RICHARD & KATHLEEN RANDOL
PLAN AMENDMENT AND ZONE CHANGE
SUPPLEMENTAL APPLICATION DOCUMENT

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APPLICATION OF RICHARD & KATHLEEN RANDOL FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT ZONE CHANGE

Organization of This Application

This application will be required to be heard by the Coos County hearings body. The hearing will be the first evidentiary hearing to review this application, exhibits and evidence submitted into the record to determine whether the requested amendment meets the applicable review criteria set forth in the Oregon Revised Statutes, Administrative Rules, Coos County Comprehensive Plan and Land Use and Development Ordinance (CCZLDO).

This application is organized and presented to the hearings body in accordance with the relevant review standards. Part 1 contains the introduction and background of this request. Part 2 addresses the Statewide Planning Goals. Part 3 addresses the standards for a plan amendment set out in the Coos County Land Use and Development Ordinance. Part 4 reviews the criteria for a zone change. The standards contained in the Statewide Planning Goals provide the most complete set of review standards which are discussed in detail under each respective Goal. Consequently, in the discussion of the criteria under the County Land Use and Development Ordinance, where there is overlap in review standards, reference is made back to the relevant goal discussion to avoid needless repetition. Applicant's exhibits and figures are contained at the end of this application document. These exhibits are arranged to follow the flow of the Statewide Planning Goals.

The text of all relevant review criteria are set out in **bold** font, without quotation marks. All other narrative in this application appears in regular font.

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I. INTRODUCTION & BACKGROUND

This matter comes before the Coos County Hearings Body on application filed by Richard and Kathleen Randol, herein referred to as Applicant, which is owner of the subject property. The 13.60-acre property is located on the east side of Seven Devils Road approximately 4.6 miles north of the City of Bandon. The subject property is identified in the Coos County Assessor's records as Tax Lot 100, Section 28B, Township 27 South, Range 14 West, Property I.D. No. 767200.

Applicant is requesting a Comprehensive Plan Amendment from "Rural Residential 5 Acre" (RR5) to "Rural Residential 2 Acre" (RR2), together with a Goal 14 exception to allow Rural Residential 2 Acre (RR) zoning within a rural residential committed land, as designated by Coos County Comprehensive Plan. The request also includes a zone change from Rural Residential – 5 Acre (RR5) to Rural Residential – 2 Acre (RR2).

The requested RR2 zone classification as set out in the Coos County Zoning and Land Development Ordinance (CCZLDO) is primarily intended provide for rural home sites in an open space environment in order to encourage the continued existence of rural family life. The specific provisions of the RR2 zone are set forth under CCZLDO Chapter 4.

A copy of the Coos County zoning map is included and identified as Figure 2 of this document to generally identify the zoning and land uses in the area surrounding the subject property.
CCZLDO CHAPTER TWO – EXCEPTIONS PROCESS

This chapter will help for showing how the Randol proposal is justified according to Oregon Statewide Planning Standards. The land is committed to residential uses and the four areas of the Goal 2 exceptions process will be addressed (OAR 660-004-0020).

II. CONFORMANCE WITH CCLZO SECTION 5.1.275 (1 – 8)

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.

   FINDING: Statewide Planning Goal 3 and 4 that define agricultural and forest land will be covered in more detail later in this report. The subject property has a Rural Residential – 2 Acre zoning designation and has been defined by Coos County to be nonrecourse and is currently located within a rural residential are that has an existing Goal 14 urbanization exemption. The

underlying application is to allow existing rural residential land to transition to a more intense density (five to two acres in size) and therefore, agricultural and forest land provisions are not applicable.

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;

FINDING: **Goal 5 addresses Open Space, Scenic and Historic Areas, and Natural Resources will be covered more in depth later in this report. The subject property has no detrimental overlay directed related to natural features. The property is not inundated in the floodplain or contains wetland or hydraulic protected features. The are no identifiable areas of the property that are otherwise encumbered by any elements of Goal 5.**

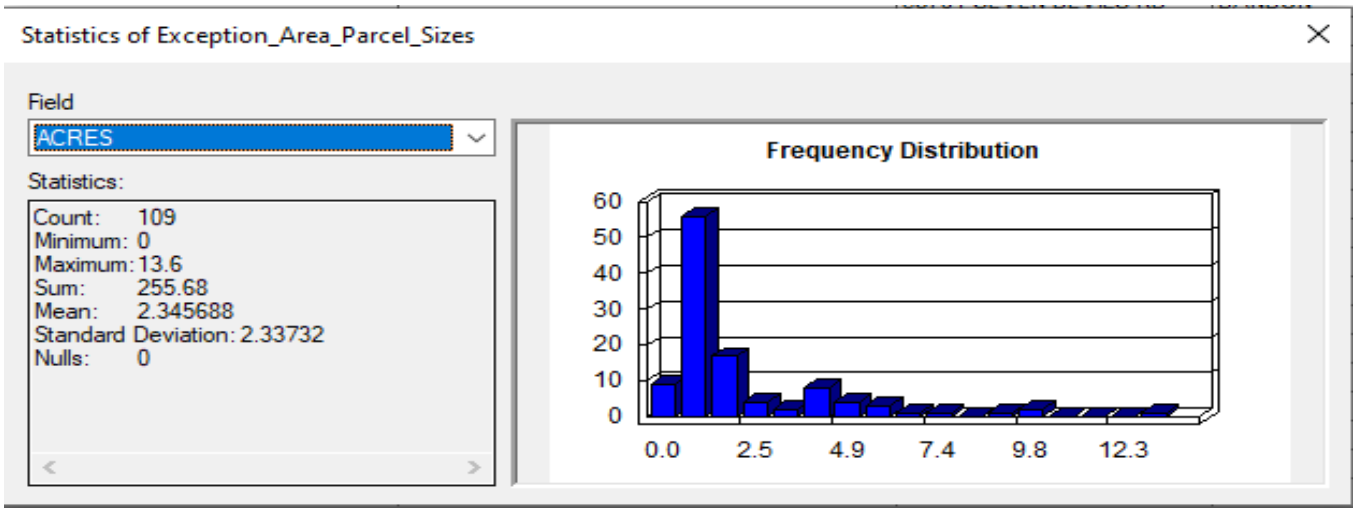
3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.

FINDING: **The property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species by Coos County. The County jurisdiction went through a very extensive process in 1982 to identify rural residential areas that merit a goal 14 exemption and the findings are now housed in the Comprehensive Plan which dictates based on the land patterns surrounding and adjacent to the subject property and a large amount of area should be given rural residential zoning designations. The subject property should therefore be treated as rural residential in this application process with no agricultural or forest applicability.**

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.

FINDING: **The subject property is not considered to be nonresource land as determined by Coos County. The subject property has a rural residential – 2 Acre zoning designation as concluded by Coos County Comprehensive Plan and currently has a Goal 14**

urbanization exemption. In addition, the structural and lotting pattern in the area is consistent with the rural residential zoning. The graph below outlines the entire rural residential area and includes all 109 properties that are currently either zoned RR5 or RR2. Although only 15 out of the 109 properties are zoned RR2, the average lot size is 2.34 acres, well below the 5 acres in size. The existing lotting pattern illustrates the rural residential area has essentially already transitioned to RR2. 97 out of 109 properties are less than 5 acres in size, which is 89% of the entire area leaving on 11% that is 5 acres or more. The entirety of the area is committed to 2 acre rural residential sizes.



RURAL RESIDENTIAL AREA LOT SIZES

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.

   FINDING: The subject property has not been given a special tax assessment for farm or forest use within the past five years. The makeup of the land is conducive to residential type development and cannot viably be used for farm or forest production.

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.

   FINDING: The subject property clearly meets all the standards above and has been considered nonresource land by the County since 1982. The application is not to rezone to nonresource given the property and most of the surrounding properties are already zoned in a nonresource, rural residential capacity.

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.

   FINDING: The provisions of Oregon Administrative Rule 660-04-0040 are addressed in more detail later in this report. The subject property is nonresource and considered exempt from agricultural or forest land requirements due to its rural residential designation. Please see section V for further clarification.

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) PA-19-006 Page 7 Oregon Statewide Planning Goals.

   FINDING: The subject property has a current zoning designation of RR5, and the application is to allow it to transition to a more suitable designation of RR2, which is consistent with this provision. The full makeup of the area indicates there is a average acreage size of 2.34 acres in size. The application is fully appropriate due to all surrounding factors.

II. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

The Statewide Planning Goals have been acknowledged as being applicable to the Coos County Comprehensive Plan. A proposal to amend the Comprehensive Plan and Zone must comply with all applicable Statewide Planning Goals unless an exception to one or more of the goals is proposed. There is no exception being proposed as part of this application. Coos County must make findings that Applicant's proposal complies with each of the relevant goals. The following information regarding the Statewide Planning Goals shows how this request complies with them.

Goal No. 1 - Citizen Involvement

To ensure the opportunity for citizen involvement in all phases of the planning process.

Coos County will provide written notice of the requested plan amendment and zone change to surrounding property owners within 250 feet of the subject property not less than twenty days prior to the scheduled date of the first public hearing, and will cause public notice of Applicant's request and the scheduled public hearing to be published in the local newspaper pursuant to the requirements of CCZLDO Chapter 5, Section 5.0.900. Notice will also be given to affected state and local agencies, and other individuals and organizations that are legally entitled to such notice. These various forms of individual and public notice assure that local citizens have an opportunity to become informed about, and participate in, the public hearing process. The requested plan amendment and zone change are being processed in a manner that assures full compliance with Statewide Goal No. 1.

Goal No. 2 - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Coos County has established policies and procedures, which require a detailed evaluation of any proposal to amend its Comprehensive Plan. Specific criteria and standards have been set forth against which Applicant's amendment request must be evaluated in the light of relevant Findings of Fact. The County's ultimate decision in this matter will be based on the weight of those relevant Findings. As was noted in the introduction section of this document the proposed Plan Amendment and Zone Change involve the conversion of 13.60 acres of land from RR5 to RR2 residential use designation. The area proposed for amendment is already considered rural residential land, however, the subject property is not in a rural community; therefore, the

proposed Plan Amendment and Zone Change must include an exception to Statewide Planning Goal 14.

The requested Comprehensive Plan Amendment and Zone Change are being evaluated in a manner that assures full compliance with Statewide Goal No. 2.

Goal No. 3 - Agricultural Land

To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with the 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.

The land proposed for amendment is currently designated Rural Residential 5 Acre land by the Coos County Comprehensive Plan and is therefore not protected as a Goal 3 resource. This finding is validated by the fact that the site has been determined to be non-resource land suitable for rural residential use and subsequently included within the County inventory of rural residential lands site as evidenced by the Coos County Comprehensive Plan. The proposed Plan Amendment and Zone Change do not conflict with Statewide Goal No. 3.

On the basis of these findings, the subject property is not farmland as defined by Goal 3. Conversion of the subject site to an industrial use will not conflict with the statewide policy contained in Goal 3 and an exception to Goal No. 3 is not required.

Goal 4 - Forest Lands

To preserve forest lands for forest use.

The land proposed for amendment is currently designated Rural Residential 5 Acre land by the Coos County Comprehensive Plan and is therefore not protected as a Goal 4 resource. This finding is validated by the fact that the site has been determined to be non-resource land suitable for rural residential use and subsequently included within the County inventory of rural residential lands site as evidenced by the Coos County Comprehensive Plan. The proposed Plan Amendment and Zone Change do not conflict with Statewide Goal No. 4.

On the basis of these findings, the subject property is not forestland as defined by Goal 4.

Goal No. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

Goal 5 addresses a variety of resources not specifically covered in other goals and sets out a process requiring inventory and evaluation. Steps in the process require that the level of significance of resources is determined, and if an identified resource appears to be significant, further evaluation is required. Such evaluation may lead to alternative courses of action, including fully protecting the identified resource.

Goal 5 addresses the following resources:

1. Open space.
2. Mineral and aggregate resources.
3. Energy resources.
4. Fish and wildlife areas and habitats.
5. Ecologically and scientifically significant resources.
6. Outstanding scenic views and sites.
7. Water areas, wetlands, watersheds and groundwater resources.
8. Wilderness areas.
9. Historic areas, sites, structures and objects.
10. Cultural areas.
11. Oregon recreational trails.
12. Wild and scenic waterways.

