

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 Exclusive Farm Use and the Official Zone Map  
7 from Forest with a Mixed-Use overlay (F/MU) to  
8 Agricultural File Nos. AM-23-005/RZ-23-004 Stein

ORDINANCE No.: 23-06-006PL

9  
10 SECTION 1. TITLE

11 This Ordinance shall be known as the "Coos County Ordinance No. 23-06-006PL".

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 13, Tax Lot 600. Tax lot 600 is currently zoned Forest Mixed Use, Minor Estuary and  
22 Shoreland (MES), and Exclusive Farm Use. The Coos County Comprehensive Plan (CCCP) designation for the  
23 property is Forest with a Mixed Use Overlay, Conservation (MES) and Agricultural. The request is to amend the  
24 CCCP designation from on a portion of the property property from Forest with a Mixed Use Overlay to Agricultural  
25 and change the zoning from Forest to Exclusive Farm Use as presented by in the application found at Attachment A;

26 WHEREAS Staff reviewed the proposal and made findings in the June 29, 2023, staff report  
27 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)  
28 find that the application complied with the Coos County Zoning and Land Development Ordinance (CCZLDO)  
29 Article 5.1 Plan Amendments and Rezones.

1           WHEREAS the Hearings Body held a public hearing on July 6, 2023 for the purpose of reviewing all the  
2 evidence and testimony in this matter. The Planning Commission found that the plan amendment and rezone would  
3 meet the criteria and recommended to the County Board of Commissioners (BOC) approval;

4           AND IT APPEARING to the Coos County Board of Commissioners that the Planning Commission did  
5 adequately review all of the testimony and evidence in the matter and held another public hearing on the matter  
6 to consider any additional testimony and evidence on August 1, 2023.

7           NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners has  
8 reviewed the recommendations from the Hearings Body and found that the proposal meets the objectives of the  
9 comprehensive plan. The evidence and testimony in the record support the rezone from Forest to Exclusive  
10 Farm Use. The Board of Commissioners carefully considered the evidence and determined that the proposal is  
11 in compliance with other policies and ordinances adopted by the Board of Commissioners. The findings  
12 regarding this matter can be found in Attachment B.

13 SECTION 5. SEVERANCE CLAUSE

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

19 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

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

23  
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 Adopted this Dated this 1<sup>st</sup> day of August 2023.

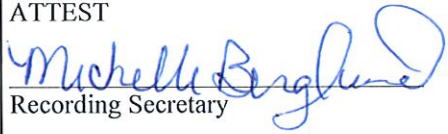
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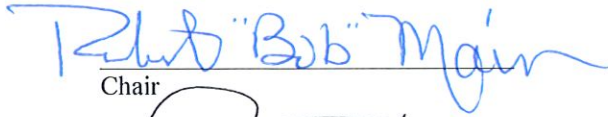
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BOARD OF COMMISSIONERS

ATTEST

  
Recording Secretary

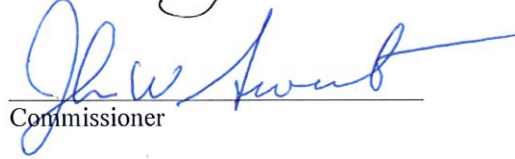
  
Chair

Approved as to form:

N/A  
Office of Legal Counsel

  
Vice Chair

Planning Commission Reading: July 6, 2023  
Board of Commissioner Reading: August 1, 2023  
Effective Date of Adoption: August 1, 2023

  
Commissioner



# Attachment “A” Application





Coos County Planning Department  
 Coos County Courthouse Annex, Coquille, Oregon 97423  
 Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, OR 97423  
 Physical Address: 225 N. Adams, Coquille, Oregon  
 (541) 396-7770  
 FAX (541) 396-1022 / TDD (800) 735-2900  
planning@co.coos.or.us

Official Use Only	<i>no</i>
FEE:	<u>2600</u>
Receipt No.	<u>239920</u>
Check No./Cash	<u>17949</u>
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 acknowledged<sup>1</sup> 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

<sup>1</sup> "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 owners<sup>2</sup> must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing 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 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

<sup>2</sup> 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 LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Streams and Canals
 Borrow Pit	 Transportation
 Clay Spot	 Rails
 Closed Depression	 Interstate Highways
 Gravel Pit	 US Routes
 Gravelly Spot	 Major Roads
 Landfill	 Local Roads
 Lava Flow	 Background
 Marsh or swamp	 Aerial Photography
 Mine or Quarry	
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

## 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.

## 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.

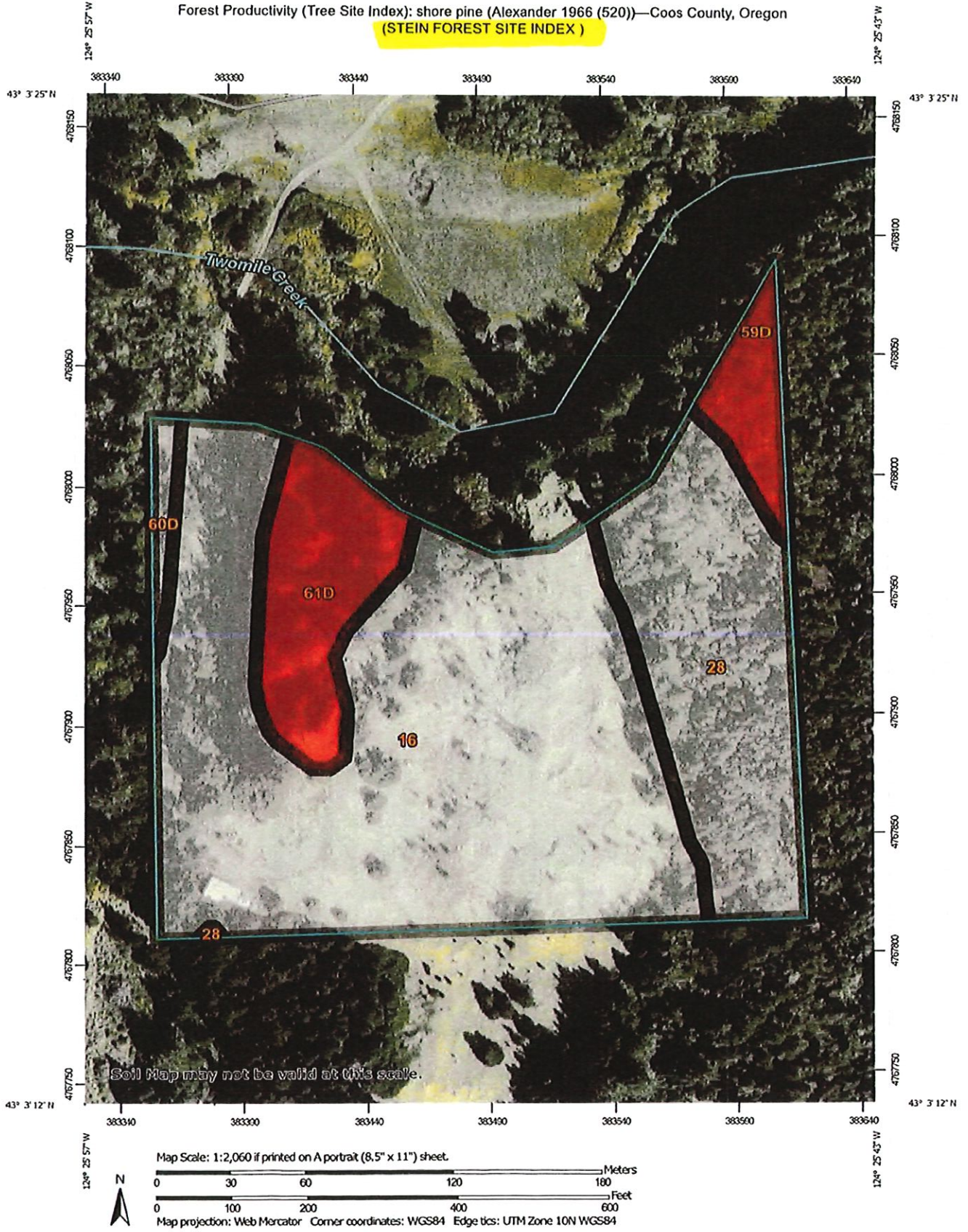
Areas used for recreation can be protected from soil blowing by maintaining plant cover. Plant cover can be maintained by limiting traffic. Excavation for houses and access roads exposes material that is highly susceptible to soil blowing. Revegetating disturbed areas around construction sites as soon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






