STAFF REPORT

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

I. MATTER DETAILS – AGENDA ITEM IV. B

APPLICANT: KASPER, JEREMIAH D & BRIDGET R
PO BOX 2070
BANDON, OR 97411-2070

STAFF CONTACT(S): Amy Dibble, Planner II adibble@co.coos.or.us; Jill Rolfe, Planning Director jrolfe@co.coos.or.us

SUMMARY PROPOSAL: This application was submitted as a consolidated request with a plan amendment to change the zoning. While Coos County Zoning and Land Development Ordinance Section 5.0.400 provides for a concurrent review staff does find this application is complex and would be better to review the plan amendment separate from the rest of the request. Staff will review the Lawfully Created Unit of Land, Property Line Adjustments and Dwelling Authorizations as Administrative Actions. This will extend the time lines a bit but will not ultimately affect the decision unless the Plan Amendment is denied.

PUBLIC HEARING: The time and place for the Coos County Planning Commission to review this matter in a public hearing is December 2, 2021, at 7:00 P.M. in the Owen Building, 201 N. Adams Street, Coquille Oregon

LOCATION OF PROPOSAL: The Subject Property in which the Plan Map Amendment is proposed is identified as Township 29S, Range 14W, Sections 08, Tax Lots 302 and 301. These properties are located south of the City of Bandon and accessed off of Circle City Lane, via Barnekoff Lane onto Rosa County Road.

APPLICABLE IDENTIFIED REVIEW CRITERIA: The proposal is for an Amendment to the Coos County Comprehensive Plan Map and the Coos County Official Zoning Map by Rezoning the subject property from the current Plan Map Designation Agricultural to Forest and included in the Mixed Use Overlay and amend the Official Zone Map Designation from Exclusive Farm Use to Forest/Mixed Use subject to Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I - Policy 5.4 Plan Implementation Strategies; Volume I, Part II, 3.2(5) Forest Lands, Implementation Strategies; Oregon's Statewide Planning Goals & Guidelines - Goal 3 - Agricultural Lands; and Goal 4 - Forest Lands and OAR 660-006-0057 Rezoning Land to an Agriculture/Forest Zone (codified in Coos County Comprehensive Plan).

HEARING PROCESS AND PROCEDURES: There are four ways to participate in this matter by phone; virtually; in person or in writing.

i. **Virtual or by phone:** This option is only available during the time and date the hearing is scheduled. To participate there GoToMeeting or by phone please provide an email to planning@co.coos.or.us with your name, address, email and phone number for the record and in case there is any technical difficulty.

Planning Commission
Thu, Dec 2, 2021 7:00 PM - 10:00 PM (PST)
Please join my meeting from your computer, tablet or smartphone.

You can also dial in using your phone.
United States: +1 (646) 749-3122
Access Code: 588-742-533

ii. **In Person:** The meeting can be attended in person at the time and date scheduled. All participants are required to follow COVID restrictions that are applicable at the time of the hearing. The meeting will be held in the Owen Building Large Conference Room 201 N. Adams Street, Coquille OR 97423. If you require assistance to participate in the meeting, please provide 48 hours' notice to the Planning Staff to accommodate the request. planning@co.coos.or.us or 541-396-7770.

iii. **In Writing: Testimony shall be submitted by the deadline provided at the hearing or the close of the record in the forms described below.**

a. **Submission of Written Testimony:** Written testimony and evidenced provided by participants that will not be attending shall be received no later than 5 pm on the day of the hearing. Although it is encouraged to submit the information well in advance to provide the Hearings Body a chance with an in depth review. Written testimony and evidence to shall be mailed 225 N. Adams, Coquille, OR 97423, dropped off at the planning office at 60 E. Second Street, Coquille or emailed to planning@co.coos.or.us. If the testimony is not received by the 5 pm deadline it will need to be submitted in person at the hearing or it will not be considered. **Please review the additional information regarding submission of written evidence.**

b. **Submission of Written Evidence**

- Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.
- The applicant bears the burden of proof that all the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]

iv. **General Meeting Procedure:** The Planning Commission will start the meeting at 7:00 pm unless otherwise noticed. There will be introductions of the Commissioners and Staff, Approval of Minutes if available and Request for any comments from the public on matters not related to the formal hearings scheduled or pending land use matters prior to opening the hearing. Upon opening the

public hearing portion of the meeting, the Planning Staff or County Counsel will provide the procedural rules.

The Planning Commission will:

b. Any actual or potential conflicts of interest (financial gain); and
c. Any biases or reason a member will not be participating in the decision making process.

The Planning Commission will ask the audience if there are challenges to any Planning Commission members reviewing the matter. If there are challenges, they shall be brought forward with evidence to substantiate such challenge. There will be a chance for the member of the Commission to rebut the challenge or step down as the decision maker. If the member(s) does not step down the Planning Commission shall make a motion as to remove the member based on the evidence or make the statement that the evidence submitted is not sufficient to create a actual bias or conflict of interest. Once this is complete staff will present the matter and criteria and provide the Planning Commission an opportunity to ask any questions about staff's presentation or material that have been provided.

The Oral testimony will begin:

a. Applicant's presentation (20 minutes)
b. Proponents of the application (3 to 5 minutes)
c. Opponents of the application (3 to 5 minutes)
d. Rebuttal or closing by the applicant. (3 to 5 minutes)

Tips for providing effective testimony[1]

a. State your name and address for the record.
b. Begin by saying you support or oppose a particular agenda item, and briefly explain why.
c. Use facts to verify your statements.
d. Describe how this issue affects you personally, what you suggest as a solution and then summarize your testimony.
e. Be sure to tell the reviewing body exactly what you wish them to do. If you are opposing, your testimony should discuss why the proposal is inconsistent with the controlling law, rules or ordinances.
f. Do not repeat yourself or get off-topic; keep your argument concise

v. **Notice Requirement:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings. Please note that the area notified was larger due to the original concept of review was to cover more applications.

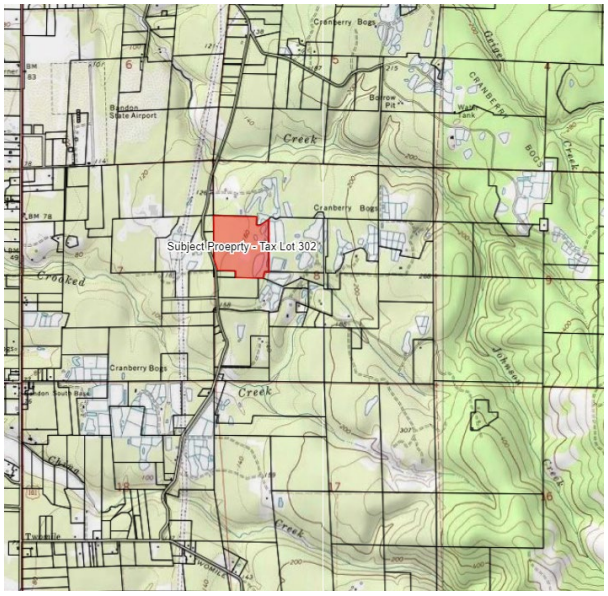
vi. **REVIEW PERIOD:** This application was submitted on October 26, 2021. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change which requires a plan amendment.

[1] https://www.co.coos.or.us/sites/default/files/fileattachments/planning/page/13051/tesify_at_land_hearing_brochure.pdf

II. STAFF REPORT – WITH RECOMENDATOINS AND PROPOSED FINDINGS

A. SUBJECT PROPERTY DETAILS AND BACKGROUND:

The application included four tax lots but to ensure a clear record the subject property is only.



According to the assessment records tax lot 302 contains a 3200 Square Foot General Purpose Building with an effective year of 2014. The google aerial historical images confirm that structure was sited between 2011 and 2013. This structure will require an after the fact land use authorization in the form of a Zoning Compliance Letter for an agriculture structure to bring it into compliance. The applicant will need to file the proper permits for an Agricultural Exemption with Oregon State Building Codes. Often times property owners are not aware they and not exempt from land use approvals for agricultural structures and there is a form that has to be provided to State to complete the process.

The subject property is split with the southern portion (approximately a third of the overall property) as part of the cranberry operation and the rest of the property in forest management. There is a cleared strip of land that is used as an access way. The total acreage of tax lot 302 based on the assessment is 43.46 acres and the proposed area of rezone is approximately 25 acres.

The future development plans for the property were included in the larger application but should not be included in this review to keep a clear record for the plan map amendment.

Property #2

Account Number(s):	1207604
Map Number(s):	29S140800-00302
Property Owner:	KASPER, JEREMIAH D & BRIDGET R PO BOX 2070 BANDON, OR 97411-2070
Situs Address:	None Assigned
Acreage:	43.46 Acres
Zoning	EXCLUSIVE FARM USE (EFU)
Special Development Considerations and overlays:	BANDON AREA OF MUTUAL INTEREST (BMI) BIRD SITE MEETS GOAL 5C REQRMT (B5C) NATIONAL WETLAND INVENTORY SITE (NWI) WETLAND IN CRANBERRY BOGS (WC)

ii. KEY DEFINITIONS:

ZONING DISTRICT: *A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*

HIGH-VALUE FARMLAND: *"High-value farmland" means land in a tract composed predominantly of soils that are:*
A. Irrigated and classified prime, unique, Class I or Class II; or
B. Not irrigated and classified prime, unique, Class I or Class II.

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

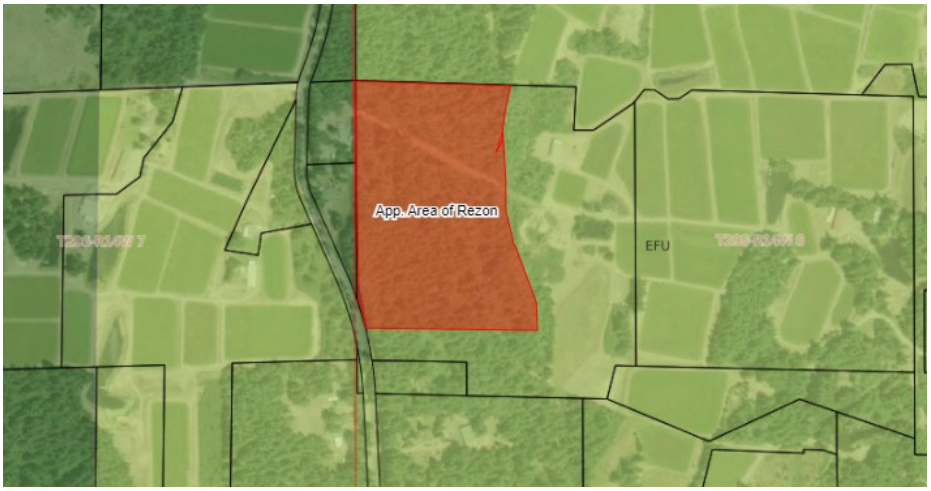
Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

FOREST LAND: *Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for*

watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

iii. *ZONING AND SURROUNDING USES:*

Zone Map – The lighter green is Exclusive Farm Use, and the darker green is Forest with a Mixed Use Overlay. The proposed area to be rezone is currently zoned Exclusive Farm Use. The zoning to the west is Forest/Mixed Use and to the north, south and east are all Exclusive Farm Use. The properties in this area appear to be managed for farm, forest and residential purposes. The farming in this area is mostly cranberry farming.



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

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

FOREST MIXED USE (FMU)
The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

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

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

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

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

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

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

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

iv. GENERAL COMPLIANCE:

COMPLIANCE PURSUANT TO SECTION 1.1.300: It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance.

