of forestry and grazing. Due to the varied objectives of owners of these small forest tracts, there has been in the past a tendency to practice a less intensive level of forest management than on the corporate agency and larger farm holdings.

Rural living involves establishment and protection of a domestic water supply, access of utilities, right-of-way access, privacy and aesthetics. Most residences involve at least one acre of homesite development. Water supply access can occupy an additional area, and in many instances may affect portions of surrounding ownerships. These influences may have an inhibiting or dampening effect on the practice of intensive forest management on their owner and adjacent forest lands.

Some of these inhibiting effects on intensive forest management can be:

(a) Restrictions on logging where it might destroy or damage domestic water supplies. Water rights for domestic use can be established in drainages originating on other ownerships, or the drainage providing water may originate on another ownership, even though the catch basin is on the owner's land.

(b) *The influence of the water supply and homesite situation extends to eliminating or reducing the possible use of herbicides as a management tool within the drainage area or a defined distance from the residence. Oregon State Field Guide to Oregon Forest Practices Rules, (1/10/80) - Rule 629-24-203 'Protection of Waterways, Areas of Open Water, and Dwellings When Spraying,' states; "Protect waterways and areas of open water such as swamps or impoundments from contamination when spraying by aircraft by leaving a buffer strip of at least one swath width untreated on each side of every Class I stream or area of open water.*

(c) *Access for proper forest management, harvest or project work may be a problem. Where portions of the ownership are steep, the only practical way to harvest the timber may be highlead logging. Highlead logging requires access to proper location for setting landings which are dictated by the terrain. Access to these landings may require negotiation of rights-of-way across steep terrain through one or more adjacent owners. These adjacent owners may or may not be agreeable to temporary or permanent rights-of-way. Their timber may be at a different stage of growth, or newly planted reproduction which would not fit in with a combined harvest to make a more economic harvest setting boundary.*

These objections may hinder an owner from securing convenient access to efficiently manage his own lands. Access roads or roads within 10-40 acre tracts may have been built in the past to much lower standards as to depth of gravel, width, and curve radius, than are public roads or logging roads. Use of these roads, which may not be dedicated public roads, may involve undue damage to thin rock surfaces and ditches.

Use of tract roads for commercial hauling will involve negotiating rights-of-way for commercial log hauling if not already a public road.

(d) *For owners of small forest tracts (10-40 ac.), the objective of preserving aesthetic values may tend to deter the application of intensive forest management practices. (This is much more the case with tracts of less than 10 acres). To some owners, the growth of hardwoods may be as pleasing to the eye as well stocked conifer stands, or even more so in the case of certain species like madrone or myrtle.*

An owner motivated toward aesthetics may be very reluctant to log by highlead clearcut due to the visual impacts, which persist until new growth has covered the residue from timber harvesting. However, logging by highlead may be the only practical method to remove merchantable volume from steep slopes.

(e) *Many of the forest lands which are sold as small: tracts have had a history of repeated selective logging or clearcutting with no subsequent management, which has greatly reduced the value of the remaining stands. These practices tend to reduce the species composition of the stand toward less valuable species of conifer, and promote the predominance of hardwoods, through the removal of overstory conifers which allows smaller understory hardwood trees to increase growth. Even after they are logged, hardwoods can regrow and dominate a site to the exclusion of conifers if continuous efforts are not made to control their regrowth.*

Small tracts are often purchased in a poor, unmanaged condition as to potential for forest productivity. With generally low prospects for income from commercial harvest from the existing cover, an owner may be faced with a need to invest money for a considerable period, at interest, before realizing any substantial net income from commercial conifer harvest. This period may be as much as 40 years in the case of site preparation and planting to establish reasonable conifer stocking.

(f) Many types of forest management practice will involve economies of scale. Small tracts mean very infrequent operation which produces rather small income and little incentive for an owner to invest in his own management or harvesting equipment. Letting site preparation operations on a contract basis will attract only high bids because of the cost of moving heavy equipment for a comparatively small project. Site preparation either by tractor scarification, herbicide application, or burning, will have a gradually decreasing cost per acre as the size of the project increases, before lowering costs per acre begin to level off.

In spite of the problems detailed above, it is certainly feasible for intensive forest management to be practiced on tracts of forestland even as small as five acres. However, a set of conditions must exist which is not always found on these smaller tracts.

These conditions are:

- 1. Strong owner motivation toward forest management practices to produce income often involving part-time manual labor and careful financial and resource planning.*
- 2. Terrain which lends itself to easier and cheaper operations. The best terrain would be gentle enough to allow tractor logging and/or tractor site preparation without damage to the environment (no slopes greater than 35%).*
- 3. A good level of stocking with conifer species, or merchantable hardwood species, so that income could be secured from the first operations. The income from operations should be large enough that site preparation and replanting could be financed and still leave some net income as an incentive to conduct operations.*

When one compares the ideal expressed above with the more usual circumstances discussed previously, it becomes evident that few small tracts under 10 acres will be operated under intensive forest management. However, tracts of 10-40 acres will benefit from the increased scale of operation to the point where highlead logging would become more feasible and other economies of scale would begin to be realized.

It is also beneficial to form local owners' cooperatives (either under State Forestry or private industry sponsorship), whereby a group of owners combine together to benefit from economies of scale. This has been successful in the past in the southern states. Federal cost share programs can also improve management of small tracts significantly.

Finally, there are substantial areas on the coastal plain, especially in the Bandon area, which possess reasonably good levels of stocking with coniferous species and have terrain level enough

to permit tractor logging. Such areas are of relatively low site class, and are not attractive to the major companies, but may be ideal for small individual woodlots.

In short, investment costs and owner objectives do not usually combine for a favorable future for good forest management of small woodlot tracts. However, given the right set of conditions as discussed above, and appropriate motivation and management by the owner, tracts of 10-40 acres can be as productive as any forest land of the same site class. A combination of planning and zoning measures, tax incentives and corporate agency programs (Dept. of Forestry, Cooperative Extension and forest industry) could give a boost to good forest practices on small woodlots and supplement the incomes of numerous households in the County.

5. Implementation Strategies

5.1 Proposed Forest Zone

The Planning Commission proposes to implement the Forest Lands Goal by establishing one forest zone. That zone is as follows:

F – “Forest”

Within the forest zone, the extent of preservation of forest lands primarily for forest uses will be established through implementation of the zoning ordinance. Specifically, standards within the ordinance are set to delineate those areas, or parcels, which have historically been managed as "mixed use" areas, including both farm and forest uses. Based on the June 24, 1983 DLCD Staff Report on Coos County, it is understood that uses in these "mixed use" areas are appropriately expanded to include additional non-forest uses that may not otherwise be allowed in a prime commercial forest zone. As stated in that report: "The Commission's decision in Allen v. Umatilla County (LUBA 83-076) supports the mixed use/predominant forest use concept and establishes separate requirements for authorizing certain non-forest uses in each forest area". (June 24, 1983 DLCD Staff Report, p. 106)

The zoning ordinance standards are used, ultimately, to determine the degree of productivity of the land for forest production vs. the productivity of the land for farm use. It is the intent of the Planning Commission to strictly preserve prime commercial timber areas in the county, while allowing for some justified non-forest uses in the areas established as "mixed-use" areas. These "mixed-use" areas are identified on the "Mixed Agriculture-Forest Use Areas" inventory map based on specific review criteria.

Standards for determining the degree of allowance for non-forest uses are based on such things as productivity of the land for forestry, historical land use (i.e. farm uses), terrain and surrounding uses. The review process will occur at the request of the applicant on a case by case basis

There are basically two different types of forest areas in Coos County. These are (i) prime forest areas, and (ii) mixed farm-forest areas. Certain non-farm uses not allowed in the former may be allowed as conditional uses in the latter. The two types of forest land are described in greater detail, as follows:

(i) *"Prime Forest Area". These areas or parcels are typically large contiguous blocks of undeveloped land which are managed exclusively for timber production with some ancillary forest uses. Intensive forest management is practiced within this classification. A parcel or area subject to this classification will be preserved primarily for forest uses.*

(ii) *"Mixed Farm-Forest Area". These areas include land which is 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 grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.*

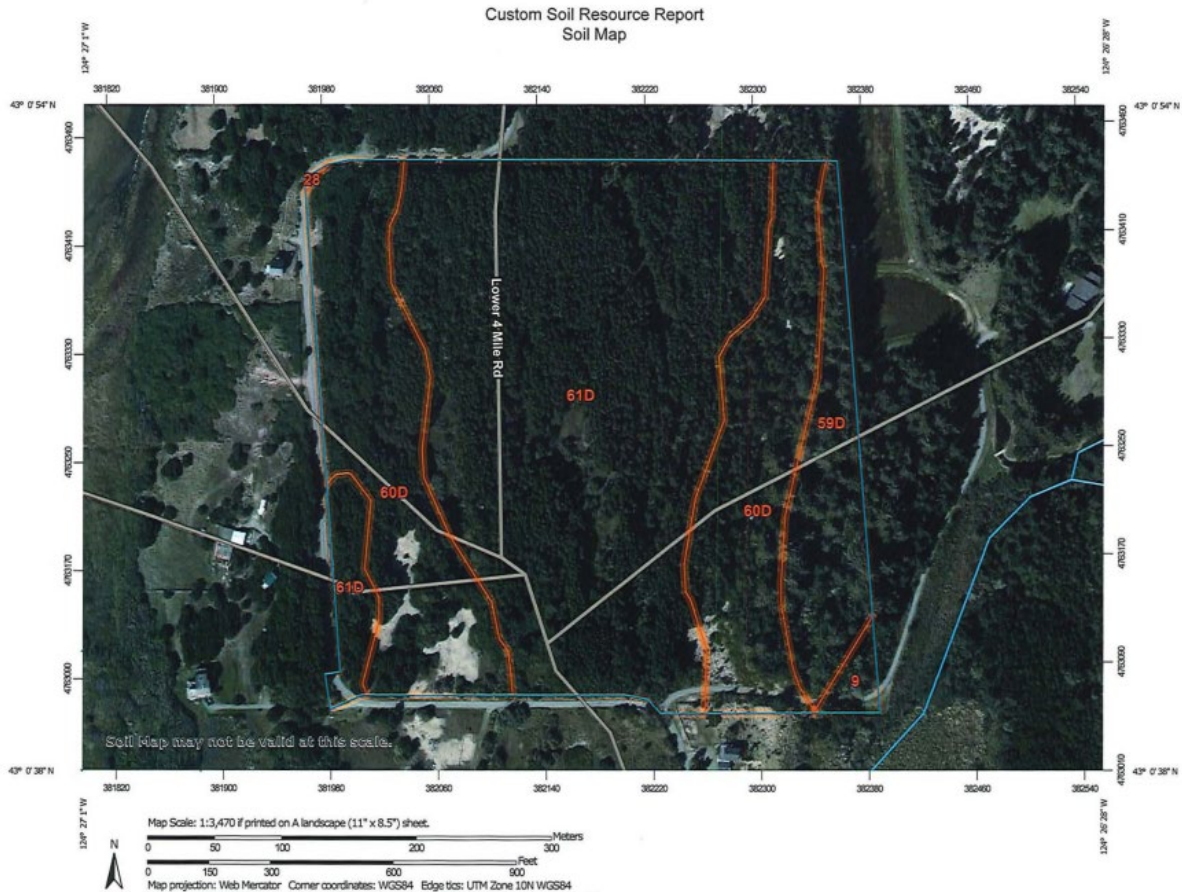
In certain areas of the County, these "mixed use" areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in "prime forest areas", and grazing is in many places a co-dominant use. There are typically a mixture of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The mixed use areas are identified at a scale of 1" = 2 miles on the "Mixed Agricultural-Forest Use Areas" Comprehensive Plan inventory map. A change in the boundary of the "mixed use" inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

- 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: This application is for a Plan Map Amendment and Rezone of the Official Zone Map from Forest to Qualified – Rural Residential-5 zoning district. The qualifier is a 10 acre minimum lot size with is the designated size without requiring a Statewide Goal 14 exception so long as it meet the nonresource language described in Section 5.1.275.

The subject property is combination of Chetco silty clay loam (9D), Heceta fine sand (28), Waldport fine sand (59D), Waldport-Dune land complex (60D), Waldport-Heceta fine sands (61D) soils types.



9-Chetco silty clay loam. This deep, very poorly drained soil is on flood plains and deltas. It formed in alluvium. Slope is 0 to 3 percent. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 0 to 40 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown silty clay loam 10 inches thick. The subsoil is mottled, dark gray silty clay 14 inches thick. The substratum to a depth of 60 inches or more is mottled, dark gray clay.

Included in this unit are small areas of Coquille and Nestucca soils. Also included are small areas of Langlois soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Chetco soil is very slow. Available water capacity is about 5.0 to 8.5 inches. Effective rooting depth is 60 inches or more for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is very slow, and the hazard of water erosion is slight. This soil is subject to frequent periods of flooding during prolonged periods of rainfall. Channeling and deposition are common along

streambanks. The water table fluctuates between the surface and a depth of 18 inches in October to May.

This unit is used mainly for hay and pasture and wildlife habitat.

The, vegetation in areas not cultivated is mainly Sitka spruce, western redcedar, western hemlock, and red alder. The understory vegetation is mainly western swordfern, evergreen huckleberry, slough sedge, soft rush, and skunkcabbage. If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, wetness, droughtiness in summer, the hazard of flooding, and, for the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. 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.

Drainage and irrigation are needed for maximum production of crops. Water on or near the surface can be removed by use of open ditches and tide gates. Supplemental irrigation is needed in summer.

Wetness and flooding restrict grazing in winter. Protection from flooding during the growing season can be provided only by the use of extensive dikes. The choice of plants is limited to those that withstand periodic inundation. High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. To improve the quality of grass for hay, increase the stocking rate in spring. Excess forage in spring can be used as silage.

Fertilizer is needed to ensure optimum growth of grasses. Grasses respond to nitrogen. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Rotation grazing increases the production of forage and helps to control weeds. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass IVw.

28-Heceta fine sand. This deep, poorly drained soil is in deflation basins and depressional areas between dunes. It formed in eolian material. Slopes are 0 to 3 percent. The native vegetation is mainly sedges, rushes, water-tolerant grasses, and shrubs. Elevation is 0 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Included in this unit are small areas of Waldport and Netarts soils and Dune land, Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Heceta soil is rapid. Available water capacity is about 1 to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

This unit is used for recreation and wildlife habitat. If this unit is used for recreational development, the main limitation is wetness. Use of paths and trails may be limited to 2 or 3 months in summer.

This map unit is in capability subclass IVw.

59D-Waldport fine sand, 0 to 30 percent slopes. This deep, excessively drained soil is on stabilized sand dunes. It formed in eolian deposits. The native vegetation is mainly conifers, shrubs, grasses, and forbs. Elevation is 10 to 120 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The underlying material to a depth of 60 inches or more is dark yellowish brown fine sand.