### 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)

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 (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%
<b>Totals for Area of Interest</b>			<b>12.6</b>	<b>100.0%</b>

### 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)

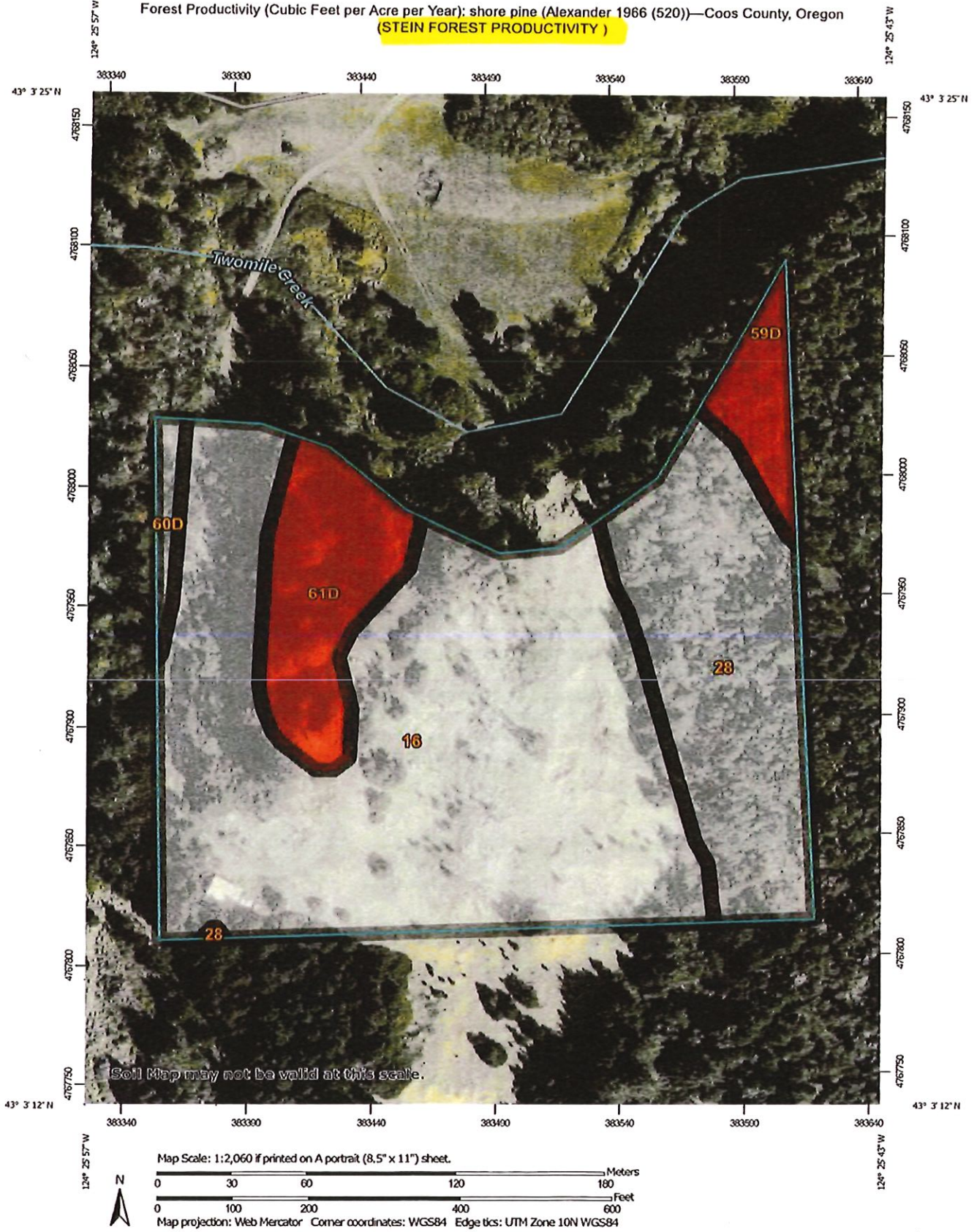
*Aggregation Method:* Dominant Component

*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 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

## 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)

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Survey Area Data: Version 18, Sep 8, 2022

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

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## 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%
<b>Totals for Area of Interest</b>			<b>12.6</b>	<b>100.0%</b>

### 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)

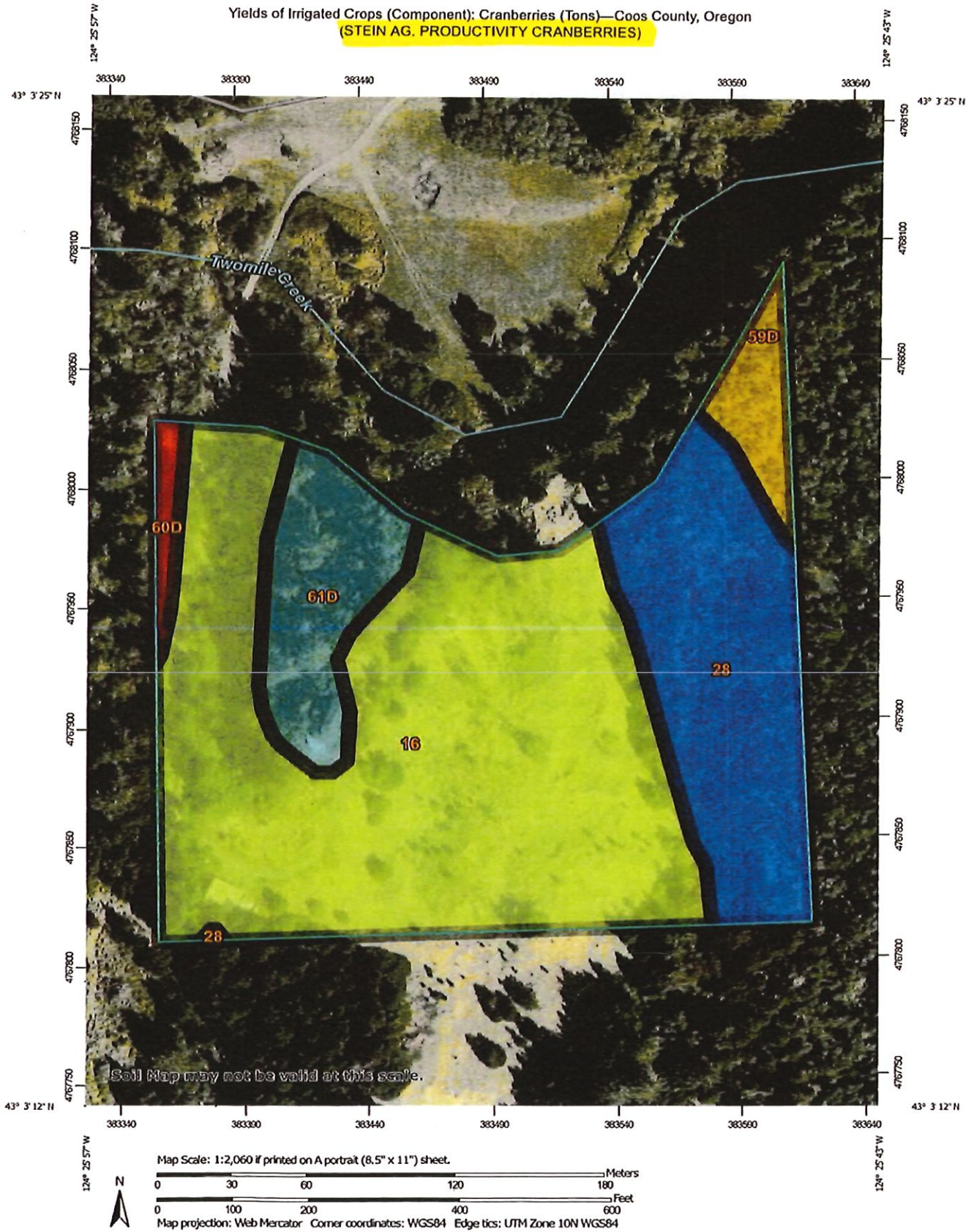
*Aggregation Method:* Dominant Component

