



Coos County Planning Department
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Official Use Only
FEE: <u>2600</u>
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Date <u>4/25/23</u>
Received By <u>LMB</u>
File No. <u>AM-23-005/RZ-23-004</u>

AMENDMENT/REZONE APPLICATION
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: Barton Stein Telephone: _____
 Address: P.O. Box 1840
Bandon, OR 97411

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

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

Stein Family Credit Shelter Trust P.O. Box 1840
Bandon, OR 97411

B. DESCRIPTION OF PROPERTY:

Township 29 Range 15 Section 13 Tax Lot 600
 Account No. 1239601 Lot Size _____ Zoning District Forest (F)
 Existing Use Residential

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Rezone Forest to EFU (Exclusive Farm Use)

ARC, Bird, Wet

D. JUSTIFICATION:

SEE APPLICANT'S EVIDENCE DOCUMENT

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

- (2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:
- a. Will the rezone conform with the comprehensive plan? _____
Explain: _____

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

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

- (3) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledged¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO Article 5.1.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

¹ "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

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

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is "physically developed" to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is "irrevocably committed" to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A "reasons exception" addressing the following standards is met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 1/2" x 11" paper. If proposed structures are not known then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initialing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

As the applicant(s) I acknowledge that it is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Applicant(s) Original Signature

Applicant(s) Original Signature
4/14/2023

Date

² Property owner" means the owner of record, including a contract purchaser



APPLICANT'S EXHIBIT "A"

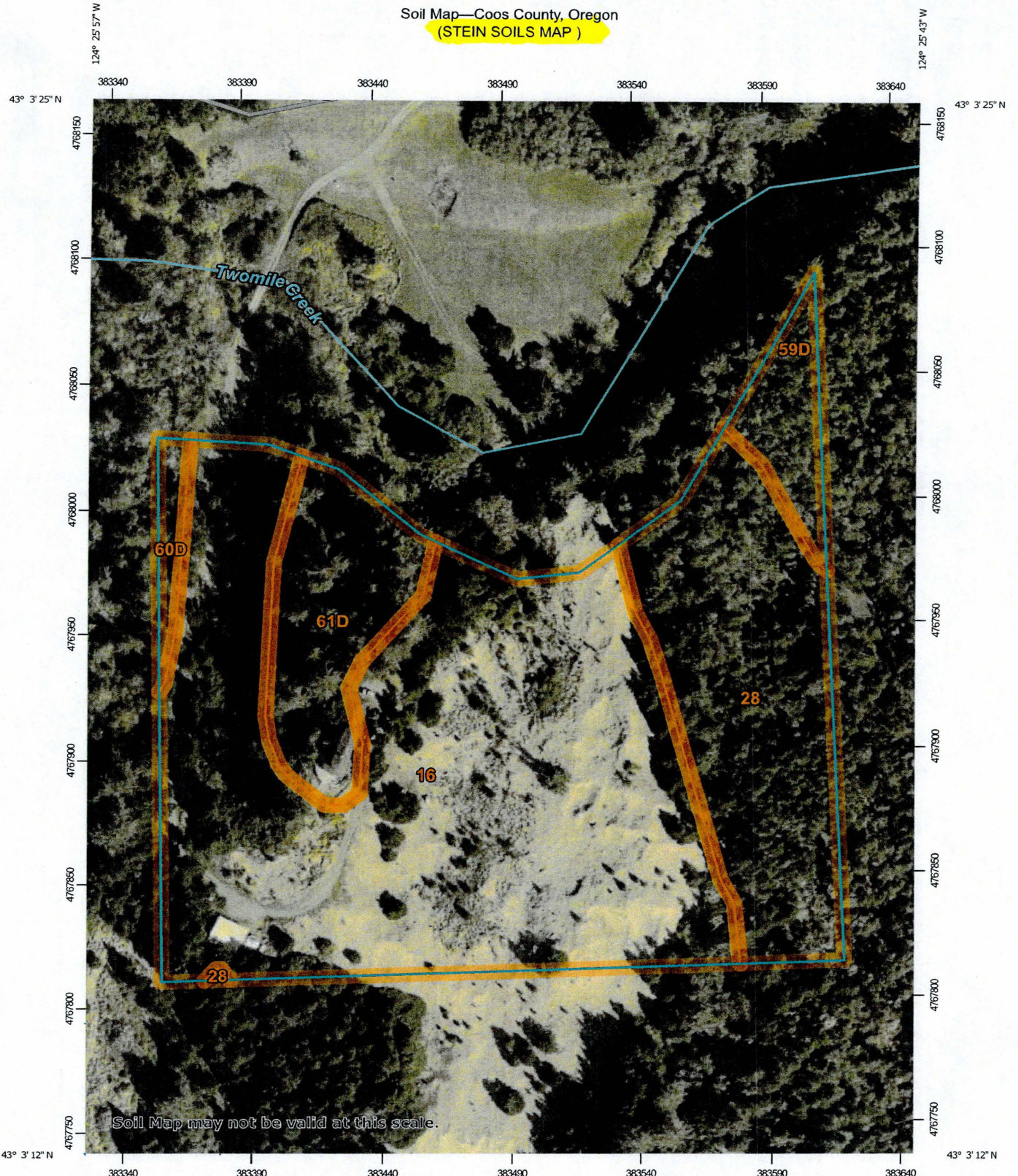
COUNTY GIS ZONING MAP



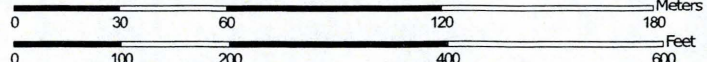
APPLICANT'S EXHIBIT "B"

ZONE ACREAGE MAP

Soil Map—Coos County, Oregon
(STEIN SOILS MAP)



Map Scale: 1:2,060 if printed on A portrait (8.5" x 11") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Soil Map—Coos County, Oregon
(STEIN SOILS MAP)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon

Survey Area Data: Version 18, Sep 8, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
16	Dune land	7.7	61.3%
28	Heceta fine sand	2.8	22.3%
59D	Waldport fine sand, 0 to 30 percent slopes	0.5	4.2%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	0.2	1.6%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	1.3	10.6%
Totals for Area of Interest		12.6	100.0%

16-Dune land.