FINDING: Staff has reviewed the property history and the county files to determine at the time of this report the portions of the properties subject to review are compliant with the exception of the Agricultural Structure located which the applicant shall obtain an after the fact land use approval. The tax lot is made up of three lawfully created units of land that were described by deeds and shown in the 1975 zone map with separate account numbers. The full lawfully created determination will be reviewed administratively with an opportunity to appeal. However, the lawfully created status does not affect this request. Therefore, this has been addressed.

v. COMMENTS:

Comments were requested from Oregon Department of Wildlife for a possible protected bird site in the vicinity and Oregon Department of State Lands for wetlands. To the date of this report their comments have not been made available.

A public comment was received from Grant Family Farms in support of the application. All comments are found at Attachment B.

APPLICABLE IDENTIFIED REVIEW CRITERIA FOR REZONE:

a. Coos County Zoning and Land Development Ordinance (CCZLDO), Article 5.1 Plan Amendments and Rezones;
   i. Coos County Comprehensive Plan
      1. Volume I Part II Inventories Sections 3.1 Agricultural Lands and 3.2 Forest Lands;
      2. Coos County Comprehensive Plan Maps Balance of County (14) Zone Maps and (16) Mixed Use Maps; and
b. Oregon's Statewide Planning Goals & Guidelines Goals 3 and 4.
c. OAR 660-006-0057 - Rezoning Land to an Agriculture/Forest Zone

a. Coos County Zoning and Land Development Ordinance (Ordinance)

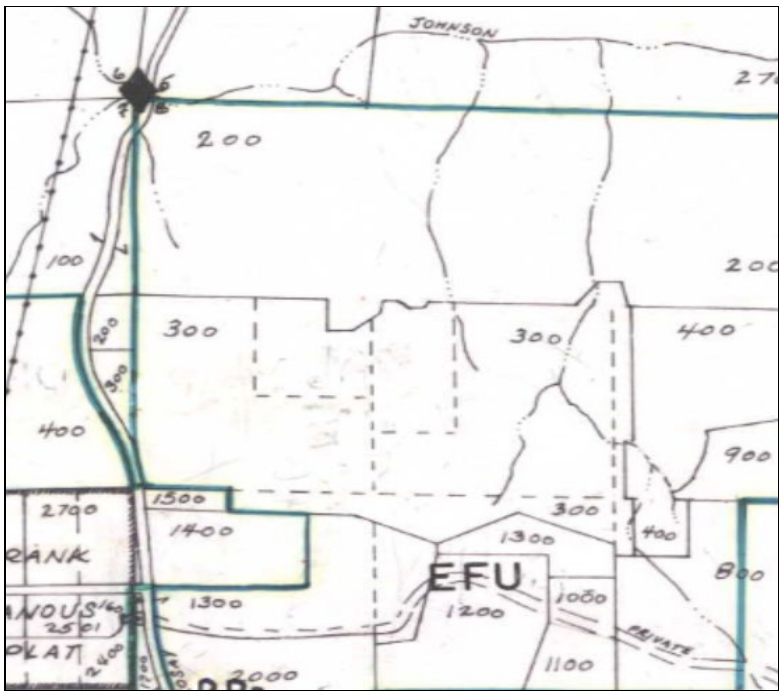
- ***<u>ARTICLE 5.1 REZONES</u>***

  - ***SECTION 5.1.200 REZONES:***

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

STAFF RESPONSE: This proposal is not a text amendment but a map amendment. There are three plan maps that will require amendments if the application is approved by the Board of Commissioners.

Official Zone Map



Mixed Use Maps. Section 7 and 8 to show where the current Mixed Use Inventory is located. If approved the mixed use shaded area will be continued on to the portion of 302.

Therefore, the appropriate applications have been filed and the County is reviewing this as a Plan Map Amendment and not a Text Amendment.

- Volume I Part II Inventories Sections 3.1 Agricultural Lands and 3.2 Forest Lands;

STAFF RESPONSE: To understand why the zoning applied to property will help in the decision if it is still appropriate another zoning is more appropriate. When the Coos County Comprehensive Plan was developed an Agricultural Lands Inventory and Forest Inventory were created with mapping. Volume I Part I provides the following explanation regarding Agricultural Inventory.

Agricultural lands are differentiated from Forestlands on the basis of the following criteria:

1. Main criterion: Agricultural Lands Inventory

   Land identified on the agricultural lands inventory (as Class I-IV soils or "other lands" suitable for agricultural use) are designated as agricultural lands, with the following exceptions:

   i. Committed rural residential areas and urban growth areas.

   ii. Proposed rural residential areas as per the Exception to Goals #3 and #4.

   iii. Proposed industrial/commercial sites.

   iv. Existing recreation areas (e.g., golf courses) [Recreation designation]

   v. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).

   vi. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].

2. Secondary criterion: Existing Land Use Inventory and Air Photos

   There are two sources of existing land use information that are used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. As a result, minor additions only are made to areas shown in the agricultural lands inventory.

All other areas are designated as forestlands: this includes certain areas for Class I-IV soils under forest cover, as specified in (v) and (vi) above. It is considered that resource values are equally well protected by designating these lands as forest lands, provided implementation requirements are consistent with the Agricultural Lands Goal, in accordance with the LCDC policy paper, "Agriculture/Forestry Inter-relationship."

STAFF RESPONSE: The map that is required to be amended is listed as Plan Map in the Balance of County Comprehensive Plan Map Alternative 3 (Map No. 13) which shows the proposed area for rezone to be Agriculture and will amended to show Forest. The second map is the Official Zone Map (Map No. 14) that shows this property zoned as Exclusive Farm Use and the proposal will amend that designation to Forest. The last map is the Mixed Use Overlay Map (Map No. 16) to include a Mixed Use Overlay on the area proposed for amendment. Based on the explanation of the current zoning it appears that entire tax lot was included in the Agricultural Inventory based on the existing farm operation and overall soils of the tract of land which consists of other tax lots. This rezone separates out the land use and soils on site and will result in the same resource protections that is intended by Agricultural and Forest designations.

- *Volume I, Part 2, Policy 3.2 Forest Lands (5) Implementation Strategies*

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

F – "Forest"

Within the forest zone, the extent of preservation of forest lands primarily for forest uses will be established through implementation of the zoning ordinance. Specifically, standards within the ordinance are set to delineate those areas, or parcels, which have historically been managed as "mixed use" areas, including both

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

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

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

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

(ii) "Mixed Farm-Forest Area". These areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

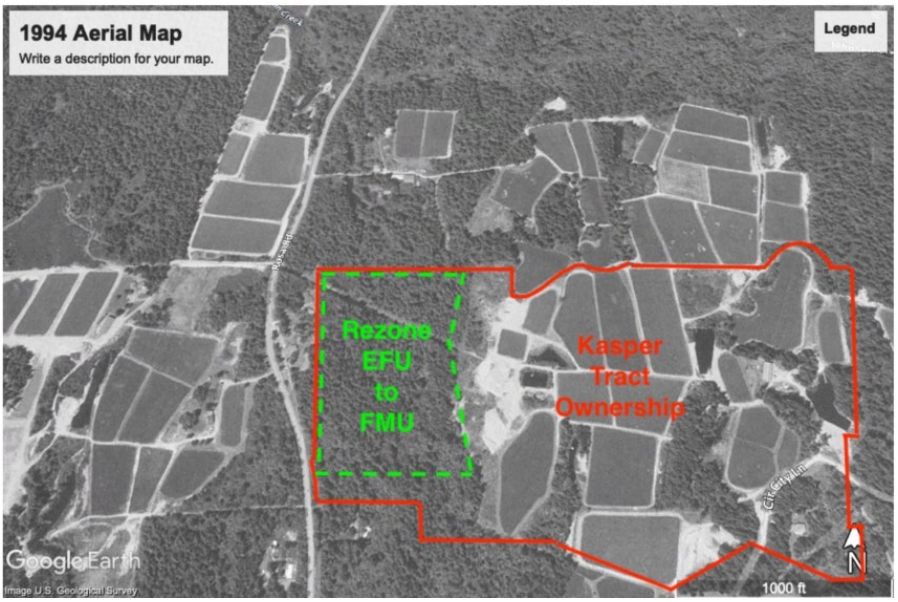
In certain areas of the County, these "mixed use" areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management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

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

1) Mixed use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.

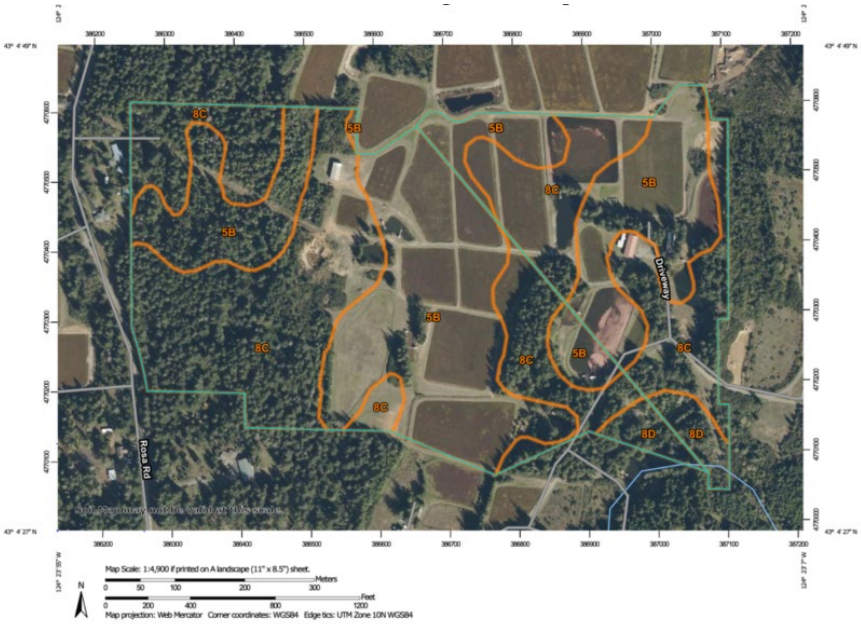
2) Mixed use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.

STAFF RESPONSE: The portion of the subject property that is proposed to be rezoned contains both agricultural and forest soils (full soil report found in Attachment A of this report) that could be reconsidered suitable for either farming or forestry use. The land has been used for forestry purposes since at least February 16, 1983. Below is a 1994 aerial image of the subject parcel



Staff agrees with the applicants' findings that based on the Natural Resource Conservation Service (NRCS) survey map, the soil type of the proposed rezone area consists of Blacklock fine sandy loam (5B) and Bullards sandy loam (8C). Bullards sandy loam (8C) has a site index of 104 and has the potential growth rate volume of wood fiber of 143 for Douglas-fir, Sitka Spruce, and Western hemlock species. Blacklock fine sandy loam (5B) has a site index of 90 and has the growth rate volume of wood fiber of 72 for Port orford cedar, Shore pine, Sitka spruce, Western hemlock.

The Bullards sandy loam is classify as Site Class III soil type using the Classification for Douglas-fir within Volume I Part 2 of the Comprehensive Plan. While the Blacklock fine sandy would not be classify given the lack of data for the growth for Douglas-fir.