All of Coos County, including Applicant's property, has previously been subjected to extensive surveys and analyses intended to inventory and evaluate the Goal 5 resources listed above. These inventories, which are incorporated into the Coos County Comprehensive Plan, have previously received acknowledgment of compliance with Statewide Goal 5. Nevertheless Applicant has conducted an independent evaluation of the potential impact of the proposed plan amendment on Goal 5 resources and proposes the following findings:

1. Land Needed or Desirable for Open Space

The subject property is typical of the majority of the lands in the central area of Coos County and contains no identified topographic or vegetative features that warrant protection under Goal 5. There is a large amount of land, which shares these same general characteristics surrounding the subject property. Conversion of the site from its present five acre rural residential designation to a two acre rural residential designation would result in an insignificant impact on open space resources in the surrounding area due to the abundant supply of open space with similar natural features. The site has not previously been identified by either the Coos County Comprehensive

Plan as being needed or desirable for open space.

2. Mineral and Aggregate Resources

No mineral or aggregate resources requiring Goal 5 protection have been identified on or in the vicinity of the subject site.

3. Energy Sources

Goal 5 energy resources refers to sites and resources for the generation of energy (i.e. natural gas, oil, coal, hydroelectric, geothermal, uranium, and solar). No known energy sources have been identified on or in the vicinity of the property. The property does have solar access, but no more so than most other land in Coos County.

4. Fish and Wildlife Areas and Habitat

The subject property is not traversed by any existing creak or stream (riparian vegetation), which has been classified by the Oregon Department of Fish and Wildlife (ODFW) as a "fish-bearing stream".

5. Ecologically and Scientifically Significant Natural Areas

No identified ecologically or scientifically significant natural areas are present on or in the vicinity of the subject site.

6. Outstanding Scenic Views and Sites

No identified scenic views or sites exist on the subject property. As noted under Open Space, above, the site has so much in common with many other locations in the general area that its scenic value is not considered unique or significant. The property possesses no prominent topographic features or vegetation, which would otherwise give it scenic significance.

7. Water Areas, Wetlands, Watersheds, and Groundwater Resources

The subject property contains no water areas, watersheds or identified groundwater resources. Groundwater drawdown is minimized because of the large amount of incoming water, the redirection of runoff and used water into the aquifer through engineered drainage and subsurface disposal, and maintenance and enhancement of existing vegetation cover. No complaints concerning depletion of water resources in adjacent similar areas have occurred. In order for an area to meet the Army Corps of Engineers' and the Oregon Division of State Lands' definition of wetland, three elements must be present: 1) water, 2) hydric soils, and 3) wetland vegetation.

Coos County has published a Significant Wetland Inventory, which shows that no significant wetlands have been identified on the subject property or on adjacent property. In addition, the U. S. Fish and Wildlife Service has completed mapping of wetlands in Coos County under the National Wetlands Inventory (NWI) program. The NWI mapping indicates that there are no areas of mapped wetlands on the subject property. A copy of the NWI map is included in this document. The Federal Flood Insurance Rate Map for the area shows that the elevation of the property puts it well above the flood plain of any area streams.

8. Wilderness Areas

The subject site is not within, adjacent to, or part of, a designated wilderness area.

9. Historic Areas, Sites, Structures, and Objects

There are no identified or inventoried historic structures or objects on, or adjacent to, the subject property.

10. Cultural Areas

There are no identified or inventoried archaeological or cultural resources on the subject site.

11. Potential and Approved Oregon Recreation Trails

There are no designated or planned recreational trails on or adjacent to the subject site.

12. Wild and Scenic Waterways

The site is not within any designated or planned wild and scenic waterway, nor has such a designation been given to other lands or resources in the general vicinity of the subject property.

Based on the foregoing findings, there is no Goal 5 resource present requiring preservation action. The requested plan amendment and zone change will not conflict with any identified Goal 5 resources. The subject property has not been included in any inventory of needed open space or scenic areas, nor has it been identified in the Comprehensive Plan as having any historic, cultural or significant natural resources which need to be preserved and/or protected.

Goal No. 6 - Air, Water and Land Resources Quality

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

Statewide Goal 6 requires that air, land and water resources of the State be maintained and

improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local air sheds, degrade land resources or threaten the availability of such resources.

Any future land use activities on the property will be required to comply with all local, state and federal environmental regulations, thus assuring that the proposed plan amendment and zone change will not adversely impact the carrying capacity of local air sheds, degrade land and water resources or threaten the availability of such resources. Although the proposed rural residential land use designation on the property may result in at least some potential for environmental impacts if not properly monitored and regulated, both Coos County and the State of Oregon have sufficient regulatory measures in place so as to ensure that subsequent development will not produce any unanticipated impacts. The proposed plan amendment and zone change have been evaluated in a manner that assures full compliance with Statewide Goal No. 6.

Goal No. 7 - Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

The subject property has not been identified as being within any identified floodplain area. The elevation of the site puts it well above the flood plain and any danger of flooding from local creeks and rivers.

The developed portion of the subject property is generally flat to rolling and contains no steep slopes that might otherwise create concern about the geologic stability of the site. The subject property is not inconsistent with the precedent located in the surrounding areas as it relates to terrain. There is no landslide susceptibility based on the soil composition or geological hazard.

Goal No. 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state.

Recreational needs for the general public have been provided for on numerous sites in the coastal area surrounding the subject property including Bandon Dunes Golf Course and the general areas of coastal features directly to the west. The Coos County Comprehensive Plan has not identified

the subject property on any inventory for recreational facilities or opportunities. The proposed amendment will not conflict with Statewide Goal No. 8.

Goal No. 9 - Economy of the State

To diversify and improve the economy of the state.

The Statewide Economic Development Goal requires that local land use plans "*provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies*". Goal 9 is intended to be applied on a County-wide basis and requires that future economic growth be accommodated, in part, by ensuring that there is sufficient suitable land planned and zoned for commercial and industrial uses. The proposed plan amendment and zone change do not involve, or otherwise impact, the county's inventory of lands needed for economic development. The amendment and zone change will not conflict with the Statewide Economic Development Goal.

Goal No. 10 - Housing

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

The primary purpose of Goal 10, within the context of amending the Comprehensive Plan, is to ensure that sufficient buildable land is available to allow for the full range of housing needs within the County to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. The Coos County Comprehensive Plan requires that population growth be monitored and assessed for impacts on previous estimates of needed housing and the availability of sufficient land for residential use. As previously noted, the subject 13.60 acre site is presently vacant. No existing housing will be displaced as a consequence of the proposed Plan Amendment and Zone Change. The current zoning on the property is 5R which will allow nine dwelling units in total on the property. The proposed RR-2 zoning will create the potential for the site to be subdivided to create four additional homesites.

The proposed plan amendment and zone change will have some positive affect on the rural residential housing stock in Coos County, but will not directly result in population growth or increase the demand for housing beyond previous projections, or otherwise result in a conflict with the purpose and requirements of Goal 10.

Goal No. 11 - Public Facilities and Services

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

Statewide Goal No. 11 concerns the public facilities and services aspects of amending the Comprehensive Plan designation on the subject property from farm use to rural commercial use, and requires consideration of a system or plan that ensures the proper coordination of the types, locations and delivery of public facilities and services that best support existing and proposed land uses.

Applicant's property is situated in a rural area where public facilities and services are relatively limited, compared with the broad ranges of services that are available in urban areas. There are no public sanitary sewers in the vicinity of the property; however, the relatively low density of development permitted by the proposed rural residential designation and zoning on both the subject property and other surrounding rural residential properties facilitates the use of individual subsurface septic systems subject to standards enforced by the Oregon Department of Environmental Quality. There is no public water service in the vicinity of subject property, however, all of the existing residential properties in the surrounding area are provided domestic water services by individual onsite wells or springs and there is no evidence of groundwater depletion as a result. Applicant intends to develop an onsite water source for future development of the property. Fire protection in the area is provided by Bandon Rural Fire District and police protection is provided by the Coos County Sheriff's Office.

The demand for other utilities and services, including electricity and communications, will be no greater than that resulting from the historic use of other adjoining and nearby properties. The proposed plan amendment and zone change will not adversely impact the present or future provision of public facilities and services in the surrounding area. This conclusion is based on consideration of the existing public service delivery systems and plans that are in effect within the surrounding area, and which are intended to ensure proper coordination of the types, locations and delivery of the public facilities and services necessary to support existing and proposed land uses in the area. The services that are available, or are proposed, to the subject property include those listed in the table below.

Table A Public Facilities (Existing)	
Public Facility	Provider
Water	Private Well
Sewer	Individual Septic System
Electric	Coos-Curry Electric CO-OP
Telephone	No public provider per Public Utility Commission
Solid Waste	Private
Police	Coos County Sheriff
Fire	Coos Rural Fire District
Schools	School District No.
Road Access	Seven Devils Road (Minor Collector Road)

On the basis of the foregoing analysis, the subject property will be provided with an adequate level of public facilities and services, and such facilities and services will be delivered in a timely, orderly and efficient manner consistent with the purpose of Statewide Goal No. 11.

Goal No. 12 - Transportation

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

The statewide transportation goal is intended to be applied on a countywide basis. Specific transportation-related policies and development standards are included within Coos County's Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "*amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards… of the facility*".

Four questions must be addressed to determine whether or not the proposed residential development will significantly affect a transportation facility as outlined in OAR 660-12-060(2):

A plan or land use regulation amendment significantly affects a transportation facility if it:

(a) Changes the functional classification of an existing or planned transportation facility;

(b) Changes standards implementing a functional classification system;
(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, Coos County has adopted the following standard for plan amendment applications:

(2) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.

(a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.

Access to the subject property is directly from Seven Devils Road. The functional classifications of transportation facilities within Coos County, including Seven Devils Road, are identified in Table 3-3 of the Transportation Element of the CCZLDO. Seven Devils Road is classified as a "Minor Collector". The Coos County Transportation System Plan states that "*Generally serve lower traffic demands than major collectors. They generally branch off from highway, arterial or major collector roadways and provide access to agricultural, forest, recreational areas, and residential homes. Property access is generally a higher priority for minor collectors while through traffic movements are served as a lower priority.*"

Estimates of the average number of daily vehicle trips generated by a specific land use can be obtained from a number of reliable sources; however, the most commonly referenced source for such data is Trip Generation, published by the Institute of Transportation Engineers (ITE). Average daily trip generation rates published in the ITE's Edition of Trip Generation are based primarily on field data obtained from direct observation of actual land use activities. Trip

generation rates are reported as an average of the often wide-ranging vehicle counts taken at numerous sites having the same classification of land use. Trip generation rates are often broken down into 24-hour time frames, and reported as "Average Daily Trips (ADT)". For most land use activities, including single-family rural dwellings, ITE defines an "average daily trip" as a one-way vehicular movement between a single origin and a single destination. For a single-family dwelling, trip generation rates are reported as a ratio of 9.5 vehicle trips per day per dwelling unit. Based on the maximum potential development density permitted by the requested rural residential two acre zoning, the subject property could reasonably accommodate up to four additional single-family dwellings. The subject property can therefore be expected to generate an additional 57 ADT, which represents about one percent of functional reserve capacity for Seven Devils Road.

New developments generating fewer that 300 ADTs are generally considered to have no significant impact on local transportation facilities that serve a development site. Seven Devils Road is designated as a minor collector road which is constructed and maintained to a standard sufficient to handle higher volumes of traffic. Current traffic volumes on Seven Devils Road are well below the facility's design capacity. Other public roads in the area are also adequate to accommodate both existing and potential future traffic volumes likely to be generated as a consequence of the requested plan amendment and zone change. Due to the very low volume of additional traffic associated with the requested amendment, no special traffic controls or other mitigation measures will be required. Any new residential lots created as a consequence of the proposed plan amendment and zone change will be accessed by a privately maintained interior road system that will intersect with Seven Devils Road on the western property line. There will also be an emergency access connection at the south end of the subject property.

On the basis of the foregoing, the proposed rural residential two acre land use designation, when taking into consideration the densities or design standards prescribed for uses permitted in the requested RR zone, is consistent with the function, capacity and performance standard establish for Seven Devils Road by Chapter 7 of the CCZLDO. Furthermore, the County's Transportation System Plan has received acknowledgement of compliance with the Statewide Transportation Goal and the Transportation Planning Rule (OAR Chapter 660, Division 12) by the Land Conservation and Development Commission, and therefore concludes that the facts set out above demonstrating compliance with the Transportation System Plan are sufficient to also demonstrate

that the proposed amendment is consistent with both Goal 12 and the Transportation Planning Rule.

Goal No. 13 - Energy Conservation

To conserve energy.