Dune land consists mainly of hills and ridges of shifting fine and medium textured sand. It formed in eolian deposits derived dominantly from deflation basins adjacent to coastal beaches. Slope is 0 to 30 percent. Areas of Dune land do not support vegetation. Elevation is 5 to 100 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.

Included in this unit are small areas of Waldport soils, some of which have a thin surface layer, and Heceta soils. Included areas make up about 20 percent of the total acreage.

Permeability of Dune land is very rapid. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation. The hazard of soil blowing and the instability of the areas limit the unit for most kinds of recreational development. It is suitable for low-intensity uses such as hiking and horseback riding and for off-road vehicle traffic.

This map unit is in capability subclass VIIIe.

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.

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.

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.

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.

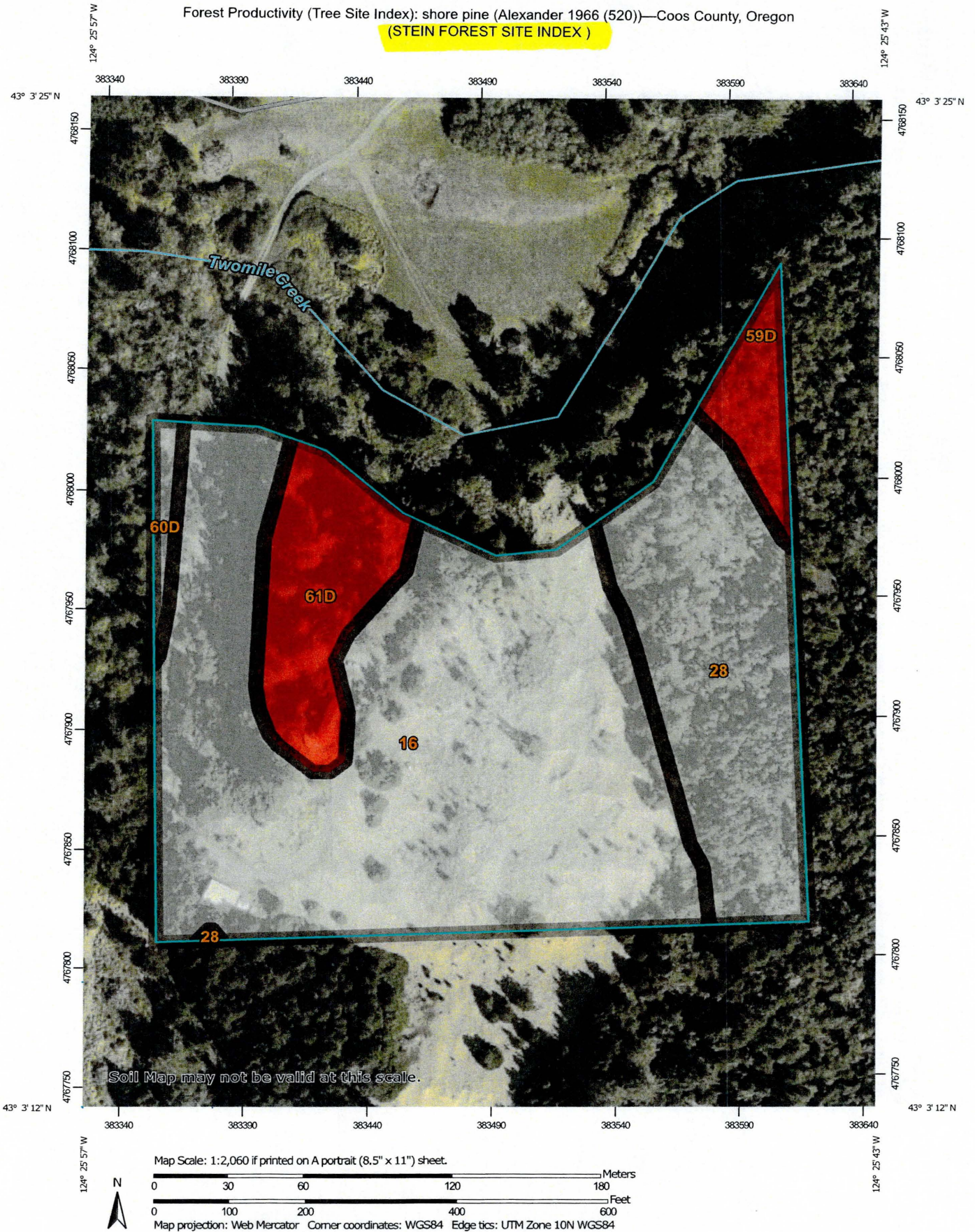
Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon 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.


Forest Productivity (Tree Site Index): shore pine (Alexander 1966 (520))—Coos County, Oregon
(STEIN FOREST SITE INDEX)



Forest Productivity (Tree Site Index): shore pine (Alexander 1966 (520))—Coos County, Oregon
(STEIN FOREST SITE INDEX)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 = 92

 Not rated or not available

Soil Rating Lines

 = 92

 Not rated or not available

Soil Rating Points

 = 92


 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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Soil Survey Area: Coos County, Oregon

Survey Area Data: Version 18, Sep 8, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

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Forest Productivity (Tree Site Index): shore pine (Alexander 1966 (520))

Map unit symbol	Map unit name	Rating (feet)	Acres In AOI	Percent of AOI
16	Dune land		7.7	61.3%
28	Heceta fine sand		2.8	22.3%
59D	Waldport fine sand, 0 to 30 percent slopes	92	0.5	4.2%
60D	Waldport-Dune land complex, 12 to 30 percent slopes		0.2	1.6%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	92	1.3	10.6%
Totals for Area of Interest			12.6	100.0%

Description

The "site index" is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

Rating Options

Units of Measure: feet

Tree: shore pine

Site Index Base: Alexander 1966 (520)