Report—Forestland Productivity

Forestland Productivity–Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			Cu ft/ac/yr	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
8D—Bullards sandy loam, 12 to 30 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

Table 2

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

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

Source: Oregon State Department of Forestry

- *Volume I, Part I. Policy 5.4(8) FOREST LANDS*

5.4(8) Coos County shall consider, and approve where appropriately Justified, changes from forestry to agriculture zoning districts, and vice versa, upon findings which establish:

> *a. That the proposed rezone would be at least as effective at conserving the resource as the existing zone;*

According to the applicants area subject to rezone is currently being used for timber production. The change from EFU to FMU will continue a similar pattern of resource protection considering both zone districts are group together in Section 4.2.500 Resource Zones.

> *b. That the proposed rezone would not create a non-conforming use;*

According to the applicants the area subject to rezone is currently being utilized for forest management. The propagation or harvesting of a forest product is outright permitted on all EFU subzones per Section 4.6.200 Exclusive Farm Use – Use Tables (3). Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash are permitted outright in Forest Mixed Use zones thru Section 4.6.110 (2).

c. That the applicant for the proposed rezone has certified the he/she understands that the rezone, if granted, could have significant tax consequences;

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

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

This strategy recognizes:

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

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

Applicant Response: The applicants understand this planning application will be decided in a public hearing.

MIXED AGRICULTURAL-FOREST USE AREAS
Volume I, Part II, 3.2(5) Implementation Strategies (Appendix 1)

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

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

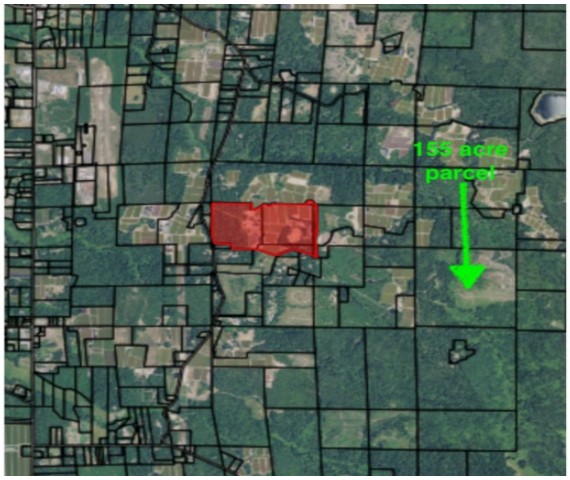
(ii) "Mixed Farm-Forest Area". These areas include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to be form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these "mixed use" areas consist of extensive uploads where the lands are held predominantly by ranchers who manage their properties interchangeably between

grazing and forestry depending on the economic base of each commodity at the any given time. As essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these, but not to the same extent as in "prime forest areas", and grazing is in many places a co-dominat use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

a. *Mixed-use areas are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agriculture uses.*
b. *Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.*
c. *Mixed-use areas are those areas predominantly co-managed for both farm and forest uses.*

Staff agrees with the applicants response that the subject property and area requested for rezone from EFU to FMU is located along Rosa Road, which is southeast of the City of Bandon. Rosa Road is combination of Forest Mixed Use, Exclusive Farm Use, and Rural Residential properties. The Coos County Comprehensive Plan identifies 160 acres as the threshold for intensive forest management (industrial forestry). The majority size of these parcels are under 160 acres, thus intensive forest management is not typically in this area.



The portion of the subject property that is proposed to be rezoned contains both predominately soils that could be reconsidered suitable for either farming or forestry use. The land has been used for forestry purposes since at least February 16, 1983. Based on the Natural Resource Conservation Service (NRCS) survey map, (shown earlier in this report and at Attachment A) the soil type of the proposed rezone area consists of Blacklock fine sandy loam (5B) and Bullards sandy loam (8C). Bullards sandy loam (8C) has a site index of 104 and has the potential growth

rate volume of wood fiber of 143 for Douglas-fir, Sitka Spruce, and Western hemlock species. Blacklock fine sandy loam (5B) has a site index of 90 and has the growth rate volume of wood fiber of 72 for Port orford cedar, Shore pine, Sitka spruce, Western hemlock. The applicants have provide onsite pictures of the actual trees on site and site details to show consistency with the site index.

Goal 3 - To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event. More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.

Goal 4 - To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture. Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands **that maintain soil, air, water and fish and wildlife resources. Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands. Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain numeric standards for land divisions and standards for the review and siting of land uses. Such land divisions and siting standards shall be consistent with the applicable statutes, goal**

and administrative rule. If a county proposes a minimum lot or parcel size less than 80 acres, the minimum shall meet the requirements of ORS 527.630 and conserve values found on forest lands. Siting standards shall be designed to make allowed uses compatible with forest operations, agriculture and to conserve values found on forest lands. Local governments authorized by ORS 215.316 may inventory, designate and zone forest lands as marginal land, and may adopt a zone which contains provisions for those uses and land divisions authorized by law.

Rule 660-006-0057 -Rezoning Land to an Agriculture/Forest Zone. Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

The applicant has provided evidence and analysis to support the conclusion that the proposal is compatible with the Coos County Comprehensive Plan and that neither the Statewide Planning Goals 3 or 4 can be applied alone.

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

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

STAFF RESPONSE: The Planning Director is not recommending an expansion of the planned rezoned area.

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

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

STAFF RESPONSE: The applicants are not requesting to have an interior lot or parcel rezoned. The portion requested for rezone abuts the Forest/Mixed Use area in map number 29-14-07; therefore, this criteria does not apply.

- ***SECTION 5.1.220 PROCESS FOR REZONES:***

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*

6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

STAFF RESPONSE: A valid application was filed with the Planning Department on October 26, 2021 and a Post Acknowledgment Plan Amendment was provided 35 days prior to the Planning Commission Meeting.

Staff's investigation and report is the staff report and does determine compatibility with this ordinance, Coos County Comprehensive Plan, Statewide Planning Goals 3 and 4 and OAR 660 Division 006. The Forest Mixed Use zone and Exclusive Farm Use zones are both resource zones that are set to protect Forest and Agricultural lands. The change in the zoning will preserve that goal while allowing the zoning to reflect the actual on ground management that the property owners have been practicing prior to 1983.

The Planning Commission is holding a public hearing on the matter and making a recommendation to the Board of Commissioners who will review this matter on December 28, 2021. If the result of the Planning Commission Decision is to deny the application an appeal process will be made available.

- ***SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:***

The Hearings Body shall, after a public hearing on any rezone application, either:

1. *Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
   a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
   b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
   c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

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

   A qualified rezone shall be dependent on findings of fact including but not limited to the following:
      i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
      ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
      iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
      iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

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

STAFF RESPONSE: Staff suggests the Planning Commission finds based on the application material, comments and findings staff has made that the decision be to approve the application with one condition and that is to receive an after the fact approval for the Agricultural Structure.

ATTACHMENT A - APPLICANTS APPLICATION AND FINDINGS

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

Official Use Only
FEE: _____
Receipt No. 22961
Check No./Cash 1017
Date 10/26/21
Received By MB
File No. AM/RZ-21-005

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

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

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

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: **Jeremiah & Bridget Kasper** Telephone: **1 (916) 580-4416**
Address: **PO Box 2070, Bandon, OR 97411**

As applicant, I am (check one):

☒ Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;

☐ A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;

☐ Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

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

B. DESCRIPTION OF PROPERTY:

Township **29S** Range **14W** Section **08** Tax Lot **302**
Account No. **1207604** Lot Size **43.46** Zoning District **EFU**
Existing Use **Timber and Cranberry Farming**

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: **FMU**

Updated 2018

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:
Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? **No**
Explain and provide documentation: **See Attached Response**

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

a. Will the rezone conform with the comprehensive plan? **Yes**
Explain: **See Attached Response**

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? **No**
Explain: **See Attached Response**

c. Will the rezone comply with other adopted plan policies and ordinances? **Yes**
Explain: **See Attached Response**

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

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

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

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

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

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

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

(a) The land subject to the exception is "physically developed" to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is "irrevocably committed" to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) A "reasons exception" addressing the following standards is met:

(1) Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) Areas which do not require a new exception cannot reasonably accommodate the use;

(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

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

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

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½" x 11" paper. If proposed structures are not know then the plot plan will need to include only existing with a note that no new structures are proposed at this time;

5. If applicant is not the owner, documentation of consent of the owner, including:
   a. A description of the property;
   b. Date of consent
   c. Signature of owner
   d. Party to whom consent is given

6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners[2] must either sign or provide consistent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