*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)



## MAP LEGEND

<b>Area of Interest (AOI)</b>	<b>Transportation</b>
Area of Interest (AOI)	Rails
	
<b>Soils</b>	Interstate Highways
<b>Soil Rating Polygons</b>	US Routes
 <= 0.50	Major Roads
 > 0.50 and <= 0.54	Local Roads
 > 0.54 and <= 0.56	<b>Background</b>
 > 0.56 and <= 1.72	 Aerial Photography
 > 1.72 and <= 5.00	
 Not rated or not available	
<b>Soil Rating Lines</b>	
 <= 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	
<b>Soil Rating Points</b>	
 <= 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	
<b>Water Features</b>	
 Streams and Canals	

## 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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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  
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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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### 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%
<b>Totals for Area of Interest</b>			<b>12.6</b>	<b>100.0%</b>



## 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



Debbie 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

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**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.

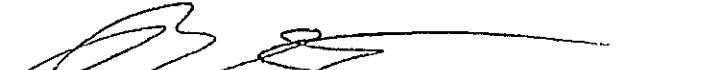
To have and to hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The said property is free from all encumbrances except: Those of record.

"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)

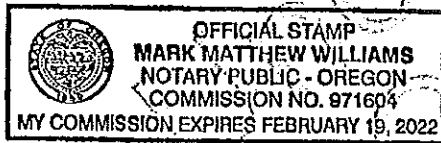
CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

In Witness Whereof, the grantor has executed this instrument this 11<sup>th</sup> 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 VIIe, 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

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1101



DRIVEWAY

GAZEBO

600

DWELLING

SUBJECT PROERPTY

29S15W13

1903

Coos County

-124.428 43.058 Degrees

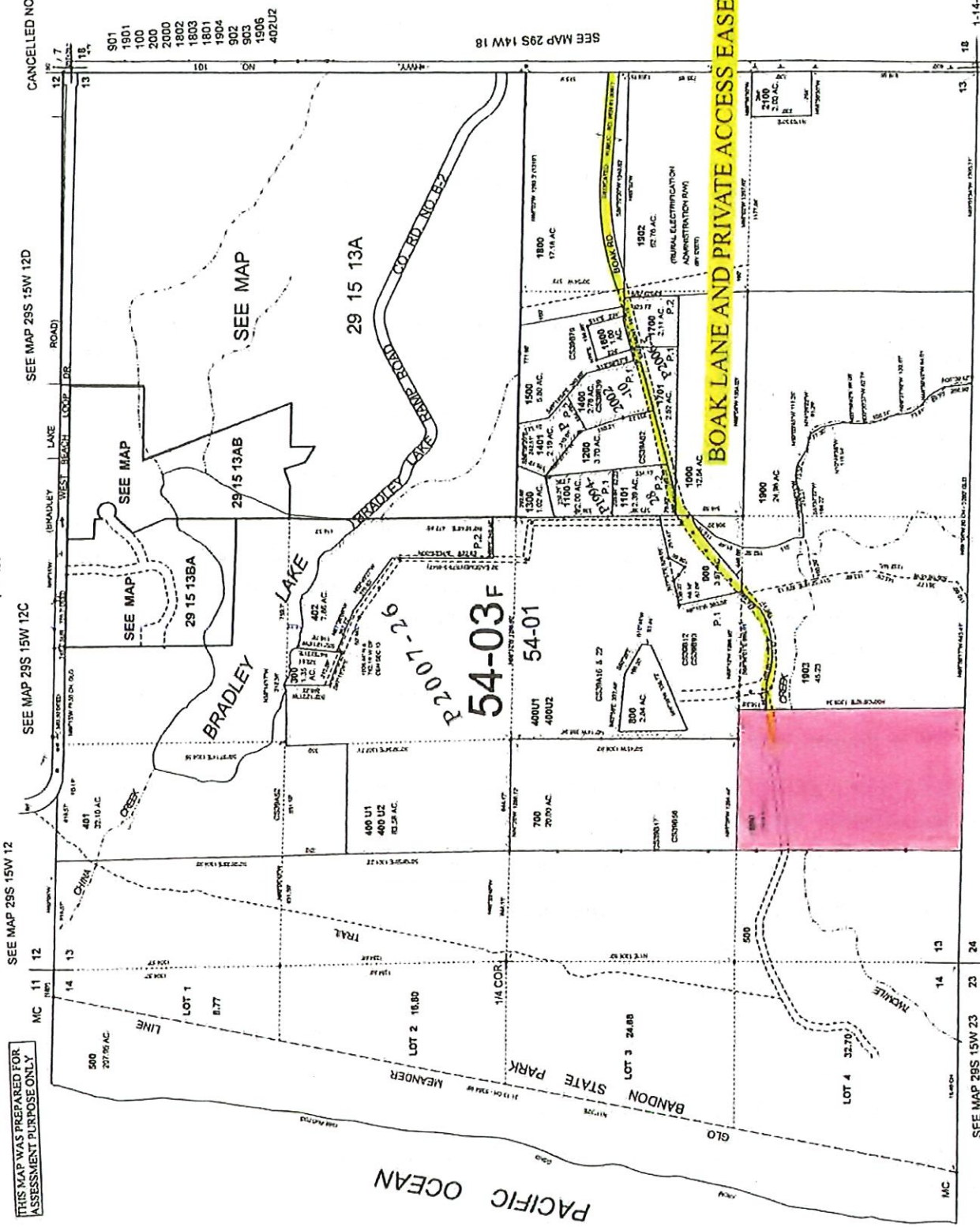




29S 15W 13  
& INDEX

SECTION 13 T29S R15W W.M.  
COOS COUNTY

1" = 400'



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

SEE MAP 29S 15W 12

SEE MAP 29S 15W 12C

SEE MAP 29S 15W 12D

CANCELLED NO.