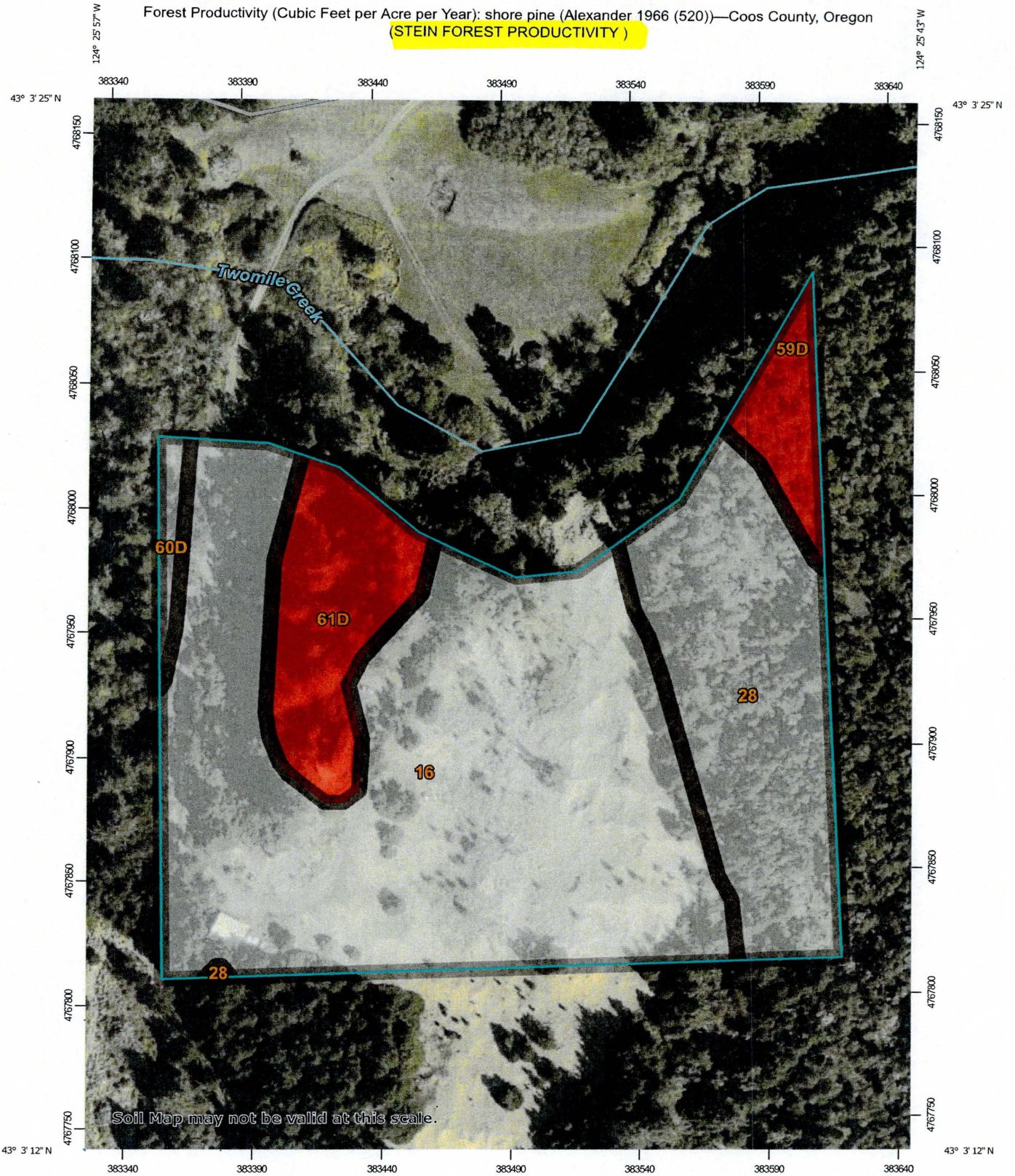
Aggregation Method: Dominant Component

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Interpret Nulls as Zero: No

Forest Productivity (Cubic Feet per Acre per Year): shore pine (Alexander 1966 (520))—Coos County, Oregon
(STEIN FOREST PRODUCTIVITY)



Map Scale: 1:2,060 if printed on A portrait (8.5" x 11") sheet.


0 30 60 120 180 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils

Soil Rating Polygons

 = 86.00


 Not rated or not available


Soil Rating Lines

 = 86.00

 Not rated or not available

Soil Rating Points

 = 86.00

 Not rated or not available

Water Features

 Streams and Canals


Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

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Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 18, Sep 8, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Forest Productivity (Cubic Feet per Acre per Year): shore pine (Alexander 1966 (520))

Map unit symbol	Map unit name	Rating (cubic feet per acre per year)	Acres in AOI	Percent of AOI
16	Dune land		7.7	61.3%
28	Heceta fine sand		2.8	22.3%
59D	Waldport fine sand, 0 to 30 percent slopes	86.00	0.5	4.2%
60D	Waldport-Dune land complex, 12 to 30 percent slopes		0.2	1.6%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	86.00	1.3	10.6%
Totals for Area of Interest			12.6	100.0%

Description

This forest productivity measurement is the maximum wood volume annual growth rate for unmanaged, even-aged stands. Units are cubic feet per acre per year. This is called the "culmination of mean annual increment" (CMAI).

Mean annual increment (MAI) is the average yearly wood volume growth per acre of a stand. This is computed by dividing the total wood volume by the stand age. As the stand increases in age, the MAI also increases until tree-to-tree competition and physiological maturity reduce the rate of increase. The point when a stand reaches its maximum MAI is called the "culmination of mean annual increment" (CMAI).