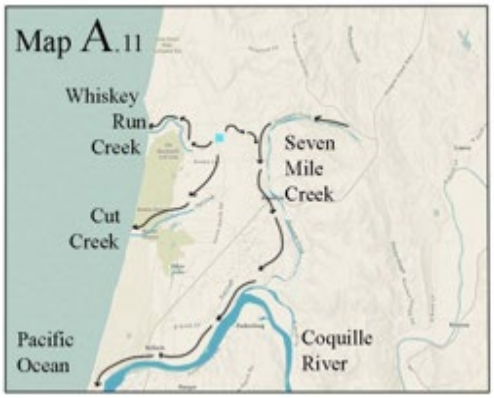
The statewide energy conservation goal is intended to be applied on both a county-wide basis through the adoption of local energy conservation goals contained within the Comprehensive Plan, and on a site specific basis through the implementation of those Plan policies via property development standards intended to require land and uses developed on land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals.

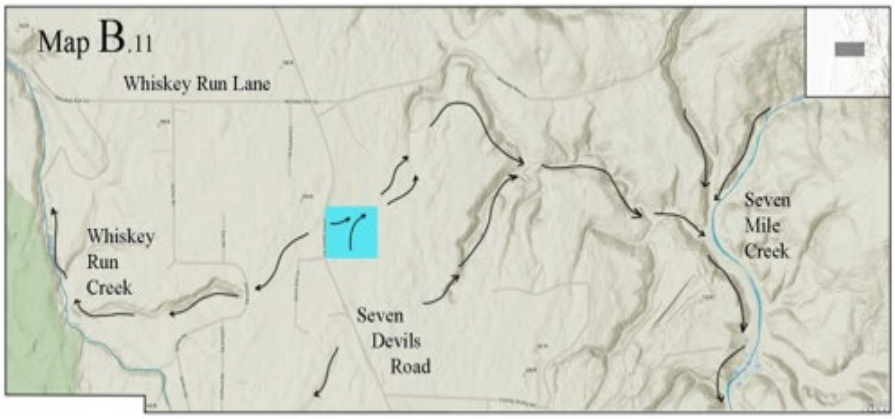
The subject property is located in an area dedicated primarily to non-resource uses and is approximately two miles south of the Bandon area boundary which is an established Goal 14 exception area. Consequently, existing and future development of this property has and will promote the efficient energy-related use of existing and planned public facilities and services. The site is in general proximity to an identified urban area and is free of any significant physical constraints that would otherwise require more energy to develop and use the property than would other property in the general area. Furthermore, specific energy conservation policies and development standards are included within the Coos County Comprehensive Plan, as well as in the County's land use ordinances, to ensure that the statewide energy conservation goal is implemented on a site-specific basis at the time of property development. The proposed plan amendment and zone change will not conflict with Statewide Goal No.13.

Goal No. 14 - Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Goal No. 14 requires local governments to establish urban growth boundaries that separate urban lands from rural lands. The proposed plan amendment and zone change involve the conversion of land that is outside an identified rural community and is currently designated RR5. The proposal to change to the designation to Rural Residential 2 Acre requires an exception to Goal 14. The proposal does not involve an established urban growth boundary.





Maps A and B demonstrate drainage patterns near the subject property. The property drains away from the coast to the north and east slowly entering sevenmile creek flowing south to the Coquille River. West of Seven Devils Road drainage will enter Whiskey Run Creek to the west and Poly Creek Cut Creek to the South. Map C is a USGS topographic image indicating drainage flow to the northeast and west. This south coast Oregon region is a series of dunes and forested raised beach terraces. Seven Devils Road runs north/south intersecting whiskey run lane east/west near the 200' elevation. Map D shows topographic lines between 200'-210' elevation and slopes with in the property of less than 3%. The property size and shape, topography, drainage patterns, and geology are suitable for rural residential development. Proximity to transportation corridors and services, employment, recreation and site conditions support the proposed plan amendment and zone change from RR5 to RR2.

The subject property is made up of the following soil classifications:

1. *Bandon Sandy Loam (1C)* - This soil is described as having 7 to 12 percent slopes and is well drained. This unit id used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle. On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area. The main

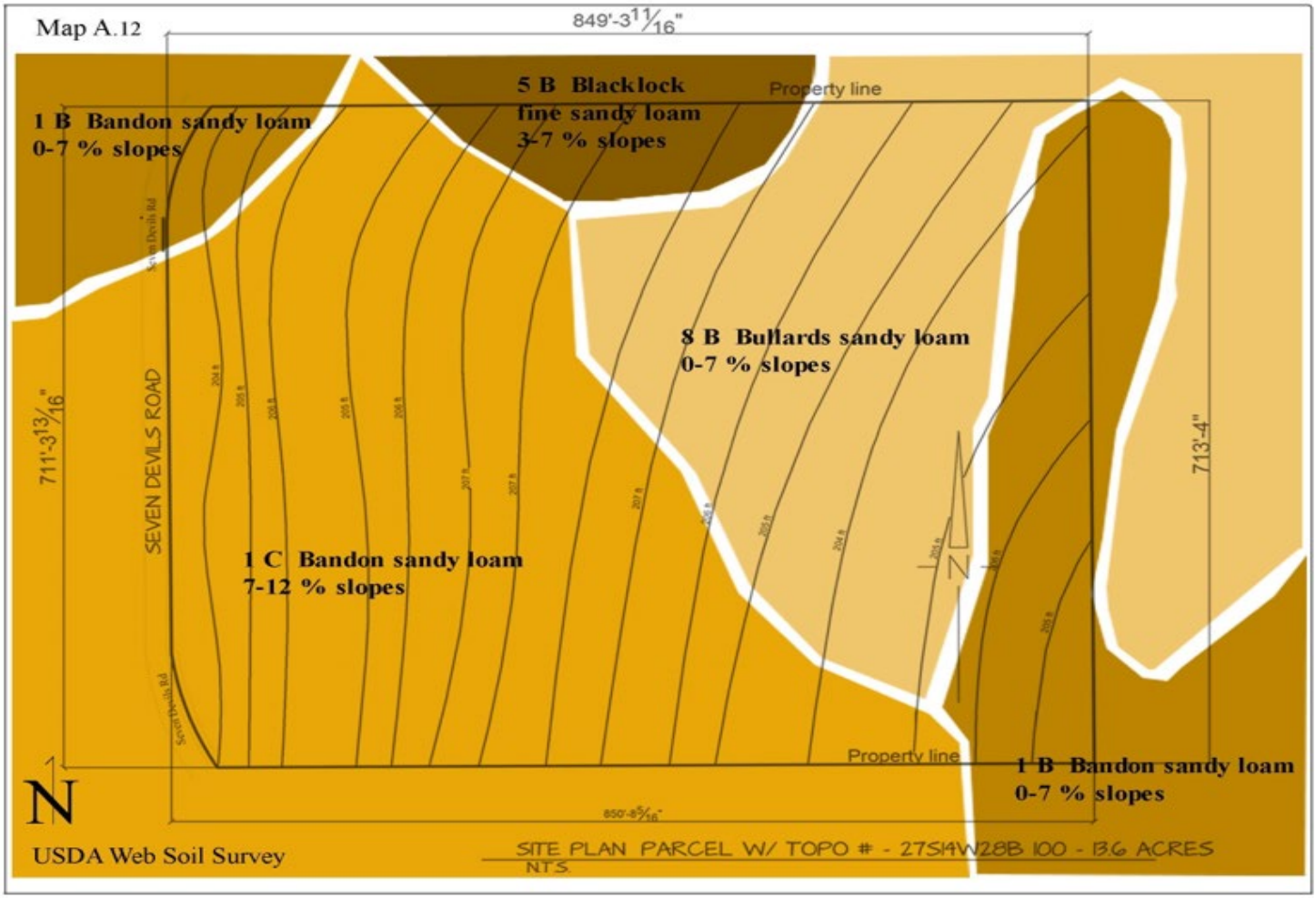
limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, western hemlock, and Sitka spruce seedlings.

2. *Bullards Sandy Loam (8B)* - This soil is described as having 0 to 7 percent slopes and well drained. This unit is for mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern. On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Maintaining the understory is essential in controlling erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. 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 natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.

3. *Blacklock Fine Sandy loam (5B)* - This soil is described as having 3 to 7 percent slopes and is poorly drained. This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation. This unit is suited to the production of shore pine. Among the other species that grow on this unit are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge. 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 seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow. Reforestation can be accomplished by planting shore pine. Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table.

4. *Bandon Sandy Loam (1B)* - – This soil is described as having 7 to 12 percent slopes and is well drained. This unit id used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle. On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. 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 the hazard of windthrow and plant competition. 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 natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, western hemlock, and Sitka spruce seedlings.



V. CONSISTENCY WITH GOAL 2/GOAL 14

Findings: **The level of development is regulated by the minimum parcel size for the creation of new parcels and by limiting parcels to one dwelling. The rule for rural residential zoning, OAR 660-004-0040, establishes that, for residential zoning, "rural use" means one dwelling per 10 acres.**

OAR 660-004-0040, Application of Goal 14 to Rural Residential Areas (2):

(d) "Minimum lot size" means the minimum area for any new lot or parcel that is to be created in a rural residential area.

(f) "Rural residential areas" means lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken.

(g) "Rural residential zone currently in effect" means a zone applied to a rural residential area that was in effect on October 4, 2000, and acknowledged to comply with statewide planning goals.

The rural residential zone on subject property is a Rural Residential zone currently in effect because the zone was applied to the rural residential area prior to October 4, 2000 under an exception to Goal 4 "Forest Lands." Volume I Part 3 of the Coos County Comprehensive Plan includes the names of the Coos County Board of Commissioners dated March 1985 when they approved the Plan.

OAR 660-004-0040, Application of Goal 14 to Rural Residential Areas

(5) The rural residential areas described in subsection (2)(f) of this rule are "rural lands". Division and development of such lands are subject to Goal 14, which prohibits urban use of rural lands.
Subject property is within the definition provided above, in OAR 660-00400040 (f) "Rural residential areas" In addition, Subject Property is within the definition above in OAR 660-004-0040 (g) "Rural residential lands currently in effect." No urban use of rural lands is proposed. The application complies with Goal 14, which prohibits urban use of rural lands.

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

Findings: **The proposed rural uses, density and public facilities and services of the proposed zoning are compatible with the requirements. Compatibility with adjacent and nearby resources was addressed at the time that the Exception was adopted by the Coos County Board of Commissioners and acknowledged by DLCD (now LCDC). The language of the Coos County Comprehensive Plan confirms compatibility with adjacent or nearby resource use. In addition, analysis of adjacent resource use is provided within this document. Such analysis and findings are included within the Goal 4 Forestry findings of this document.**

OAR 660-014-0040

Establishment of New Urban Development on Undeveloped Rural Lands

As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

Findings: **This rule applies to "Undeveloped Rural Lands" where such lands include lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development. Subject property is in a rural lands exception, but not developed at urban density or committed to urban level development.**

(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at 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 on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

(4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in exception areas that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

Findings: **The criteria included in 660-014-0040 can be used to justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land, but this is not what the applicants are proposing. The intent is to obtain a rezone that is consistent with established zoning densities within the existing Exception Area 28. There is no proposal for urban levels of facilities and services. The applicants understand that rural services such as septic systems and wells will be necessary when Subject Property is partitioned or subdivided. Urban levels of facilities and services are not needed as there is no proposal for economic activity that is dependent upon an adjacent or nearby natural resource.**

OAR 660-004-0040
Application of Goal 14 to Rural Residential Areas

(1) The purpose of this rule is to specify how Goal 14 "Urbanization" applies to rural lands in acknowledged exception areas planned for residential uses.

Findings: **Subject property and properties lying to the south, north and west are made up of rural lands that exist as an acknowledged exception area planned for residential use.**

(2) For purposes of this rule, the definitions in ORS 197.015, the Statewide Planning Goals and OAR 660-004-0005 shall apply. In addition, the following definitions shall apply:

(d) "Minimum lot size" means the minimum area for any new lot or parcel that is to be created in a rural residential area.

Findings: **This application is for zoning and Comprehensive map amendment to establish a minimum lot size for Subject Property that lies within a rural residential area. The lots within the exception area include both 2-acre lots and 5-acre lots. The subject property is currently 13.60 acres in size.**

(f) "Rural residential areas" means lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken.

(g) "Rural residential zone currently in effect" means a zone applied to a rural residential area that was in effect on October 4, 2000, and acknowledged to comply with the statewide planning goals.

Findings: **Subject property is planned and zoned primarily for rural residential uses. It is not within an urban growth boundary. It An exception to Goal 3 "Agricultural Lands" or Goal 4 "Forest Lands" (or both) was taken and acknowledged for compliance by the Land Conservation and Development Commission (now DLCD) along with other Coos County's planning documents. These planning documents continue to serve as the basis of Coos County planning and zoning. The rural residential zone in was in effect prior to October 4, 2000.**

(3)(a) This rule applies to rural residential areas.