Included in this unit are small areas of Heceta soils and Dune land. Also included are small areas of Netarts soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used mainly for timber production, wildlife habitat, and recreation. It is also used for homesite development. This unit is suited to the production of shore pine. Among the other species that grow on this unit are western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass.

On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are seedling mortality and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding road cuts and fills helps to stabilize the soil and reduces the risk of soil blowing. Windthrow is a hazard when the soil is wet and winds are strong.

When openings are made in the canopy, invading brushy plants delay natural reforestation. Undesirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

If this unit is used for recreational development, the main limitations are the hazard of soil blowing, the instability of the soil, and slope. Use of the unit is restricted to low-intensity types of recreation, such as hiking and horseback riding. Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic.

Roads, paths, and trails are difficult to maintain because of the loose sand. Cutbanks are not stable and are subject to slumping. Access roads should be placed on lower slopes and designed to provide low cut-slope grades.

If this unit is used for homesite development, the main limitations are the hazard of ground water pollution, slope, the hazard of soil blowing, and droughtiness in summer. The very rapid permeability of the subsoil may permit untreated effluent to enter the ground water. Special designs may be needed to prevent contamination of water supplies. The steeper areas of this unit are not suitable for installation of absorption fields. Community sewage treatment systems may be needed.

Extensive cutting and filling are required to provide level building sites. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon as feasible helps to control soil blowing. It is difficult to establish plants in areas where the surface layer has been removed. Mulching and fertilizing cut areas help to establish plants. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

This map unit is in capability subclass VIIe

60D-Waldport-Dune land complex, 12 to 30 percent slopes. This map unit is on stabilized and active foredunes. The vegetation on the Waldport soil is mainly European beachgrass. Dune land does not support vegetation. Elevation is 10 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 60 percent Waldport fine sand and 30 percent Dune land. The Waldport soil is in areas that have been stabilized with vegetation. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used. Included in this unit are small areas of Heceta soils.

Included areas make up about 10 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of erosion is slight. The hazard of soil blowing is severe.

Dune land is deep and excessively drained. It formed in eolian deposits. Typically, the areas of Dune land are fine and medium sand to a depth of 60 inches or more.

Permeability of Dune land is very rapid. Available water capacity is about 3 to 4 inches. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation and wildlife habitat.

If this unit is used for recreational development, the main limitations are soil blowing and the instability of the soil. Use of this unit is limited to low-intensity types of recreation, such as hiking, horseback riding, and operating off-road vehicles. Areas used for recreation can be protected from soil blowing by establishing plant cover. Plant cover can be maintained by limiting traffic. Excavation for roads and buildings exposes material that is highly susceptible to soil blowing. Establishing vegetation on disturbed areas around construction sites as soon as possible helps to control soil blowing. Roads and trails are difficult to maintain because of the loose sand. Roads must be surfaced for use by conventional vehicles.

This map unit is in capability subclass Vlle.

61D-Waldport-Heceta fine sands, 0 to 30 percent slopes. This map unit is mainly on stabilized sand dunes and in depressional areas between sand dunes. Some areas are on deflation basins. The native vegetation is mainly conifers, shrubs, grasses, and forbs on the Waldport soil and sedges, rushes, water-tolerant grasses, and shrubs on the Heceta soil. Elevation is 0 to 80 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 50 percent Waldport fine sand and 30 percent Heceta fine sand. The Waldport soil is on stabilized sand dunes, and the Heceta soil is in interdunal swales and depressional areas. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Netarts and Yaquina soils and Dune land. Included areas make up about 20 percent of the total acreage.

The Waldport soil is deep and excessively drained. It formed in eolian deposits. Slope is 7 to 30 percent. Typically, the surface layer is very dark grayish brown and brown fine sand 7 inches thick. The substratum to a depth of 60 inches or more is dark yellowish brown fine sand.

Permeability of the Waldport soil is very rapid. Available water capacity is about 3 to 4 inches. Effective rooting depth is 60 inches or more. Runoff is very slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

The Heceta soil is deep and poorly drained. It formed in eolian material. Slope is 0 to 3 percent. Typically, the surface layer is very dark grayish brown fine sand 4 inches thick. The substratum to a depth of 60 inches or more is mottled, grayish brown sand.

Permeability of the Heceta soil is rapid. Available water capacity is about 1 inch to 2 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is ponded, and the hazard of water erosion is slight. The water table fluctuates from 12 inches above the surface to 6 inches below the surface from October to May.

The Waldport soil in this unit is used mainly for timber production, and the Heceta soil is used mainly for wildlife habitat. The unit is also used for recreation. The Waldport soil is suited to the production of shore pine. Other species that grow on this soil include western hemlock, Sitka spruce, and Douglas fir. The understory vegetation is mainly Pacific rhododendron, salal, red huckleberry, evergreen huckleberry, and European beachgrass. The Heceta soil is poorly suited to the production of timber. The vegetation on this soil is mainly slough sedge, salt rush, coast willow, waxmyrtle, evergreen huckleberry, and salal.

On the basis of a 100-year site curve, the mean site index for shore pine is 90 on the Waldport soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this soil are seedling mortality and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. The risk of soil blowing increases if the timber is harvested or the understory is removed. Conventional methods can be used for harvesting timber, but use of skid trails can accelerate erosion.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Seeding cuts and fills helps to stabilize the soil and reduce soil blowing. Windthrow is a hazard when the soil is wet and winds are strong.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce adequate natural or artificial reforestation. Intensive site preparation and maintenance generally are not needed. Reforestation can

be accomplished by planting shore pine and Sitka spruce seedlings. Droughtiness increases seedling mortality.

If this unit is used for recreational development, the main limitations are the hazard of soil blowing, the instability of the Waldport soil, and the wetness of the Heceta soil. These limitations restrict the use of this unit mainly to low-intensity types of recreation, such as hiking and horseback riding. The unit can be used for other kinds of recreational activities that require a minimum of construction and soil disturbance. Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon as feasible helps to control soil blowing.

Roads, paths, and trails are difficult to maintain because of the loose sand. Cutbanks are not stable and are subject to slumping.

Wetness limits most recreational development on the Heceta soil. Use of paths and trails may be limited to 2 to 3 months in summer. Drainage is impractical because of the lack of suitable outlets.

This map unit is in capability subclass VIIe.

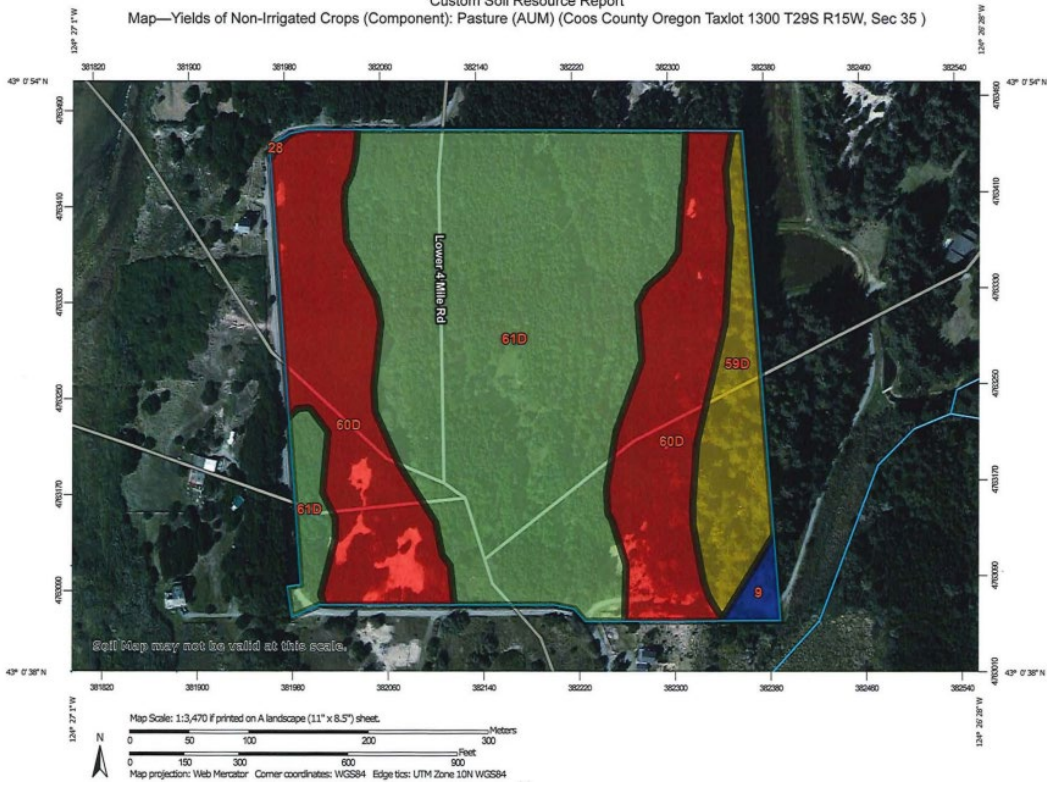
The applicant submitted the required NRCS custom soil report that identifies forest volume growth rates on the subject property. The County must follow the NRCS reports unless proven otherwise by site specific alternative data. The County has a set of guidelines to follow as identified in Oregon Administrative Rules 660-006-0005.

List in order:

- A. Natural Resource Conservation Service soil surveys**
- B. Oregon Department of Revenue Western Oregon site class maps**
- C. USDA Forest Service plant association guides**
- D. Other existing data sources determined by the State Forester to be of equal or better quality to Items A, B, and C**
- E. Alternate methods to develop site productivity data based on direct tree measurements and calculations using applicable Douglas-fir, western hemlock, or ponderosa pine site tables, with priority given to the species among these three that dominates the area being evaluated**
- F. Alternate methods based on direct tree measurements and calculations using other native forest tree species site tables**
- G. Site-specific soil surveys.**

Below are soil maps and the forest productivity with site index base for the subject property.

Custom Soil Resource Report
 Map—Yields of Non-Irrigated Crops (Component): Pasture (AUM) (Coos County Oregon Taxlot 1300 T29S R15W, Sec 35)



Custom Soil Resource Report

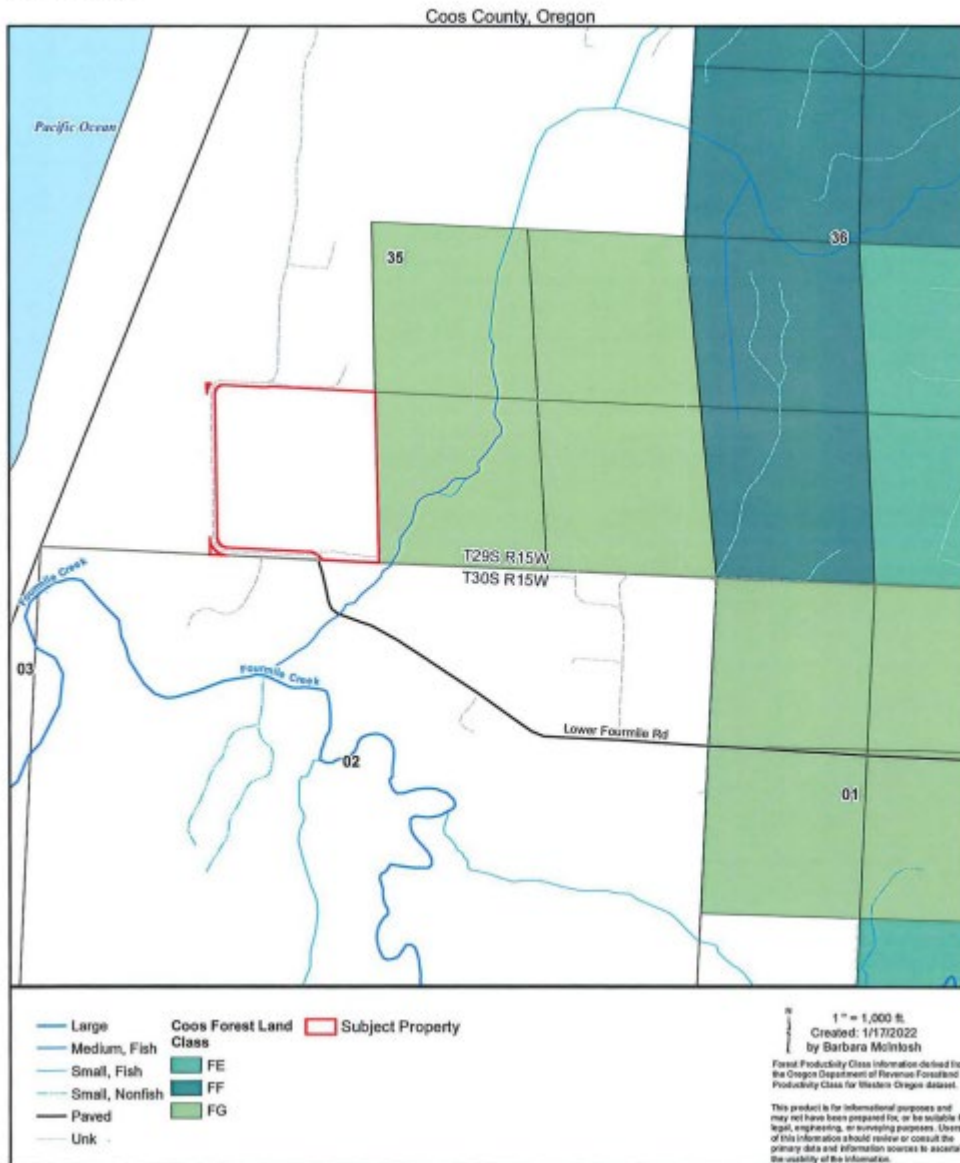
Forestland Productivity with Site Index Base—Coos County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMA)
		ft	yrs		
9—Chetco silty clay loam					
Chetco	—	—	—	—	—
Coquille	—	—	—	—	—
Langlois	—	—	—	—	—
28—Heceta fine sand					
Heceta	—	—	—	—	—
59D—Waldport fine sand, 0 to 30 percent slopes					
Waldport	shore pine	92	100 TA	Alexander 1966 (520)	86.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
Heceta	—	—	—	—	—
60D—Waldport-Dune land complex, 12 to 30 percent slopes					
Waldport	—	—	—	—	—
Dune land	—	—	—	—	—
Heceta	—	—	—	—	—
61D—Waldport-Heceta fine sands, 0 to 30 percent slopes					
Waldport	shore pine	92	100 TA	Alexander 1966 (520)	86.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
Heceta	—	—	—	—	—
Yaquina	shore pine	—	—	—	—
	Sitka spruce	85	100 TA	Meyer 1961 (490)	100.00

The applicant submitted the following map, identified as Exhibit #6, showing the OR DOR Western Oregon site class maps. Like other government properties, the subject property was never assigned a site class by the Oregon Department of Revenue.



Subject Property
Oregon Department of Revenue
Forestland Productivity Class Map
Tax Lot 1300; T 29S, R 15W, Sec. 35C

Exhibit 6



Staff requested official comments from Oregon State Forester Calvin Mukumoto on April 8, 2022.