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

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Rating Options

Units of Measure: cubic feet per acre per year

Tree: shore pine

Site Index Base: Alexander 1966 (520)

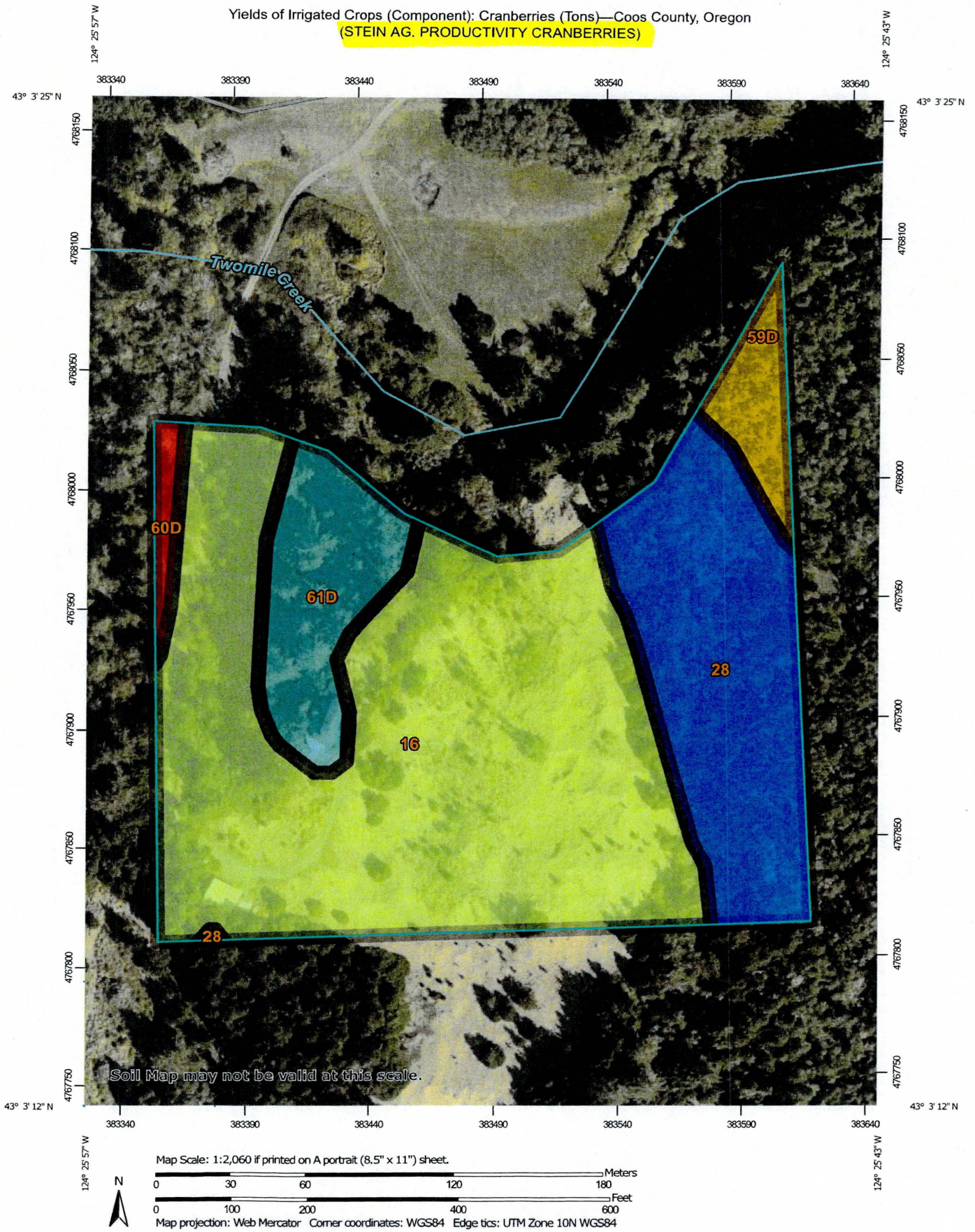
Aggregation Method: Dominant Component

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Interpret Nulls as Zero: No


Yields of Irrigated Crops (Component): Cranberries (Tons)—Coos County, Oregon
 (STEIN AG. PRODUCTIVITY CRANBERRIES)



Yields of Irrigated Crops (Component): Cranberries (Tons)—Coos County, Oregon
(STEIN AG. PRODUCTIVITY CRANBERRIES)


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  <= 0.50
-  > 0.50 and <= 0.54
-  > 0.54 and <= 0.56
-  > 0.56 and <= 1.72
-  > 1.72 and <= 5.00
-  Not rated or not available

Soil Rating Lines

-  <= 0.50
-  > 0.50 and <= 0.54
-  > 0.54 and <= 0.56
-  > 0.56 and <= 1.72
-  > 1.72 and <= 5.00
-  Not rated or not available

Soil Rating Points

-  <= 0.50
-  > 0.50 and <= 0.54
-  > 0.54 and <= 0.56
-  > 0.56 and <= 1.72
-  > 1.72 and <= 5.00
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 18, Sep 8, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Yields of Irrigated Crops (Component): Cranberries (Tons)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
16	Dune land	0.56	7.7	61.3%
28	Heceta fine sand	5.00	2.8	22.3%
59D	Waldport fine sand, 0 to 30 percent slopes	0.54	0.5	4.2%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	0.50	0.2	1.6%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	1.72	1.3	10.6%
Totals for Area of Interest			12.6	100.0%

Description

These are the estimated average yields per acre that can be expected of selected irrigated crops under a high level of management. In any given year, yields may be higher or lower than those indicated because of variations in rainfall and other climatic factors. It is assumed that the irrigation system is adapted to the soils and to the crops grown, that good-quality irrigation water is uniformly applied as needed, and that tillage is kept to a minimum.

In the database, some states maintain crop yield data by individual map unit component and others maintain the data at the map unit level. Attributes are included in this application for both, although only one or the other is likely to have data for any given geographic area. This attribute uses data maintained at the map unit component level.

The yields are actually recorded as three separate values in the database. A low value and a high value indicate the range for the soil component. A "representative" value indicates the expected value for the component. For these yields, only the representative value is used.

The yields are based mainly on the experience and records of farmers, conservationists, and extension agents. Available yield data from nearby areas and results of field trials and demonstrations also are considered.

