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News

Residents plan next South Slough move

By Dan Schreiber, Staff Writer

In the battle over a Coos County decision to make way for development, opponents said they are about to make their next move.

Charleston residents are preparing to send a draft to the state's Land Use Board of Appeals regarding a decision made by the Coos County Board of Commissioners in April to rezone Indian Point, a 184-acre tract of forestland near the fishing town.

The new zoning of urban residential-2 on the former logging land allows for high-density residential and urban-style commercial facilities, including recreational planned-unit developments.

It's a move that concerns some members of the small community adjacent to the rezoned property and Joe Ney Slough, which shares a tidal zone with the South Slough National Estuarine Research Reserve.

California landowner Hank Westbrook requested the zone change, prompting an amendment last December to a county ordinance. That law now allows R-PUDs under UR-2 zones inside urban unincorporated communities. Indian Point is part of the Charleston-Barview UUC.

Last week, the commissioners approved findings prepared by the potential developer and his team of Portland attorneys. The document states that because Indian Point is part of an urban unincorporated area, it previously was slated for development.

"The site was included in the Barview UUC during the county's most recent periodic review, and thereby identified as an urbanizable area that should not be subject to restrictions otherwise applicable to resource land," the findings state.

Opposing residents cite the same reason in challenging the board's decision. David Ford, a Charleston resident and business owner, referred to a section of the Oregon Administrative Rules outlining policy for UUCs.

"Any land that is zoned forest inside a UUC may not be zoned for anything else. The law refers to how UUCs are supposed to be formed and where they're supposed to be formed," Ford said, adding that the community's unrest does not stem from development itself but in its allowable density. "I would have been for Westbrook to do a development that is compatible with the existing neighborhood. If that were the case, we wouldn't have contested it. No one has been anti-development, only against the intensity of development."

Paul Van Natta concurred. His name is set to be listed on the appeal along with his wife, Norma.

"The area can't handle this kind of excess growth," Van Natta said, adding that based on 700 signatures gathered by an opponent petition, many others outside the area also are against the county's action.

Commissioners approved the rezone with conditions that a 100-foot buffer surround the banks of the sloughs. Westbrook's attorneys requested a minimum of 600 residential units allowed within the zoning and the board approved parameters in which the developers could apply to the county for up to 1,200 units. The minimum size for the planned unit developments is 5,000 square feet, approximately one-eighth of an acre.

Commission Chairman John Griffith and Commissioner Gordon Ross voted to change the zone while Commissioner Nikki Whitty dissented.

Residents turned up in large numbers at a six-month series of meetings, attended by more than 100 people on several occasions. They expressed concerns about environmental impacts to the South Slough watershed, increased traffic requiring stoplights at certain intersections and additional infrastructure required by increased population. During the meetings, residents cited other examples, largely in California, where the cost of development outweighed any tax benefit it brought to the area.

They also said new businesses would compete with Charleston's existing "downtown" district and that the new zone means loss of potential logging lands - yet another blow to an already fragile resource-based economy.

Westbrook contended his proposal is not subject to statewide planning goals that encourage the retention of resource land. He cited the UUC reasoning for that argument as well. The findings state, based on a study done by Ron Stuntzner, of Coos Bay-based Stuntzner Engineering & Forestry, that 8 percent of the trees are infected with diseases that prevent the stands from reaching commercial viability.

The residents' lawyers are taking issue with the way the study was conducted.

"The applicant is trying to skirt around requirements for forestland and farmland," said Ralph Bloemers, co-executive director of the Cascade Resources Advocacy Group, a nonprofit law firm in Portland. "He bought and paid for support of the development with skewed inventory data, methodology not used by the (U.S.) Forest Service, the (U.S.) Bureau of Land Management or the state of Oregon."

A 2004 letter from David Perry, South Coast regional representative from the Department of Land Conservation and Development, states that the Indian Point property never should have been changed in 2000 from an urban growth area to UUC. He said that's because of a combination of the land's former forest designation and its separation from the rest of the community, a designation determined by the lack of a vital structure, such as a church or school.

But the developers have said that decision already has been made and it isn't the issue at hand. Growth, they said, is inevitable.

"The applicant is requesting the UR-2 zone to provide potential residential, recreational and associated uses on the site at densities that are responsive to the projected (population) growth rate," the findings state, extrapolating the increase to be an additional 569 people in the county's unincorporated communities - Charleston, Barview and Bunker Hill - by 2010.

Residents said Thursday that an appeal will be filed within days. But because of backlogged cases at LUBA, a hearing isn't likely to happen for a number of months. Meanwhile, Westbrook cannot legally begin building on his land.