(b) Sections (1) to (9) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family dwelling on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before October 4, 2000.

Findings: **This section of the OAR is applicable to the rural residential area exception that includes Subject Property. There is no creation of a lot or parcel or development of a single-family dwelling where the application for a partition or subdivision was filed with Coos County and deemed to be complete in accordance with ORS 215.427(3) before October 4, 2000.**

(c) This rule does not apply to types of land listed in (A) through (H) of this subsection:

(A) Land inside an acknowledged urban growth boundary;

(B) Land inside an acknowledged unincorporated community boundary established pursuant to

OAR chapter 660, division 22;

(C) Land in an acknowledged urban reserve area established pursuant to OAR chapter 660, divisions 21 or 27;

(D) Land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;

Findings: **Subject Property is not: (A) Land inside an acknowledged urban growth boundary;**

(B) Land inside an acknowledged unincorporated community boundary established pursuant to OAR chapter 660, division 22; (C) Land in an acknowledged urban reserve area established pursuant to OAR chapter 660; (D)Land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;

(E) Resource land, as defined in OAR 660-004-0005(2);

OAR 660-004-0050(2) "Resource Land" is land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).

OAR 660-004-0010(1)(b) provides for Goal 4 “Forest Lands” exceptions that has been applied to subject property.

OAR 660-004-0010 Application of the Goal 2 Exception Process to Certain Goals, addresses the following:

(c) Goal 11 "Public Facilities and Services" as provided in OAR 660-011-0060(9);

OAR 660-011-0060(9) addresses sewer service to rural lands and requires an exception to Goal 11 for establishment of such service. There is no request to connect to an existing sewer line.

Goal 11 "Public Facilities and Services as provided in OAR 660-011-0060(9) is not applicable.

(d) Goal 14 "Urbanization" as provided for in the applicable paragraph (l)(c)(A), (B), (C) or (D) of this rule:

Findings within this section already address Goal 14 "Urbanization as provided for in the applicable paragraph (1) (c) (A), (B), (C) or (D) of this rule. The sections addressed within (d) Goal 14 "Urbanization" above are not applicable to Subject Property.

(G) Marginal land, as defined in former ORS 197.247 (1991 Edition); or

(H) Land planned and zoned primarily for rural industrial, commercial, or public use.

Findings: **Subject property does not include (G) Marginal land, as defined in former ORS 197.247 (1991 Edition); or (H) Land planned and zoned primarily for rural industrial, commercial, or public use.**

(4)(a) Sections (1), (3)-(9) and (13) of this rule took effect on October 4, 2000.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review, acknowledgment, or post-acknowledgment plan amendment proceeding that occurred after the Oregon Supreme Court's 1986 ruling in 1000 Friends of Oregon v. LCDC, 301 Or 447 (Curry County), and before October 4, 2000. Nothing in this rule shall be construed to require a local government to amend its acknowledged comprehensive plan or land use regulations for those rural residential areas already acknowledged to comply with Goal 14 in such a proceeding. However, if such a local government later amends its plan's provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule.

(5) The rural residential areas described in subsection (2)(f) of this rule are "rural lands". Division and development of such lands are subject to Goal 14, which prohibits urban use of rural lands.

Findings: **Subject property has not been acknowledged to comply with Goal 14 by DLCD through periodic review or post-acknowledgment plan amendment proceedings. Subject property is rural land described in subsection (2)(f) of this rule. There is no proposal to develop urban use or utilize urban services. Findings confirming this statement are included within this section.**

(6)(a) A rural residential zone in effect on October 4, 2000 shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as required by section (8) of this rule.

Findings: **Subject property will comply with Goal 14 through the proposed rezoning that will permit lots with a minimum density of two acres. Section (8) of this rule will be addressed findings as we proceed through the requirements of**

OAR 660-004-0040 Application of Goal 14 to Rural Residential Areas in Section (8) which follows.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

Finding: **Subject Property is within a rural residential zone which does not have lots or parcels smaller than two acres. The proposed rezone is to apply a 2-acre minimum lot size that currently is included on parcels within the existing exception area. The proposal complies with Goal 14 regarding lot and parcel size.**

(7) After October 4, 2000, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR chapter 660, division 14, and applicable requirements of this division.

Findings: **There is a proposal to amend the minimum lot or parcel size by confirming the exception that currently exists and how it applies to subject property and adjacent property. This application addresses the criteria of a Goal 14 exception pursuant to OAR, division 14 and applicable requirements.**

(8)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

Findings: **There is no proposal for a lot or parcel smaller than two acres; there is no proposed urban use. The applicants have included findings of compliance for all of the provisions of this rule.**

(b) Each local government must specify a minimum lot size for each rural residential area.

Findings: **The rural residential exception area has minimum lot sizes of both 5 and 2 acres.**

(c) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed the minimum lot size that is already in effect.

(d) If, on October 4, 2000, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.
Findings: There is no minimum lot size smaller than 2 acres, and no proposal for such density. The Coos County Comprehensive Plan provides the language and map for Exception Area #38, which does not allow the creation of any new lots or parcels smaller than two acres. The proposed rezone and Comprehensive Plan amp amendments are to change a parcel from RR-5 zoning to RR-2, which is a two acre minimum lot size. This rural residential exception area and the proposed rezoning comply with Goal 14. No urban use is proposed. The applicant intends to comply with all the provisions of the rule. The findings explaining such compliance are included herein.

1. *What is the full potential for development of the property after the zone change (e.g. subdivision of 13.6 acre tract into six lots and construction of six subsequent dwellings) and the type of infrastructure that will be needed to serve the potential development.*

   Finding: **The subject property has division potential, and it is the intent of the property owner to maximum the underlying potential in order to offer necessary dwelling units back to the community. Upon execution of the plan amendment and zone change a subdivision application can be entertained by the Coos County Planning Department and will be filed in accordance with the CCZLDO. Six lots or parcels can potentially be yielded upon completion of the aforementioned application.**

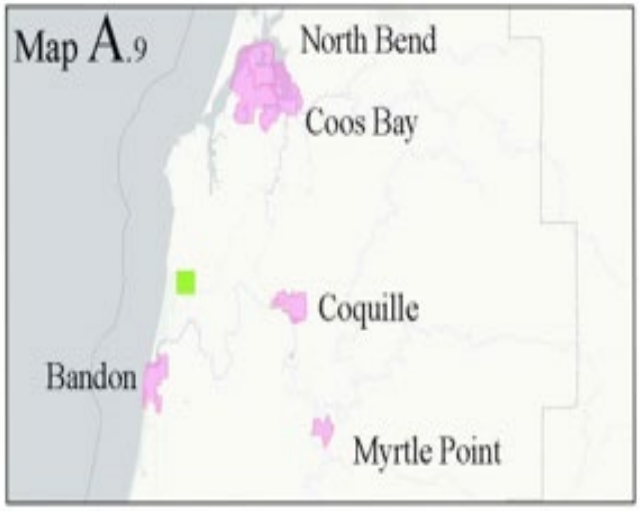
2. *What is the nature of the surrounding land use pattern (lot sizes, types of land use)?*

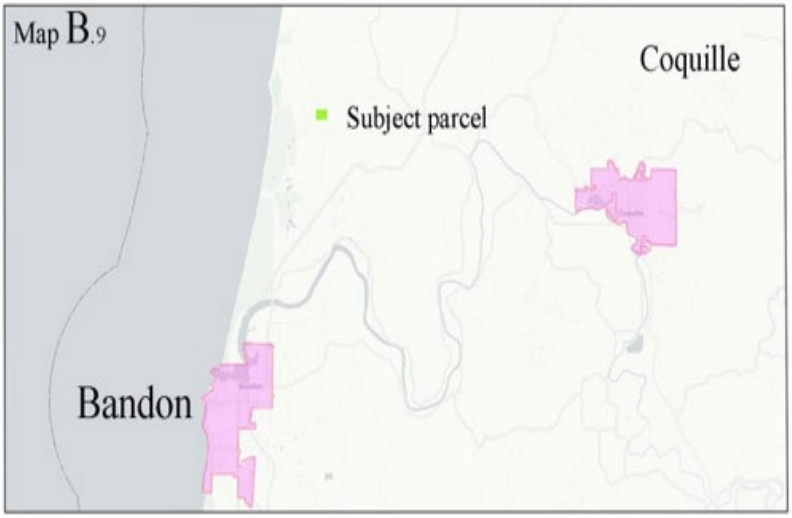
   Finding: **As previously stated, there are thirty-two properties within the notice area, twenty-eight are currently zoned Rural Residential – 2/5 Acre, which constitutes 87.5 percent of the total 750 notice area being residential in nature. Lot sizes ranges from .45 acres to 37.33 acres. There are four properties that are zoned Forested, but none of them meet the minimum parcel size nor is there an existing forested operation taking place. It can be determined that surrounding land use patterns are residential.**

   There are four properties to the northeast, east and southeast that are designated for forest use and zoned Forested. Only two of them are receiving special assessment and/or forest deferral (Tax Lot 200 and 300 (Davidson)). There are no identifiable forest uses taking place currently on these particular properties. Historical information dictates there have been no harvesting activities in the past fifteen years.

3. *What is the distance of the property from the nearest urban growth boundary?*

Finding: **The subject property is six miles from the Urban Growth Boundary (UGB) of the town of Bandon. The distances to the UGB for the surrounding communities are nine miles to Coquille UGB, twenty miles to Coos Bay UGB and twenty-four miles to both North Bend and Myrtle Point UGB's. The subject property is located in close proximity to all of the aforementioned urban areas which further adds evidence to its underlying urban nature.**





4. *What are the public facilities that currently serve the property? (roads, water, sewer, etc.)*

Finding: **Oregon Highways 101 and 42 provide access to paved county roads such as North Bank Road, Beaverhill Lane, Seven Devils Road and Whiskey Run Lane intersect near the subject parcel providing access to employment and recreation in the area. Water and septic systems will be provided on each parcel in accordance with DEQ. The facilitation of power, telephone and internet services are existing along Seven Devils Road (utilities will be further explained in the goal section of this application below).**

5. *Will the proposed zone change result in the potential need for urban services such as municipal sewer?*

Finding: **There is no sewer system available in the area. The subject property as well as the entire rural residential area are served by individual septic systems. Any change in the zoning designation will not require the facilitation of a municipal sewer system.**

6. *Will the rural exception area where the parcel is located be significantly altered (e.g. will existing infrastructure need to be enlarged or upgraded as a result of the new development that would be facilitated by the proposed zoning amendment).*

Finding: **The area should remain in its rural residential condition essentially unaltered. The subject property is accessed via Seven Devils Road which has a functional classification of a minor collector in the CCZLDO. These roads are required to have a 60 foot right of way width. Seven Devils Road currently has a 60 foot right of way width where it fronts the subject property and will not require additional right of way in order to allow to be a conforming roadway. In addition to the adequate access, the subject property upon division will be consistent with other rural residential development land in the area with onsite sanitation and well systems.**

7. *Will the proposed zoning amendment allow land uses that will significantly change the character or public service requirements of the rural exception area?*

Finding: **As previously stated, the subject property is part of a pre-existing rural committed land site that has been in existence since prior to the current CCZLDO was adopted. The subject property is located in an area that is identical to an accepted Rural Center, which are rural residential areas accepted by the Coos County Comprehensive Plan directly pertaining areas that have an existing exception for urban type uses. The existing land has demonstrated for some time that its not committed to resource type operations.**

660-014-0030

Rural Lands Irrevocably Committed to Urban Levels of Development

(1) *A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standards (e.g., that it is not appropriate to apply Goal 14's requirements prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels o development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed.*

Finding: **The Coos County hearings body will deliver a determination based on the findings of fact and supportive evidence produced by the application. Goal 2 requires the relevant areas supporting an rural residential committed land site to be addressed.**

(2) *A decision that land has been bult upon at urban densities or irrevocably committed to an urban level of development depends on nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the*

justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.

Finding: **The specific site indicates a level of urban development that can be considered a pre-existing situation. The maps below show there is a large, committed land site and the subject property is included in this particular area. The property essentially acts as an extension of the RR-2 properties that reside directly to the north and is consistent with the RR-5 patch of land surrounding the property (with the exception of the property directly to the east). In addition the maps will show developed RR-2 pre-existing substandard lots located to the north and northwest of the subject property, several being less then two acres in size.**

a. Size and extent of commercial and industrial uses.