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SEE MAP 29S 14W 18

1-14-2011

29S 15W 13  
& INDEX

SEE MAP 29S 15W 24

SUBJECT PROPERTY

# 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.*

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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.*

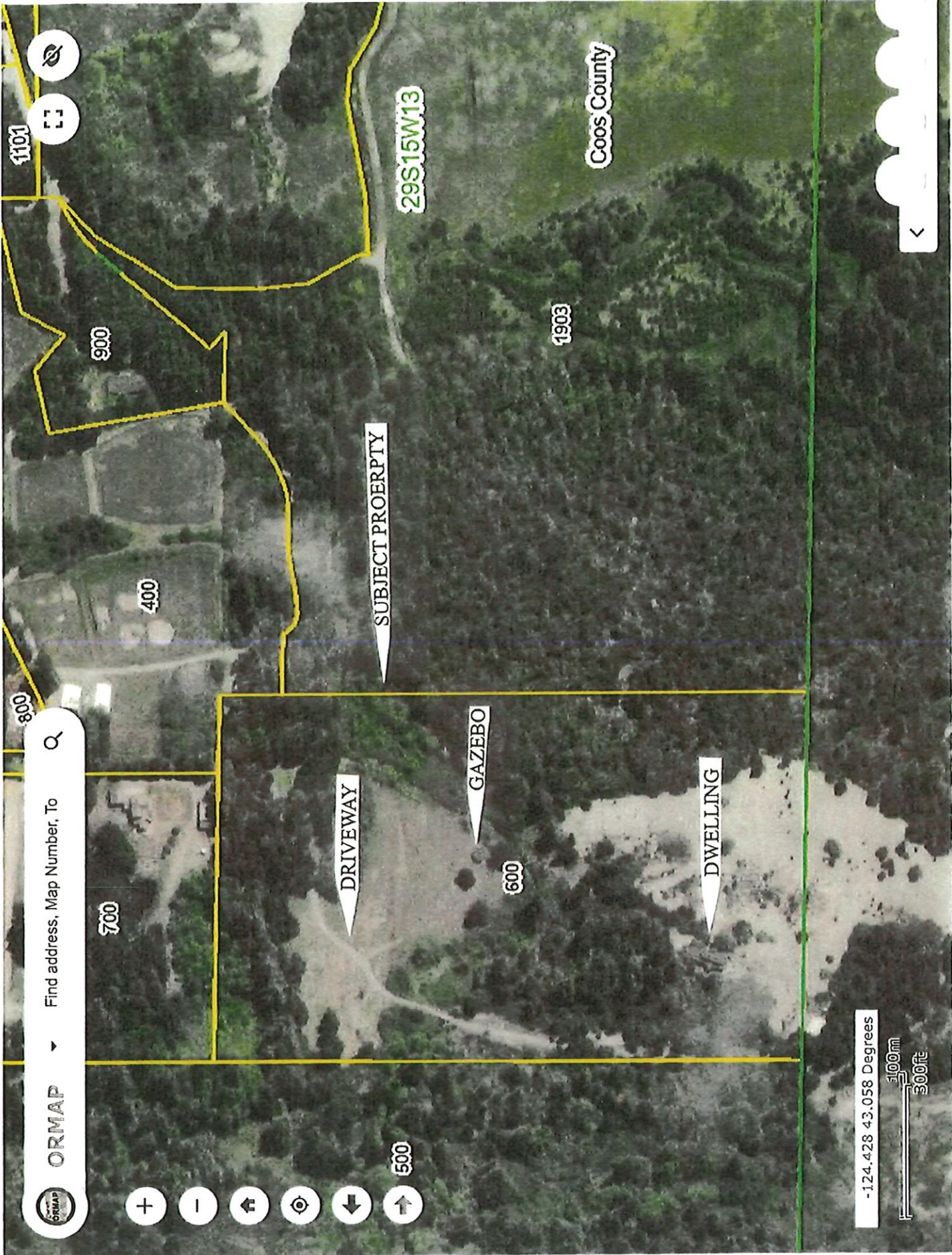
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*APPLICANT'S RESPONSE: Not applicable.*

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 Q



500

700

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1101

SUBJECT PROERPTY

DRIVEWAY

GAZEBO

600

DWELLING

29S15W13

1903

Coos County

-124.428 43.058 Degrees



29S 15W 13  
& INDEX

SECTION 13 T29S R15W W.M.  
COOS COUNTY

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

1" = 400'

SEE MAP 29S 15W 12

SEE MAP 29S 15W 12C

SEE MAP 29S 15W 12D

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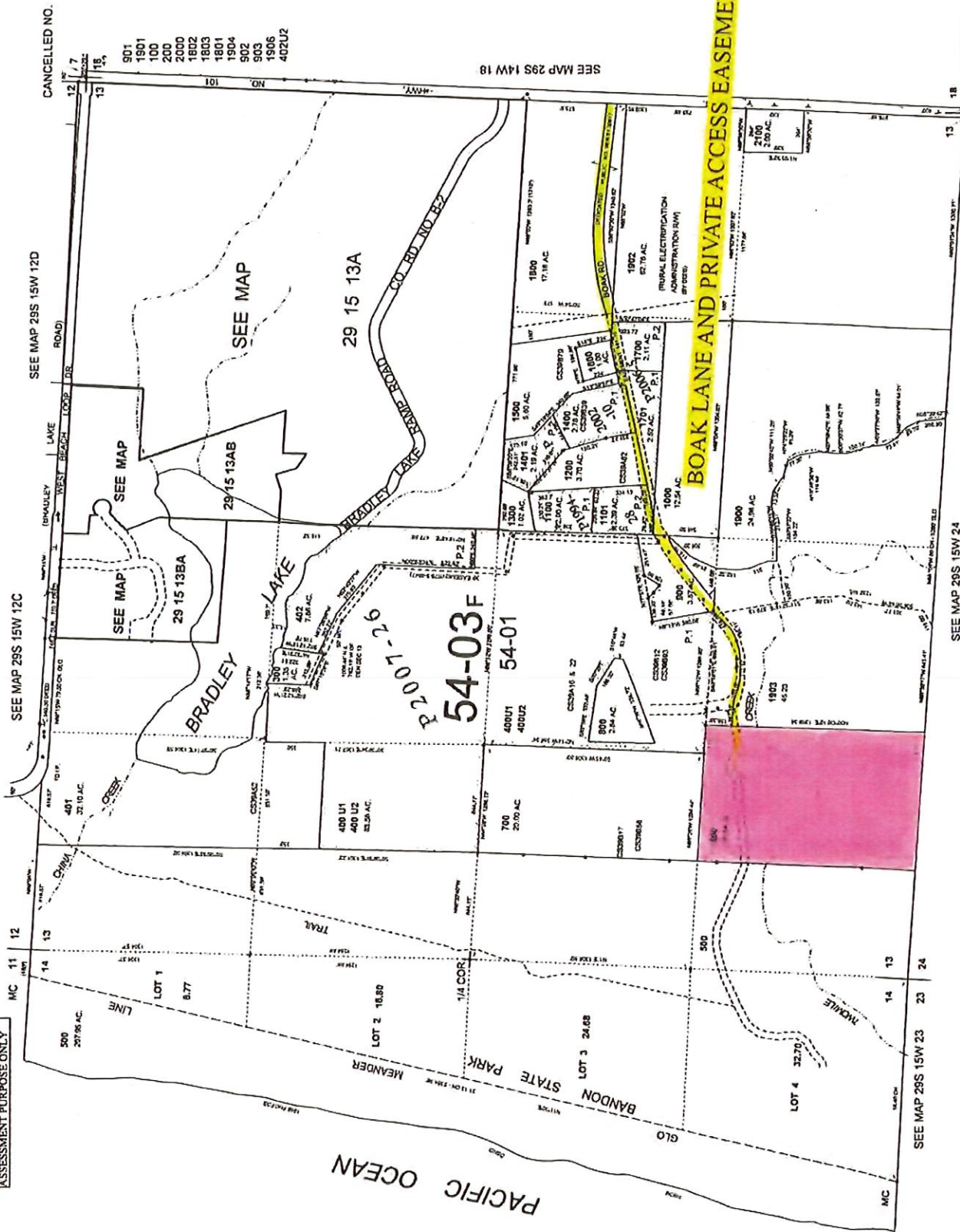
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SUBJECT PROPERTY

1-14-2011  
29S 15W 13  
& INDEX



## Response Page

Department of State Lands (DSL) WN# \*

WN2023-0326

### Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
AM-23-005 RZ-23-004	Coos	

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
29S	15W	13		600

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.056151

Longitude

-124.430827

### Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

### Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## Closing Information

### Additional Comments

A site plan map (for ground disturbance or a subdivision) was not submitted to DSL for review therefore it is not possible to determine the location of any proposed work on the tax lot or the project extents. DSL does not review or comment on rezoning applications, which is all that this WLUN references, unless there is an included proposed ground disturbance or subdivision that the Agency can evaluate. The DSL response is that a wetland delineation or permitting is not required because we don't review rezoning.