Chris MacWhorter

From: Planning Department
Sent: Friday, April 8, 2022 8:49 AM
To: 'forestryinformation@odf.oregon.gov'
Cc: Planning Department
Subject: Coos County Planning Department

Hello,

Please find a link to a land use application currently under consideration in Coos County: <https://www.co.coos.or.us/planning/page/2022-amendment-rezones>

Please have State Forester Calvin Mukumoto contact us if he wishes to make any official comments on this particular application.

We may be reached at 541-396-7770 for further information.

Thanks,
Chris MacWhorter, Planning Staff
Coos County Planning Department
planning@co.coos.or.us

Chris MacWhorter

From: INFORMATION Forestry * ODF <forestryinformation@odf.oregon.gov>
Sent: Friday, April 8, 2022 8:49 AM
To: Planning Department
Subject: Automatic reply: Coos County Planning Department

This Message originated outside your organization.

Thank you for contacting the Oregon Department of Forestry. Your e-mail will be referred to the appropriate agency personnel for response/action, and they will reply to your request.

ODF Public Affairs Program

Other than the auto-generate email, Staff has not received any comments from Oregon Department of Forestry (ODF). ODF rarely responses to requests for comments and it is not mandatory that they respond but staff does make every effort to solicit comments from other agencies when an application is proposed.

The applicant hired Farm Unlimited to perform a Forest Productivity / Suitability Report. The applicant submitted a timber inventory cruise complied by Eric Farm and James Hill of Farm Unlimited.

Mr. Farm and Mr. Hill include a list of their background and educational credentials. Under Oregon (OAR 674.100) appraisal rules, professional foresters are exempt from

licensing for appraising the value of timber as part of forest management consultation. Goal 4 directs the County to protect forest land, including lesser value forest lands. Although, there is not necessary a formal definition of a professional forester. ODF Land Use Planning Note #3 advises *“Where tree measurements are undertaken, a professional forester who is either registered as a full member in good standing with the Association of Consulting Foresters of America or Certified by the Society of American Foresters should be retained by the landowner to take tree measurements and prepare a report”*. Mr. Farm identifies himself as an ACF certified forester, and Staff feels there is no reason to question that. Staff advises Planning Commission that these are really only guidelines, not requirements. Staff has not really found any formal State requirements for timber cruising or valuation, and the Planning Commission may decide whether Mr. Farm and Mr. Hill are expert witnesses. Based on these two individuals’ backgrounds, they appear meet the requirements to work in the County’s Forestry Department as field foresters. Therefore, Staff recommends that their educational background and experience are sufficient for this report.

ODF Land Use Planning Note #3 identifies a series of steps that required to be look at before alternative methodologies are used. The first source is NRCS soil surveys which the indicate that Shore pine and Sitka spruce are trees to manage on site. They further indicated the property is not include in DOR site class maps, and no alternative data sources existing direct tree measurements.

Therefore, they submitted a report to comply with alternative methodologies under Step 2.

Mr. Farm indicated the entire site was fully stocked with Shore pine with some scatter Sitka spruce. They indicated the timber is between 32 to 46 years old, and 25-50 feet tall. Based on aerial imagery and other site assessment of neighboring properties. Staff has found no compelling reason not to take their forest inventory as an accurate assessment.

However, the applicant’s forester is making the assertion that Shore pine is not commercially marketable as a timber species and the site class index for Shore pine is not applicable to western Oregon.

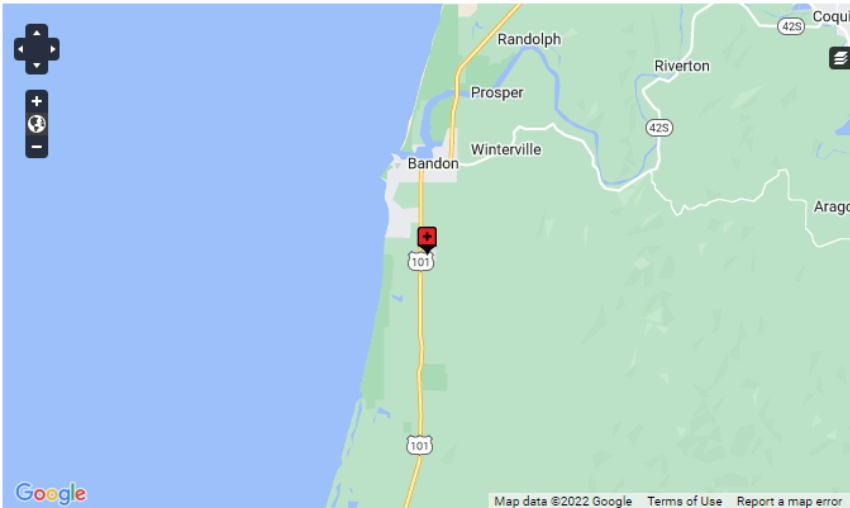
These two concepts need further planning discussion. The first concept that Shore pine is not a commercially marketable timber species in Coos County. The applicant asserts that *“no local sawmills, veneer mills, or wood chip manufacturer will accept shore pine. Additionally, mills will not pay for a load with shore pine included and may reject the load entirely and not accept/unload a truck that arrives at the mill with shore pine included on the load. It is not foreseeable that any mill will accept delivery of shore pine in the future”*.

Typically, Planning Department would ask the County Forestry Department to verify this statement. However, the Forestry Department are the applicants for this application.

So, Staff verified this statement using the following methodology. Oregon State University manages a website called Oregon Forest Industry Directory. This website is part of the College of Forestry outreach program. One of the features of the site is link to companies that buy logs. Staff utilized this website to check the log buying specifications of three nearby mills.

The first mill is Oregon Overseas Timber Co. Inc. located in Bandon, Oregon.

Oregon Overseas Timber Co. Inc.



Company Information

87680 Kehl Lane
P.O. Box 1701
Bandon, OR 97411
Website: <http://ootci.com>
County: Coos
Phone: 541-347-4419

Products Produced	Products Purchased	Species	Residue	Services
Douglas-fir				

Company Contacts

Name	Position/Title	Phone	Email address
Jim Curran	Mill Manager	541-347-4419 x309 (work)	<input type="button" value="Email Contact"/>
Ulrich Lau	Sales	541-347-4419 x304 (work)	
Jim Curran	Log Buyer	541-347-4419 x309 (work)	

Additional Information:
Wood products made of mainly Douglas-fir for European market. Sawmill Hours: Mon-Fri 7 a.m. till 4 p.m. Retail Hours: Tue-Sat 8 a.m. till 4:30 p.m. Retail Phone Number: 541-347-4410

Are you with this company? Request an account or permission to edit this listing.

Log Buying Preferences

Minimum Diameter: 26
Minimum Length: 8
Maximum Length: 40
Length Preference: 40
Notes: high grade logs, old-growth culls
Accepts Big Logs

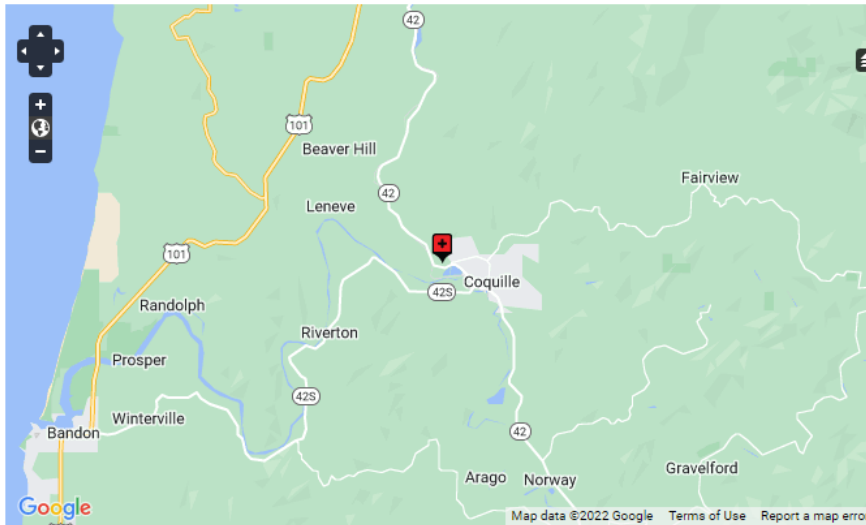
Certifications

Forest Stewardship Council (FSC)

Staff had a telephone discussion, on April 14, 2022, with the log buyer for Oregon Overseas Timber Co. Inc. This is the nearest mill to the subject property. When asked about selling of Shore pine. The log buyer informed Staff the only use for Shore pine was burning as outdoor fire wood as it was not a commercial viable forest product.

The second mill was Roseburg Forest Products in Coquille, Oregon.

Roseburg Forest Products - Coquille



Products Produced	Products Purchased	Species	
Fir, grand Pine, lodgepole Spruce, Engelmann	Fir, white Pine, ponderosa Spruce, Sitka	Hemlock, western Pine, sugar	Douglas-fir Pine, western white

Company Contacts		
Name	Position/Title	Phone
Joshua Phillips	Log Buyer	541-396-2131 (work)

Company Information

Cedar Point Road
P.O. Box 218
Coquille, OR 97423
Website: <http://www.roseburg.com>
County: Coos
Phone: 541-396-2131

Log Buying Preferences

Minimum Diameter: 5
Maximum Diameter: 30
Minimum Length: 17
Maximum Length: 34
Length Preference: 34

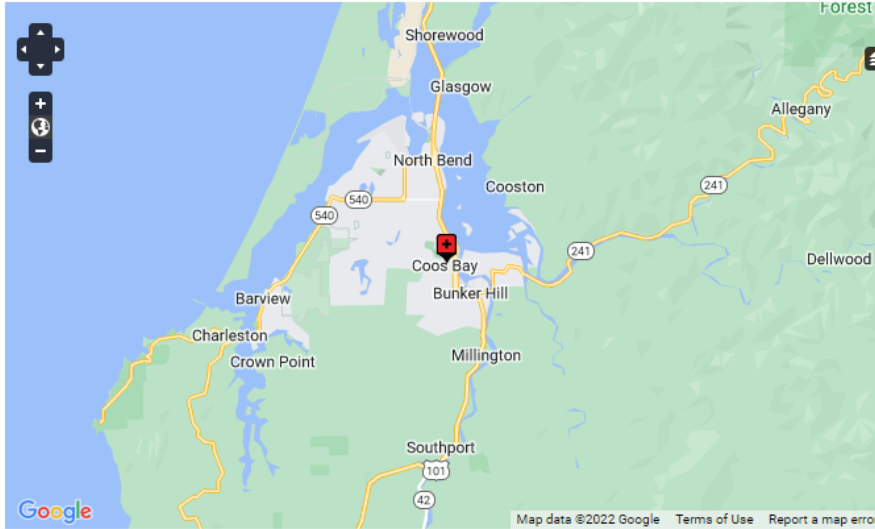
Certifications

Forest Stewardship Council (FSC)

While Shore pine (*Pinus contorta* var. *contorta*) sounds similar to Lodgepole pine (*Pinus contorta* var. *latifolia*) it is not. A telephone conversation, on April 15, 2022, with a log buyer from Roseburg Forest Products (RFP) about the two species and he explained these two tree species are completely different. They look different, they cut different, they have different characteristics, and RFP had no interest in buying Shore pine for commercial forest products. They were willing to buy Lodgepole pine if anyone was willing to ship to the Douglas County at a cost effective price. RFP is in the business of buying timber for commercial purposes and this is considered expert advice on the market.

The third mill contacted was Southport Forest Products located in Coos Bay, Oregon.

Southport Forest Products



Company Information

P.O. Box 298
 Coos Bay, 97420, OR 97420
 Website: <http://www.southportforest.com/>
 County: Coos
 Phone: (541) 266-0903

Log Buying Preferences

Minimum Diameter: 4"
 Maximum Diameter: 60"

Products Produced	Products Purchased	Species	Residue
Fir, grand Pine, lodgepole Spruce, Engelmann	Fir, white Pine, ponderosa Spruce, Sitka	Hemlock, western Pine, sugar	Douglas-fir Pine, western white

Company Contacts			
Name	Position/Title	Phone	Email address
Jason Smith	Manager	541-266-0903 (work) (cell)	Email Contact
Forest Flowers	Log Buyer	541-266-0903 (work) 541-297-5482 (cell)	
Jacob Steensen	Log Buyer	541-266-0903 (work)	

Staff had a telephone conversation with Jacob Steensen on April 14, 2022. Mr. Steensen indicated that Southport had no interest in buying only Shore pine, and would only allow a minor amount of Shore pine mixed into Douglas fir or white wood mix of pulp wood.

These three sources supports that the there is a very limited commercial value in the timber on this property.

The applicant’s consulting forester, Mr. Eric Farm, is asserting that there is no site index for Shore pine. While typically, Staff checks the cubic feet per acre per year (cf/ac/yr) of vegetation growth on a subject property. Tree site index is similar enough to cf/ac/yr measurements and the conversion factor is listed in Oregon Department of Forestry’s Land Use Planning Note #3.

Mr. Farm indicates that “*the NRCS soil survey shows a value for forest productivity based on the Alexander lodgepole pine site index table. This site index table is not applicable to western Oregon per the author's note*”.

The applicant submitted the report for Lodgepole pine.

Site Indexes for Lodgepole Pine,
with Corrections for Stand Density:
Instructions for Field Use

by

Robert R. Alexander

Lodgepole pine (*Pinus contorta* Dougl.) commonly grows in overly dense stands, and crowding restricts the rate of height growth. Site index must, therefore, be adjusted for stand density. Figures 1 and 2, and tables 1 through 7 have been prepared for field use in estimating site index for lodgepole pine. They are applicable to lodgepole pine stands in Colorado, Wyoming, Utah, Idaho, Montana, and eastern Washington and Oregon.² Information necessary to understand field application of the site index curves and instructions for their use are presented in this paper. Methodology used to develop the site index curves will be presented in a subsequent paper.

Stand density is expressed as Crown Competition Factor (CCF).³ CCF compares growing space available to a tree with the space represented by a vertical projection of the average crown area of an open-grown tree of the same stem diameter (Maximum Crown Area, MCA). Because space occupied by a single tree is not easily determined, the comparison is made on a stand basis. CCF may be obtained from the numbers and diameters of trees in a stand, or it may be estimated from measurements of basal area and average diameter.

² This paper is based on a cooperative study planned and undertaken jointly by the Rocky Mountain, Intermountain, and Pacific Northwest Forest and Range Experiment Stations. David Tackle (INT) and Walter G. Dahms (PNW) collected the field data in their respective areas.

³ Krajicek, John E., Brinkman, Kenneth A., and Gingrich, Samuel F. Crown competition factor, a measure of density. *Forest Sci.* 7: 35-42. 1961.