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

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

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

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

Jeremiah Kasper
Applicant(s) Original Signature

Bridget R Kasper
Applicant(s) Original Signature

10/23/21
Date

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

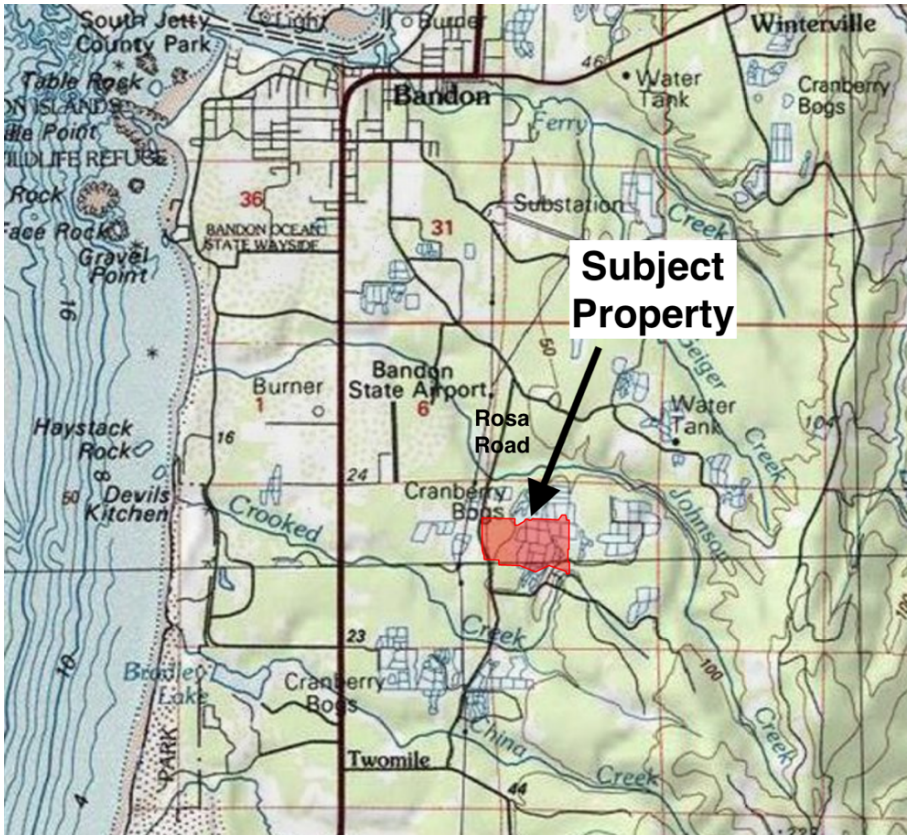
Attached Written Statement

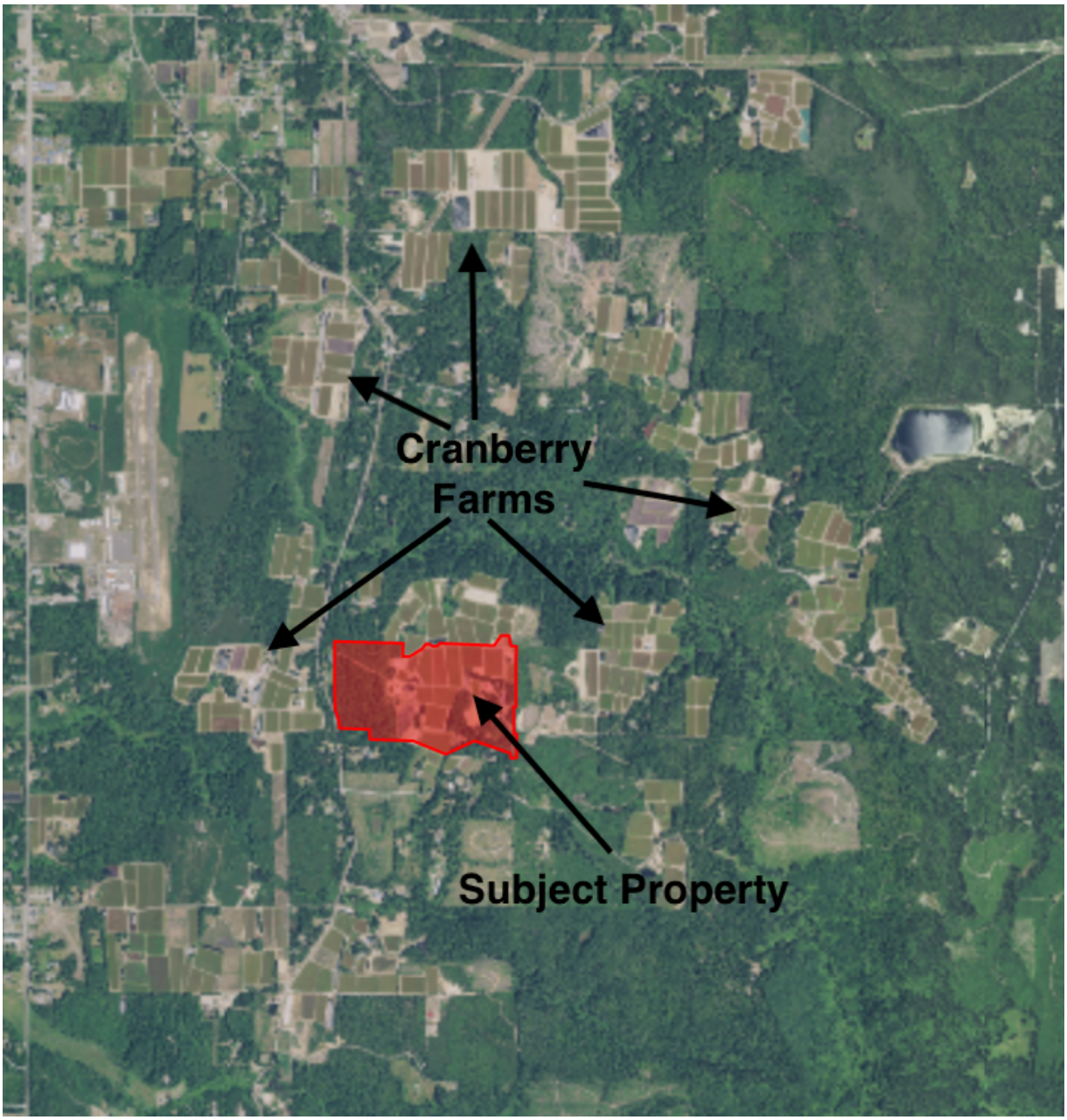
APPLICANT PROPOSAL: The applicant's, Jeremiah & Bridget Kasper, are requesting a determination of six (6) additional discrete parcels on their 97+/- acre cranberry farm; rezone of a portion of Parcel I and Parcel II from Exclusive Farm Use to Forest Mixed Use zoning; approval of two (2) property line adjustments to reconfigured the discrete parcels into potential buildable parcels; and two (2) administrative conditional use approvals to construct dwellings on these readjusted parcels in the rezoned Forest Mixed Use zone using the criteria for a template dwelling (alternative forestland dwelling ORS 215.750).

Below is a list of requested approvals:

1. **Discrete Parcel Application (greater than 3 parcels)**
2. **Zone Change – Exclusive Farm Use to Forest with Mixed Use Overlay**
3. **Property Line Adjustment Request #1**
4. **Property Line Adjustment Request #2**
5. **ACU – Forest Template Dwelling Parcel #1**
6. **ACU – Forest Template Dwelling Parcel #2**

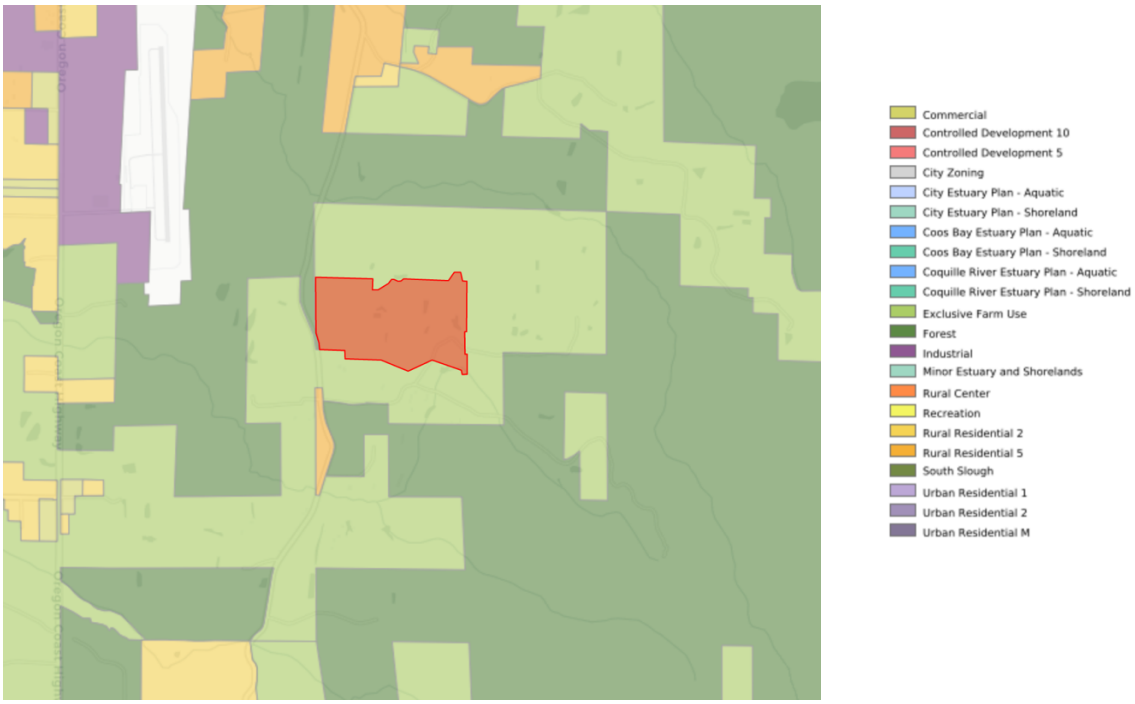
COMMUNITY AND SITE OVERVIEW: This land use application is for a tract located in the southwest portion of Coos County near the City of Bandon. The subject property is accessed by Circle City Lane, via Barnekoff Lane onto Rosa County Road. The requested rezoned and adjusted parcels will directly access Rosa Road. According to the Coos County Transportation Plan, Rosa Road is a 4.3-mile long County-maintained Major Collector Road that is located southeast of the City of Bandon.





Rosa Road is a mixture of rural residential, forest, and farming operations. Cranberry growing is the primary farming operation along Rosa Road. There are scatter ranch lands along Two Mile Lane, which is further south of the proposed dwelling location. This dwelling location can either access the City of Bandon by traveling north on Rosa Road or traveling south to Two Mile Lane. Once at Two Mile Lane, the traveler will head west to Hwy 101. This area of Two Mile Lane is predominantly a mixture of Rural Residential 2 and Rural Residential 5 zoned lands.

There are primarily resource zoning districts, Exclusive Farm Use and Forest Mixed Use, in the vicinity of the subject property. There are Rural Residential-5 zoned lands approximately 1/4 mile south of the subject property along Rosa Road.



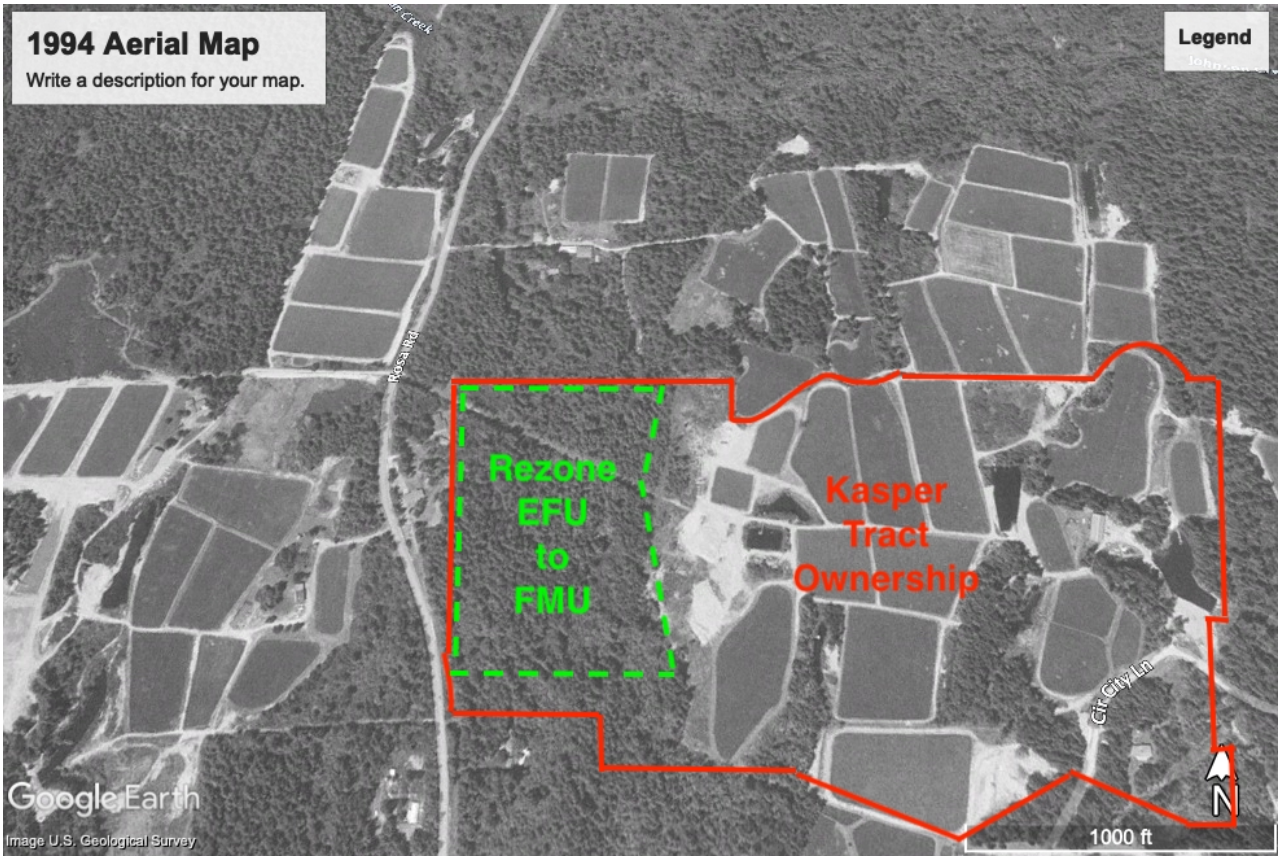
There are already established non-resource dwellings in the area surrounding the subject property near the western and southern sides of the Kasper tract. There are two parcels (29s14W07 200 & 300) with non-resource dwellings immediately adjacent to the proposed rezone and template dwellings.