Finding: **Tourism plays a significant role in the local and regional economy. Map A.6 shows proximity of the subject parcel with Bandon Dunes Golf Resort Oregon's State Parks, coast beaches, hiking and biking at Whiskey Run Trials. Interest in those attractions drives a need for housing to support those who live, work and travel to the area. There is a history of mining at Whiskey Run and the Pioneer and Eagle mines along Seven Devils Road. The Eagle mine is a resource for sand and gravel. Industrial Forest on County and Private land exists in this area. Some County lands are used for hiking and biking trails becoming a use for resource and recreation drawing residents from around the state and regional areas. Forest production, agriculture and tourism all contribute to an economy that requires a variety of residential living to support a workforce. There are no immediate adjacent commercial or industrial uses taking place or properties that are zoned appropriately for that particular use.**

b. Location, number and density of residential dwellings.

Finding: **As previously discussed, the subject property is located in a pre-existing rural residential area and is surrounded by rural residential zoning on all sides apart from the property to the east (Forested). In the 750-foot notice are there are currently thirty two properties and twenty eight of them are designated as residential. The remaining four currently have a forested designation. Twenty-four out the thirty-two properties currently have single family dwellings which includes one out of the four located in the forested zoned area to the east (Manning Family Trust, 24.28 acres, Tax ID 763601). In addition, approximately 1,200 feet to the southwest is a pre-existing fifty-six lot subdivision. All lots of currently one-acre**

in size in this particular subdivision despite the zoning designation dictating a two-acre minimum. This subdivision is pre-existing and non-conforming to its minimum parcel size and was platted prior to Coos County's current Development code adoption, however it further illustrates the residential nature of the area and the intensity of density.

c. Location of urban levels of facilities and services, including at least public water, and sewer facilities.

Finding: **The subject property or the area is not located within an urban growth boundary or urban unincorporated area of any kind. Urban services and amenities are not available. The property in addition to all other properties in the area are required to utilize onsite septic systems for sanitation systems and wells for domestic water.**

d. Parcel sizes and ownership patterns.

Finding: **Parcels within the 750 notice area range from .45 acres to 37.33 acres in size. Directly to the north of the subject property is a pattern of properties zoned Rural Residential – 2 Acre but currently only has eight lots that meet the minimum parcel size the rest are approximately one acre in size. There are sixteen properties within the notice are that are currently zoned Rural Residential – 5 Acre, only six are five acres or above in size but the remaining ten are below the five-acre minimum parcel size. There are fourteen properties within the notice are that are zoned Rural Residential – 2 Acre, out those five are below the two-acre size while the remaining nine are two acres or above. None of the properties that are zoned in this capacity are above four acres in size. These patterns clearly add relevance to a highly development residential area. Out of the thirty-two properties located in the notice area there are only two properties that are similar (Davidson, Tax ID 766900 and 767000).**

COMPREHENSIVE PLAN COMFORMANCE AND INTENT

CCZLDO Section 5.0.900 requires plan amendments to be predicated on a demonstration that the amendment provides a reasonable opportunity to satisfy a local need for a different land use.

It is the policy of the State of Oregon to preserve and maintain designated resource land for farm and forest use. This policy is also articulated in the Coos County Comprehensive Plan and is implemented with a variety of land regulations, which discourage or prohibit the establishment of additional nonresource-related development in rural areas of the county. At the same time, the Comprehensive Plan also recognizes that there is a public need to provide opportunities for nonresource-related residential uses in rural areas. Both statewide planning policy, and local

planning regulations, establish standards and procedures which enable the County to strike a reasonable balance between the policy of preserving farm and forest land and the recognized need to provide opportunities for commercial uses in rural areas.

The Coos County Comprehensive Plan has a procedure for identifying "Committed Areas" and the analysis explains the following:

> *In the County's first effort toward Plan acknowledgement (rejected selectively by LCDC), "Committed Areas" were identified by mapping the existing (1978) pattern of individual tax lots and superimposing the location of existing dwellings as determined by the Coos County Land Use Inventory (1978). This work was done at the scale of 1" = 800 feet, which enabled all tax lots and the location of dwellings to be identified precisely. An initial assumption was made that a 10-acre parcel was the realistic minimum lot size upon which resource production (farming or forestry) could occur. (Although farm and forest uses can and do occur on smaller parcels, the resource use tends to be sporadic and indistinguishable from the use of the property as residential.) Thus, parcels that were generally less than 10 acres in size were equated with being lost to resource production and were therefore considered available for rural housing (see "Agricultural Lands" and "Forest Lands" chapter for rationale). Based on this guiding assumption, the following criteria were used to delineate the boundaries of potential "committed areas".*
>
> 1. *Generally, potentially "committed areas" consist of parcels less than 10 acres.*
> 2. *However, developed parcels of 10-20 acres were included if they bordered on at least two sides smaller developed parcels.*
> 3. *Undeveloped parcels of 10-20 acres were included only if they bordered on at least three sides smaller developed parcels.*
> 4. *In general, the amount of vacant land within a potential "committed area" averages about 25% of the total area. Vacant land substantially exceeds 255 only where there is a developed, legally established subdivision in which many lots remain unimproved. According to State law (ORS 92.205-245), the sale of a single lot is a sufficient criterium to consider the subdivision developed. Therefore, it is de facto a "committed area".*

The Coos County Comprehensive Plan, in addition to describing committed areas, also has a mechanism for revisions (Section 4.3.4), which is explained by the following:

Following LCDC's selective rejection of Coos County's second attempt at acknowledgement, the County again reevaluated certain areas to determine their "committedness". Areas reviewed included not only parcels that had previously been determined to be committed, but also parcels that had earlier been justified through adoption of a goal exception based on need. (As explained in Section 2.1, the County has withdrawn that goal exception at LCDC's insistence.) Additionally, in accordance with Goal #1, "Citizen Involvement", the County reviewed written requests for designation of specific parcels as committed.

To provide the basis for an acceptable goal exception for land physically or irrevocably committed to other uses, the County developed an analysis matrix incorporating relevant factors and criteria from LCDC Administrative Rule #660-04-028. The completed matrices, which include conclusions of committedness for qualifying parcels, are attached as Appendix C. In accordance with an understanding with DLCD staff, the matrices display only those earlier rejected parcels that have been determined to qualify as committed areas. Other areas formerly designated as "Rural Residential" are now designated in accordance with the most appropriate resource designation, generally "Agriculture" or "Forest".

Finding: **The subject property has a clear path and precedent with Section 4.3.4 of the Coos County Comprehensive Plan and is a good candidate for a revision. Appendix B and Appendix C. The subject property is part of a larger area that was previously rejected as being defined as resource land and has been determined to qualify as a committed area. The property along with the committed land site surrounding has, by definition, an existing exception to Goals 3 and 4 and stands consistent with Goal 14. The table below illustrated the fully committed area directly off Seven Devils Road in the same proximity. The RR2 area directly to the north is essentially an extension of the subject property and remains consistent with the same uses and rural residential makeup.**

Location Township Range Section Tax Lots	Parcel Size, Ownership Pattern, Physical Development							Adjacent Areas			Conclusions: Parcel/area is committed, based on factors from column #'s
	#1	#2	#3	#4	#5		#6	#7	#8	#9	
	Total acreage	# of D.U's	# of owner ships	Predominate owner ship size	Public facilities		Natural Boundaries & other factors	Parcel bordered on 2 sides by smaller developed parcels (yes/no)	parcel bordered on 3 or more sides by smaller developed parcels (yes/no)	parcels outside the study area are smaller similar larger	
					water	sewer					
27-14-17	187	6	24	6	------	------	Seven Devils Road	yes	no	similar to larger	1-4,6,7
27-14-21	13	2	2	6	------	------	Seven Devils Road	yes	no	larger	1-4,6,7
27-14-34	8	0	1	8	------	-------	Medohill Ranchettes	yes	no	smaller & larger	1,3,4,6,7

Approval of the requested Plan Amendment and Zone Change on the subject property, as compared with other properties in rural areas, will mitigate future public need to convert other higher value resource land to non-resource use through the introduction of Rural Residential zoning and the subsequent increase in the amount of non-resource residential uses in resource areas. Based on the facts set forth in this document, conversion of this property to a rural residential designation will provide a reasonable opportunity to satisfy a local need for the requested and use.

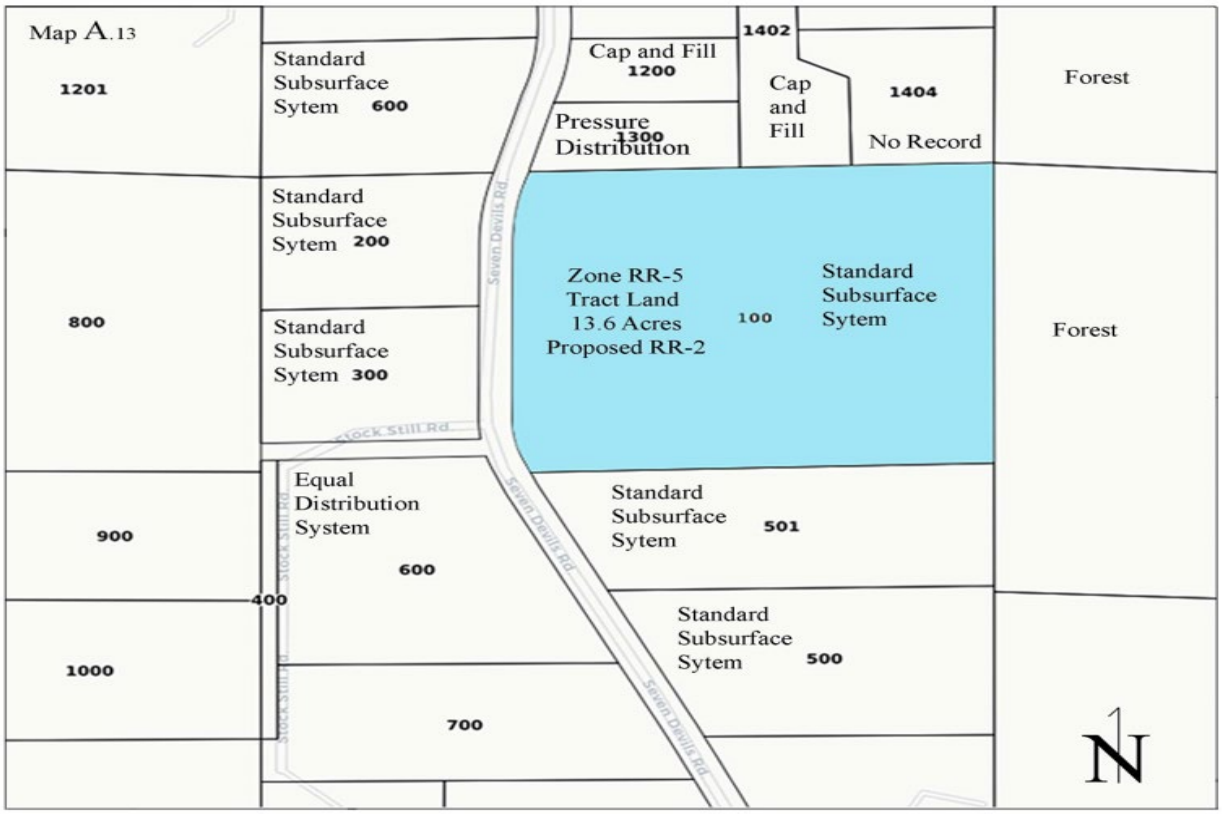
A. Reasons must justify why the state policy embodied in the applicable goals should not apply.

Finding: **The current zoning of the subject parcel is RR-5 and is 13.60 acre property with a current potential of two dwelling units. The application materials has established the proximity of commercial, industrial, recreational and residential land uses in the vicinity. The plan amendment and zone change on the subject property will create the potential for buildable lands providing necessary dwelling units. In the last two years there has been identifiable growth and expansion along Seven Devils Road. The addition of a 6th gold course, the expansion of hotel capacity and hosting of the 2020 US Amateur golf tournament at Bandon Dunes Resort and the Whiskey Run Trials have increased the need for rural residential dwelling units in the area. Goal 10, 12, 13 and 14 are all covered about in the statewide planning goal section of the application materials. In addition, soil classifications and conflictions are discussed above as well. The underlying soil for the property is consistent with the rest of the rural residential committed land site adjacent to Seven Devils Road.**

Soils 8B, 1B, 1C are the dominant soils on the subject property shown above, indicating suitable conditions for building and development. These soils carry a limited 80-75 rating for Septic Tank absorption fields. DEQ has approved the installation of a Stand Subsurface system on site. Soil 5B is less represented on site and can have limited percolation and depth of soil to a cemented sandstone layer. Standard system approval by DEQ on the subject parcel and adjacent properties to the south and west indicate these soils will likely be suitable for Advanced Treatment Technology septic systems in the case a subsurface system is not approved. Properties to the north show alternatives like sand filter and pressure distribution systems that can be used in areas where soil percolation is limited.