Site index is expressed as the average height of dominant trees in pure, even-aged stands at age 100 years. For stands where the CCF is 125 or less, height growth is unaffected by density. For stands where the CCF is greater than 125, height growth is reduced as density increases, and the reduction in height growth at any level of CCF above 125 becomes greater as site quality improves.

Site index can be estimated from tables 1 through 5 for all combinations of height, age, and density indicated in the Rocky Mountain and Intermountain regions, providing the average height of the trees selected for site determination is equal to or exceeds the height of the site index 30 class but does not exceed the height of the site index 100 class at the age sampled. Figure 1 can be used if the CCF is 125 or less. In the Pacific Northwest region, site index can be estimated reliably only if the "site trees" are 50 or more years old.

Field Application of Site Index Curves

Step 1.--Determine average height and age of the stand. Select four or more dominant trees (site trees) and measure heights and ages in the conventional manner.⁴ Average total age may be approximated from age at breast height by adding 9 years to the average age at breast height (fig. 1 and all tables are based on total age).

⁴ Chapman, Herman H. and Meyer, Walter H. *Forest mensuration*, Chap. 15, "The measurement of heights in standing trees," pp. 149-212 and Chap. 23, "The age of standing trees," pp. 318-323. New York: McGraw-Hill Book Co. 1949.

When Staff is confused on a technical question, such as the site index of Shore pine. We often rely on NRCS for guidance. Staff visited the NRCS office for assistance on April 14, 2022. NRCS staff did not know the specifics of whether the site index for Lodgepole pine from a 1966 applies to Shore pine. That is too specific of a question for local NRCS to answer. NRCS staff referred Planning staff to contact OSU Extension Staff about tree species site index questions.

Staff then contact OSU Extension Staff. Dr. David Shaw, Forest Health Specialist, offered his expert opinion *“My general thought is that Alexander was the Rocky Mt. variety, i.e. P. contorta subsp. latifolia. And of course shore pine is P. contorta subsp. contorta. And grows on much different soils and climate. So I don’t think those site index and density and yield tables would work for coastal Oregon. Not sure specific site index yield estimates for shore pine exist for Oregon”*. Staff wishes to inform the Planning Commission, that while a rotating professorship, this is the most qualified non-bias expert in the State of Oregon. Dr. David Shaw does not need to prove his qualifications under the rules we need follow. The Planning Commission is allowed to consider OSU Extension as expert witnesses.

Based on the submitted NRCS soils, there is a potential for Sitka spruce on the subject property within the 61D soil class. The applicant’s forester found some legacy Sitka spruce on the subject property. The applicant did not provide much information on whether they try previous reforestation efforts onsite. When asked for additional information from Staff about previous reforestation effects. The applicant stated there had not been any previous reforestation attempts on the subject property and they felt it would not have been successful.

The applicant’s consulting forester also submitted additional information. The summary is that the soils and climate factors would not be suitable for the commercial growing of Sitka spruce.

Staff did consult with NRCS – Coquille office staff on April 25, 2022 to verify that Sitka spruce had potential to growth in 61D soil types. There is potential for Sitka spruce to growth at this site. Goal 4 identifies Forest land shall include *“lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources”*.

There is an interesting LUBA opinion from Linn County for the Planning Commission to consider. The application involved rezoning of 28.62 acre parcel from Farm/Forest to Non-Resource (NR-5). The site had the forest productivity for Douglas-fir of 106 cf/ac/yr, which produces a similar example of the 100 cf/ac/yr of Sitka spruce on this subject property. At the time of the application, only 2 acres of the Linn property was stocked in timber. The remainder of the Linn property was covered in *“scattered deciduous and Douglas-fir trees species, open grassy area and rock outcrops”*. The petitioner argues that *“where NRCS data is available local governments “must rely on that information and may not substitute other information when conducting an inventory*

of forest land". The intervenor argued that *"a local government may choose to rely on that study rather than the NRCS ratings to determine the productivity of the parcel and hence whether it is suitable for commercial forest uses under Goal 4"*. Like most LUBA opinion, both sides argue they were correct and the other side was completely wrong. Every application is unique, and what the decision concluded in this case was that *"essentially, that because the majority of the property is not forested and has no streams, the property is not "other forested lands" that maintain the listed resources"*. The question is are the existing Shore pines enough to be consider other forest lands that provides for soil, air, water and fish & wildlife resources. Staff will defer to the Planning Commission's direction on whether the subject property does not meet the definition of Goal 4.

Forest Management

Some of the comprehensive plan implementation goals relates to siting of new rural residential dwellings and their effects on nearby farm and forest lands.

If the zone change is approved, then there will be analysis of the changes to nearby farming or forestry practices. The County must analyze whether those effects would be significant changes or not. Most forest operations are preempted from planning review by OAR 660-006-0060.

Comprehensive Plan Volume 1 Part 2 provides the inventory and factual background for forest lands in Coos County. The plan identifies the following methods or tools as the forest management, which is supposed to increase the usability of timber lands: *"refers to any or all of the following practices: (1) forest fire control; (2) insect or disease control; (3) vegetation control; (4) reforestation; (5) precommercial and commercial thinning; (6) fertilization; (7) genetic improvement of timber species; and (8) other measures, such as assistance to forest land-owners, forest research, etc."*

Rezoning from Forest to Qualified Rural Residential-5 zones will not have a direct effect on forest fire control. The subject property is currently, and remain, within Bandon Rural Fire Protection District for structural protection. The subject property is currently, and remain, within Coos Forest Protection District for wildland protection. While the subject property appears to be cover with Gorse, which is a flammable invasive species, the rezoning process will not necessary require removal any invasive species.

Insect and disease control measures are not necessarily affected by County zoning districts. First, Staff has no evidence provided that there are any insect or disease damage on the subject property or nearby properties for that matter. Second, there are a handful of residential tree services businesses in the Bandon area provide services to rural residential properties. Changing the zoning district will not necessary increase any challenges for controlling pest damage.

Vegetation control refers to controlling unwanted vegetation that competes with commercial tree species. This does not necessarily mean only invasive species. Based

on the submitted professional forester report, by Eric Farm, the subject property a very minimal commercial tree species.

Based on the aerial imagery of the subject property and nearby area, there are a varied of timber stand types in this area.



Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

While it appears, there may be forestlands suitable for harvest and within 300 ft on the adjacent tract to the east, this has not been verified, this would be the only property. Staff finds that it is reasonable to conclude ground-based herbicide treatments would be utilized on these timber stands given the existing cranberry bogs on this tract and adjacency to Laurel Lake.

The parcels located to the north, south and west of the subject property are mostly residentially developed. These parcels are all less than 40 acres in size. Any herbicide application is likely to be ground side, and likely residential in nature.

Reforestation refers to replanting of trees. State Forest Practices Act regulates any commercial forest practices regardless of the County zoning. Any specific requirements for restoration are outside the purview of County zoning regulations. Rezoning of the subject properties is not likely to affect reforestation on the adjacent forest lands.

Precommercial and commercial refers to types of thinning operations. This is when the forest stand is removed of a percentage of trees in the stand. This is not considered a full harvest of the stand. Forest thinning is more complicated than simply cutting every other tree, and these are considered operations under the purview of the Forest Practices Act.

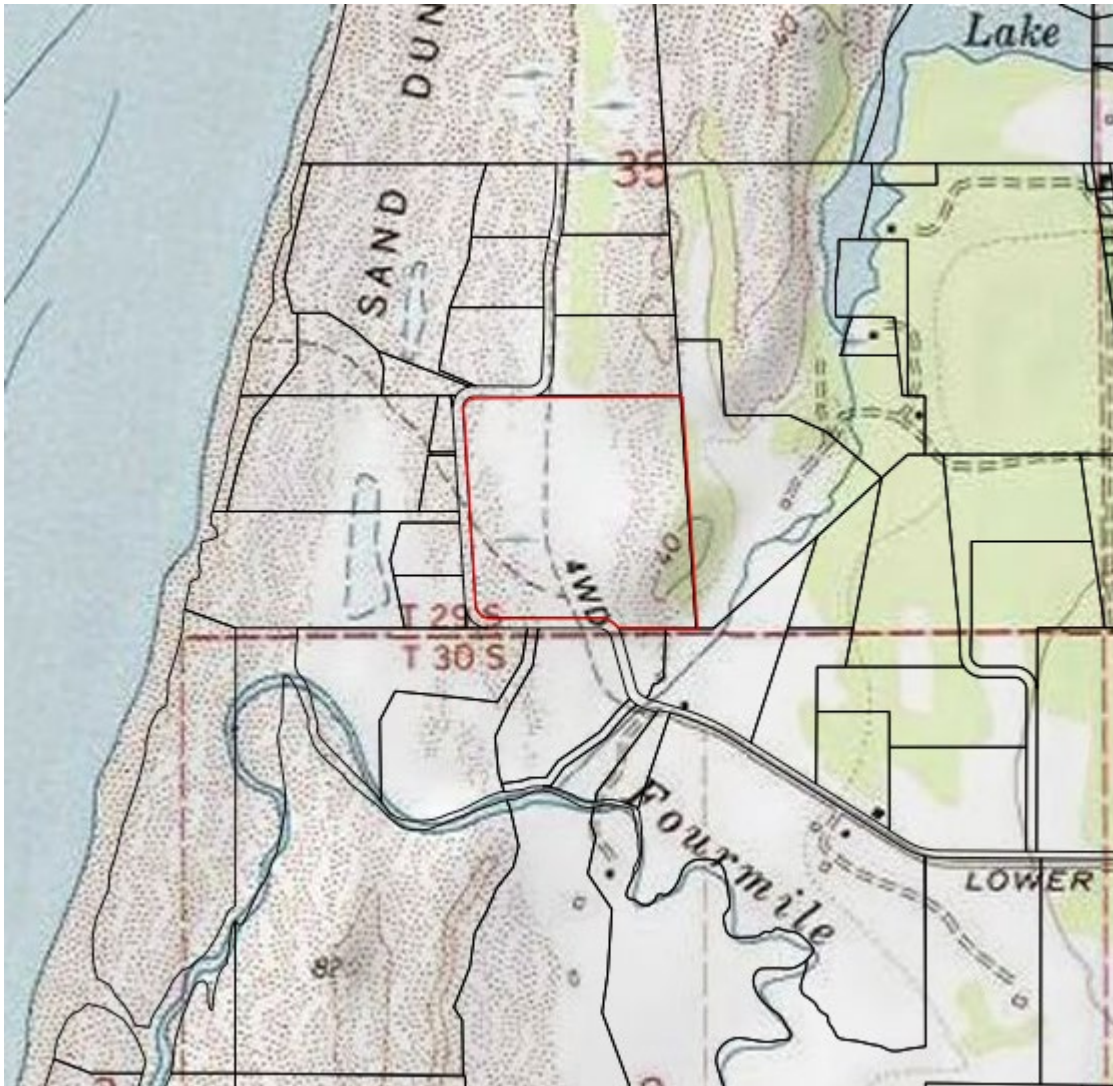
Fertilization refers to the application of applying fertilizer to increase tree species growth. Changing the zoning district will not affect applications of fertilizer to subject property.

Planting genetic improved trees are not affected by zone changes. This refers to the tree species propagation. This is does not include reforestation or herbicide vegetation control is analyzed elsewhere. For context, an example of this would be the building a house using LVL studs vs dimensional lumber. Siting of the house would be regulated by land use planning. However, the type of stud utilized is not land use criteria.

The Comprehensive Plan also identifies intensive forest management of commercial timberlands consisting of timber harvests, initial site preparation, pre-commercial thinning, release site preparation, commercial thinning, then final harvest.

Oregon Department of Forestry's Land Use Planning Note #2 provides guidance for harvesting on forest lands, and the relationship between residential development and nearby forest lands. The note states that slope is an important factor in determining whether timber harvest will be by ground based equipment or using cable yarding equipment. It is appropriate to assume cable yarding will be used for slopes over 35%, while ground based equipment will be use for slopes under 35%. The note states that a minimum of 500 feet safety buffer should be between residential developed and cable yarding harvests. While only a 300 feet buffer should be required for ground based harvesting methods.

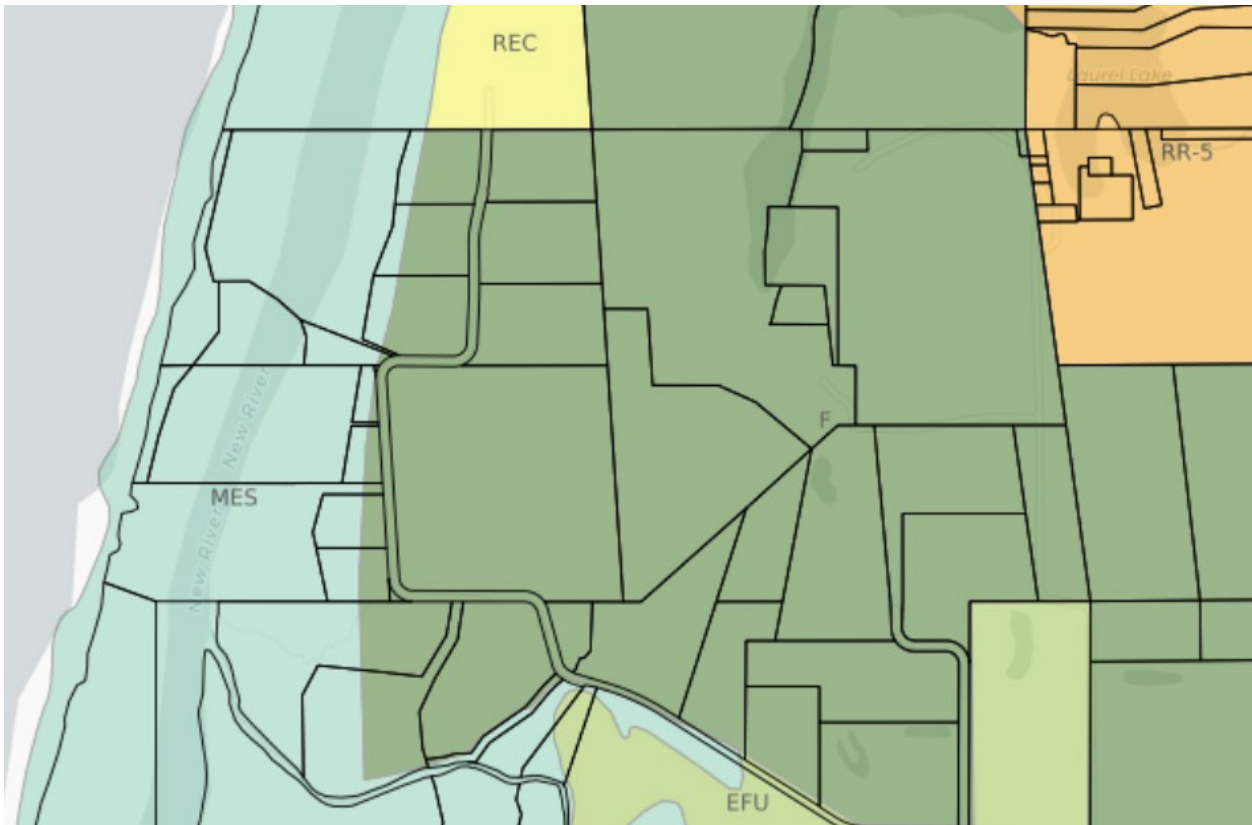
Based on the topographic map indicating less than 35% slope, this area will likely be harvested using ground-based equipment.