Rezone Application

OAR 660-006-0057
Rezoning Land to an Agriculture/Forest Zone

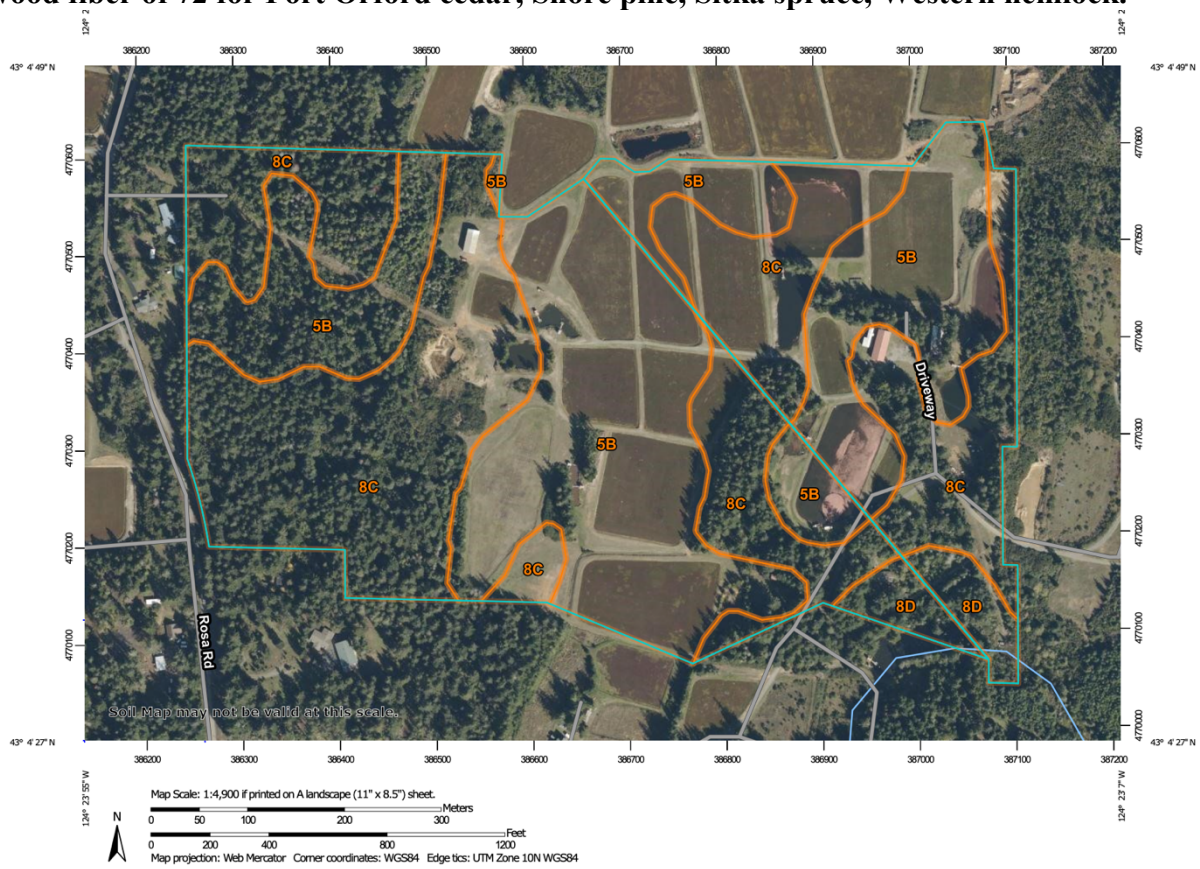
Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

Applicant Response: The portion of the subject property that is proposed to be rezoned contains both soils that could be reconsidered suitable for either farming or forestry use. The land has been used for forestry purposes since at least February 16, 1983. Below is a 1994 aerial image of the subject parcel.



Based on the Natural Resource Conservation Service (NRCS) survey map, the soil type of the proposed rezone area consists of Blacklock fine sandy loam (5B) and Bullards sandy loam (8C). Bullards sandy loam (8C) has a site index of 104 and has the potential growth rate volume of wood fiber of 143 for Douglas-fir, Sitka Spruce, and Western hemlock species.

Blacklock fine sandy loam (5B) has a site index of 90 and has the growth rate volume of wood fiber of 72 for Port Orford cedar, Shore pine, Sitka spruce, Western hemlock.



Report—Forestland Productivity

Forestland Productivity–Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			Cu ft/ac/yr	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
8D—Bullards sandy loam, 12 to 30 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

The Bullards sandy loam is classify as Site Class III soil type using the Classification for Douglas-fir within Volume I Part 2 of the Comprehensive Plan. While the Blacklock fine sandy would not be classify given the lack of data for the growth for Douglas-fir.

Table 2

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

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

Source: Oregon State Department of Forestry

Although, the Coos County Land Development and Zoning Ordinance's Key Definitions for High-Value Farmland include the soil type of 5B, which is Blacklock fine sandy loam.

> ***"HIGH-VALUE FARMLAND: "High-value farmland" means land in a tract composed predominantly of soils that are:***
>
> > ***A. Irrigated and classified prime, unique, Class I or Class II; or***
> > ***B. Not irrigated and classified prime, unique, Class I or Class II.***
> >
> > ***A and B, above, include the following soils: 2C, 5A, <u>5B</u>, 33, 17B, 25 and 36C.***
> >
> > ***In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.***

> ***Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12)."***

Therefore, "*neither Goal 3 nor 4 can be applied alone*" can apply to the rezone portion of the subject property.

ARTICLE 5.1 PLAN AMENDMENTS AND REZONES

SECTION 5.1.200 REZONES:

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

Applicant Response: The applicants are requesting a resource zone change from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU).

> ***EXCLUSIVE FARM USE (EFU)***
> ***These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.***
>
> ***The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.***
>
> ***According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:***
>
> 1. ***Committed rural residential areas and urban growth areas.***
> 2. ***Proposed rural residential areas as per the Exception to Goals #3 and #4.***
> 3. ***Proposed industrial/commercial sites.***
> 4. ***Existing recreation areas (e.g., golf courses) [Recreation designation]***

5. ***Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).***
6. ***Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].***

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

FOREST MIXED USE (FMU)

The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

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

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

SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:

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

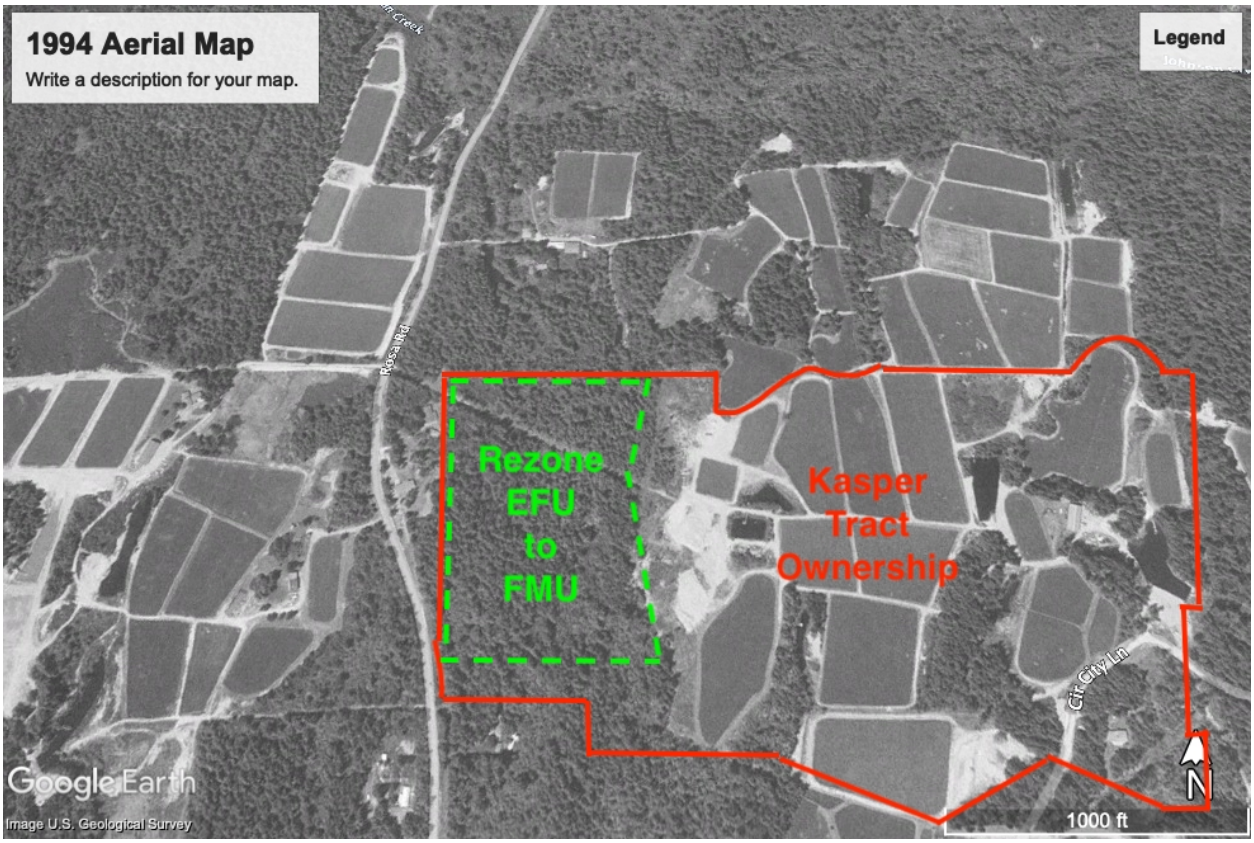
Applicant Response: The applicants understand that the requested area to be rezone could be expanded during this application process.

SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:

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

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

Applicant Response: The portion of the parcels that the zone change is requested on was not physically developed for non-farm use prior to the establishment of the EFU district. The propagation or harvesting of a forest product is outright permitted on all EFU subzones per Section 4.6.200 Exclusive Farm Use – Use Tables (3).



SECTION 5.1.220 PROCESS FOR REZONES:

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*

2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*

3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*

4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*

5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*

6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

Applicant Response: The applicants understand the Planning Commission will not make a decision within 35 days. The applicants understand the Planning Director will research, investigate, and make a report for the Planning Commission. The applicants understand the requested planning applications will be reviewed in a public hearing.

SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. *Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*

    a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
    b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
    c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

2. *Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*

    a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*
    b. *The development of the site must conform to certain specified standards; or*
    c. *Any combination of the above.*

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

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

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

Applicant Response: The applicants understand and acknowledge the Planning Commission's review process.

SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:

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

Applicant Response: The applicants understand and acknowledge the Board of Commissioner's review process.

Volume I, Part I.

Policy 5.4(8) FOREST LANDS
5.4(8) Coos County shall consider, and approve where appropriately Justified, changes from forestry to agriculture zoning districts, and vice versa, upon findings which establish:

> *a. That the proposed rezone would be at least as effective at conserving the resource as the existing zone;*

Applicant Response: The area subject to rezone is currently being used for timber production. The change from EFU to FMU will continue a similar pattern of resource protection considering both zone districts are group together in Section 4.2.500 Resource Zones.