The management needed to obtain the indicated yields of the various crops depends on the kind of soil and the crop. Management can include drainage, erosion control, and protection from flooding; the proper planting and seeding rates; suitable high-yielding crop varieties; appropriate and timely tillage; control of weeds, plant diseases, and harmful insects; favorable soil reaction and optimum levels of nitrogen, phosphorus, potassium, and trace elements for each crop; effective use of crop residue, barnyard manure, and green manure crops; and harvesting that ensures the smallest possible loss.

The estimated yields reflect the productive capacity of each soil for the selected crop. Yields are likely to increase as new production technology is developed. The productivity of a given soil compared with that of other soils, however, is not likely to change.

Rating Options

Crop: Cranberries

Yield Units: Tons

Aggregation Method: Weighted Average

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Interpret Nulls as Zero: Yes

INTERIM FOREST AND GRAZING ZONE (IFG-10)

Section 3.200 Purpose. The purpose of the Interim Forest and Grazing (IFG-10) Zone is to designate areas of the county where timber production and grazing are the predominant uses but where controlled placement of compatible community uses is also desirable.

Section 3.210 Permitted Uses. In a IFG-10 Zone the following uses and their accessory buildings and uses are permitted outright.

- (1) Management, production, harvesting or primary processing of forest products
- (2) Farming, excluding hog farm or livestock feedlot
- (3) Grazing
- (4) Single family dwelling
- (5) Home occupation or business within a single family dwelling

Section 3.220 Conditional Uses. In a IFG-10 Zone the following uses and their accessory uses may be permitted subject to the provisions of Article 8.

- (1) Solid waste disposal facility
- (2) Sanitary land fill
- (3) Sewage treatment plant
- (4) Community building, grange or lodge hall
- (5) Church
- (6) School
- (7) Fire station
- (8) Library
- (9) Museum
- (10) Park or recreation area



00104674201900099010030038

Debble Heller, CCC, Coos County Clerk

CLERK'S RECORDING INFORMATION:

TRANSACTION: WARRANTY DEED

GRANTOR: BARTON H. STEIN, Trustee of the Stein Family Trust dated
December 10, 1991
PO Box 1840
Bandon, OR 97411

GRANTEE: BARTON HOWARD STEIN, Trustee of the STEIN
FAMILY CREDIT SHELTER TRUST
PO Box 1840
Bandon, OR 97411

CONSIDERATION: There is no monetary consideration for this conveyance,
but rather, it is made for the purpose of making a change
in vesting.

TAX STATEMENTS:
Until a change is requested,
all tax statements shall be
sent to the following address:
Barton Howard Stein, Trustee
PO Box 1840
Bandon, OR 97411

AFTER RECORDING,
- RETURN INSTRUMENT TO:
- MARK M. WILLIAMS
- ATTORNEY AT LAW
- 50219 Highway 101 So, Suite D-1
- Post Office Box 1292
- Bandon, Oregon 97411
- Phone: (541) 347-1200

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that BARTON H. STEIN,
hereinafter called grantor, for the consideration hereinafter stated, does hereby grant,
warrant, sell and convey unto BARTON HOWARD STEIN, Trustee of the STEIN
FAMILY CREDIT SHELTER TRUST, and his successors in trust, hereinafter called

grantee, grantee's heirs, successors and assigns all of her interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Coos, State of Oregon, described as follows:

The East half of the Southwest quarter of the Southwest quarter and 175 Feet on the West side of the Southeast quarter of the Southwest quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Commonly known as 87112 Boak Lane, Bandon, Oregon 97411.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-00.00-. However, the other consideration consists of, or includes other property or value given or promised which is the whole of the consideration. The purpose of this deed is to transfer the property described herein to the trustee of the STEIN FAMILY CREDIT SHELTER TRUST.


To have and to hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The said property is free from all encumbrances except: Those of record.

“BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17,

(see page 3)

CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

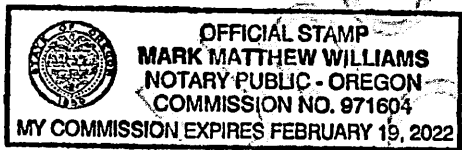
In Witness Whereof, the grantor has executed this instrument this 11th day of October, 2019.



BARTON H. STEIN, Grantor

STATE OF OREGON)
) ss.
County of Coos)

Personally appeared before me the above named BARTON H. STEIN, Grantor, and acknowledged the foregoing instrument to be his voluntary act and deed this 11 day of October, 2019.





Notary Public for Oregon

APPLICANT'S EVIDENCE DOCUMENT

STEIN FOREST (F) TO EXCLUSIVE FARM USE (EFU) REZONE

LOCATED IN SECTIONS 13 OF
TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN
COOS COUNTY, OREGON

INTRODUCTION

PROPERTY ZONING

The Applicant, Bart Stein, is the owner of a 26.54-acre parcel by assessment records. The property is located approximately 2 miles south of the City of Bandon Urban Growth Boundary and access is provided by way of Boak Lane, a public and private right-of-way. The Applicant's ownership currently contains three separate zone districts (see Applicant's Exhibit "A"). The north segment (5± acres) is zoned Exclusive Farm Use (EFU). The center segment that encompasses Two Mile Creek (8± acres) is zoned Minor Estuary and Shoreland (MES). The south segment (11± acres) is zoned Forest (F) with a mixed-use overlay (see Applicant's Exhibit "B"). The Applicant is requesting a rezone of the south segment, which shall here-forth be referred to as the rezone segment.

ADJACENT AND NEARBY ZONING

The land south and east of the Applicant's rezone segment is zoned Exclusive Farm Use (EFU). The land west of the rezone segment is zoned Recreation (REC) and contains Bandon State Park, which extends west to the Pacific Ocean. The land north of the rezone segment is the Applicant's Minor Estuary and Shoreland (MES) segment. All the nearby land surrounding the Applicant's ownership parcel to the North, East, and South is also zoned Exclusive Farm Use. In other words, the Applicant's ten-acre rezone segment consists of a forest zoned island surrounded by hundreds of acres of EFU and REC zoned land, with a small segment of intervening estuarine land.