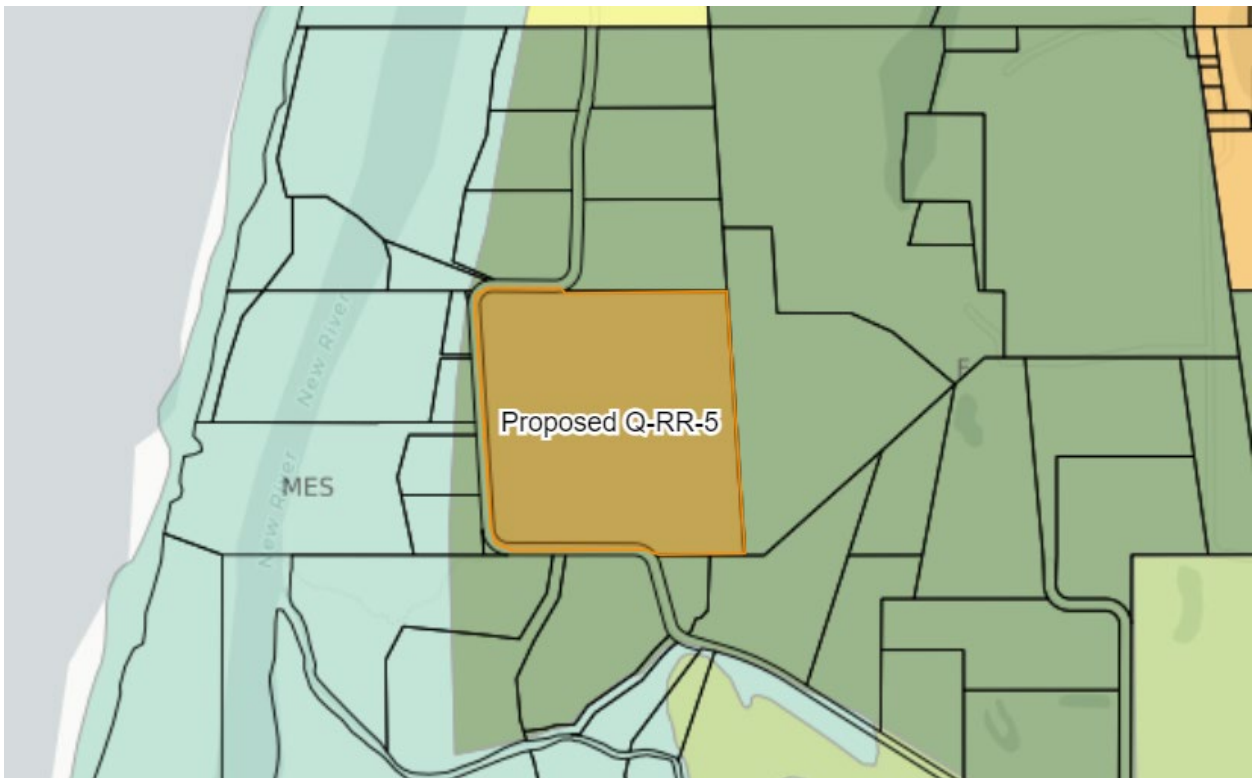
Based on the information and analysis above, Staff recommends the finding that a rezone from Forest to Qualified Rural Residential-5 zoning district will not have a significant negative effect on nearby forest practices.

- *Coos County Comprehensive Plan Maps #14 Zone Maps and #16 Mixed Use Maps*

Finding: The subject property is currently zone as Forest zoning district.



If approved, the subject property will be changed to Qualified – Rural Residential -5 zoning district.



3.1 AGRICULTURAL LANDS - INVENTORY AND ASSESSMENT

1. Statutory Framework

1.1 Introduction – Intent of the Oregon Legislature

Agriculture is the second greatest industry in Oregon, after lumber and wood products. Land suited to agricultural use is a valuable resource which is under pressure from development for other uses.

In response to a state-wide problem of loss of prime agricultural land to non-resource producing uses, in 1973 the Oregon Legislature acted to stem the rapid conversion of agricultural land to other uses. The Legislature’s agricultural land use policy was codified in ORS 215.243: “215.423 Agricultural land use policy. The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.”

This land use policy was implemented through the establishment of Exclusive Farm Use (EFU) zoning and taxation assessment. The E.F.U. zoning was later embodied in State-wide Planning Goal #3 (Agricultural Lands).

Finding: Based on the application, the “entire tract is fully stocked with shore pine”. The subject property is currently mostly covered in Gorse and beach grass as the understory layer; Gorse is an invasive species. In staff’s review it appears that the undeveloped open space lands to the north are also covered in a mixture of Gorse and Scotch broom. This is based on previous applications to the planning department where the applicants identified the vegetation cover as these invasive species.

The parcels to the south of the subject property are described as “open space” in their dwelling applications. The Oregon Department of State Lands inferred there may be wetlands covering these parcels. Either way, Staff has never been given any evidence of farming on the adjacent lands other than the aerial imagery showing the cranberry bogs to the east of the subject property.

Based on the attached soils reports and analysis presented in the report. These nearby lands do not appear to have much potential “for the primary purpose of obtaining a profit in money”.

1.9 Definition of 'Commercial Agriculture'

In accordance with the Oregon Administrative Rules, Chapter 660, Division 5 – Land Conservation and Development Commission, the definition of commercial agriculture is as follows:

"COMMERCIAL AGRICULTURAL ENTERPRISE" consists of farm operations which will:

- (a) Contribute in a substantial way to the area's existing agricultural economy; and*
- (b) help maintain agricultural processors and established farm markets;*
- (c) when determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.*

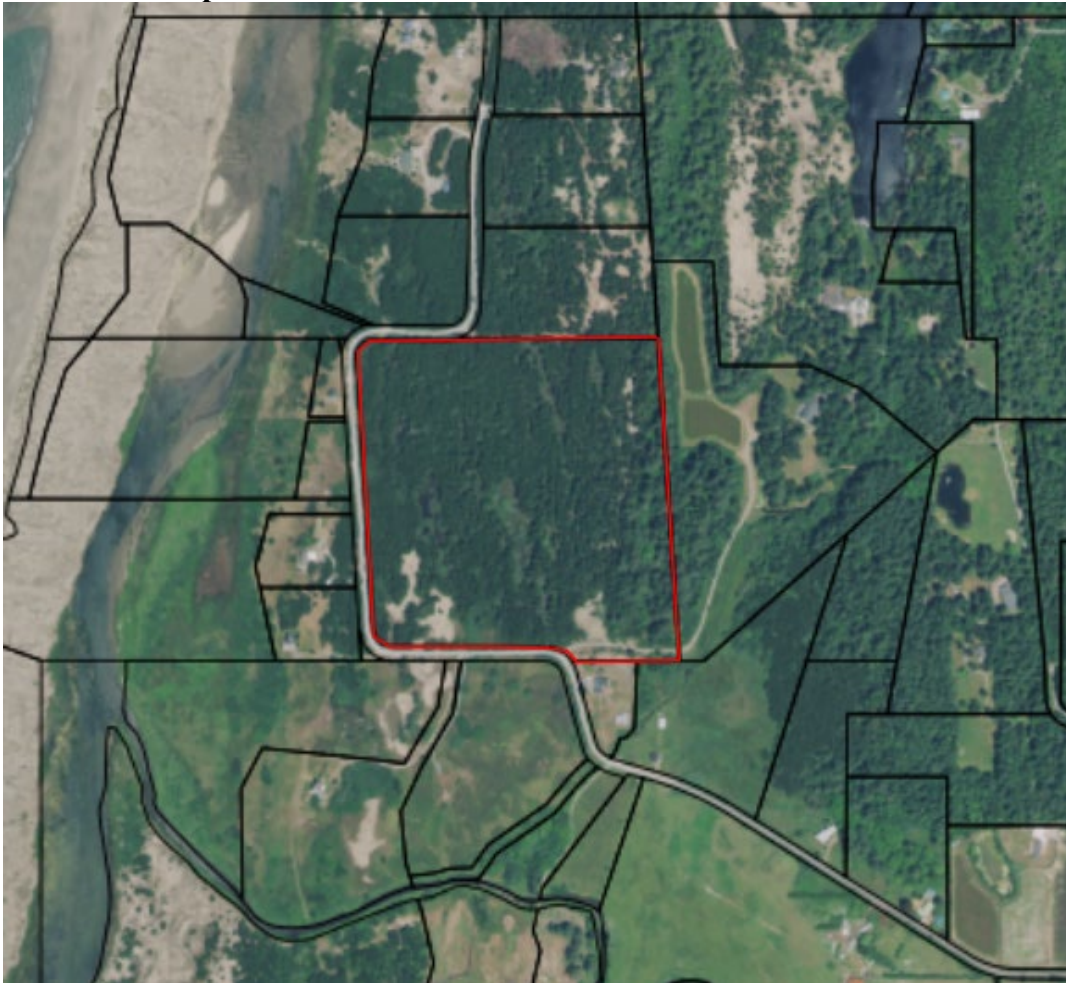
The type and value of products produced and how they are marketed are key factors in identifying the existing commercial agricultural enterprise. Owner characteristics, such as percent of income from farming and primary occupation, do not necessarily define a commercial farmer, or a commercial farm unit. Commercial agriculture in Oregon is supported in part, by less than full-time farmers. However, profitability or gross farm income is a factor in determining whether a farm operation is part of the commercial agricultural enterprise. Appropriate minimum lot size or performance standards as are utilized for any farm use zone shall be appropriate for the continuation of the existing agricultural enterprise within the area.

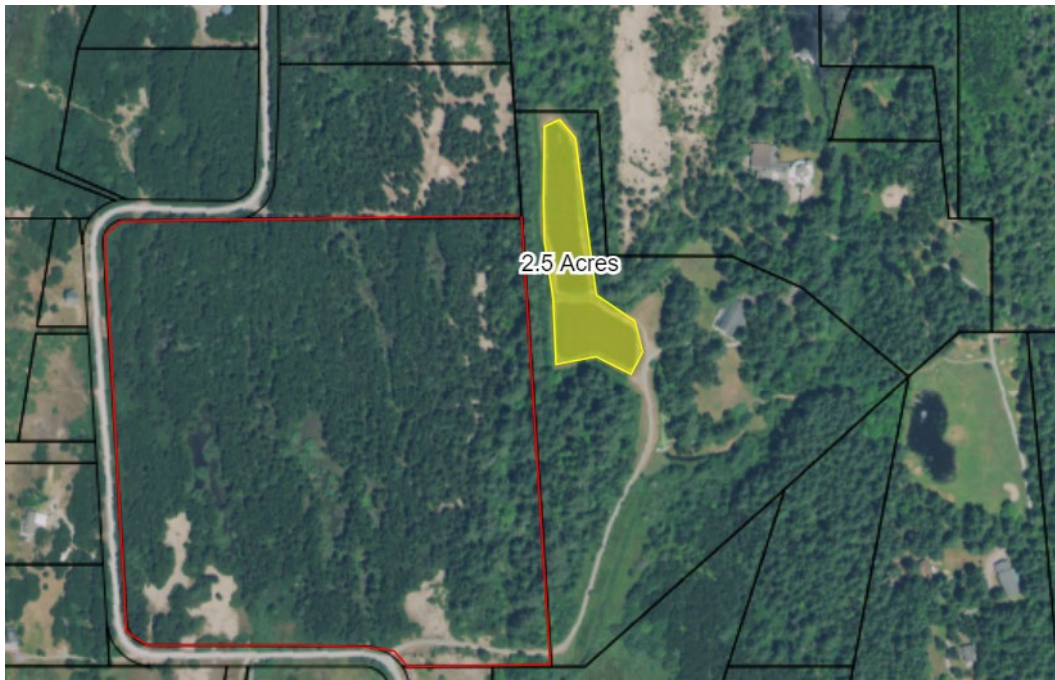
The inclusion of part-time or "small-acreage" farmers is of special relevance to Coos County, where a significant volume of farm products are produced by these farmers. This is substantiated in the sections which follow discussing farm size distribution and types of agricultural practices and products.

Finding: Staff reviewed the aerial imagery of the subject property and nearby lands and did not find any commercial agricultural enterprise inside of this area. There is a small amount of cranberry farming located on the tract to the east. Staff estimates there is 2.5 acres of cranberry bogs.

The County’s comprehensive plan identifies the average cranberry farm is 7 to 10 acres. Staff has not received any indication from the owner of tract, Whale Watch Sisters, whether their 2.5 acres is profitable or not. This property is under farm tax

deferral, so the County Assessor does recognize the property is at least trying to be commercial farm operation.





Staff still must analyze whether the rezone will have any effect on this adjacent cranberry farm.

To provide the Planning Commission with at least some context of cranberry farming



practices and the effects of nearby development. Friday Farms, operated by the Freitag's, have successfully grown cranberries directly adjacent to the City of Bandon for decades. The majority of cranberry farmers live on-site at their farming operations. Modern commercial cranberry growing has little direct correlation to adjacent lands, other than water rights and during the fall crop transportation.

Based on the NRCS custom soils report of the subject property, the subject property is capable of growing 5 tons of cranberries per year.