Based on aerial imagery/NWI/etc, there are wetlands and waters on the parcel. If there is a future ground disturbing project proposed, the applicant is recommended to have a wetland consultant verify that their building footprint is outside of wetlands. If greater than 50 cy of combined wetland removal/fill is needed than a wetland delineation and permitting would be required.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

5/23/2023

### Response by:

Daniel Evans

### Response Phone:

503-986-5271



# Attachment “B”

## Findings of Fact





# BOARD OF COMMISSIONERS STAFF REPORT

Coos County Planning  
60 E. Second  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770

**I. File # AM-23-005/RZ-23-004 (Ordinance Number 23-06-006PL)**

**HEARING:** August 1, 2023 at 1:30 p.m.  
Owen Building  
201 N. Adams St. Coquille OR 97414

**APPLICANT:** Barton Stein

**CONSULTANTS:** Chris Hood, Stuntzner Engineering & Forestry

**SUMMARY PROPOSAL:** The proposal is for an Amendment/Rezone of a parcel of land from Forest to Exclusive Farm Use

**STAFF CONTACT:** Jill Rolfe, Coos County Community Development Director

**PLANNING COMMISSION RECOMMENDATION:**

On July 6, 2023 the Planning Commission met and reviewed the application and testimony and evidence and made a motion to recommend to the Board of Commissioners approval of the rezone based on the findings of fact.

**REVIEW CRITERIA:** The applicant will need to comply with:

- Article 5.1 Plan Amendments and Rezones,
- Coos County Comprehensive Plan Volume I, Part I
  - Section 3.2 Agricultural/Forest/Natural Resources,
  - Section 5.3 Agricultural Lands, and
  - 5.4 Forest Lands
- Volume I, Part II
  - Section 3.1 Agricultural Lands, and
  - Section 3.2 Forest Lands.

**PROPERTY DETAILS:**

Account Number 1239601  
Map Number 29S151300-00600

Property Owner STEIN FAMILY CREDIT SHELTER TRUST  
STEIN, BARTON HOWARD TTEE  
PO BOX 1840  
BANDON, OR 97411-1840

Situs Address 87112 BOAK LN BANDON, OR 97411

Acreage 25.54 Acres

Zoning EXCLUSIVE FARM USE (EFU)  
FOREST (F)  
MINOR ESTUARY & SHORELANDS (MES)

ARCHAEOLOGICAL AREAS OF INTEREST

Special Development    BEACHES/DUNES - LIMITED  
Considerations and    BIRD SITE MEETS GOAL 5C REQRMT  
Overlays:                COASTAL SHORELAND BOUNDARY  
                              FLOODPLAIN (FP)  
                              FOREST MIXED USE  
                              NAT. HAZARDS WIND EROSION  
                              NATIONAL WETLAND INVENTORY SITE  
                              NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION

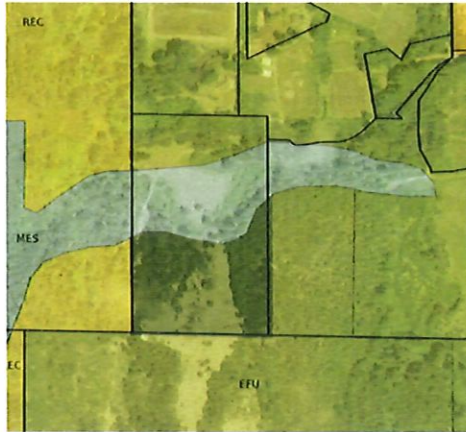
## I.I    STAFF REPORT AND FINDINGS OF FACT

### A. DETAILS AND BACKGROUND:

- i.    **PROPOSAL:** According to the application, 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.
- ii.    **LOCATION AND SURROUNDING USES:** The property is located approximately two (2) miles south of the City of Bandon Urban Growth Boundary, with access provided by Boak Lane, which serves as both a public and private right-of-way. The land to the south and east of the Applicant's rezone segment is zoned Exclusive Farm Use (EFU).

To the west of the rezone segment is the Recreation (REC) zone, which encompasses Bandon State Park and extends all the way to the Pacific Ocean. The land to the north of the rezone segment is designated as the Applicant's Minor Estuary and Shoreland (MES) segment. Additionally, all the nearby land surrounding the Applicant's ownership parcel to the north, east, and south is also zoned as EFU. In other words, the Applicant's ten-acre rezone segment consists of a forested island that is zoned differently from the surrounding hundreds of acres of EFU and REC zoned land, with a small section of intervening estuarine land."

- iii.    **PROPERTY HISTORY:** The subject property was created through a warranty deed in 1977 (Document 77-6-10196), as allowed by a prior ordinance. In 1978, a site evaluation and approval for a single-family dwelling were granted. The notes indicate that a dwelling was initially constructed and later replaced with the current dwelling. In 2003, approval was obtained for an agricultural building, as well as an expansion and remodel of the dwelling, which included the addition of an attached garage.
- iv.    **ZONING:** The subject property is currently Minor Estuary and Shorelands and Forest. The proposal will only affect the southern portion of the property by rezoning it from Forest to Exclusive Farm Use.



***Minor Estuary and Shorelands (MES)***

The purpose of the “MES” district is to regulate uses within the inventoried minor estuaries and adjacent shorelands within unincorporated Coos County. The estuaries within the district are treated as “natural management units” per LCDC Goal 16. There are no hearings body applications or development standards with the exception of road standards found in Chapter VII.

***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.

- v. **SITE DESCRIPTION:** The subject property is a 25.54 acres parcel. The subject property has some tree vegetation scattered throughout the property. The southern portion of the property is mostly dune and the northern portion is grassy. Twomile creek crosses the property in the central area. Boak Lane enters the property at the northeast corner and travels southwest ending near the southwestern portion of the property. The property is developed with a dwelling and agricultural building.

Overview Map



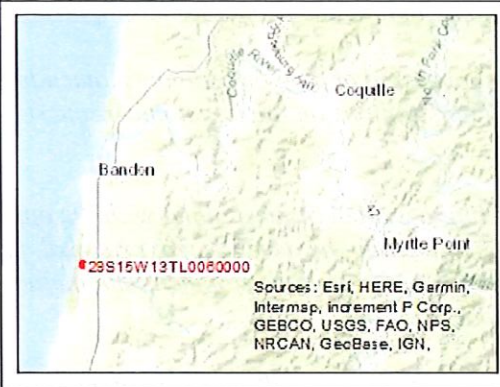
# COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