> *b. That the proposed rezone would not create a non-conforming use;*

Applicant Response: The area subject to rezone is currently being utilized for forest management. The propagation or harvesting of a forest product is outright permitted on all EFU subzones per Section 4.6.200 Exclusive Farm Use – Use Tables (3). Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash are permitted outright in Forest Mixed Use zones thru Section 4.6.110 (2).

> *c. That the applicant for the proposed rezone has certified the he/she understands that the rezone, if granted, could have significant tax consequences;*

Applicant Response: The applicants acknowledge there may be tax consequences for rezoning from Exclusive Farm Use to Forest Mixed Use zoning district.

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

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

This strategy recognizes:

a. *That agricultural and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;*
b. *That this simply plan revision process for agricultural and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.*

Applicant Response: The applicants understand this planning application will be decided in a public hearing.

MIXED AGRICULTURAL-FOREST USE AREAS
Volume I, Part II, 3.2(5) Implementation Strategies (Appendix 1)

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

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

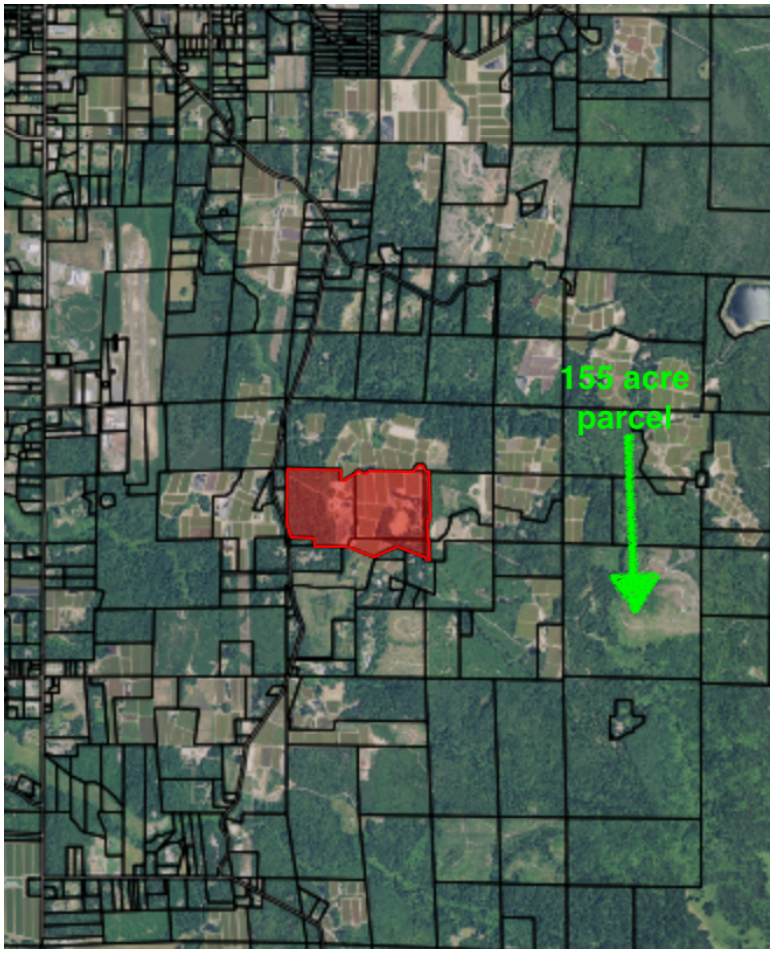
(ii) "Mixed Farm-Forest Area". These areas include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to be form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

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

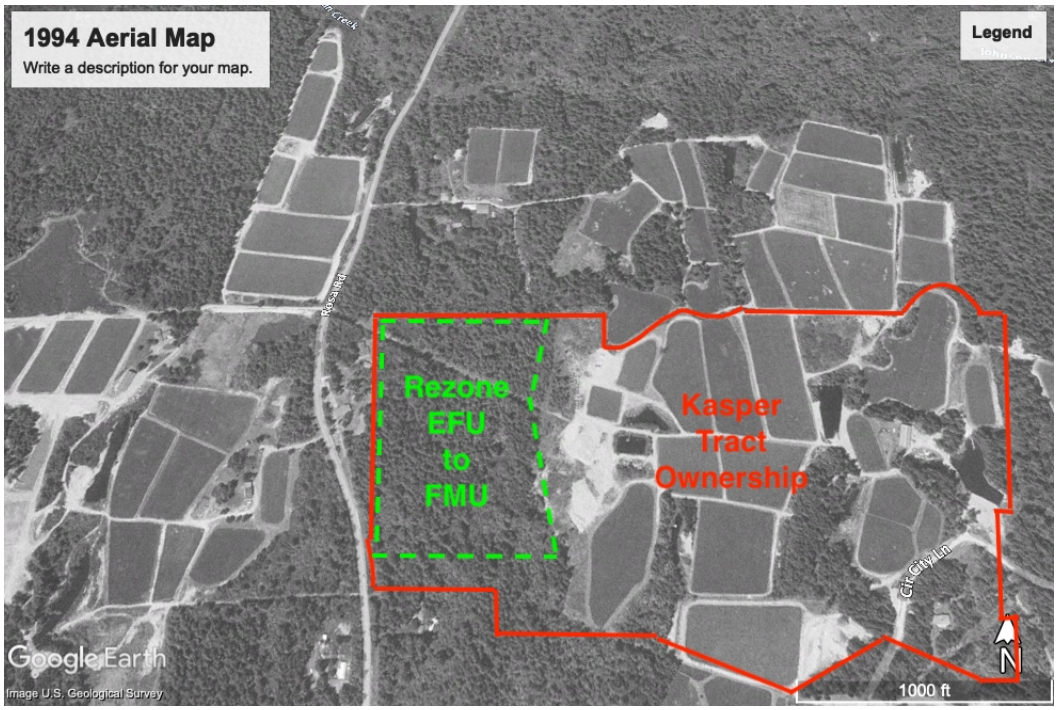
The mixed use areas are identified at a scale of 1"=2 miles on the "Mixed Agricultural-Forest Use Areas" Comprehensive Plan inventory map. A change in the boundary of the "mixed use" inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

> *1. Mixed-use areas are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agriculture uses.*
>
> *2. Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.*
>
> *3. Mixed-use areas are those areas predominantly co-managed for both farm and forest uses.*

Applicant Response: The subject property and area requested for rezone from EFU to FMU is located along Rosa Road, which is southeast of the City of Bandon. Rosa Road is combination of Forest Mixed Use, Exclusive Farm Use, and Rural Residential properties. The Coos County Comprehensive Plan identifies 160 acres as the threshold for intensive forest management (industrial forestry). The majority size of these parcels are under 160 acres, thus intensive forest management is not typically in this area.



The portion of the subject property that is proposed to be rezoned contains both predominately soils that could be reconsidered suitable for either farming or forestry use. The land has been used for forestry purposes since at least February 16, 1983. Below is a 1994 aerial image of the subject parcel.



Based on the Natural Resource Conservation Service (NRCS) survey map, the soil type of the proposed rezone area consists of Blacklock fine sandy loam (5B) and Bullards sandy loam (8C). Bullards sandy loam (8C) has a site index of 104 and has the potential growth rate volume of wood fiber of 143 for Douglas-fir, Sitka Spruce, and Western hemlock species.

Figure 2: Picture of adjusted Parcel I

Blacklock fine sandy loam (5B) has a site index of 90 and has the growth rate volume of wood fiber of 72 for Port orford cedar, Shore pine, Sitka spruce, Western hemlock.

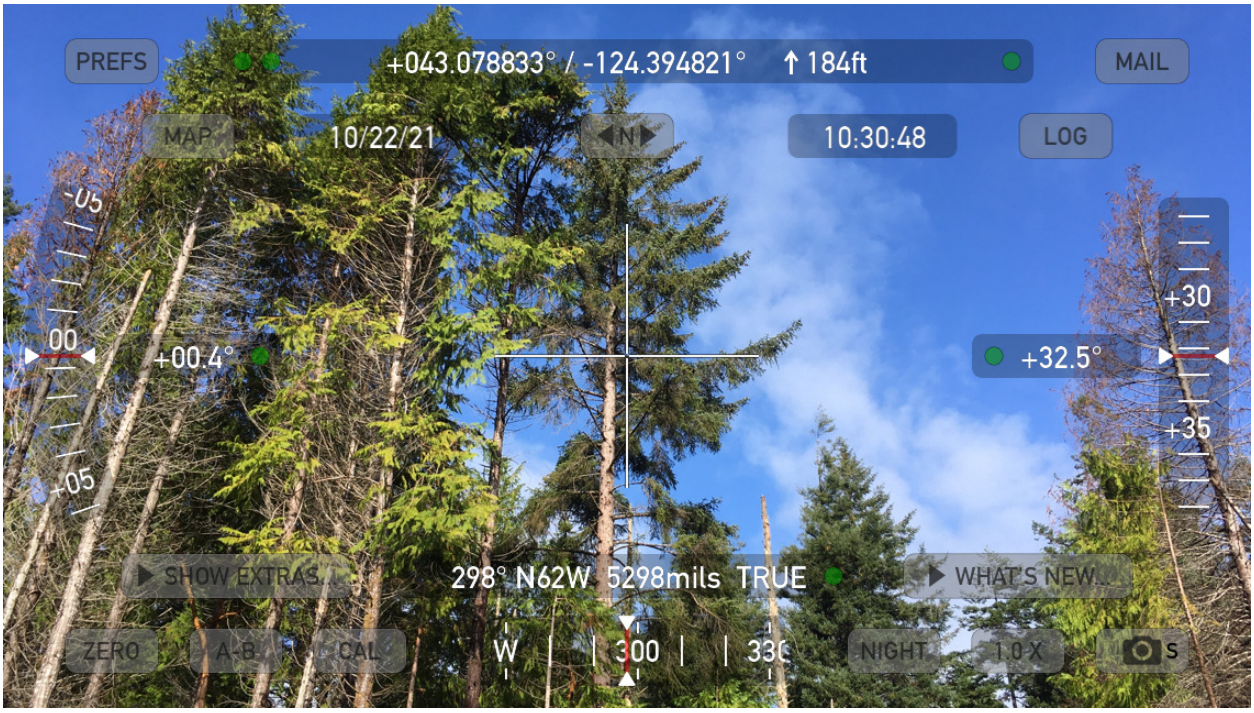
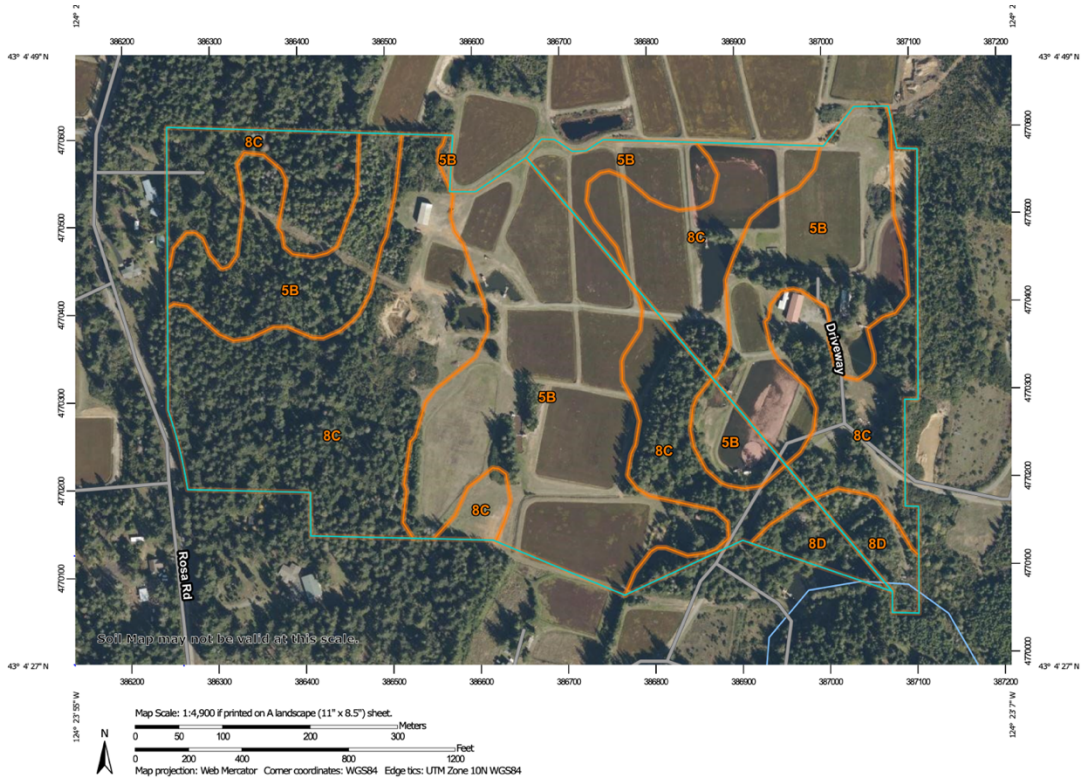