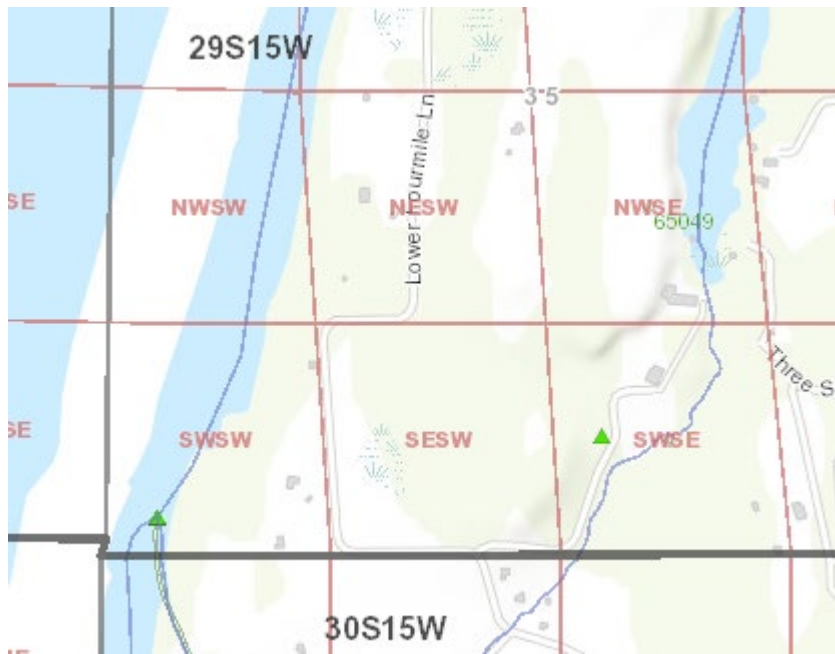
Custom Soil Resource Report

Irrigated and Nonirrigated Yields by Map Unit Component—Coos County, Oregon										
Map symbol and soil name	Land capability		Cranberries		Grass hay		Grass-legume hay		Pasture	
	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated	Irrigated	Nonirrigated
			Tons		Tons		Tons		AUM	
9—Chetco silty clay loam										
Chetco	4w	4w	—	—	3.50	2.00	—	—	6.0	1.5
Coquille	4w	4w	—	—	3.50	2.00	—	—	10.0	6.0
Langlois	4w	4w	—	—	10.00	6.00	—	6.00	12.0	8.0
28—Heceta fine sand										
Heceta	4w	4w	5.00	—	—	—	—	—	4.0	2.0
59D—Waldport fine sand, 0 to 30 percent slopes										
Waldport	—	7e	—	—	—	—	—	—	—	—
Heceta	4w	4w	5.00	—	—	—	—	—	4.0	2.0
60D—Waldport-Dune land complex, 12 to 30 percent slopes										
Waldport	—	7e	—	—	—	—	—	—	—	—
Dune land	—	8	—	—	—	—	—	—	—	—
Heceta	4w	4w	5.00	—	—	—	—	—	4.0	2.0
61D—Waldport-Heceta fine sands, 0 to 30 percent slopes										
Waldport	—	7e	—	—	—	—	—	—	—	—
Heceta	4w	4w	5.00	—	—	—	—	—	4.0	2.0
Yaquina	—	4w	—	—	—	—	—	—	—	3.0

Onsite Cranberry Production:

Just because there are currently not cranberries on the subject property does not mean that the land could not be used for cranberry production. However, cranberries are irrigated crop. This mean the landowners would need a water right to irrigate the subject property.

The subject property is the SESW of Section 35 of T29S-R15W. Below a map of the Oregon Water Resources Department Water Rights Mapping Tool.



There are no water rights on the subject property according to the map tool and verification with Water Resources.

The next logical thought is could a landowner owner apply for water rights. Staff verified thru the Oregon Water Resources Department Water Availability Analysis website.



Water Availability Analysis

FOURMILE CR > NEW R - AT MOUTH
SOUTH COAST BASIN

Water Availability as of 4/18/2022

Watershed ID #: 70915 ([Map](#))
Date: 4/18/2022

Exceedance Level: 80%
Time: 3:50 PM

[Download Data](#)

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70915	FOURMILE CR> NEW R - AT MOUTH	No	No	No	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	70915	FOURMILE CR > NEW R - AT MOUTH	No	-40.60
FEB	70915	FOURMILE CR > NEW R - AT MOUTH	No	-25.20
MAR	70915	FOURMILE CR > NEW R - AT MOUTH	No	-30.10
APR	70915	FOURMILE CR > NEW R - AT MOUTH	No	-17.60
MAY	70915	FOURMILE CR > NEW R - AT MOUTH	No	-3.88
JUN	70915	FOURMILE CR > NEW R - AT MOUTH	No	-8.67
JUL	70915	FOURMILE CR > NEW R - AT MOUTH	No	-6.02
AUG	70915	FOURMILE CR > NEW R - AT MOUTH	No	-3.74
SEP	70915	FOURMILE CR > NEW R - AT MOUTH	No	-1.78
OCT	70915	FOURMILE CR > NEW R - AT MOUTH	No	-2.24
NOV	70915	FOURMILE CR > NEW R - AT MOUTH	No	-22.90
DEC	70915	FOURMILE CR > NEW R - AT MOUTH	No	-43.10
ANN	70915	FOURMILE CR > NEW R - AT MOUTH	Yes	3,730.00

Detailed Reports for Watershed ID #70915

FOURMILE CR > NEW R - AT MOUTH
SOUTH COAST BASIN

Water Availability as of 4/18/2022

Watershed ID #: 70915 ([Map](#))
Date: 4/18/2022

Exceedance Level:
Time: 3:50 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	30.30	0.90	29.40	0.00	70.00	-40.60
FEB	46.20	1.41	44.80	0.00	70.00	-25.20
MAR	40.80	0.95	39.90	0.00	70.00	-30.10
APR	25.20	0.92	24.30	0.00	41.90	-17.60
MAY	10.50	1.28	9.22	0.00	13.10	-3.88
JUN	5.04	1.91	3.13	0.00	11.80	-8.67
JUL	3.56	2.43	1.13	0.00	7.15	-6.02
AUG	2.77	2.10	0.67	0.00	4.41	-3.74
SEP	2.19	1.34	0.85	0.00	2.63	-1.78
OCT	1.97	0.75	1.22	0.00	3.46	-2.24
NOV	7.96	0.61	7.35	0.00	30.20	-22.90
DEC	27.80	0.93	26.90	0.00	70.00	-43.10
ANN	27,900.00	937.00	27,000.00	0.00	23,700.00	3,730.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.31	0.00	0.00	0.04	0.00	0.01	0.54	0.00	0.90
FEB	0.81	0.00	0.00	0.04	0.00	0.01	0.54	0.00	1.41
MAR	0.35	0.00	0.00	0.04	0.00	0.01	0.54	0.00	0.95
APR	0.02	0.31	0.00	0.04	0.00	0.01	0.54	0.00	0.92
MAY	0.01	0.67	0.00	0.04	0.00	0.01	0.54	0.00	1.28
JUN	0.01	1.30	0.00	0.04	0.00	0.01	0.54	0.00	1.91
JUL	0.00	1.84	0.00	0.04	0.00	0.01	0.54	0.00	2.43
AUG	0.00	1.51	0.00	0.04	0.00	0.01	0.54	0.00	2.10
SEP	0.00	0.75	0.00	0.04	0.00	0.01	0.54	0.00	1.34
OCT	0.00	0.16	0.00	0.04	0.00	0.01	0.54	0.00	0.75
NOV	0.02	0.00	0.00	0.04	0.00	0.01	0.54	0.00	0.61
DEC	0.34	0.00	0.00	0.04	0.00	0.01	0.54	0.00	0.93

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS70915A	CERTIFICATE	70.00	70.00	70.00	41.90	13.10	11.80	7.15	4.41	2.63	3.46	30.20	70.00
Maximum		70.00	70.00	70.00	41.90	13.10	11.80	7.15	4.41	2.63	3.46	30.20	70.00

While this report contains some technical information the red “No” under water availability means there is no available water rights, thus no availability to irrigate cranberry bogs which is a crucial component to growing and harvesting cranberries.

Onsite Grazing

The applicant quoted the following from the NRCS soil report “ *Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock. Wetness and flooding restrict grazing in winter*”. The applicant stated their professional forester visited the site in early February and part of the land was under water. Considering this both a mapped 100 year floodplain and a mapped wet deflation plane; Staff has no reason to doubt this statement and there has been no evidenced submitted to contradict the information. On site grazing may be a possibility but without onsite water to use for watering for livestock it is not likely a viable grazing.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Applicable OARs:

OAR 660-023 – Procedures and Requirements for Complying with Goal 5

OAR 660-016 – Complying with Statewide Planning Goal 5

OAR 660-031 – State Permit Compliance and Compatibility

Coos County Comprehensive Plan, Volume 1, Part 1

5.6 FISH AND WILDLIFE HABITATS GOAL:

Coos County shall value its identified significant fish and wildlife habitat and shall strive to protect them where practicable.

PLAN IMPLEMENTATION STRATEGY

1. Coos County shall consider as "Sc" Goal #5 resources (pursuant to OAR 660-16-000) the following"

- "Sensitive and peripheral Big-game Range" (ORD 85-08001 0L)*
- Bird Habitat Sites {listed in the following table}*
- Salmonid Spawning and Rearing Areas*

2. Coos County shall manage its riparian vegetation and identified non-agricultural areas so as to preserve their significant habitat value, as well as to protect their hydrological and water quality benefits (ORD 85-08-010L). This strategy does not apply to forest management actions, which are regulated by the Forest Practices Act. This strategy recognizes that protection of riparian vegetation and other wetland areas is essential to preserve the following qualities deriving from these areas:

- Natural Flood Control - Flow stabilization of streams and rivers*
- Environmental Diversity - Habitat for fish and wildlife, including fish and wildlife of economic concern*
- Reduction of sedimentation*
- Recreational opportunities*
- Improved water quality*
- Recharge of aquifers*

4. Coos County shall protect for agricultural purposes those land areas currently in agricultural use but defined as "Wet meadow" wetland areas by the U.S. Fish and Wildlife Service, and also cranberry bogs associated sumps and other artificial water bodies. Coos County shall also consider as Goal #5 "5c" resources the following bird habitat areas. The policy shall be implemented by: c. (ORD 85.08.010L) Use of the "Special Considerations Map" to identify (by reference to the detail inventory map) salmonid spawning and rearing areas subject to special riparian vegetation protection; and sensitive and peripheral big game range.

6. Coos County shall consider the following to be ("5b) resources pursuant to the inventory information available in this Plan and OAR 660-16-000(5)(b): • Osprey Nesting Sites • Snowy Plover Habitat (outside the CBEMP) • Spotted Owl Nesting sites.

Finding: Coos County relies on Oregon Department Fish & Wildlife for providing guidance for development near bird site. The way the process works is bird sites are buffered a predefined distance to create an overlay zone. Any proposal development within these overlay zones are sent to ODFW for technical guidance. There are none of these bird site overlay zone on the subject property.

There are no streams on the subject property, so no riparian corridors would be required. In addition, a rezone from Forest to Qualified – Rural Residential-5 does not have an effect on the feature. This is should also be considered an overlay zone.

There are “Wetlands” on the subject property. Approving a rezone will not have the effect of removing this feature. Any future development, or action, on the property will be addressed during any future application. Staff does not see any reason this would be a concern.



*Coos County Comprehensive Plan, Volume 1, Part 1
5. 7 HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL
AREAD AND WILDERNESS*

ISSUES:

*1. The historical sites and structures have been identified in unincolporated Coos County by Dr. Stephen Dow Beckham for OCC&DC and the State Pm*s Division. Of these, the Philpott Indian Village site, the Bandon Lighthouse, and Cape Arago Lighthouse are in the National Register of Historic Places. In other cases, however, the presence of historical resources are either not generally known to the public or the resources may be located in areas under pressure for development. What measures can the County take to protect the value of these resources while permitting development of non-conflicting uses? 2. Both the State Office of Historic Preservation (SOHP) and local tribal authorities are aware of the exact) location of relic archaeological*

sites. However, once publicly identified, the sites often fall prey to amateur "pot hunters" that could desecrate gravesites and diminish the value of the resource. What can Coos County do to protect these archaeological resources without inadvertently endangering them through widespread public dissemination of site-specific inventory information?

PLAN IMPLEMENTATION STRATEGIES

1. Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.
2. Coos County shall permit the expansion, enlargement or other modification of identified historical structures or sites provided that such expansion, enlargement or other modification is consistent with the original historical character of the structure or site.
3. Coos County shall continue to refraining widespread dissemination [sic] site specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical, cultural and archaeological values of the project's site. "Sufficient document" shall be a letter from a qualified archaeologist/historian and/or duly authorized representative of a local Indian tribe(s). . . . "Appropriate measures" are deemed to be those which do not compromise the integrity of remains, such as (1) paving over the sites, (2) incorporating cluster-type housing design to avoid the sensitive areas, or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97. 745. - Coos Bay Plan.

Finding: There are adopted cultural resources maps. Staff did check the map that was adopted. There are no known sites on the subject property. Therefore, there really can not be any affects of rezoning the subject property. Realistically, this provides further rationale for rezoning this parcel to Qualified - Rural Residential-5 since there are not any known archaeological sites on this parcel.

Goal 6 Air, Water and Land Resource Quality

To maintain and improve the quality of the air, water and land resources of the state.

Applicable OARs: None

Coos County Comprehensive Plan, Volume 1, Part 1
5.12 AIR, LAND & WATER QUALITY

Problem/Opportunity Statement

Protection of the quality of air, land, and water resources is especially important in Coos county because the region's economy is almost totally dependent on natural resources for agriculture, forestry, fishing, and tourism. At the same time, development needs often conflict with stringent legal requirements for maintaining environmental quality.

GOAL

Coos County shall exercise sound land use practices to maintain the quality of its air, land, and water resources in a manner that reflects County citizens' desires for a quality environment and a healthy economy.

Finding: If the Planning Commission recommends the zone change from Forest to Qualified – Rural Residential -5. There will no significant negative effect air, land, or water quality. This land use goal is encouraging franchise system of private solid waste, the County's Beaver Hill solid waste site, promotes general air quality standards. Rezoning 38 acres to either Q-RR-5, or even RR-5 will not have any significant effect on any of these programs.

Goal 7 Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Applicable OAR: None

*Coos County Comprehensive Plan, Volume 1, Part 1
5.11 NATURAL HAZARDS*

Problem/Opportunity Statement

Coos County's topography, geology and climate create a variety of hazards to life, structures and natural resources such as farm and forestlands.

GOAL

Coos County shall strive to protect life and property from natural disasters and hazards, based on an inventory of areas potentially subject to such problems

PLAN IMPLEMENTATION STRATEGIES

*1. Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and disposition, *critical streambank erosion, coastal erosion and deposition, mass movement (earthflow and slump topography), earthquakes, and weak foundation soils.*

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property.

This strategy recognizes that it is Coos County's responsibility (1) to inform its citizens of potential risks associated with development in known hazard areas, and (2) to provide appropriate safeguards to minimize such potential risks.