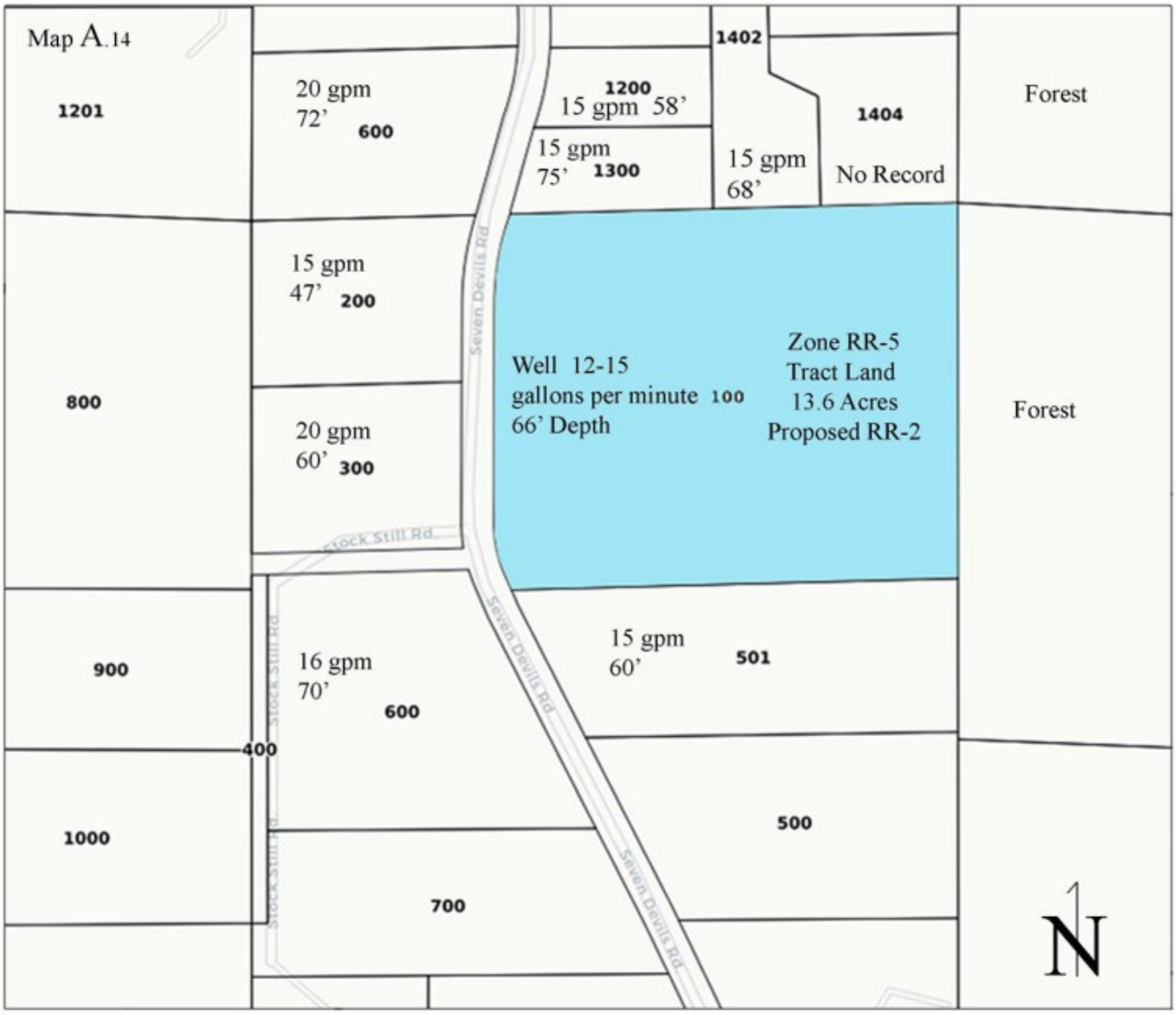
Environmentally ATT systems are advantageous as they often treat waste in a containment system, require little or no subsurface drain field and treated wastewater contains minimal bacterium to be introduced into the soil or used as irrigation.

Standard subsurface system approval by DEQ on site, use of standard systems in the area and site conditions such as suitable soils, good drainage and gentle topography support the proposed zone change and the subject property from RR-5 to RR-2, providing for increased rural residential living opportunities in the area.



Map A below indicate well data in the vicinity of the subject property is determined to be 12-20 gallons per minute of clean water from of bacterium and adequate levels of sedimentation, minerals and hardness. The subject parcel has a pH of 6.6 with 7 being neutral, a hardness of 1 with between 1-3 as optimal and .01 milligrams/Liter of iron present. Typically .3 m/L would be a rate to require treatment. It is typical in this area to use a UV process for bacteria treatment, fabric or micron filters for sediment and natural filtration or mineral treatment system to alter iron levels.

The wells are commonly less than 100' deep and the compacted sandstone layer in the soil structure prevents surface contaminants from seeping into the natural aquifer. Brown sand clay 2' – 20' in depth is found on tax lot 300 to the west of the subject property. The sand clay prevents most surface water from percolating into drinking water. Tax lot 600 has clay mixed with sand 30' – 36'. To the northwest. Tax lot 1300 has brown sand and clay 1' – 30' and tax lot 50 to the south comprising sandy clay from 2' – 20' down. These conditions indicate safe and abundant water that will require minimal alterations and filtration to provide the proposed increase in dwelling units.



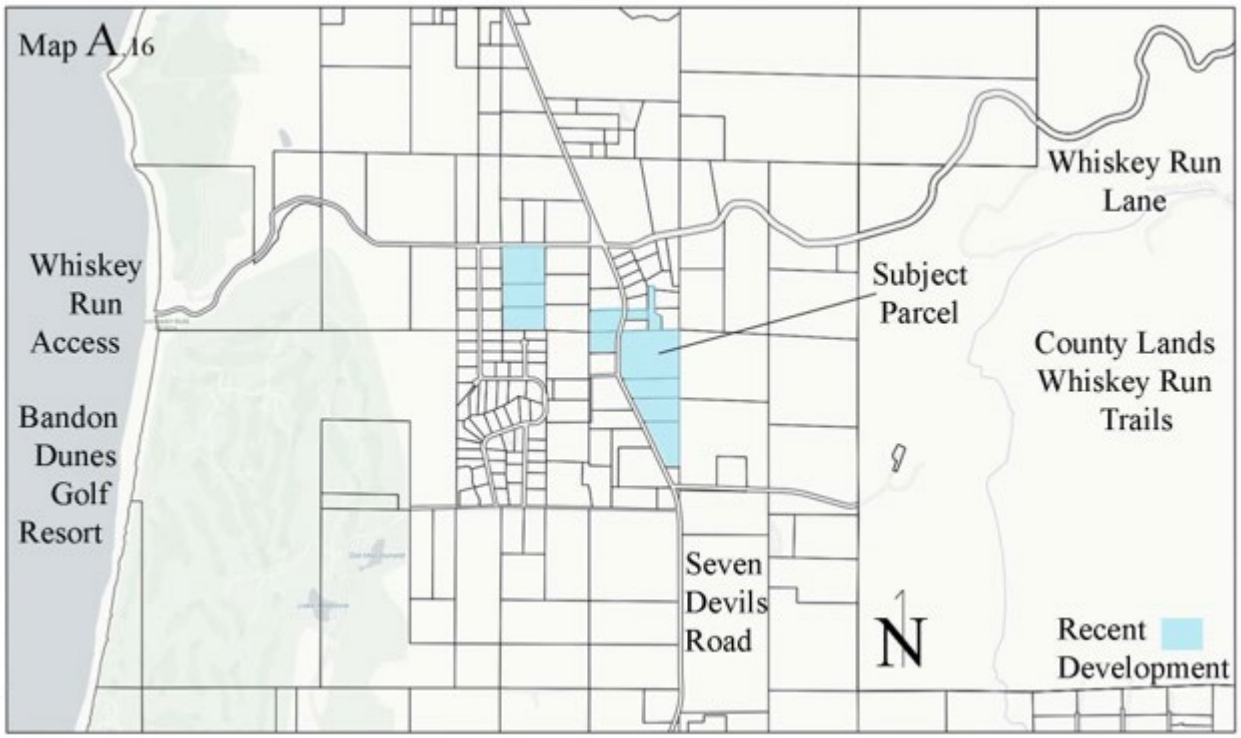
B. It must be demonstrated that the areas which do not require a new exception cannot reasonably accommodate the use.

Finding: **Map A below represents Coos County being defined by each municipality from North Bend, Coos Bay to Charleston, Coquille, Myrtle Point and Bandon. A break down into sub-areas like Prosper, Bullards, Parkersburg and Randolph which identify a specific place near larger municipalities. It is within these areas that we have rural residential communities. In early settlement these areas were defined and created because they meet the underlying definition of a rural committed land site. The area offers ease of transportation, access to goods and services and employment are all major factors in determining where residents desire to live. Map B shows there are a high concentration of RR-2 lands south and east of Bandon with less RR-2 lands north of the Coquille River. In the area of the subject property the continued growth and opportunities for work, recreation and its proximity to**

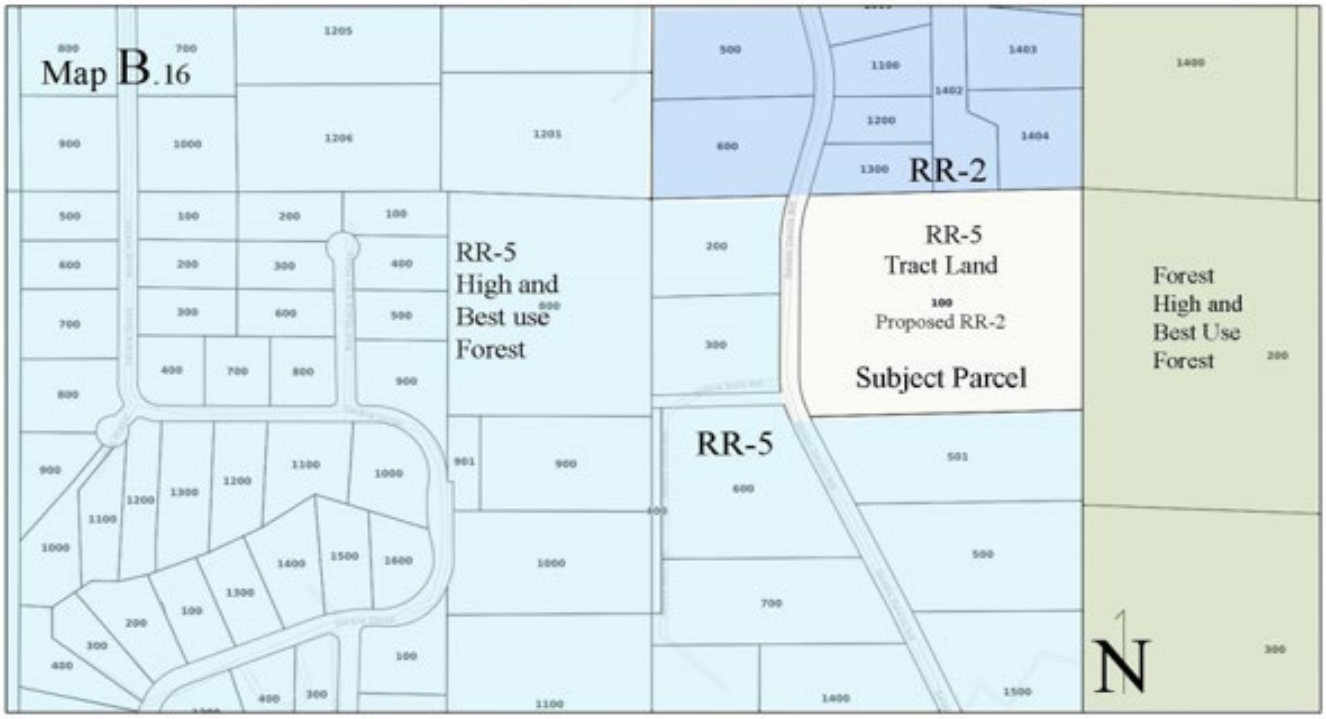
multiple area communities make a clear demonstration of the need for additional dwelling units.

