

Residents enforce protection for Oregon coast Forest land in Charleston

FOR IMMEDIATE RELEASE

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Charleston. Yesterday, the Oregon Land Use Board of Appeals (LUBA) rejected coastal developer Hank Westbrook's and Coos County's rezoning plan to open 184 acres of protected Farm and Forest land for extensive housing development.

"Coos County is not enforcing its own statutes in an effort to let Westbrook build more than 1000 homes in a undeveloped Forest area," says Charleston resident David Ford. Ford notes, "The larger surrounding community has only about 118 homes; putting up more than 1000 new homes in a pristine area with insufficient infrastructure is an unreasonable burden on local taxpayers."

"Oregon land use law is based on the principle of preserving a stock of farm and forest lands that will be available to protect natural values and provide resources to the state's residents now and into the future," notes JD Brown, attorney for Cascade Resources Advocacy Group. "The LUBA opinion rejects the developer's claim that the County can permit development in zones protected as farm or forest land," Brown explains.

Public interest law center Cascade Resources Advocacy Group (CRAG) appealed the County's decision to LUBA on behalf of residents in Charleston and the Oregon Shores Conservation Coalition (Oregon Shores).

The potential development site, known as Indian Point, is located adjacent to the South Slough Estuary Reserve. The Estuary Reserve was set aside in 1974 to preserve the slough's ecosystem and provide research, education and stewardship. The 184-acre Indian Point area, part of the South Slough ecosystem, is forested with cedar, fir spruce, hemlock, and pine.

In their legal opinion, LUBA acknowledged the ecological significance of the Indian Point parcel and its protection under state land use law, and stated that Coos County failed to recognize this in allowing the site to be rezoned.

"The zone change would allow for more than 1000 new homes in an area with minimal services," states Ford. "This level of development will require Coos County taxpayers pick up the tab for building the new infrastructure and improvements needed, such as road widening and waste treatment plants," Ford notes. He adds, "Sustainable growth is what we are looking for in Coos County."

LUBA's legal analysis also notes that site owner Hank Westbrook was less than forthright with the county. In 2004, Westbrook negotiated a deal with Curry County, Oregon for the right to develop a forest lot there, in exchange for placing a protective covenant on the 184 acre Coos County Indian Point property that prevents development and preserves the site as Farm and Forest land. Later the same year, Westbrook went to Coos County and asked to rezone and develop the Indian Point property.

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Citizens hope to include Indian Point in the South Slough Estuary Reserve. A bequest left to the state-owned Slough allows for purchase of adjacent lands to expand the Reserve. However, the Reserve cannot annex new lands without Legislative approval.

“There is strong local support for long-term protection of the ecologically-important Indian Point lands,” says Sylvia Shaw, Oregon Shores Executive Director.

“Local citizens have gone to the Legislative to ask for Slough boundaries to be expanded to include Indian Point,” recalls Norma Van Natta, a Charleston area resident. “The reason the Legislature balked is that a small number of Coos County commissioners, led by Commissioner John Griffith, stepped in and opposed it. Griffith wants to allow more development in Coos County,” continues Van Natta.

“Westbrook has said earlier that he was willing to sell the Indian Point lands to the Reserve,” says Van Natta.

Sylvia Shaw notes, “Coos County will get the most sustainable, long-term economic benefit from encouraging the Legislature to take action to protect Indian Point, not from facilitating the destruction of the forests, waters and wildlife that attract visitors to the Coos Bay area.”

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