Finding: The subject property has the following natural hazards overlays:

- Wind Erosion
- Earthquake & Liquefaction
- Tsunami

*Coos County Zoning & Land Development Ordinance
4.11.132 Natural Hazards (Balance of County Policy 5.11)*

Coos County has inventoried the following hazards:

- *Flood Hazard*
 - o *Riverine flooding*
 - o *Coastal flooding*
- *Landslides and Earthquakes*
 - o *Landslide Susceptibility*
 - o *Liquefaction potential*
- *Tsunamis*
- *Erosion*
 - o *Riverine streambank erosion*
 - o *Coastal*
 - ♣ *Shoreline and headlands*
 - ♣ *Wind*
- *Wildfire*

Purpose Statements: Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m

a. Flooding: Coos County shall promote protection of valued property from risks associated with river and coastal flooding along waterways in the County through the establishment of a

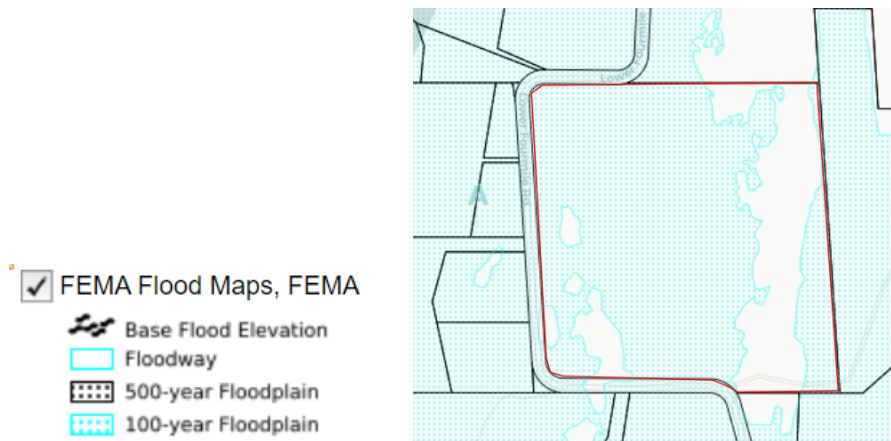
floodplain overlay zone (/FP) that conforms to the requirements for participation in the National Flood Insurance Program. See Sections 4.11.211-257 for the requirements of this overlay zone. See Sections 4.11.211-257 for the requirements of this overlay zone.

Comprehensive Plan

2. *Coos County shall continue to participate in the National Flood Insurance Program (Public Law 90-448), recognizing that participation in this program substantially insures the health and safety of County residents and allows property owners to benefit from subsidized insurance rates. Further, this strategy also recognizes that failure to participate in this program would prohibit affected property owners from receiving construction and permanent mortgage loans by federally insured lending institutions.*

2a. *The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County" dated September 25, 2009, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps is hereby adopted by reference and declared to be a part of the Coos County Comprehensive Plan Inventory.*

Finding: The subject is within the A zone of the 100-year floodplain. This is part of the area adopted into the National Floodplain Insurance program. Below is a map of the subject property with the floodplain identified. Most of the subject property is covered in the 100 year floodplain.

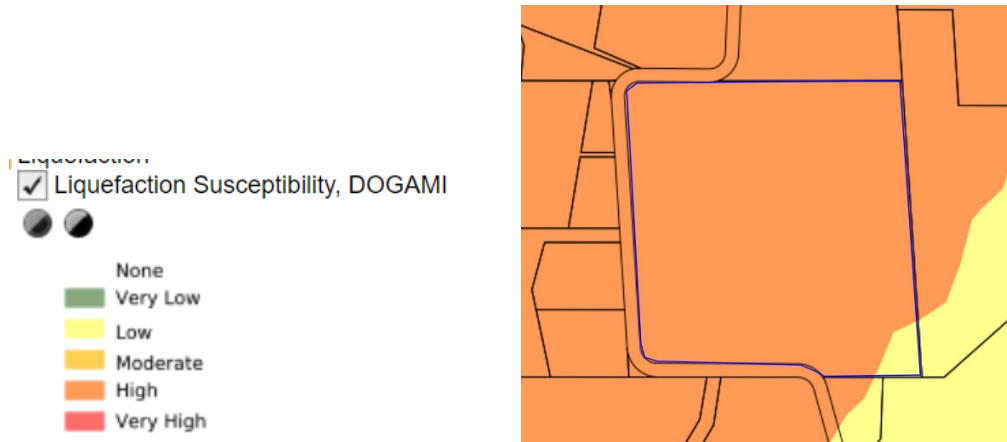


However, changing the zoning from Forest with Mixed Use overlay to Qualified – Rural Residential-5 zoning district will have no effect on the floodplain overlay zone.

b. Landslides and Earthquakes

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

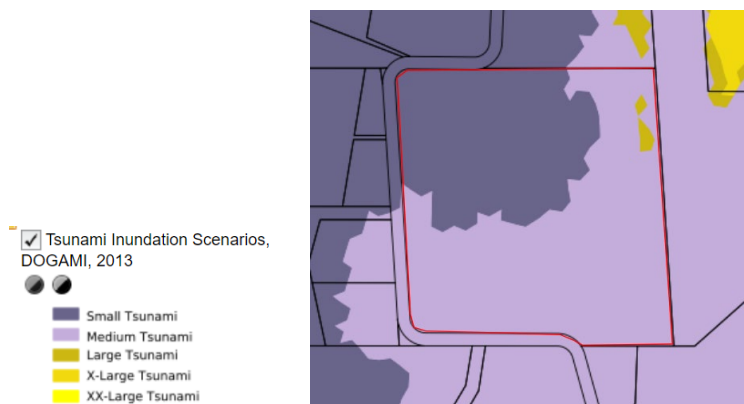
Finding: The subject is within the liquefaction zone. This is part of the area adopted into the County’s natural hazard program. Below is a map of the subject property with the liquefaction susceptibility identified. Most of the subject property is covered in the High liquefaction zone.



However, changing the zoning from Forest with Mixed Use overlay to Qualified – Rural Residential-5 zoning district will have no effect on the liquefaction susceptibility overlay zone.

c. Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.

Finding: The subject property is mapped as an area susceptible to both small and medium scenario tsunami. Changing the zoning will not have a direct effect on the overlay zone. Specific land use actions will trigger different rules or regulations. This overlay zone will be addressed during those applications.



e. Erosion: Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.

Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring nonstructural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

Finding: This overlay zone will need to be addressed during any application process. Staff does not have any proposal other than rezoning from Forest with Mixed Use overlay to Qualified – Rural Residential-5 zoning district.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

*Applicable OAR:
OAR 660-034*

*Coos County Comprehensive Plan, Volume 1 Part 1
5.20 RECREATION*

County residents have difficulty engaging in certain recreational activities because the opportunity or supply is lacking.

Finding: Most of the comprehensive plan implementation strategies revolve government parks, specifically County operated parks. This proposal is about a rezone to Qualified – Rural Residential-5, so no major effects to County recreation is expected.

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

*Applicable OARs:
OAR 660-009*

5.16 INDUSTRIAL & COMMERCIAL LANDS

GOAL

Coos County shall strive to diversify and improve its regional economy.

Finding: Goal 9 revolves around implementation of strategies for commercial and industrial development. This application is rezoning Forest zoned lands to Rural Residential zoning. There is not much relevance between the request and this goal. The applicant did state that “New development can enhance the tax base and contribute to the business climate of the community”. Staff wishes to caution the Planning Commission that increases to the tax base is not criteria for approval of a land use planning action.

Goal 10 Housing

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

Applicable OARs:

OAR 660-007

OAR 660-008

OAR 660-038

OAR 660-039

5.17 HOUSING

GOAL

Coos County shall provide for the housing needs of its residents.

PLAN IMPLEMENTATION STRATEGIES

1. *Coos County shall provide zoning for adequate buildable lands and shall encourage the availability of adequate numbers of housing units for future housing needs at price ranges and rent levels, which are commensurate with the financial capabilities of Coos County households.*

This strategy shall be implemented: (1) through appropriate Comprehensive Plan map and zoning designations, as appropriately determined to meet housing and estimates established in this plan's inventory and assessment, (2) through cooperation by Coos County with the Coos-Curry Housing Authority (CCHA) in their efforts to develop housing assistance programs for people with low and moderate incomes. This strategy recognizes (1) the lead role of CCHA in housing assistance planning, (2) each city's responsibility for assessing housing needs within its urban growth boundary (UGB), and (3) the County's responsibility for assessing housing needs within all other unincorporated areas and for coordinating the UGB housing assessments of each city.

2. *Coos County shall encourage the availability of a wide variety of housing locations in urban and rural areas. For urban and urbanizable areas, this strategy shall be implemented through urban growth management agreements and appropriate coordinated land use designations. For rural areas, this strategy shall be implemented through appropriate land use designations for acreage homesites as selected and justified in the County's rural housing exception.*

This strategy recognizes that the selected urban and rural locations are necessary to

provide flexibility in housing location.

3. *Coos County shall structure its implementing zoning ordinance such that it: (1) permits mobile homes, (2) permits mobile homes and clustering of dwellings under a Planned Unit Development concept in most residential zones, (3) permits multiple family dwellings in selected locations within urban growth boundaries (UGB's), and (4) permits multiple family dwellings outside UGB's when part of a Recreation Planned Unit development. This strategy recognizes that such flexibility of housing type provides greater choice and enhanced ability to meet the housing needs of the citizens of Coos County.*
4. *Coos County shall structure its implementing ordinance so that it allows increasing density for (from lowest to highest) acreage homesites, rural centers, and UGA's.*

Finding: The applicant is making the argument that since the subject property will not be considered Goal 3 or Goal 4 lands, and be considered non-resource lands. Then the property may be under Goal 10. Staff does not necessary disagree that if lands are not considered farm or forest, then lands could then be used for rural housing.

County housing inventories are a complex matter and beyond the scope of this application. There is not necessarily a shortage of existing housing in Coos County, or especially the Bandon area. There appears to be a shortage of affordable housing, workforce housing, houses for citizens wishing reside in their dwellings. Based on the City of Bandon's 2018 Housing Needs Assessment identified that approximately 20% of the City's housing stock were not being used for long term housing because the land owners simply choose for them not to be occupy. The County's rural residential housing stock, in the Bandon, could easily be in the same situation.

Staff wishes to point out to the Planning Commission that is currently no shortage of vacant, or undeveloped, Rural Residential, Commercial, or Industrial lands. Changing to a Rural Residential zoning would not necessary be a positive or negative benefit.

Goal 11 Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development".

*Applicable OARs:
OAR 660-011*

5.18 PUBLIC FACILITIES & SERVICES

GOAL

Coos County shall encourage the timely, orderly and efficient development of public facilities and services necessary to support appropriate for needed rural and urban development.

PLAN IMPLEMENTATION STRATEGIES

2. Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling). Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

This strategy is based on the recognition: (1) that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and (2) that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

Finding: The subject property will meet at least the minimum rural public services. Realistically, the property is already zoned Forest and the landowner could apply for either a template or 200-acre non-contiguous dwelling. The Coos County Sheriff Department will provide police protection no matter what the zoning is. The same is true for structural fire protection from Bandon Rural Fire Protection District. Wildfire protection is provided thru the Coos Forest Protective Association under an Oregon Department of Forestry contract. Port Orford Langlois School District provides local public educational services for the subject property. Staff recommends the Planning Commission finds that Goal 11 is met either with or without approval of this zone change.

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Applicable OARs:

OAR 660-012

OAR 660-034

5.19 TRANSPORTATION

GOAL

Coos County shall strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services.

Finding: The County Comprehensive has various strategies for implementing Goal 12 elements. However, the request is for rezoning Forest to Rural Residential zone change. Staff recommends the Planning Commission finds that Goal 11 is met either with or without approval of this zone change.

Goal 13 Energy Conservation

To conserve energy.

Applicable OARs:

None

5.21 ENERGY

PLAN IMPLEMENTATION STRATEGIES

6. *Coos County shall ensure that its implementing ordinances promote the conservation of energy, based upon sound economic principles, by considering utilization of the following techniques as incentives:*
- i. *lot size, dimension and siting controls;*
 - ii. *building height, bulk and surface area;*
 - iii. *density of uses, particularly housing;*
 - iv. *availability of light, wind, and air.*

In addition, alternate energy devices (such as wind energy towers) shall be conditionally permitted to exceed the maximum height limitation of its particular zone if found to be visually compatible with the immediate neighborhood.

This strategy recognizes that implementing ordinances can provide incentives in development to promote energy conservation.

Finding: The applicant's is requesting a zone change from the Forest zone to a Rural Residential zoning district. The applicant is requesting a qualifier that would raise the minimum lot size to 10 acres. Even if the Planning Commission recommends a standard Rural Residential-5 zoning district with 5 acres and further goal exceptions. This is only an increase the density of three to four more dwellings in typical part of Coos County, which is relatively sparse. Staff could not could to any real, useful, reason that this proposal would not necessary comply with the intent of Goal 13.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Applicable OARs:

OAR 660-011 – Public Facilities Planning

OAR 660-012 – Transportation Planning

OAR 660-014 – Newly Incorporated Cities, Annexations, Urban Development on Rural Lands

OAR 660-021 – Urban Reserves (applies statewide except the Portland Metro area)

OAR 660-022 – Unincorporated Communities

OAR 660-024 – Urban Growth Boundaries

OAR 660-025 – Periodic Review

OAR 660-027 – Urban and Rural Reserves in the Portland Metro Area

OAR 660-032 – Population Forecasts

OAR 660-038 – Simplified Urban Growth Boundary Method

5.22 URBANIZATION

GOAL

Coos County shall provide for an orderly and efficient transition from rural to urban land use, and shall establish urban growth boundaries to identify and separate urbanizable land from rural land.

Finding: Goal 14 is important for Coos County. However, this proposal is not requesting any development that would trigger Goal 14 level of reviews. The requested lot size is above 10 acres.

Goal 15 Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Applicable OARs:

660-020 – Willamette River Greenway Plan

Finding: The Willamette River Greenway is outside of the jurisdiction of Coos County.

Goal 16 Estuarine Resources

To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Applicable OARs:

OAR 660-017 – Classifying Oregon Estuaries

OAR 660-031 – State Permit Compliance and Compatibility

OAR 660-035 – Federal Consistency

Finding: Goal 16 is important land goal in Coos County. It is so important that the County has adopted two federally recognized estuary management plans, Coos Bay and Coquille. But the subject property is located approximately 7 miles south of the Coquille River Estuary Management Plan. Therefore, Goal 16 does not apply to this application.

Goal 17 Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Applicable OARs:

OAR 660-035 – Federal Consistency

OAR 660-037 – Goal 17 Water-Dependent Shorelands

5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

GOAL

Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property.

PLAN IMPLEMENTATION STRATEGIES

1. Coos County shall base policy decisions for dunes and ocean, coastal lake, and minor estuary shorelands on the boundaries for these areas as identified on the Special Considerations Map.