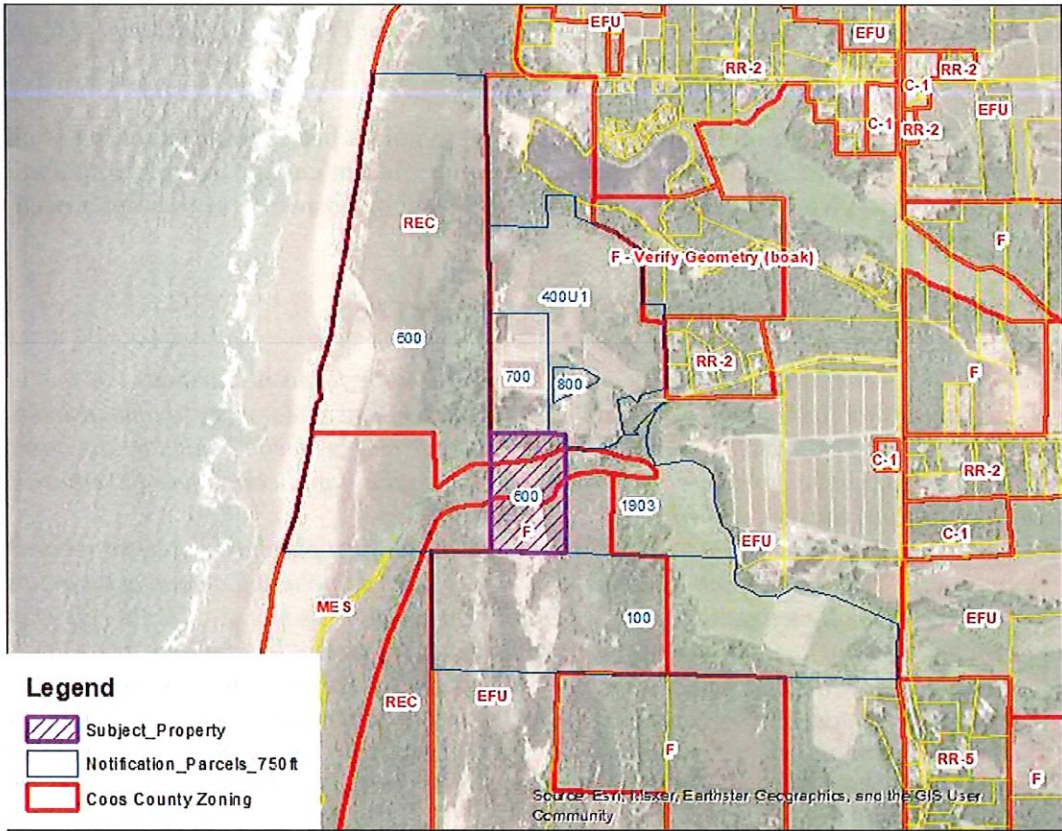
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: AM-22-005/RZ-22-004  
Owner: Barton Stein  
Date: June 7, 2023  
Location: Township 29S Range 15W  
Section 13 TL 600  
Proposal: Amendment/Rezone



**B. COMMENTS RECEIVED:** There have been no comments received on this proposal as of the date of this report.

**C. ADMINISTRATIVE PROCEDURES: ARTICLE 5.0 ADMINISTRATION AND APPLICATION REVIEW PROVISIONS**

• **SECTION 5.0.100 PRE-APPLICATION CONFERENCE:**

*The purpose of a pre-application conference is to familiarize the applicant with the provisions of this Ordinance and other land use laws and regulations applicable to the proposed development.*

*A pre-application is strongly recommended prior to submission of plan or ordinance amendment application or rezone application. For other types of applications an applicant may request a pre-application conference under this Ordinance.*

*A pre-application conference shall be requested by filing a written request along with the applicable fee to the Planning Department. The written request should identify the development proposal, provide a description of the character, location and magnitude of the proposed development and include any other supporting documents such as maps, drawings, or models.*

*The Planning Department will schedule a pre-application conference after receipt of a written request and the appropriate fee. The Planning Department will notify agencies and persons deemed appropriate to attend to discuss the proposal. Following the conference, the Planning Department will prepare a written summary of the discussion and send it to the applicant.*

**FINDINGS:** A pre-application is always encouraged to gain a better understanding of all potential issues from an agency perspective. The property owner did not engage in a pre-application meeting on this property but given that this is a resource to resource rezone there was not a need to solicit comments from other agencies.

• **SECTION 5.0.150 APPLICATION REQUIREMENTS:**

*Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee. An application shall not be considered to have been filed until all application fees have been paid. All applications shall include the following:*

- 1. Applications shall be submitted by the 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.*
- 2. An application for a variance to the requirements of the Airport Surfaces Overlay zone may not be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within twenty (20) days after receipt, the Planning Director may act to grant or deny said application.*
- 3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications.*



*An application may be deemed incomplete for failure to comply with this section.*

*The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.*

• **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;*
  - b. *Location of all structures on the subject property;*
  - c. *Required parking spaces;*
  - d. *Current utilities and proposed utilities;*
  - e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*
  - f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if 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;*
  - 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;*
  - i. *Location of existing and proposed access point(s) on both sides of the road where 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;*
  - k. *Number and direction of lanes to be constructed on the road plus striping plans;*
  - l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
  - m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*
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.*

**FINDING:** After reviewing the application, staff contacted the applicant's consultant to inquire about the traffic plan. The consultant, acting on behalf of the property owner, submitted additional information to address the traffic plan. They also requested the waiver of a traffic study, access analysis, and sight distance certification from a registered traffic engineer. It is anticipated that the majority of the traffic impacts will be addressed when a specific use is requested. A request for comments was sent to the Roadmaster, but as of the time of this report, no response has been

received. However, given the like zoning and uses this proposal is not likely to have any impact on traffic.

- **SECTION 5.0.300 FINDINGS REQUIRED [ORS 215.416(9)-(10)]:**

*Approval or denial of an application shall be in writing, based upon compliance with the criteria and standards relevant to the decision, and include a statement of the findings of fact and conclusions related to the criteria relied upon in rendering the decision.*

- **SECTION 5.0.350 CONDITIONS OF APPROVAL:**

1. *Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.*
2. *An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.*
3. *At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.*

- **SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763):**

*All applications that receive a notice shall follow this section except for land divisions within the urban growth boundary or lands designated as Regionally Significant Industrial Areas (RSIA). See Article 5.12 for processing and time tables.*

1. **Notice Public Hearing :**

- a. *The Planning Department shall forward a copy of the application to any affected city or special district pursuant to applicable provisions of this Ordinance;*
- b. *The Planning Department shall mail a copy of the staff report to the city, special district, applicant and Hearings Body at least seven (7) days prior to the scheduled public hearing.*
- c. *Notice shall be mailed at least twenty days prior to the hearing, or ten before the first evidentiary hearing if there will be two or more hearings. Notice shall:*
  - i. *Describe the nature of the application and the proposed use or uses that could be authorized;*
  - ii. *Set forth the address or other easily understood geographical reference to the subject property;*
  - iii. *Include the name of the local government representative to contact and a telephone number where additional information may be obtained;*
  - iv. *State that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost, and will be provided at reasonable cost;*
  - v. *List the applicable criteria that apply to the application;*

- vi. *State the date, time, and location of the hearing;*
  - vii. *State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;*
  - viii. *State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
  - ix. *Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of the hearings.*
  - x. *The Planning Director shall cause notice of the hearing to be mailed to, the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site and to the owners of record of property on the most recent property tax assessment roll where such property is located:*
    - 1) *Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;*
    - 2) *Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;*
    - 3) *Within 500 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone*
- d. *Notice of the decision shall be afforded to the applicant and those persons participating in the public hearing. \*\*\**

### 3. *Plan Map Amendment/Rezone*

- a. *If the application includes an exception to a goal, notice shall comply with ORS 197.732. The notice shall be published at least 20 days prior to the date of the hearing. All notice requirements in "1" of this Section shall apply.*
- b. *At least 35 days prior to the initial hearing, notice shall be provided as required by ORS 197.610. [OR 04 12 013PL 2/09/05]*
- c. *Notice of decision shall be afforded to the applicant and those participating in the process. Notice of the decision shall also be afforded to any witness participating in the public hearing and requesting such notification.*
- d. *Requirements for hearings on a rezone of property containing a mobile home park shall be provided pursuant to ORS 215.223(7).*
- e. *Special notice requirements for zone changes within the environs of public use airports shall be provided pursuant to ORS 215.223(4), (5), and (6).*

**FINDING:** This application is a Plan Map Amendment governed by CCZLDO Section 5.0.900. 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 of the hearing was given in accordance with the relevant section. This pertains to a Plan Map Amendment/Rezone, but it does not include a new exception as part of the request. A 35-day notice was provided to the Department of Land

Conservation and Development on May 31, 2023 (Coos County 003-23). Findings have been prepared in draft form as a part of the staff report. The required notice will be posted in The World Newspaper. Any notices are on file with the Department and can be viewed upon request during regular business hours. The applicant has submitted all necessary applications, and staff has prepared all the required notices to proceed with this proposal through the formal hearing process.