Figure 3: Picture of adjusted Parcel I (diverse timber species pictured)



Report—Forestland Productivity

Forestland Productivity–Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			Cu ft/ac/yr	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
8D—Bullards sandy loam, 12 to 30 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

The Bullards sandy loam is classify as Site Class III soil type using the Classification for Douglas-fir within Volume I Part 2 of the Comprehensive Plan. While the Blacklock fine sandy would not be classify given the lack of data for the growth for Douglas-fir.

Table 2

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

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

Source: Oregon State Department of Forestry

Although, the Coos County Land Development and Zoning Ordinance's Key Definitions for High-Value Farmland include the soil type of 5B, which is Blacklock fine sandy loam.

"HIGH-VALUE FARMLAND: "High-value farmland" means land in a tract composed predominantly of soils that are:

A. Irrigated and classified prime, unique, Class I or Class II; or

B. Not irrigated and classified prime, unique, Class I or Class II.

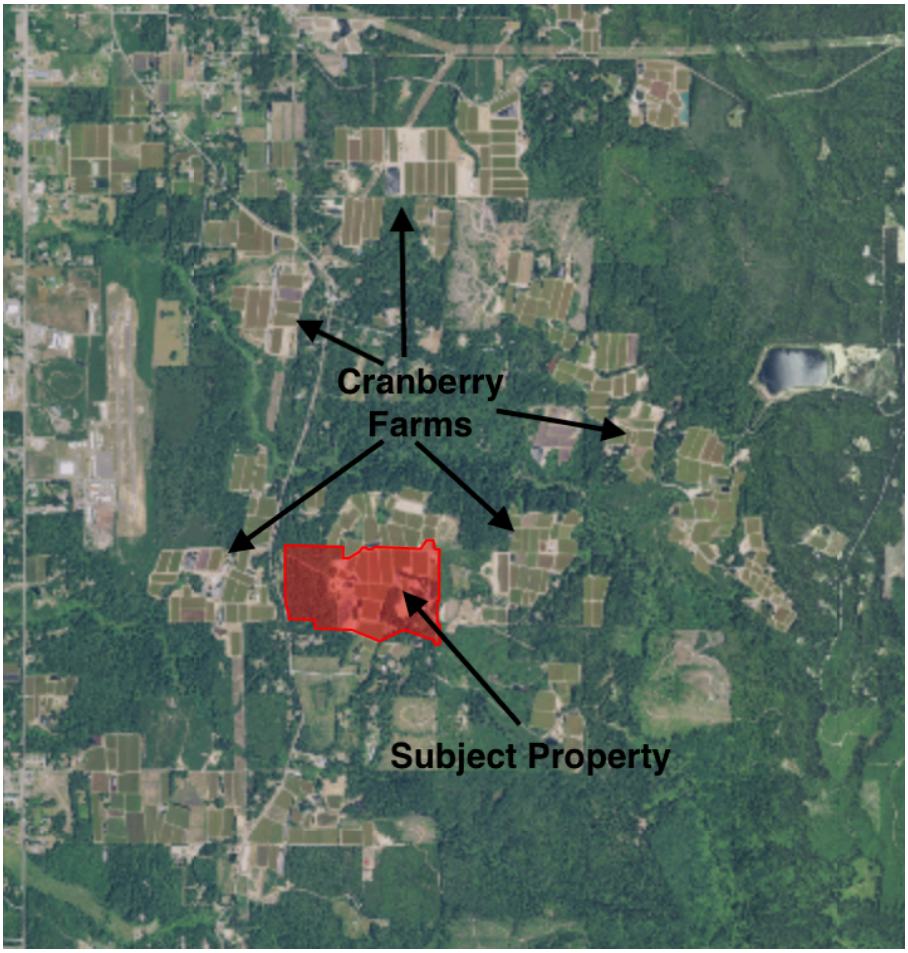
A and B, above, include the following soils: 2C, 5A, <u>5B</u>, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

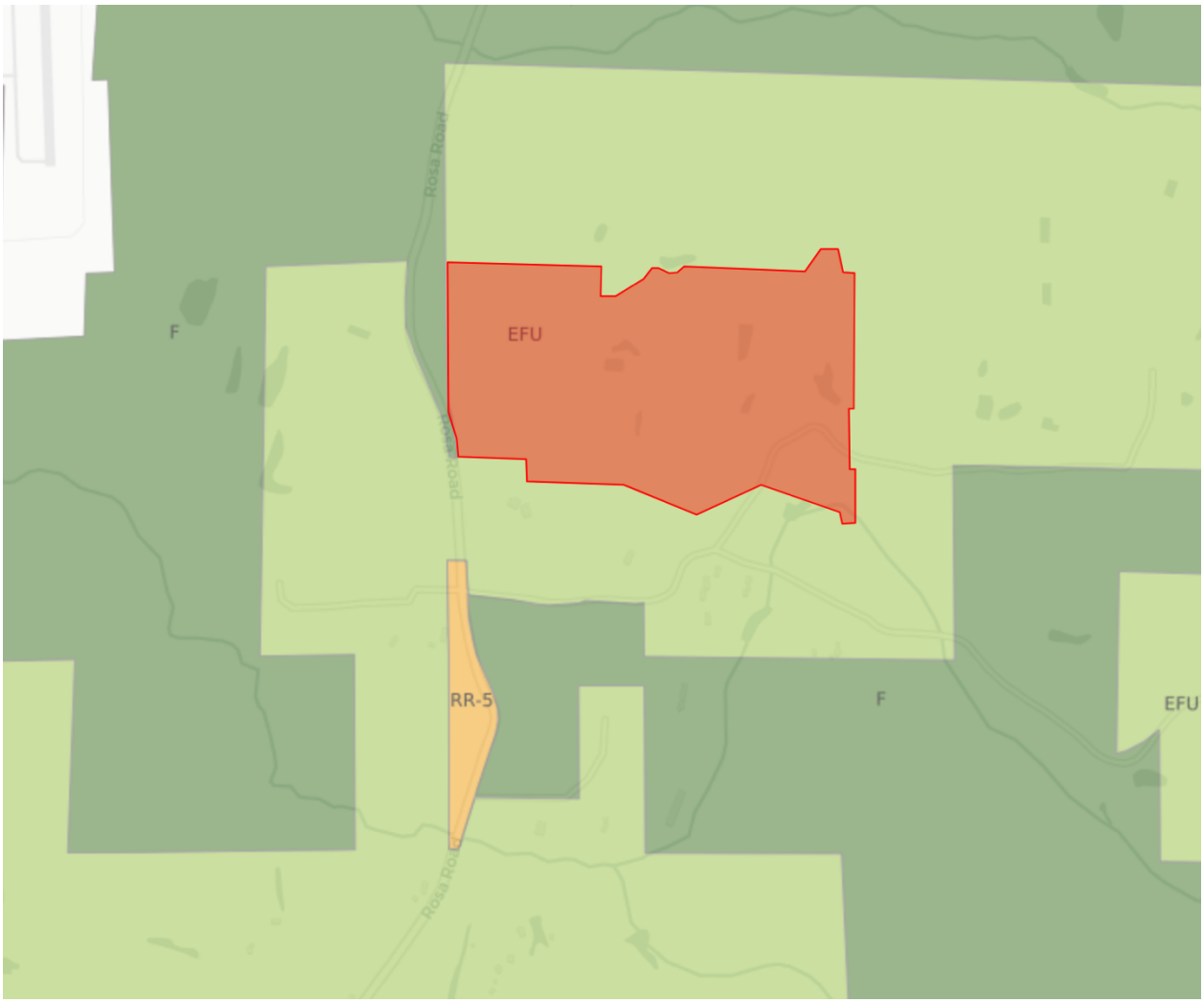
Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12)."

Therefore, "*neither Goal 3 nor 4 can be applied alone*" can apply to the rezone portion of the subject property.

Farming practices on Rosa Road revolves around cranberry farming. There are no known commercial grazing or ranching operations along Rosa Road. Cattle or sheep are not brought to Rosa Road for wintertime grazing.



The nearest cattle operations are located along Twomile Lane. These operations are at least a couple of miles from the proposed rezone.