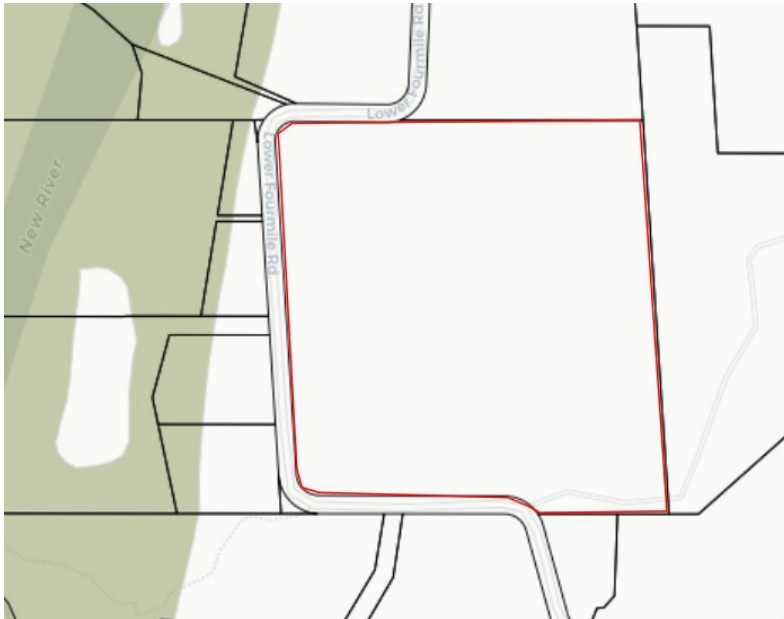
In addition, the County shall utilize the Special Considerations Map and the boundaries it delineates for the following specific areas:

- i. "Coastal Shorelands Boundary"*
- ii. "Coastal Lake Shorelands Boundary:"*
- iii. "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.*

This strategy recognizes that the Special Considerations Map specifically delineates the boundaries for areas identified in the Dunes and Ocean, Coastal Lakes Inventory and Assessment.

Finding: Coastal Shoreland Boundary is also an important aspect of Coos County Comprehensive Plan. Attached is a map of the subject property and the location to the CSB. The location of the CSB is close to the subject property, however Lower Fourmile County Road is between the CSB and the subject property.

■ Coos Coastal Shorelands Boundary



Goal 18 Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Applicable OARs:

OAR 660-034 – State and Local Parks Planning

OAR 660-035 – Federal Consistency

5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

GOAL

Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property.

PLAN IMPLEMENTATION STRATEGIES

1. Coos County shall base policy decisions for dunes and ocean, coastal lake, and minor estuary shorelands on the boundaries for these areas as identified on the Special Considerations Map.

In addition, the County shall utilize the Special Considerations Map and the boundaries it delineates for the following specific areas:

- i. *"Coastal Shorelands Boundary"*
- ii. *"Coastal Lake Shorelands Boundary:"*
- iii. *"Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.*

This strategy recognizes that the Special Considerations Map specifically delineates the boundaries for areas identified in the Dunes and Ocean, Coastal Lakes Inventory and Assessment.

2. *Coos County shall permit development within areas designated as "Beach and Dunes Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:*

- i. *the type of use proposed and the adverse effects it might have on the site and adjacent areas,*
- ii. *the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation,*
- iii. *the need for methods for protecting the surrounding area from any adverse effects of the development, and*
- iv. *hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*

Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.

This policy recognizes that:

- i. *The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave-overtopping, and interdune areas (deflation plains) subject to ocean flooding.*
- ii. *the measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.*

3. Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dunes Areas Unsuitable for Development" on the Special Considerations Map.

Further, Coos County shall permit other developments in these areas only:

- i. When specific findings have been made that consider at least:
 - a) the type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) the need for methods for protecting the surrounding area from any adverse effects of the development; and
 - d) hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
- ii. When it is demonstrated that the proposed development:
 - a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value, and
 - b) is designed to minimize adverse environmental effects, and
- iii. When specific findings have been made, where breaching of foredunes is contemplated, that (1) the breaching and subsequent restoration is consistent with sound principles of conservation, and either (2) the breaching is necessary to replenish sand supply in interdune areas, or (3) the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

This policy shall be implemented through (1) review of the Special Considerations Map when development is proposed in these areas, and (2) an Administrative Conditional Use process where findings are developed based upon a site investigation report submitted by the developer, which addresses the considerations set forth above.

- iv. This policy recognizes that:

a) *The Special Considerations Map category of "Beach and Dune Areas Unsuitable for Development" includes the following dune forms:*

- 1) *active foredunes*
 - 2) *other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and*
 - 3) *interdune areas (deflation plains) that are subject to ocean flooding,*
- b) *the measures prescribed in this policy are specifically required by LCDC Goal #18 for the above referenced dune forms, and that*
- c) *it is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with, the fragile and hazardous conditions common to such areas.*

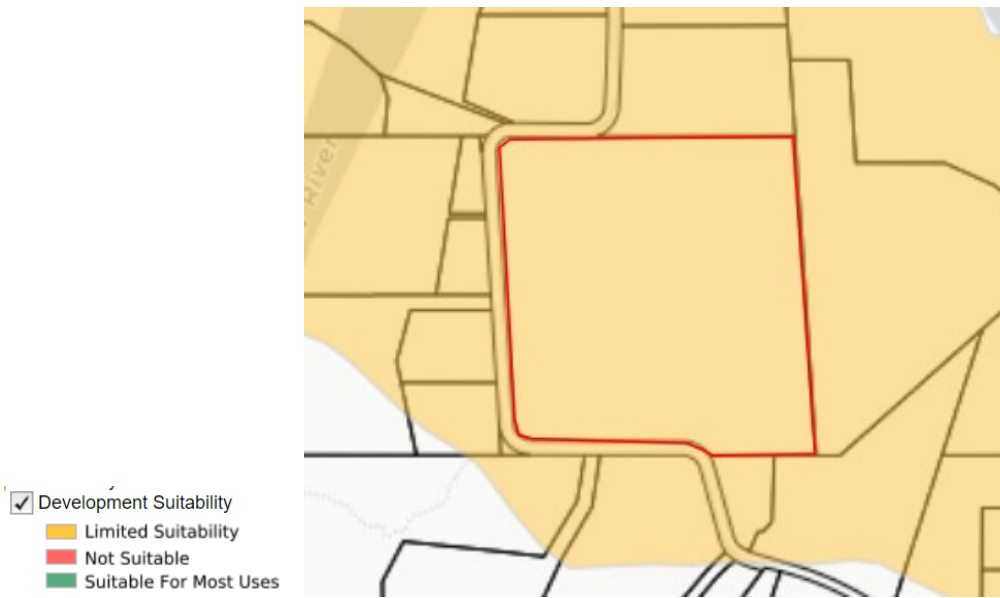
4. *Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas described in subparagraph (iii) of Policy #1: (1) destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), (2) the exposure of stable and conditionally stable areas to erosion, (3) construction of shore structures which modify current or wave patterns leading to beach erosion, and (4) any other development actions with potential adverse impacts.*

This strategy shall be implemented through the processes described in Policies #2 and #3 above and through review and comment by the County on state and federal permits in beach and dune areas.

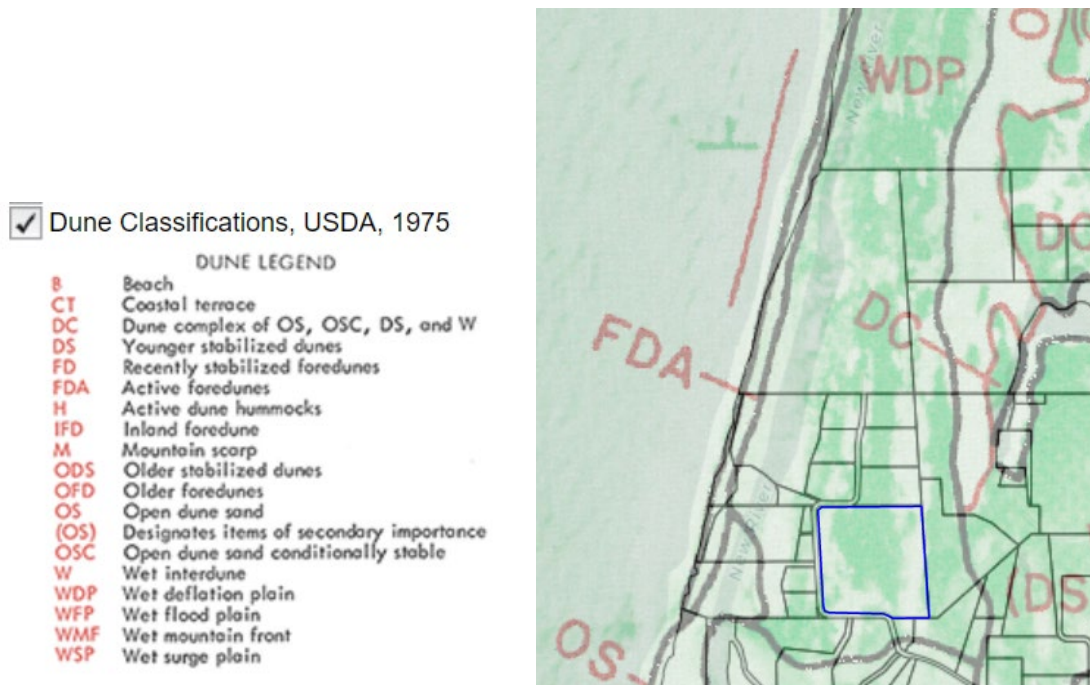
This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

Finding: While applicant stated that “*there are no dune areas identified though this application*”, meaning the subject property. The subject property is entirely covered by the Beaches and Dunes overlay, specifically classified as “*Limited Suitability*”.

Below is a map of the subject property identified in red.



Below is a map of the 1975 USDA Dune Classification, with the subject identified in blue. The subject property is within the “Wet deflation plane”.



Since Coos County implements Goal 18 as an overlay zone, changing the zoning from Forest to Rural Residential will not have an effect on the County’s implementation of Goal 18.

Goal 19 Ocean Resources

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Applicable OARs:
OAR 660-036 – Ocean Planning

Finding: The subject property is close to the ocean, but on the dry side of 1967 OPRD Statutory Vegetation Line. Therefore, this goal does not apply.

RECOMMENDATION:

Staff recommends that the Planning Commission recommends approval of the requested rezone from Forest to Qualified – Rural Residential-5 zoning district. The qualifier for this zoning district will be a 10-acre minimum lot size. The rezone will also remove the subject property from the Forest Mixed Use overlay map.

Staff has received no comments from any individuals, organization, or agencies as other writing of this Staff report. If there are comments that raise valid & rationale points. Then, Staff wishes to remind the Planning Commission that they have the ability to continue deliberations to this hearing until the June 2022 meeting, if needed.

Attachments : Draft Ordinance
Applicaiton

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In the Matter of Amending the Coos County
5 Comprehensive Plan Designation and Zone Map from
6 Forest to Qualified – Rural Residential-5 and the Official
7 Zone Map from Forest with a Mixed-Use overlay (F/MU)
8 to Qualified – Rural Residential -5. File Nos. AM-22-
9 002/RZ-22-001

ORDINANCE No.: 22-03-002PL

10 SECTION 1. TITLE

11 This Ordinance shall be known as the “Coos County Ordinance No. 22-03-002 PL”.

12 SECTION 2. AUTHORITY

13 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

14 SECTION 3. PURPOSE

15 The purpose of this Ordinance is to amend Ordinance 85-12-020L that adopted Coos County
16 Comprehensive Plan Volume I (Balance of County) Plan Zone Map and Ordinance 85-03-004L that adopted
17 Coos County Zoning & Land Development Ordinance which implements Volume I of the Coos County
18 Comprehensive Plan;

19 SECTION 4. FINDINGS AND ORDER

20 WHEREAS the property owners Coos County applied on properties described as map number: Township
21 29S, Range 15W, Section 35C, Tax Lots 1300. The subject properties are located south of the City of Bandon. The
22 properties are currently zoned Forest with a Mixed Use Overlay. The request is to amend the plan and
23 implementing zone on these property from Forest with a Mixed Use Overlay to Qualified – Rural Residential-5 (Q-
24 RR-5) as presented in the application and proposal to found at Attachment A;

25 WHEREAS Staff reviewed the proposal and made findings in the April 28, 2022, staff report
26 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)
27 find that the application complied with CCZLDO § 5.1.400.;

28 WHEREAS the Planning Commission took testimony at the May 5, 2022 hearing, there was no one else
29 besides the applicant’s representative to present and no written testimony in the record on this proposed. The
30 Planning Commission found that the plan amendment and rezone would meet the criteria.;

1 AND IT APPEARING to the Board of Commissioners that given the definition of compatibility the
2 Board of Commissioners found that the rezone would be compatible with a qualifier to limit the minimum lot
3 size of the property to ten (10) acres. The application and staff findings along with the soil and forest inventory
4 information support the zone change request.

5 The proposal was reviewed by the Department of Land Conservation and Development (DLCD) at
6 the pre-application meeting and no conflicts with the Statewide Planning Goals, Statues or Rules in regards to the
7 request.

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners
9 reviewed the Hearings Body recommendations and found the proposal met the objectives of the comprehensive
10 plan. The evidence and testimony in the record supported the rezone to Qualified – Rural Residential-5. The
11 Board of Commissioners took into consideration the evidence and determined that the proposal complied with
12 other polices and ordinances as may be adopted by the Board of Commissioners. The findings in this matter
13 can be found at Attachment B.

14 SECTION 5. SEVERANCE CLAUSE

15 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
16 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
17 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other
18 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or
19 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

20 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

21 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
22 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
23 85-03-004L shall remain in full force and effect in all other respects.

24 SECTION 7. EMERGENCY CLAUSE

25 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
26 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County
27 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.

28 //

29 //

Adopted this Dated this 1st day of June, 2022.

BOARD OF COMMISSIONERS

ATTEST

Recording Secretary

Chair

Approved as to form:

Office of Legal Counsel

Vice Chair

Planning Commission Reading: May 5, 2022
Board of Commissioner Reading: June 1, 2022
Effective Date of Adoption: June 1, 2022

Commissioner

DRAFT

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Coos County shall also consider as Goal #5 "5c" resources the following bird habitat areas:

	Township	Range	Section	Area
Bald Eagle Nests	23S	13W	23	Tenmile
	23S	11W	05	Big Creek
	23S	12W	21	Willow Point
	24S	12W	04	Palouse
	24S	13W	36	Mettman
	25S	11W	29	Bessy Creek
	25S	11W	33	Dellwood
	25S	11W	22	Rachel Creek
	25S	11W	32	Morgan Ridge
	26S	14W	14	South Slough
	27S	13W	09	
	28S	10W	09	Brewster Gorge
	31S	12W	16	Baker Creek
	29S	14W	31	Twomile Creek
	28S	14W	11	Randolph
Great Blue Heron Colonies	24S	13W	27 SW ¼	
	25S	14W	24 SE ¼	
	23S	13W	26	Saunders Lake
	24S	13W	23	North Bay
	25S	11W	15	Weyerhaeuser
	25S	12W	31 NW ¼	Catching Slough
	25S	14W	24	North Spit
	26S	14W	11	South Slough
	25S	13W	24	
	26S	14W	14 NE ¼, SE ¼	
	27S	14W	35 SE ½, NW ¼	Sevenmile
	26S	14W	14 NW ¼	
30S	15W	15	Muddy Lake	
23S	12W	28	Templeton Arm	
Band-Tailed Pigeon Mineral springs	24S	13W	24 & 25	Haynes
	25S	13W	24	Cooston
	26S	13W	01	
	28S	14W	10	Prosper
	29S	11W	26	
	29S	11W	35	Blueslide
	29S	11W	36	Rock Quarry