REZONE REQUEST

The Applicant's proposal is to change the comprehensive plan designation from Forest to Agriculture, and change the ordinance zone designation from Forest (F) to Exclusive Farm Use (EFU) to conform with the general zoning pattern of the area (north, east, and south), to correspond with existing and allowed uses on adjacent and nearby EFU lands.

REZONE SEGMENT TOPOGRAPHY AND SOIL TYPES
NATURAL RESOURCE AND CONSERVATION SERVICE DATA (NRCS)
(See Applicants Exhibit "C" and "D")

Dune Sand

The predominate soil type of 61 percent of the rezone segment contains the Dune Land soil unit with 0 to 30 percent slopes. The unit is generally used for recreation such as hiking, horseback riding, and off-road vehicles. This unit is not suitable for forest use and the NRCS does not provide a forest site class or a productivity level for this unit (see Applicant's Exhibit "E" and "F"). The agricultural capability subclass is VIIIe, however, under NRCS "Yields of Irrigated Crops" category, the unit can produce 0.56 tons of cranberries per acre per year (See Applicant's Exhibit "G").

Heceta Fine Sand

Approximately 22 percent of the rezone segment contains a Heceta Fine Sand soil unit with 0 to 3 percent slopes. The unit is generally used for recreation and wildlife habitat. This unit is not suitable for forest use and the NRCS does not provide a forest site class or a productivity level (See Applicants Exhibit "E" and "F"). The agricultural capability subclass is IVw, which, pursuant to Statute is farmland. Under the NRCS "Yields of Irrigated Crops" category, the unit can produce 5.0 tons of cranberries per acre per year (see Applicant's Exhibit "G").

Waldport Fine Sand 0% to 30% Slope

Approximately 4 percent of the rezone segment contains a Waldport Fine Sand soil unit with 0 to 30 percent slopes. The unit is generally used for recreation and wildlife habitat. This unit is not suitable for "commercial" forest use, however, the 100-year mean site index for shore pine is 90, and 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 (See Applicant's Exhibit "E" and "F"). The agricultural capability subclass is VIIIe, however, the NRCS "Yields of Irrigated Crops" category shows that the unit can produce 0.54 tons of cranberries per acre per year (see Applicant's Exhibit "G").

Waldport-Dune Land Complex 12% to 30% Slopes

Approximately 2 percent of the rezone segment contains a Waldport-Dune Land Complex with 12 to 30 percent slopes. The unit is generally used for recreational development. This unit is not suitable for forest use and the NRCS does not provide a forest site class or a productivity level (See Applicant's Exhibit "E" and "F"). The agricultural capability subclass is VIIe, however, NRCS "Yields of Irrigated Crops" shows that the unit can produce 0.50 tons of cranberries per acre per year (see Applicant's Exhibit "G").

Waldport-Heceta Fine Sands 0% to 30% Slopes

Approximately 10 percent of the rezone segment contains a Waldport-Heceta Fine Sand soil unit with 0 to 30 percent slopes. The unit is generally used for recreation and wildlife habitat. This unit is not suitable for “commercial” forest use, however the NRCS shows the 100-year mean site index for shore pine is 90, and 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 (See Applicants Exhibit “E” and “F”). The agricultural capability subclass is VIIe, however, NRCS “Yields of Irrigated Crops” shows that the unit can produce 1.72 tons of cranberries per acre per year (see Applicant’s Exhibit “G”).

SOIL ANALYSIS CONCLUSION

The National Resources and Conservation Service (NRCS) soil report for the subject property shows that 86 percent of the property is not suitable for any type of forest use, and 14 percent is suitable for growing Shore Pine, a tree species with no commercial value in southwestern Oregon. The soil report also shows that 22 percent of the property contains subclass 4 soils (Heceta Fine Sand), which by definition is farmland on the Oregon Coast. The Heceta Fine Sand and the Waldport-Heceta Fine Sands encompasses approximately one-third (32 percent) of the rezone segment. The Heceta and Waldport-Heceta soil types can produce 5.0 and 1.72 tons of cranberries per acre per year respectively.

Based upon the NRCS soil information, it is reasonable to conclude that the rezone segment contains more viable farmland than forest land, and a rezone from Forest to Exclusive Farm Use is justified subject to the criteria below.

STATEWIDE PLANNING GOALS

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700

APPLICANT’S RESPONSE: The NRCS soil reports show that 22 percent of the property contains subclass 4 soils (Heceta Fine Sand), which is by definition farmland on the Oregon Coast. The Heceta Fine Sand and the Waldport-Heceta Fine Sands encompass approximately one-third (32 percent) of the rezone segment. The Heceta and Waldport-Heceta soil types can produce 5.0 and 1.72 tons of cranberries per acre per year respectively.

All the nearby land surrounding the rezone segment North, East, and South are zoned Exclusive Farm Use, except for the intervening Minor Estuary district that exists only to protect the tidally influenced portion of Two Mile Creek. In other words, the Applicant’s ten-acre rezone segment consists of a forest zoned island surrounded on three sides by hundreds of acres of EFU zoned land.

The rezone segment has no practical value as forest land, while a significant portion of the segment contains soil units capable of producing cranberries, a high value farm crop. When consideration is given to soil types, and the fact that the rezone segment is surrounded by other large tract EFU ownerships, it is reasonable to conclude that an Exclusive Farm Use (EFU) zone is appropriate to preserve and maintain agricultural lands pursuant to Goal 3.

Goal 4: Forest Land

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.

APPLICANT'S RESPONSE: The National Resources and Conservation Service (NRCS) soil reports for the subject property show that 86 percent of the property is not suitable for any type of forest use, and 14 percent is suitable for growing Shore Pine, which is not a merchantable forest product in southwestern Oregon. There are no commercial timber operations on lands surrounding the subject property, and while there may be private landowners in the area that harvest trees, those private lands are not commercial timber lands solely dedicated to the production of commercial tree species.