C. *The economic, social, environmental and energy consequences resulting from the new use must be shown to be not significantly more adverse then would result from the same proposal being located in another area requiring an exception.*

Finding: **Map A below shows single family dwelling residential parcels under current development according to the Coos County records. This trend demonstrates a need for additional rural residential dwelling units and land. The infrastructure to handle future growth, site conditions such as gentle slopes, parcel size and shape and land use designation indicate the subject property has a unique opportunity to meet a local need for residential growth.**



Rural residential growth opportunities in other areas are available but the proximity for employment and infrastructure already in place along the Seven Devils Road and Whiskey Run Lane corridors meet a need for this rural community. Map B below shows the subject property land use RR5 and classified as a committed land site by the county, which indicates a property is not resource in nature. Previous developmental impacts by logging, mining soil tests, and brush cutting have left much of the subject property with vegetation and growth allowing full opportunity for rural residential type development.



Large properties in Coos County (above 10 acres in size) are considered resource by the Comprehensive Plan. Map B above represents the immediate proximity of large parcels near the subject property. To the east are forest designated areas and to the west RR-5 properties that have a rural residential exception acting as a committed land site. Directly on all sides except to the east are properties that have a rural residential type exception and are committed to residential uses. In addition, the RR-2 area to the north also has forested zoned areas to the east. The subject property essentially acts as an extension to this RR2 type precedent.

VI. COMPLIANCE WITH CCZLDO CRITERIA FOR ZONE CHANGES

In addition to the criteria to be addressed when proposing an amendment to the Comprehensive Plan, the Coos County Zoning and Land Use and Development Ordinance (CCZLDO) also establishes criteria that must be considered when a change in zoning is proposed. The criteria for a zone change found in CCZLDO at Section 5.1.215 require the Planning Commission to find that:

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.**

A. Conformance with the applicable sections of the Comprehensive Plan

The requested zone change conforms with the Coos County Comprehensive Plan which can be fully demonstrated with the illustrations below. The maps in criteria b show established residential property patterns with 1-2 acre lots, 5 acre lots and lots above 10 acres near adjacent to the subject property. Rural residential land located in the vicinity of Bandon and areas around Coos County general buildable site conditions. We will examine the subject parcels site conditions such as hydrology, topography, geology/soils, shrub/forest value and potential hazards or advantages that would impact rural residential living. These conditions can impact the availability and development of rural residential lands. The comprehensive plan clearly states the requirement of State and Local agencies to make available buildable land in rural communities. In addition, section 4.3.4 of the Comprehensive Plan outlines areas of the County that are considered committed rural residential land sites.

In the County's first effort toward Plan acknowledgement (rejected selectively by LCDC), "Committed Areas" were identified by mapping the existing (1978) pattern of individual tax lots and superimposing the location of existing dwellings as determined by the Coos County Land Use Inventory (1978). This work was done at the scale of 1" = 800 feet, which enabled all tax lots and the location of dwellings to be identified precisely. An initial assumption was made that a 10-acre parcel was the realistic minimum lot size upon which resource production (farming or forestry) could occur. (Although farm and forest uses can and do occur on smaller parcels, the resource use tends to be sporadic and indistinguishable from the use of the property as residential.) ***Thus, parcels that were generally less than 10 acres in size were equated with being lost to resource production and were therefore considered available for rural housing (see "Agricultural Lands" and "Forest Lands" chapter for rationale). Based on this guiding assumption, the following criteria were used to delineate the boundaries of potential "committed areas"****.*

1. *Generally, potentially "committed areas" consist of parcels less than 10 acres.*

2. *However, developed parcels of 10-20 acres were included if they bordered on at least two sides smaller developed parcels.*

3. *Undeveloped parcels of 10-20 acres were included only if they bordered on at least three sides smaller developed parcels.*

4. *In general, the amount of vacant land within a potential "committed area" averages about 25% of the total area. Vacant land substantially exceeds 255 only where there is a developed, legally established subdivision in which many lots remain unimproved. According to State law (ORS 92.205-245), the sale of a single lot is a sufficient criterium to consider the subdivision developed. Therefore, it is de facto a "committed area".*

This clearly demonstrates the property falls under the definition of an area that has and should have

an existing exception. The transition from RR-5 to RR-2 is consistent with the Comprehensive Plan.

B. Suitability of the Site to the Proposed Zone

The maps below should fully illustrate that the change will create no conflict with permitted uses on other nearby parcels. Maps A and B will show the subject property is adjacent to existing RR-2 properties to the north and northwest and existing RR-5 parcels to the west and south. Maps B and C indicate property sizes in the area that are predominantly under the minimum parcel size and not being used in any type of resource capacity. The property located to the east is not being commercially forested and essentially is not being utilized in any regard.

C. Compliance with other adopted plan policies and ordinances.

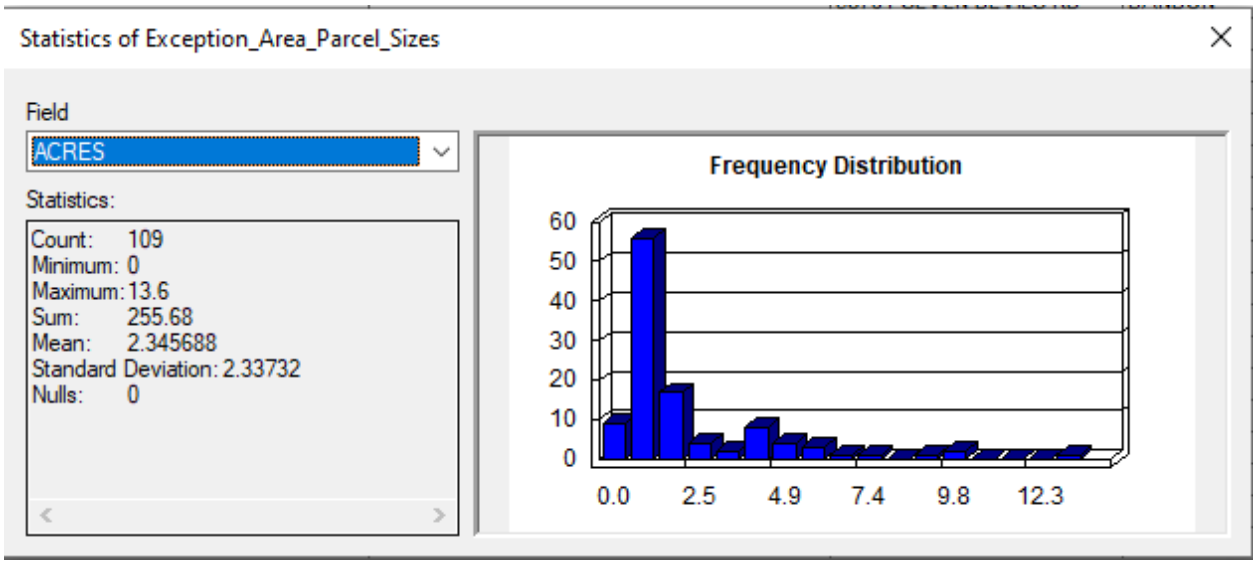
Compliance with other plan policies is fully demonstrated through findings identified previously in the application materials. All relevant Statewide Planning Goals have been adequately and fully addressed and it can be determined the application is consistent with the intent of the Goals. The subject property is not located in an area subject to specificized overlays where additional findings would be required in order to address consistency. There is no identifiable landslide or geological hazards identified. There are no unique coastal features that merits a specific analysis to prove residential development will cause a detriment. The subject property maintains full rural residential intent providing full justification for the application.

VII. RURAL RESIDENTIAL AREA ANALYSIS AND ZONING/LOT PATTERNS

The subject property was designated rural residential – five acres along with the surrounding areas due to the existing residential development that was prevalent when the Comprehensive Plan was adopted in mid-1980's. The area has clear indications of ample residential development. Below is a map illustrating structural development surrounding the subject property:

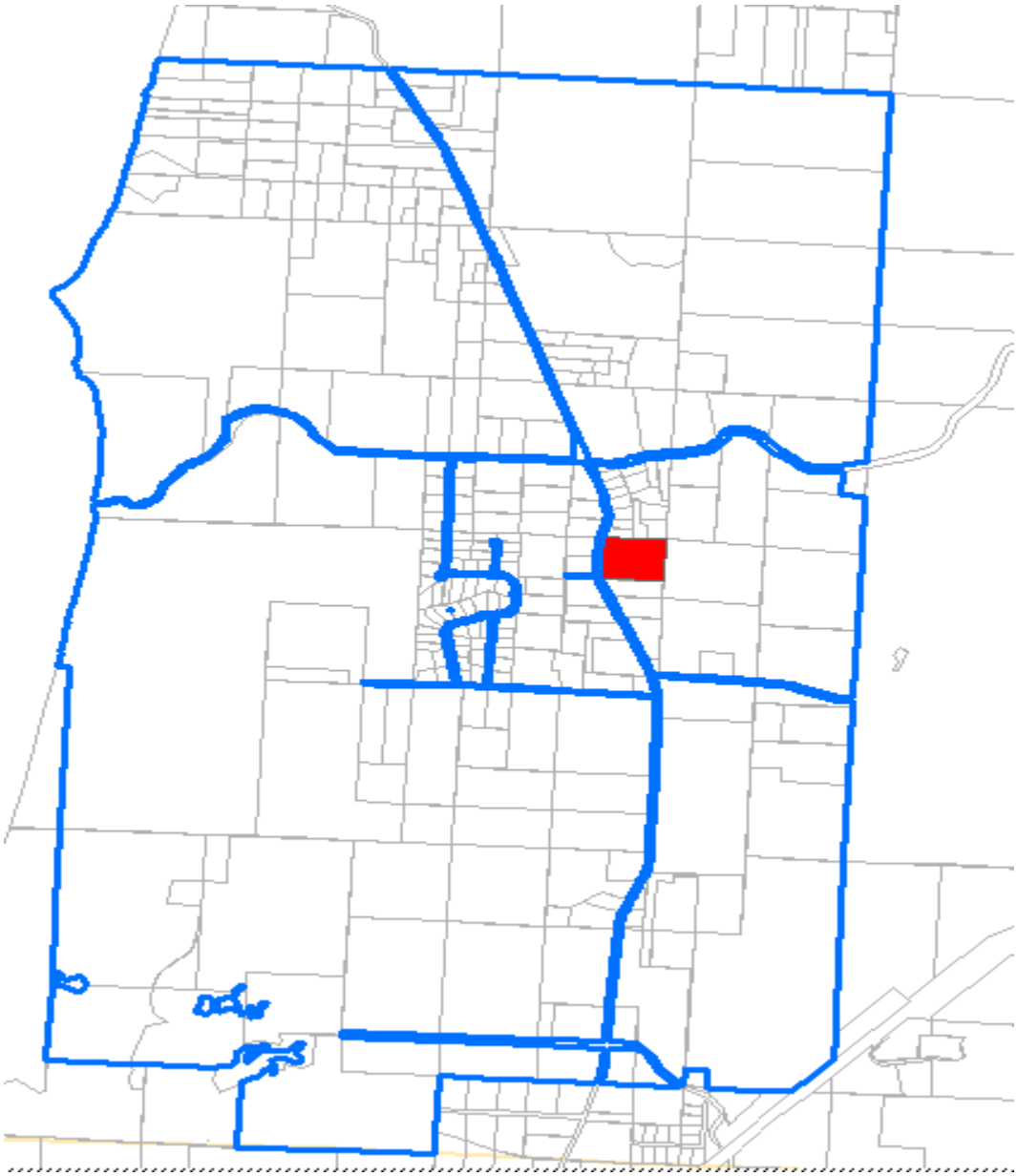
Structural development in the area appears to be extremely prevalent. Out of the 109 properties a total of 94 have dwelling units, which constitutes 86% of the total area. Its conclusive to surmise that the plan amendment and zone change to RR2, which will allow the division of four additional lots along with dwelling units, will not intensify the use of the surrounding area due to the considerable number of residential uses that are already taking place.

In addition and as previously stated, the rural residential area where the subject property is located has significantly transitioned to being utilized in more of a RR2 capacity. Consider the group below that average all 109 properties with the existing area. The average parcel and lot size is 2.34 acres in size and only 11 lots or parcels are five acres or more, which constitutes only 11% of the entirety of the area. This essentially means the whole area in questions including the subject property is already being utilized in a two acre capacity.

