

# State says no to new units on coast

**Housing Oregon's Land Use Board of Appeals says a development would violate the essence of land-use laws**

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State officials squashed plans for a 1,068-unit housing project near the mouth of the Coos Bay on the southern Oregon Coast, ruling that allowing the Indian Point development to go forward would violate the essence of Oregon's land-use laws.

The state Land Use Board of Appeals issued its ruling Thursday, writing that Coos County had violated state laws when it approved a residential development on forestland outside an incorporated city. The planned unit development was proposed for a forested peninsula near Charleston, surrounded on three sides by sloughs that drain into the Coos Bay.

The area is just southwest of the city of North Bend, in an area of small hamlets and marinas.

"Oregon land-use law is based on the principle of preserving a stock of farm and forestlands," said James Brown, an attorney for the Cascade Resources Advocacy Group. "The LUBA opinion rejects the developer's claim that the county can permit development in zones protected as farm or forestlands."

The LUBA decision invalidates the county decision and sends it back to Coos County. The landowner could appeal to the Oregon Court of Appeals, or try to convince the county of another plan for developing the 184-acre parcel.

Neither Hank Westbrook, who owns the land, nor his attorney Steven Pfeiffer, of the Portland law firm Perkins Coie LLP, could be reached for comment Friday. The plaintiffs in the case were local residents and the Oregon Shores Conservation Coalition, based in Depoe Bay.

The decision against the development comes as the Oregon Coast undergoes an unprecedented building boom, with more than 5,000 homes and lots approved for development. Buyers are feverishly buying up coastal properties for retirement, vacation homes and in some cases, land speculation. Indian Point was one of three proposed residential projects on the coast encompassing 1,000 new homes or more, with two other large developments slated for Brookings and Lincoln City.

Most of the development is occurring within cities that have established urban growth boundaries. The Indian Point development was different because it occurred outside of an incorporated city with an urban growth boundary.

Those boundaries are used in Oregon -- with its strict land-use laws -- to contain development and prevent sprawl onto rural landscapes.

"It's a big quality of life issue," said David Ford, who lives near the peninsula. "You can build all the homes you want, but, in our opinion, jobs should come first so they can support the infrastructure needed for the homes."

Some families who live near the Indian Point parcel are urging the state to buy the land and add it to the South Slough National Estuarine Research Reserve. The 4,771-acre reserve is composed of a mix of open water, tidal and freshwater wetlands and forest. The reserve is adjacent to the 184 acres the county had approved for development.

The area is rich in fish, oysters and crabs, and valued by researchers as a largely untouched coastal estuary for study. The peninsula itself is heavily forested, mostly growing Port Orford Cedar, a high-value tree prized in Japan for housing construction. Spruce, hemlock and fir trees dominate the rest of the forested area.

The development plans for the property called for from 1,068 to 1,093 housing units, although no specific plot plans were filed showing what type of housing would be built, said Coos County Commissioner Nikki Whitty.

"We knew nothing. We had no preliminary site plan," said Whitty, who voted against allowing the land to be rezoned. "We were going into this rezone totally blind, and I think that is what concerned the adjacent property owners."