The intent of Goal 4 is to protect and conserve forest land and the State's Forest economy. The subject property does not contain soils suitable for the production of commercial forest species, and the rezone segment is located in close proximity to the Pacific Ocean, which directly hinders forest production. There are no commercial timber operations on adjacent or nearby lands, and therefore, the subject property will not serve to maintain Oregon's forest land base or protect the state's forest economy by making possible economically efficient forest practices. Rezoning the subject property from Forest to Exclusive Farm Use is not in contrary to the purpose and intent Goal 4.

APPLICATION SUPPLEMENTAL

Justification:

- (1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an Exclusive Farm Use zone for non-farm uses, the following questions must be answered:
 - a) were the lots or parcels for which a rezone request is made physically developed for a non-farm use prior to February 16, 1983? Explain and provide documentation:

APPLICANT'S RESPONSE: No. The purpose of this rezone application is to change the resource zone designation of the subject property from Forest (F) to Exclusive Farm Use (EFU). A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for a change from one resource designation to another resource designation.

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

The "factors" utilized for establishing the EFU zone are based upon compliance with the intent and purpose of Oregon Statewide Goals 3 and 4 and the Coos County Comprehensive Plan.

2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a) will the rezone conform with the comprehensive plan? Explain:

APPLICANT'S RESPONSE: Yes. Evidence has been submitted throughout this application addressing Appendix 1 CCCP Volume 1, Policy 5.4(8,) which allows changes in zoning districts from Forest to Agriculture and vice versa, provided that adequate findings are made supporting the request. The policy recognizes that "agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

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

APPLICANT'S RESPONSE: No. The intent of this application is to rezone the subject property to Exclusive Farm Use to be more compatible with adjacent EFU zoning and existing agricultural uses on adjacent and nearby lands.

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

APPLICANT'S RESPONSE: Yes. The intent of this application is to adopt an appropriate zone designation for the subject property pursuant to Oregon Statewide Planning Goals 3 and 4, based upon existing agricultural soil types, existing agricultural zoning, and uses on adjacent and nearby lands.

COOS COUNTY COMPREHENSIVE PLAN, APPENDIX 1, VOLUME 1

Policy 5.4 Plan Implementation Strategies

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

APPLICANT'S RESPONSE: This acknowledged policy recognizes the authority of Coos County to approve a change of a resource zone designation from forest to farm, when a finding is made that the change is appropriate based upon the criteria below, and other factors.

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

APPLICANT'S RESPONSE: Comprehensive Plan Volume 1, Part 1, Section 5.3 "Agricultural Lands," Coos County's strategy for protecting resource land is as follows:

"Coos County shall conserve those resources designated as "agricultural lands" on the Comprehensive Plan map by regulating uses and activities in such areas through requirements stipulated in the following Exclusive Farm Use (EFU) zone."

It is clear from the above referenced policy that the Exclusive Farm Use designation has been specifically established for the purpose of conserving and protecting resource land by regulating uses and activities permitted in the EFU zone.

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

APPLICANT'S RESPONSE: There is an existing dwelling on the property that was established through a vested right application in 1989. The subject improvements for that vested right were based upon a verification letter for a dwelling that was issued by the Coos County Planning Department in 1979. In 1979 the segment of the property (rezone segment) upon which the dwelling was approved, was zoned Interim Forest and Grazing (IFG – 10).

The purpose of the interim IFG zone was: (see Applicant's Exhibit "H")

"to designate areas of the county where timber production and grazing are the predominant uses but where controlled placement of compatible community uses is also desirable."

Unlike current zoning where forest districts may be subject to a "mixed use" agricultural overlay, the interim IFG district was both "Forest and Grazing." In the IFG zone, a "Single Family dwelling was a "permitted use" with no required review or application applicable to a specified zone designation. In other words, under the interim zoning, a dwelling was permitted regardless of the resource use of the land.

Based upon the evidence above, the existing dwelling was permitted under a forest and farm designation and conforms with both the current Forest (F) zone and the proposed Exclusive Farm Use (EFU) zone. The proposed rezone will not create a non-conforming use.

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

APPLICANT'S RESPONSE: The applicant is aware that there may be tax consequences if the rezone is approved.

Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land" Comprehensive Plan Map designation so as to correspond to the new zone, as approved.

Implementation of this policy shall include conducting a "rezone public hearing."

APPLICANT'S RESPONSE: The submitted application is for a rezone from Forest (F) to Exclusive Farm Use (EFU). The application is subject to public hearings before both the Coos County Planning Commission and the Coos County Board of Commissioners.

iv. This strategy recognizes:

a) That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;

APPLICANT'S RESPONSE: Coos County recognizes that the county resource land base is capable of and suitable for both agricultural and forest uses and activities. This policy is based upon the fact that the resource land base often contains soil types and/or topography capable of supporting either farm or forest activities. The Applicant has demonstrated herein that the subject rezone segment contains soil types that are more suitable for farm uses and activities than forest uses and activities.

b) That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.

APPLICANT'S RESPONSE: Coos County has simplified the revision process for agriculture and forest plan designations to allow individual property owners (the Applicant) the ability to manage their land in a timely manner as they deem appropriate.

FINAL CONCLUSION

Based upon the submitted evidence addressing Appendix 1, Volume 1 Policy 5.23 and 5.4 of the Coos County Comprehensive Plan and Oregon Statewide Planning Goals 3 and 4, a conclusion can be made that the applicable standards have been satisfied, and that an Exclusive Farm Use (EFU) zone designation is appropriate for the rezone segment of the subject property. Therefore, the Applicant respectfully requests a decision supporting the proposed zone change from Forest (F) to Exclusive Farm Use (EFU).

APPLICANT'S ADDENDUM CHAPTER 7 TRANSPORTATION

STEIN REZONE APPLICATION FOREST TO FARM LOCATED IN T.29, R.15, S.13, TL 600

BACKGROUND

The proposed rezone from one resource zone district to another resource district [Forest (F) to Farm (EFU)] will not affect transportation. The property currently contains one residential use, and following the rezone, that primary use will not change. Access to the property is by way of a private access easement that extends from Boak Lane County Road. Access and traffic volumes will not change as a result of the rezone.

SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:

A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:

a. Property boundaries;

APPLICANT'S RESPONSE: A Map has been submitted showing the property boundaries, the access easement, the driveway, and the existing residential use.

b. Location of all structures on the subject property;

APPLICANT'S RESPONSE: The existing dwelling and gazebo is shown on the submitted plot plan.

c. Required parking spaces;

APPLICANT'S RESPONSE: There are no specific parking requirements in conjunction with a farm zoned property.

d. Current utilities and proposed utilities;

APPLICANT'S RESPONSE: Existing utilities (electricity) will not change as a result of the rezone.

e. Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);

APPLICANT'S RESPONSE: There are no proposed or required transportation improvements that require a specified drawing.

f. The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;

APPLICANT'S RESPONSE: Not applicable.

g. Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;

APPLICANT'S RESPONSE: Not applicable.

h. All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;

APPLICANT'S RESPONSE: Not applicable.

i. Location of existing and proposed access point(s) on both sides of the road where applicable; VII-9

APPLICANT'S RESPONSE: Not applicable.

j. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;

APPLICANT'S RESPONSE: Not applicable.

k. Number and direction of lanes to be constructed on the road plus striping plans;

APPLICANT'S RESPONSE: Not applicable.

l. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and

APPLICANT'S RESPONSE: Not applicable.

m. Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

APPLICANT'S RESPONSE: Not applicable.

2. Traffic Study completed by a registered traffic engineer.
3. Access Analysis completed by a registered traffic engineer
4. Sight Distance Certification from a registered traffic engineer

APPLICANT'S RESPONSE: This application is intended to rezone the subject property from Forest to Farm. There will be no measurable change in density, use, or transportation facilities. Pursuant to that portion of Section 7.1.250 cited below, the applicant requests that the Roadmaster and Planning Director waive Items 2 through 4 (above).

“The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development”



ORMAP

Find address, Map Number, To



500

700

800

400

900

1101

DRIVEWAY

SUBJECT PROERPTY

GAZEBO

600

1903

29S15W13

Coos County

DWELLING

-124.428 43.058 Degrees

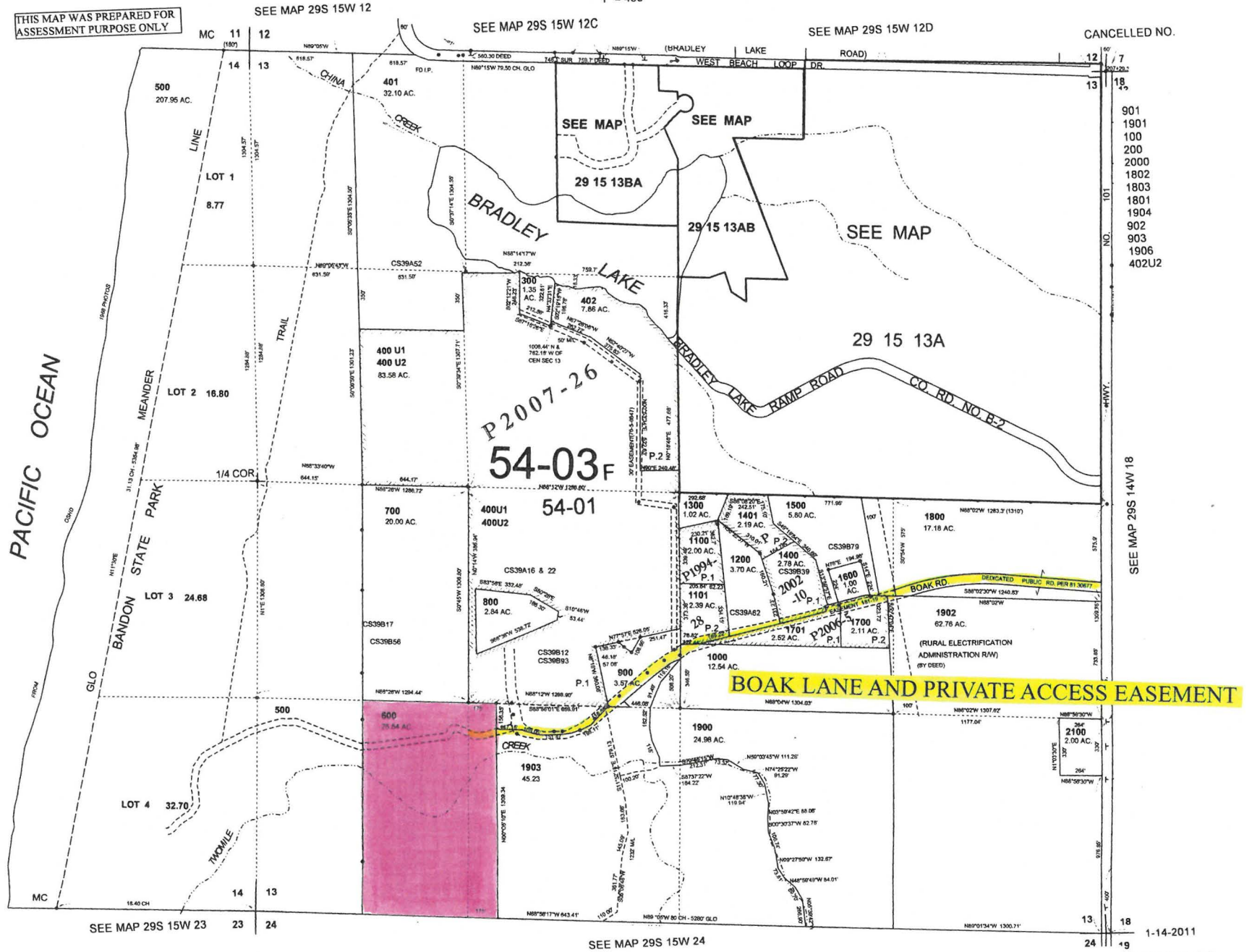


SECTION 13 T29S R15W W.M.
COOS COUNTY

29S 15W 13
& INDEX

1" = 400'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



P2007-26
54-03F

54-01

BOAK LANE AND PRIVATE ACCESS EASEMENT

SUBJECT PROPERTY