**D. 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]*

**FINDING:** The application is not for a text amendment. Therefore, this criterion is not applicable.

• **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.*

**FINDING:** The application was submitted by Barton Stein, who is both the property owner and a citizen, as permitted under Subsection 3.b. The necessary forms were properly filed, and this application does not require a Measure 56 notice to be issued.

• **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.*

**FINDING:** The Planning Director does not request to amend the proposal.

• **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 DLCDC 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]*

**FINDING:** Staff has fulfilled the requirement of publishing and mailing notices. All relevant documentation is on file with the Planning Department. The initial hearing will take place before the Planning Commission, who will provide a recommendation to the Board of Commissioners. The

Board will review the matter on August 1, 2023, and will either make a final decision or schedule another hearing if needed. As a result, this matter has been duly addressed.

- **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]*

**FINDING:** This is not applicable to this request.

- **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.*

**FINDING:** This is not a text amendment. The staff has prepared a comprehensive staff report that addresses all relevant criteria by utilizing information from the Coos County Comprehensive Plan, as well as evidence and written testimony provided by the applicant.

- **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.*

**FINDING:** At the public hearing scheduled for July 6, 2023, the Hearings Body (Planning Commission) will provide a recommendation to the Board of Commissioners. It's important to note that this recommendation does not have the authority to amend the ordinance, nor does it constitute a final decision regarding this matter.

- **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.*

**FINDING:** This proposal will change the zoning from Forest to Exclusive Farm Use as well as amend the plan map from Forest to Agriculture which requires a Post Acknowledgement Plan Amendment. This rezone from Forest will not significantly change the permissible uses of the subject property to align with Exclusive Farm Use.

- **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.*

**FINDING: The Planning Director has not recommended an expansion of the geographic limits set forth in the application. This change in zoning designation will change the designation to be consistent with the properties to the south.**

- **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.*

**FINDING: This does not apply to this request.**

- **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 rezoning recommendation by the Hearings Body pursuant to Section 5.1.235.*
6. *A decision by the Hearings Body that a proposed rezoning is not justified may be appealed pursuant to Article 5.8.*

**FINDING: The application was filed on April 25, 2023, and the 35-day notice was provided to DLCD on May 31, 2023. The application was found to be valid for the purpose of a public hearing. This matter is scheduled before the Planning Commission (Hearings Body) on July 6, 2023, during which the Planning Commission will make a recommendation to the Board of Commissioners. The Board of Commissioners will review the record and take any testimony on August 1, 2023, before making a final decision. Once a final decision is made and reduced to writing, an appeal process will be available. Detailed information regarding the appeal process will be provided to all participants in this matter. After the appeal period has passed without any appeals being received, the decision will become final, and staff will proceed with the required plan changes. Therefore, this section has been addressed.**

- **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.*

**FINDING:** The application is required to conform to the Comprehensive Plan. To determine this, a review of the property's original zoning and the steps to zone it as EFU and Agriculture land must be conducted. The Planning Commission can recommend to the Board of Commissioners whether the proposal conforms to the Coos County Comprehensive Plan, conforms with conditions (qualifiers), or does not conform and should be denied.

The Coos County Comprehensive Plan Volume 1, Balance of County, is the relevant portion of the comprehensive plan that pertains to this property, as the property is not located within one of the estuary plans. To assess compliance, the county will need to follow the same process that was conducted during the initial determination of the appropriate zoning. The sections identified are Volume I Part I Section 3.2 Agricultural/Forest/Natural Resources, Section 5.3 Agricultural Lands, and Section 5.4 Forest Lands. Also applicable are the following Sections in Volume I, Part II Section 3.1 Agricultural Lands, and Section 3.2 Forest Lands.

To understand the process a bit better it is helpful to understand what Oregon Statewide Planning Goals apply. Oregon Statewide Planning Goals are a set of 19 goals established by the state government to guide land use planning and decision-making throughout the state. These goals provide a framework for local governments, land use planning agencies, and other stakeholders to shape the physical, social, and economic development of their communities.

The Oregon Statewide Planning Goals cover a broad range of topics and aim to address various aspects of land use planning, conservation, and development.

- 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
  - 8 Recreational Needs
  - 9 Economic Development
  - 10 Housing
  - 11 Public Facilities and Services
  - 12 Transportation
  - 13 Energy Conservation
  - 14 Urbanization

Each goal includes specific policies and guidelines to guide land use planning and development decisions.

Local jurisdictions in Oregon are required to incorporate these goals into their comprehensive plans and land use regulations, ensuring consistency with the statewide planning framework. However, there is flexibility for local communities to adapt and interpret the goals based on their unique characteristics, needs, and priorities while still meeting the overarching objectives of sustainable development and resource conservation. The flexibility is accomplished through an exception process.

In most of Coos County Goals 3 and 4 apply. In more detail, Statewide Planning Goals 3 and 4 are part of the statewide planning framework that guides land use planning and development across the state.

Goal 3, also known as Agricultural Lands, focuses on the preservation and protection of agricultural lands and their long-term viability for farming activities. It aims to ensure that agricultural lands are conserved for current and future agricultural uses, promoting sustainable agriculture and protecting the state's agricultural economy.

Goal 4, referred to as Forest Lands, aims to preserve and manage forest lands for the production of timber, protection of forest resources, and enhancement of forest-related industries. It recognizes the importance of maintaining forested areas for their ecological, economic, and social benefits, including timber production, wildlife habitat, recreation, and clean water.

The application is to change lands that were originally designated as Forest (Goal 4) Lands to Agricultural Land (Goal 3). Section 3.2 of Volume I Part I of the CCCP explains how the lands were inventoried and background information on why the number of acres were reserved for Agriculture, Forest, and Natural Resources<sup>1</sup>. The proposal does not have any effect on this section and is consistent.

Sections 5.3 and 5.4 of the CCCP explains that *Coos County shall conserve those resources designated as "agricultural lands" on the Comprehensive Plan map by regulating uses and activities in*

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<sup>1</sup> Natural Resources includes Minor Estuarine Shorelands



*such areas through requirements stipulated in the following Exclusive Farm Use (EFU) zone. The delineation of these zones shall be generally consistent with the locational criteria developed on the Agricultural Lands Inventory and Assessment. Land Divisions shall comply with criteria set forth in the Coos County Zoning and Land Development Ordinance. Implementation of this strategy shall be based on application of the statutory provisions governing uses in EFU zones. The CCCP further explains that Coos County shall conserve forestlands, by retaining them for the production of wood fiber and other forest uses, except where legitimate needs for non-forest uses are justified.*

The main criteria set forth in Section 5.4 (8) states that *Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:*

- i. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,*
- ii. That the proposed rezone would not create a nonconforming 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.*

*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."*

- 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;*
  - 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.*

The applicant has explained within the application that evidence has been submitted throughout this application to address Appendix I 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. 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. 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. Based on the information submitted and the surrounding zoning, staff agrees with the applicant's findings.

Furthermore, the applicant explains that there is an existing dwelling on the property, which was established through a vested right application in 1989. The subject improvements for that vested right were based on a verification letter issued by the Coos County Planning Department in 1979, confirming the existence of a dwelling. At that time, the segment of the property (rezone segment) on which the dwelling was approved was zoned as Interim Forest and Grazing (IFG-10). A vested

right application is typically completed when substantial improvements have been made on a property before a change or adoption of an ordinance that would prevent such use. In this case, the replacement dwelling was based on the current language in the Forest zone, and since the same language exists for replacement dwellings in the Exclusive Farm Use zone, there is no impact on the existing development. Additionally, the property owner obtained an agricultural exemption for the agricultural structure on the property, which required demonstrating the existence of some form of agricultural use at the time of application. Therefore, the change in zone does not create a nonconforming use.