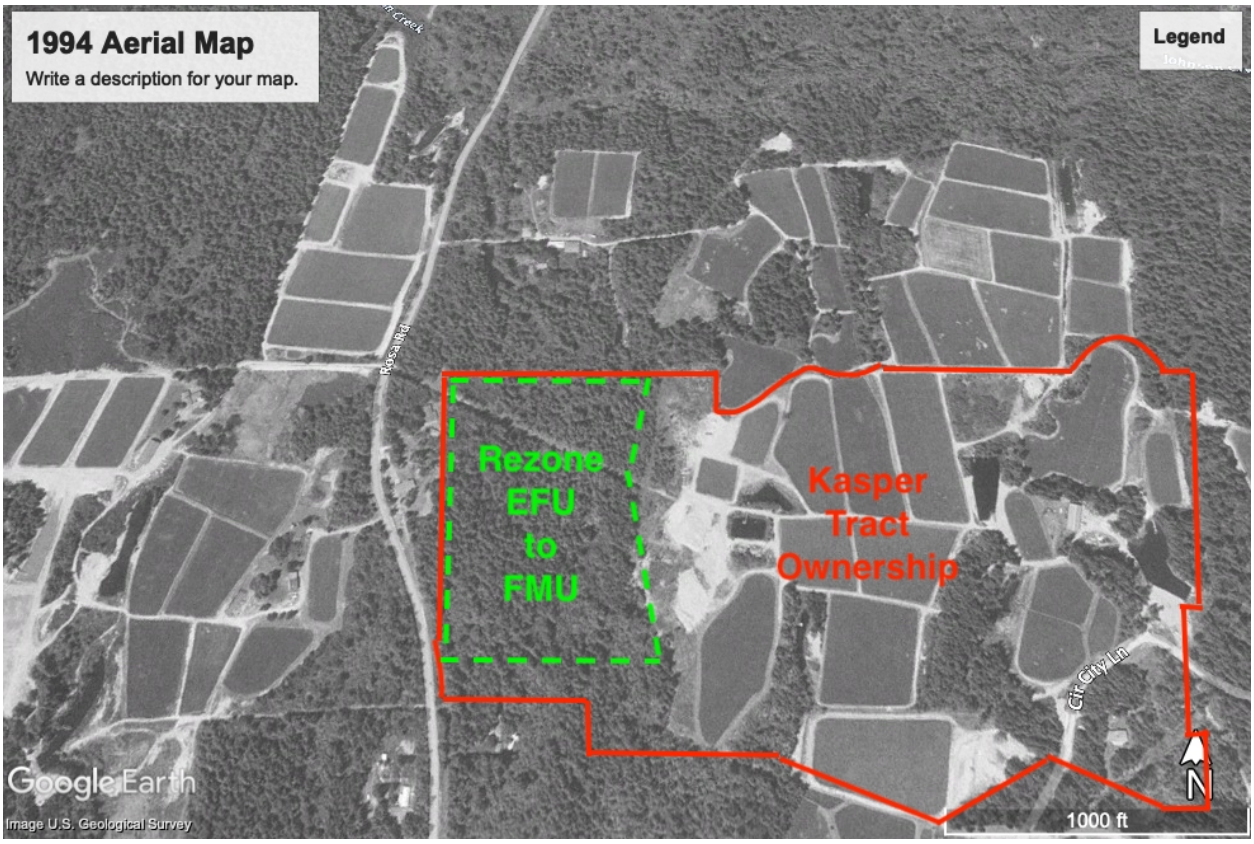


As shown in the aerial and zoning map above, the immediately vicinity around the subject property and proposed rezone are developed for both forest and cranberry farming land uses. Rural Residential-5 zoned parcels are within ¼ mile of the subject property.

JUSTIFICATION:

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

Applicant Response: The portion of the parcels that the zone change is requested on was not physically developed for non-farm use prior to the establishment of the EFU district. The propagation or harvesting of a forest product is outright permitted on all EFU subzones per Section 4.6.200 Exclusive Farm Use – Use Tables (3).


1994 Aerial Map
Write a description for your map.
Legend
Rezone
EFU
to
FMU
Kasper
Tract
Ownership
Cir. City Ln
Google Earth
Image U.S. Geological Survey
1000 ft
N

The applicants will acquire a Coos County Driveway Access Permit from the Coos County Road Department before requesting a Zoning Compliance Letter.

References

Coos County Comprehensive Plan

Coos County Transportation Plan

Considerations for the Siting of Dwellings on Forest Land; Oregon Department of Forestry; Sept. 1991

Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads; Oregon Department of Forestry; March 1991

Managing Woodland Roads: A Field Guide; A Pacific Northwest Extension Publication; PNW 641; 2013

Harvesting and Selling Timber: A Field Guide for Woodland Owners; Oregon State University Extension Service; EM 917; June 2018

Cranberry Production in the Pacific Northwest; A Pacific Northwest Extension Publication; PNW 247; Revised May 2002

Keeping Your Home and Property Safe from Wildfire: A Defensible Space and Fuel Reduction Guide for Homeowners and Landowners; Oregon State University Extension Service; EM 9184; December 2017

Applicable LUBA Cases:

Anderson v. Coos County, 51 Or LUBA 454 (2006).

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Coos County, Oregon

October 19, 2021

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Map Unit Legend

Map Unit Symbol	Map Unit Name		
5B	Blacklock fine sandy loam, 3 to 7 percent slopes		
8C	Bullards sandy loam, 7 to 12 percent slopes		
Totals for Area of Interest			

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Coos County, Oregon

5B—Blacklock fine sandy loam, 3 to 7 percent slopes

Map Unit Setting

National map unit symbol: 21qc
Elevation: 0 to 350 feet
Mean annual precipitation: 50 to 75 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of unique importance

Map Unit Composition

Blacklock and similar soils: 75 percent
Minor components: 8 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Blacklock

Setting

Landform: Depressions on marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
H1 - 1 to 4 inches: fine sandy loam
H2 - 4 to 16 inches: loamy fine sand
H3 - 16 to 53 inches: cemented
H4 - 53 to 76 inches: sand

Properties and qualities

Slope: 3 to 7 percent
Depth to restrictive feature: 12 to 20 inches to ortstein
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 2.6 inches)

Interpretive groups

Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 6w
Hydrologic Soil Group: C/D
Ecological site: F004AC015OR - Aquic Forest
Hydric soil rating: Yes

Minor Components

Heceta

Percent of map unit: 8 percent
Landform: Deflation basins on dunes

Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

8C—Bullards sandy loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 21rd
Elevation: 30 to 600 feet
Mean annual precipitation: 55 to 75 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Bullards and similar soils: 75 percent
Minor components: 8 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bullards

Setting

Landform: Marine terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed eolian and marine deposits

Typical profile

Oi - 0 to 3 inches: slightly decomposed plant material
H1 - 3 to 10 inches: sandy loam
H2 - 10 to 44 inches: gravelly sandy loam
H3 - 44 to 63 inches: sand

Properties and qualities

Slope: 7 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: F004AC410OR - Coastal Upland Warm Forest

Forage suitability group: Well Drained <15% Slopes (G004AY014OR)
Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)
Hydric soil rating: No

Minor Components

Blacklock

Percent of map unit: 8 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

Soil Information for All Uses

Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

Vegetative Productivity

This folder contains a collection of tabular reports that present vegetative productivity data. The reports (tables) include all selected map units and components for each map unit. Vegetative productivity includes estimates of potential vegetative production for a variety of land uses, including cropland, forestland, hayland, pastureland, horticulture and rangeland. In the underlying database, some states maintain crop yield data by individual map unit component. Other states maintain the data at the map unit level. Attributes are included for both, although only one or the other is likely to contain data for any given geographic area. For other land uses, productivity data is shown only at the map unit component level. Examples include potential crop yields under irrigated and nonirrigated conditions, forest productivity, forest site index, and total rangeland production under of normal, favorable and unfavorable conditions.

Forestland Productivity

This table can help forestland owners or managers plan the use of soils for wood crops. It shows the potential productivity of the soils for wood crops.

Potential productivity of merchantable or *common trees* on a soil is expressed as a site index and as a volume number. The *site index* is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. Commonly grown trees are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability. More detailed information regarding site index is available in the "National Forestry Manual," which is available in local offices of the Natural Resources Conservation Service or on the Internet.

The *volume of wood fiber*, a number, is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

Trees to manage are those that are preferred for planting, seeding, or natural regeneration and those that remain in the stand after thinning or partial harvest.

Reference:
United States Department of Agriculture, Natural Resources Conservation Service, National Forestry Manual.

Report—Forestland Productivity

Forestland Productivity–Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			Cu ft/ac/yr	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

Forestland Productivity with Site Index Base

This table is designed to assist forestland owners or managers plan the use of soils for wood crops. It provides the potential productivity of the soils for wood crops.

Potential productivity of merchantable or *common trees* on a soil is expressed as a site index and as a volume growth rate number. The *site index* is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. *Common trees* are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability. More detailed information regarding

site index is available in the "National Forestry Manual," which is available in local offices of the Natural Resources Conservation Service or on the Internet.

The *Base Age* is the age of trees in years on which the site index is based. "TA" indicates total age. "BH" indicates breast height age. "N/A" indicates that base age is not applicable.

The *Site Index Curve Number* is listed in the National Register of Site Index Curves. It identifies the site index curve used to determine the site index.

The *Volume Growth Rate* is the maximum wood volume growth rate likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

Reference:
United States Department of Agriculture, Natural Resources Conservation Service, National Forestry Manual.

Forestland Productivity with Site Index Base–Coos County, Oregon					
Map unit symbol and soil name	**Common trees**	**Site Index**	**Base Age**	**Site Index Curve Number**	**Volume Growth Rate (CMAI)**
		ft	*yrs*		*cu ft/ac/yr*
5B—Blacklock fine sandy loam, 3 to 7 percent slopes					
Blacklock	Port Orford cedar	—	—	—	—
	shore pine	90	100 TA	Alexander 1966 (520)	72.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
8C—Bullards sandy loam, 7 to 12 percent slopes					
Bullards	Douglas-fir	104	50 BH	King 1966 (795)	143.00
	Pacific madrone	—	—	—	—
	red alder	—	—	—	—
	shore pine	—	—	—	—
	Sitka spruce	157	100 TA	Meyer 1961 (490)	229.00
	western hemlock	—	—	—	—
	western redcedar	—	—	—	—

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Gant Family Farms
PO Box 765
Bandon, OR 97411

Date: November 18, 2021

RE: AM-21-005/RZ-21-005/D-21-013/PLA-21-043/PLA-21-044/ACU-21-066/ACU-21-067

Dear Coos County Board of Commissioners and distinguish members of the Planning Commission,

Thank you for the opportunity to comment on the following land use applications under consideration by the Coos County Planning Commission and Board of Commissioners. Let's introduce ourselves, we are the Gants. We are third generation cranberry farmers who own and/or operate the commercial cranberry farming operation immediately north and northwest of the proposed land use actions. We have been cranberry farming our lands for generations, rather successfully we might add. We believe we may have just set the highest ever record this year for barrels per acre from one of our cranberry fields.

While we have multiple parcels over various tax lots. These are the two taxes lots which are immediate adjacent to the proposed development.

Map No: T29S-R14W-07	**Tax Lot: 100**
Map No: T29S-R14W-08	**Tax Lot: 200**

In accordance with CCZLDO, we understand that the Planning Commission and Board of Commissioners must make findings about the Kasper proposal's effect on adjacent farm and forest lands. While we do fully support the Kasper's rezone, property line adjustments, and forest template dwellings. To assist the Commissioners, we wish to enter into record our farming and forestry practices to avoid undue need for speculation.

We have been, and plan on to continue, to utilize our lands for commercial cranberry production. While the markets have been turbulent for the past couple decades, and newer higher yielding variants of cranberry vines have come into production. The overall practice of cranberry farming in southwest Oregon has not changed in over 50 years. Our cranberry fields are a couple acres in size which is standard for SW Oregon, we use standard methods of mechanical and/or chemigation for fertilizers and integrate pest management control and have been utilizing wet harvesting techniques for decades. We use standard medium-duty trucks for hauling of our crops to Ocean Spray.

While we do have timber immediately adjacent to one of the proposed dwellings. We can assure you these timber units are an ancillary resource use to our commercial cranberry farm.

The management of these stands will not involve standard intensive forestry practices, like helicopter spraying and cable yarding. The primarily purpose of these timber stands is used provide supplementary income for the farm during off-prices and provide support land adjacent to our farming practices.

Furthermore, we have successfully harvested timber our lands in the past. These small-scale units were harvested using groundside equipment, and stand development was implemented with standard groundside IPM and vegetation management control techniques. Our practices and techniques will not be affected by the proposed development on the adjacent Kasper lands.

Based on their excellent and thoughtfully prepared land use application, we further understand the proposed access for each dwelling is directly from Rosa County Road. Rosa Road has been classified as major collector road by Coos County's transportation plan. An additional twenty (20) vehicle trips per day will not have a detrimental effect on our farming and forestry practices.

In conclusion, we strongly believe this simple proposal for a resource land rezone and two additional dwellings will have, at best, a minimal impact on our farming and forestry practices for the reasons listed above.

Thank you for the opportunity to provide comments.

Gary Gant

Steven Gant