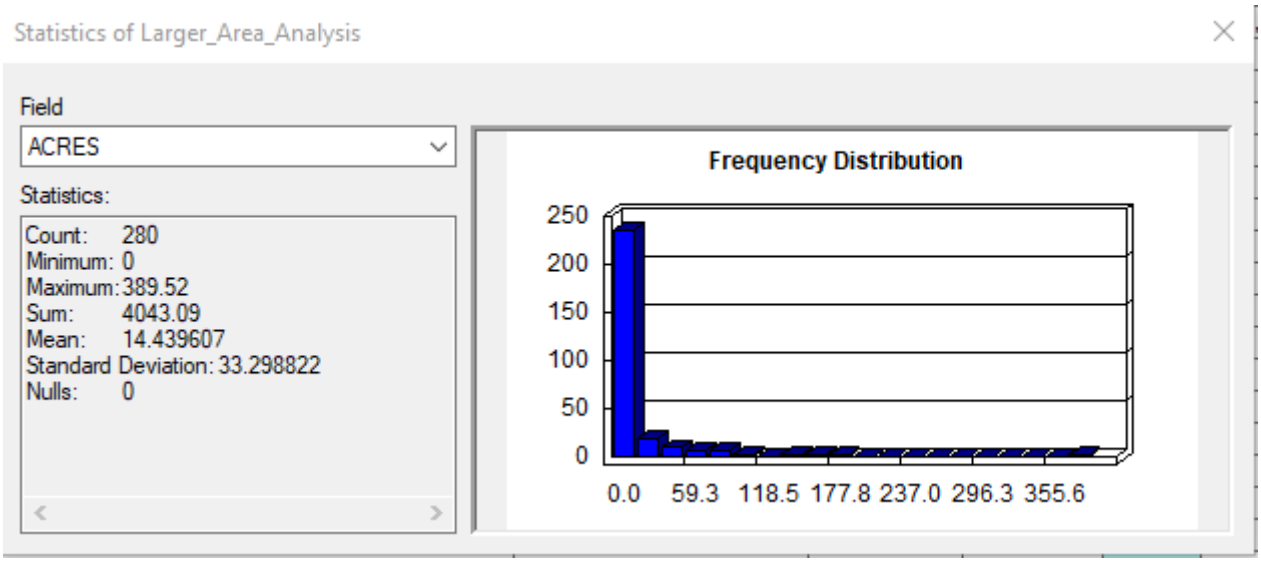


VIII. AREAWIDE ANALYSIS

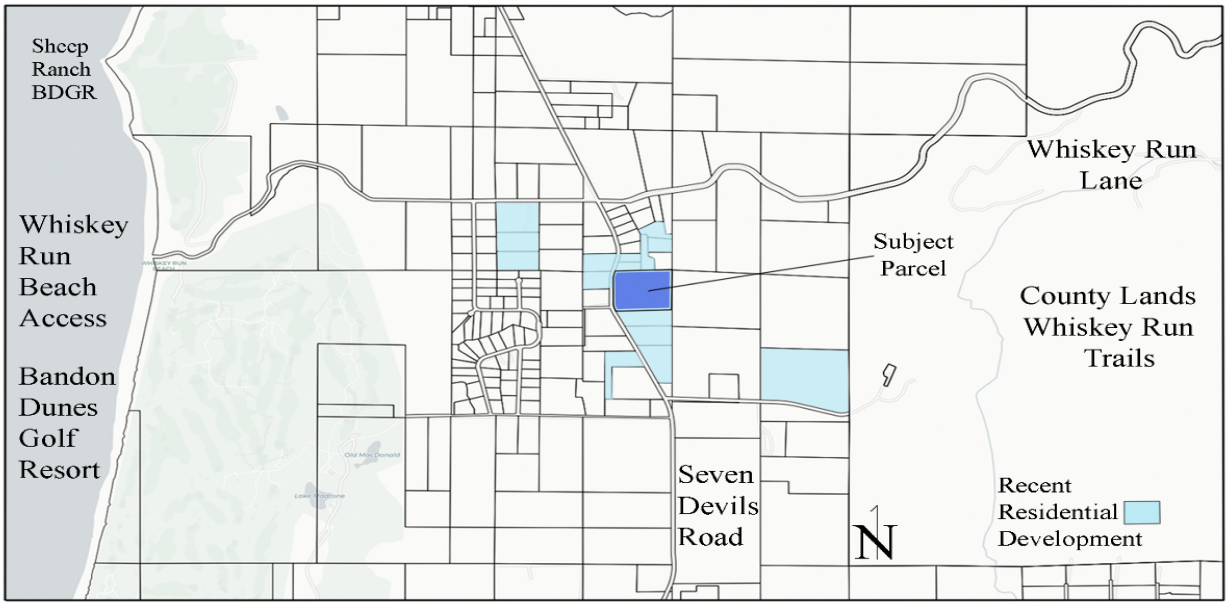
The applicant/property owners have constructed a large areawide analysis to fully understand the condition of the area in a large capacity. A total of 4043.09 acres was analyzed to evaluate zoning patterns and acreage sizes, with 230 total properties. There are several considerations when evaluating this particular area, the largest being the Bandon Dunes which is positioned directly to the southwest of the subject property. This is considered a significant resort type operation where a multitude of employee and guest housing exists. This area cannot be determined to be another other than ahigh intensity use. The study area includes properties with a wide variety of zoning designations including Forested, Rural Residential 5 Acres, Rural Residential 2 Acres and a specialized zoning set aside for the Bandon Dunes Resort (BDR). There are 88 properties within the study area that are zoned Forested, which only constates 38% of the whole area. The remaining lots and parcels are either RR2 or RR5, which excluding the Bandon Dunes Resort. This indicates the area is more than amply dedicated to residential uses in the tune of 62%. Below is the area outlined in blue that is currently being studied, the subject property highlighted in red:

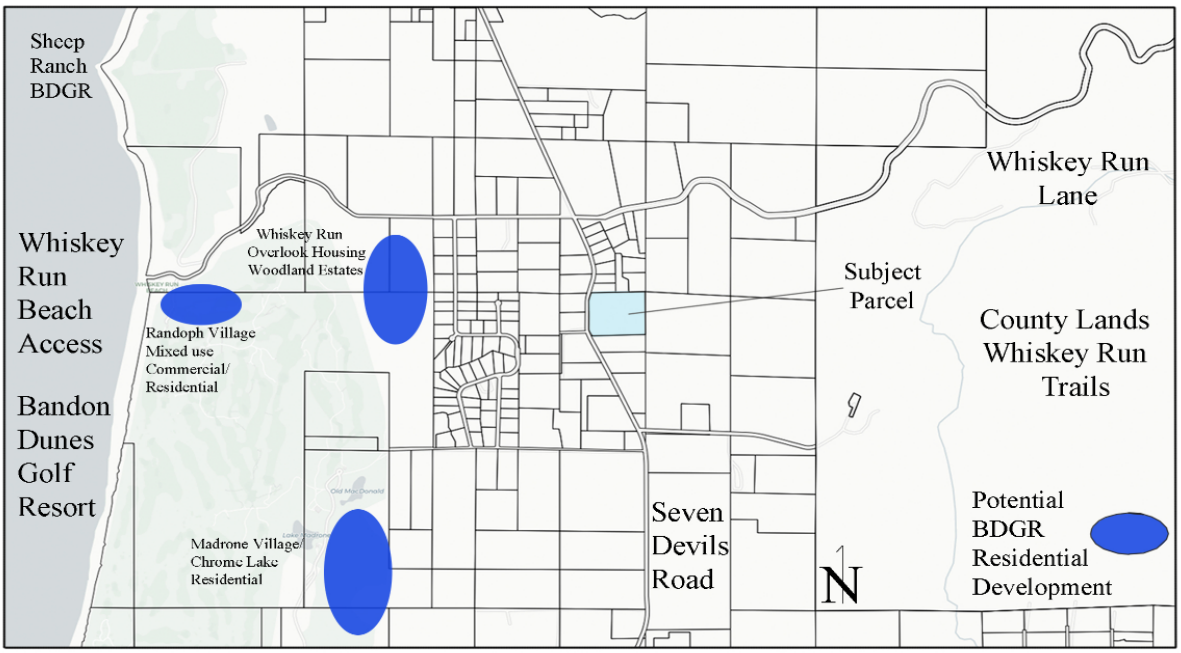


The Forested zone has a minimum parcel size of 80 acres and as previously stated, only 38% of the study area are properties that have this particular zoning designation. The analysis shown below indicates the average property size is 14.44 acres. This falls significantly below the minimum parcel size for any resourced type land , showing a clear precedent.



In addition to taking a large area into consideration, and the highly residential makeup therein, the Bandon Dunes Resort should be considered in a significant regard. The Coos County Comprehensive Plan gives full credence to the historical relevance directly related to residential development in connection to the Bandon Dunes Resort. Beginning on Page 780 of Volume 1 of the Comprehensive Plan, there is a fully expansion plan for the Bandon Resort fully factored in. The plan includes several areas that will be fully residential in nature. This plan clearly identifies as "Bandon Dunes Resort Exceptions". This area is located less than a mile from the subject property.





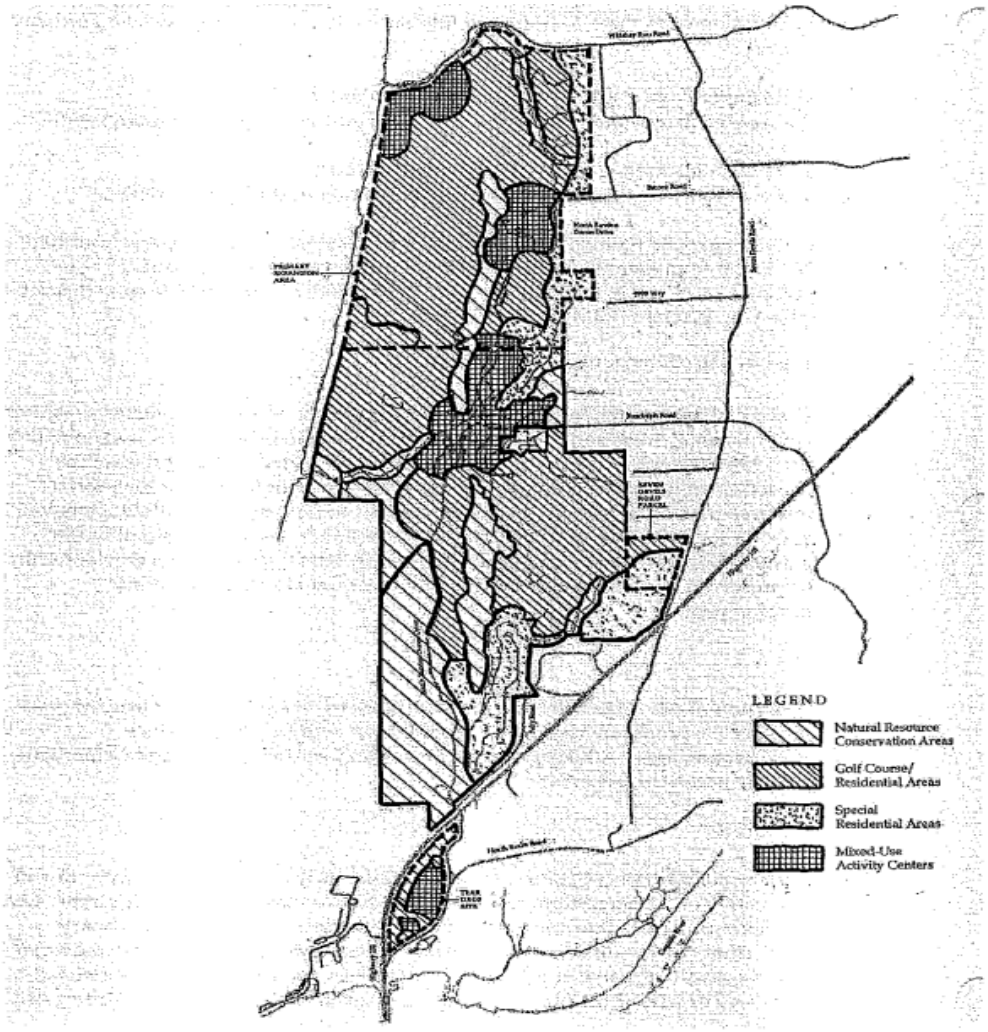


Fig. 3: Primary Use Areas

IX. CONCLUSION

There is a strong connection between the rural residential type uses in the area and the purpose and intent of the subject application. When the subject property is compared to other RR-2 lands, all features appear to be consistent. The property shows a high correlation with the Comprehensive Plans analysis for rural residential committed lands and given the surrounding areas and their uses it meets the definition for areas that have an existing exception from resource type uses. The property meets the County's analysis matrix incorporating relevant factors and criteria from LCDC Administrative Rule #660-04-028 and qualifies as a committed land. Therefore, showing full justification the subject property should have the ability to transition from RR-5 to RR-2 in the same fashion as the property directly to the north.