The applicant acknowledges in the record that there may be tax consequences by changing the zoning.

Volume I, Part II Section 3.1 Agricultural Lands, and Section 3.2 Forest Lands provide inventories and factual base for all inventoried Agricultural Lands and Forest Lands.

*"AGRICULTURAL LAND" as defined in Goal #3 includes: (a) Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class IIV Soils in Western Oregon and I-IV soils in Eastern Oregon; (b) Other lands in different soil classes which are suitable for farm use as defined in ORS 215.203 (2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and (c) land which is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. In addition, counties may designate agricultural land as marginal land and allow those uses and land divisions on the designated marginal land as allowed by ORS 197.247.*

1.5 Criteria used to distinguish Agriculture and Forest Lands designations in Plan Map where overlap occurs.

*The principal test for deciding which designation a particular area should be placed in is whether the primary use is agriculture or forestry. The nature of the vegetative ground cover is one key indication of the primary use of the land. There are three basic types of situations to be examined:*

(i) Where non-Class II-IV soils are used for upland grazing.

*These lands are identified in the Plan from the County Assessor's records of land classified as agricultural lands for "Exclusive Farm Use" taxation purposes. These lands are separately identified as "grazing lands" in the Agricultural Lands inventory. Air photographs are used to check these areas to ensure that they are currently predominantly open rangelands with only scattered tree growth. On this basis the area indicated by tax records may be increased or decreased. These lands are then designated as agricultural lands on the Plan map on the basis of the following factors: suitability for grazing, existing land use patterns, and accepted farming practices. Site-specific consideration is given each area, to ensure that the ground cover indicates grazing as the primary use. The plan recognizes that the hill grazing land is of great importance to the economy and is accepted as the predominant farming practice in certain areas of Coos County.*

(ii) Where soils of the Blacklock Series (Class VIIw) occur

*These soils are naturally suited to cranberry bogs and are separately identified in the agricultural lands inventory. Such areas may or may not be currently used for cranberry bogs.*

*This depends largely on three factors: (i) the availability of irrigation water, (ii) the growth of the market for the product and (iii) availability of capital. Blacklock soils tend to be intermingled with other agricultural soils. However, entire areas within this soil association may be under forest cover. Cranberry bogs tend to occur in localized clusters, due to their heavy dependence upon surface water supplies and the need to protect operators from intrusion or conflicting uses.*

*These localized areas are identified from air photographs and are designated as agricultural lands based on the following factors: irrigation potential, existing land use patterns, technological and energy inputs and accepted farming practices. The Plan recognizes the importance of cranberry growing to the local economy and that it is the predominant farming practice in certain local areas of the County. Other areas in the Blacklock soil series are placed in the forest land designation on the basis of their forest cover.*

*(iii) Where Class II-IV soils are in use as forest lands.*

*Extensive areas of land on the flat, coastal plain have Class III or IV soils where no current agricultural use is occurring and the land is under forest cover. In addition, in upland areas in the interior of the County, level ridge tops and benches generally have Class III or IV soils. However, they are generally under unbroken forest cover. In each of these typical cases, there is assumed to be little probability of future clearing and conversion to agricultural use. The cool and windy climate of the coastal plain, coupled with the naturally low fertility of the sandy soils make this area poorly adapted to agricultural crops other than cranberries. This is vital to the future economic health of the County. Due to these facts and the existence of forest cover, it is considered appropriate to designate these lands as "forest lands" in the Plan. Certain exceptions occur to this general rule. In some narrow inland valleys, forest cover may alternate with open farmland, while the entire valley floor has Class II-IV soils. In such a situation, it is considered that due to the intermixture of such uses, the flat topography and accessibility of these lands, future conversion to agriculture is a distinct possibility. Thus, an agricultural designation is applied to the entire valley floor. However, ownership patterns must also be considered. In certain cases, narrow valleys with Class II-IV soils, especially in their upper reaches, may be owned by major lumber companies, and no agricultural use is occurring. With such site-specific situations, a 'forest land' designation is considered more appropriate, consistent with surrounding lands in the same ownership.*

*Thus, different types of cases can be distinguished where land may be identified as either agricultural and forest land. The most appropriate designation is based on the primary use of the land taking into account the factors used in the Goal to identify "other lands suitable for farm use," and to define "forest lands" and considering site specific situations. A plan policy is presented in the "Policy" section of the Plan to ensure the appropriate level of protection for these "overlapping" lands and to ensure that either forest or agricultural practices can occur without interference.*

The applicant has provided a soil report for the property. Staff agrees with the conclusionary statement made in the report, which indicates that the Natural 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, while 14 percent is suitable for growing Shore Pine, a tree species with no commercial value in southwestern Oregon. Additionally, the soil report indicates that 22 percent of the property contains subclass 4 soils (Heceta Fine Sand), which are classified as farmland on the Oregon Coast. The Heceta Fine Sand and Waldport-Heceta Fine Sands make up approximately

one-third (32 percent) of the rezone segment. These soil types can produce 5.0 and 1.72 tons of cranberries per acre per year, respectively.


Below are two soil maps of the proposed area for rezone. The first map shows the forest productivity and the second one shows the agricultural productivity. The maps support the conclusionary statement from the applicant.

Maps are not to scale



## 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)

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 Date: 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)—Coos County, Oregon  
 (STEIN AG. PRODUCTIVITY CRANBERRIES)



## MAP LEGEND

<b>Area of Interest (AOI)</b>	<b>Transportation</b>
Area of Interest (AOI)	Rails
<b>Soils</b>	Interstate Highways
<b>Soil Rating Polygons</b>	US Routes
<= 0.50	Major Roads
> 0.50 and <= 0.54	Local Roads
> 0.54 and <= 0.56	<b>Background</b>
> 0.56 and <= 1.72	Aerial Photography
> 1.72 and <= 5.00	
Not rated or not available	
<b>Soil Rating Lines</b>	
<= 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	
<b>Soil Rating Points</b>	
<= 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	
<b>Water Features</b>	
Streams and Canals	

## 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.

The Coos County Comprehensive Plan (CCCP) provides flexibility to the County to consider each site on a case-by-case basis while also offering guidance on property zoning. In this particular case, the property is partially zoned for Agriculture, and it is surrounded by the same zoning district. Based on the site-specific information and the evidence provided by the applicant, staff recommends that the Planning Commission accept the findings presented by the applicant in this case.

- **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.*

**FINDING:** Any recommendation will not amend the zoning map.

- **SECTION 5.1.235 BOARD OF COMMISSIONERS ACTION ON HEARINGS BODY RECOMMENDATION:**

*Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:*

- 1. adopt the Hearings Body recommendation for approval or approval with conditions;*
- 2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;*
- 3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or*
- 4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.*

**FINDING: This will be addressed by the Board of Commissioners.**

- **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).*

**FINDINGS: The Planning Commission can consider a Qualified Rezone if they find it necessary to address any compatibility issues. Staff does not find a qualifier on this particular rezone is warranted given the facts of the record. This does not mean that someone else may not raise an issue that the Commission may find important to conditions the rezone request.**

- **SECTION 5.1.250 PERMITS AND APPLICATIONS MORATORIUM:**

- 1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
  - a. Withdrawal of the application by the applicant;*
  - b. Expiration of the County’s appeal period without an appeal having been filed; or*
  - c. Final order of Board of Commissioners upon hearing the appeal.**
- 2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.*

**FINDING: There have been no building or sewage disposal system permits issued on this matter.**

- **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 I-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)*

**FINDING: This is not a non-resource rezone request; therefore, this section is not applicable.**

#### **E. CONCLUSION:**

**The Planning Commissioners have made a recommendation to the Board of Commissioners to approve the rezone but the Board of Commissioners do have the option to choose a different pathway after considering all the information in the record.**

