STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT/OWNER: WF303, LLC, Tom Huppi
PO Box 296
Allegany, OR 97407

REQUEST: To amend the Coos County Comprehensive Plan designation for this property from Agriculture to Forest and to change the zone designation of the implementing Coos County Zoning and Land Development Ordinance from Exclusive Farm Use to Forest with a mixed use overlay. The applicant is also requesting approval of a template dwelling.

STAFF CONTACT: Jill Rolfe, Planning Director

REVIEWING BODY: Coos County Planning Commission

MAP NUMBER(S) / LEGAL DESCRIPTION
ASSESSOR’S MAPS: Township 24S  Range 11W Section 20B  Tax Lot 303

PROPERTY LOCATION
The subject property is located approximately seven miles northeast of the community of Allegany. The property is an unaddressed parcel accessed off of W Forest Millcicoma Road.

APPLICABLE CRITERIA
Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)

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I. BASIC FINDINGS

A. **Lawfully Created Parcel:** In March of 2014 staff determined through a property line adjustment approval that tax lot 303 was a lawfully created parcel. The current configuration was achieved through the property line adjustment. The original configuration of tax lot 303 contained both Forest Mixed Use and Exclusive Farm Use and after the property line adjustment was completed tax lot 303 was left with only EFU zoned property.

B. **Zoning:**

**Current Applicable Zoning - Exclusive Farm Use**

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; 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.

**Proposed Zoning - Forest Mixed Use**

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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.

Mixed farm-Forest Areas “MU” 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 ownership of smaller size lots 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 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.

C. **SPECIAL CONSIDERATIONS:** This property does not contain any special development considerations.

D. **SOILS:** Based on the Soil Survey the property consists of soil type 33 (Kirkendall Silt Loam, 0 to 3 percent slopes). The forest soil has a site index of 122 for Douglas Fir and volume growth rate of 172 cu ft/ac/yr. This is a class II soil for both farm and forest and would support both agricultural and forest
production and would be appropriate for a Forest Mixed Use classification.

E. **SURROUNDING USES:** The properties to the west and east are zoned FMU and the properties to the north and south are zoned Exclusive Farm Use. However, all the surrounding properties are growing trees. The property immediately to the south is developed with a dwelling. The river abuts this property on the west and the road on the east making this property very difficult to be financially viable for forest or farm. The property was most likely zoned EFU due to the soil type as typically that soil is on lowlands subject to flooding and farming practices.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
<thead>
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<th>Amendment/Rezone</th>
<th>LDO §5.1.400</th>
<th>Decisions of the Hearings Body for a Rezone</th>
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**SECTION 5.1.400. 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 5.1.250; 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; or
   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; or
   ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood; or
   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.

1. 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.

**SECTION 5.1.450. Status of Hearings Body Recommendation of Approval.** The recommendation of the Hearings Body made pursuant to 5.1.400(1) or (2) shall not in itself amend the zoning maps.

**FINDING:** The proposal will conform to the Comprehensive Plan zoning designation of Forest Mixed
Use as the soils are suitable for either farm or forest and it would be inconsistent to limit it to one designation. The proposal is consistent with nearby permitted and developed uses on adjacent parcels. This rezone is consistent with past Board of Commissioners policies and there have been no suggested changes in policies that would affect this rezone request.

There is no reason the staff could find to require this to be a qualified rezone. Staff suggest the Planning Commission recommend to the Board of Commissioners that this proposal is consistent with the Coos County Comprehensive Plan for Forest with a Mixed Use overlay due to the fact the property contains soils that could be utilized for both farm or forest, the property currently is growing trees and the surrounding properties contain the same designation.

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Volume I, Part 1, Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states: 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,
b. That the proposed rezone would not create a non-conforming use,
c. That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences. Furthermore, Coos 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 agriculture 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 simplified plan revision process for agriculture 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.

FINDING: The rezone will still preserve the resource but allow for both farm and forest uses which are consistent with the soils. The property is not developed at this point but as part of the request the applicant has requested a template dwelling under the forest zone criteria. The rezone will not create any non-conforming uses because there is no development and the current use is growing trees. The applicant has acknowledged in his application that there may be some tax consequences from the rezone. According to the assessment records this property is being taxed as forest property.

The application request copies with these criteria.
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.

3) Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

FINDING: This property could be used for farm or forest practices. The fact that this is a small property presents a challenge to apply either forest or farm but it would most likely not qualify for a non-resource rezone. This property does not meet the definition for prime forest zone. The property is not lowland subject to flooding. It is clear that the property could be utilized for either farm or forest based on the soil and the topography.
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 re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

FINDING: The applicants demonstrated compliance with the OAR. The soil data demonstrates that the area contains a mixture of agriculture/forest uses that neither Goal 3 nor 4 can be applied alone.

Template Dwelling

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<th>LDO</th>
<th>§4.8.525 (B)</th>
<th>Forest Dwellings Template Dwelling</th>
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Template Dwelling. A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

1. There are no other dwellings on the tract on which the dwelling will be sited.

FINDING: There are no other dwellings on the parcel or the tract on which the dwelling will be sited.

2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

FINDING: There are no deed restrictions that would prohibit a dwelling.

3. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

<table>
<thead>
<tr>
<th>Cf/Ac/Yr of Growth</th>
<th>0-49</th>
<th>50-85</th>
<th>+85</th>
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<tbody>
<tr>
<td>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.</td>
<td>3</td>
<td>7</td>
<td>11</td>
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<tr>
<td>Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels</td>
<td>3</td>
<td>3</td>
<td>3</td>
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NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

FINDING: The soils have a forest capability that exceeds 85 cf/ac/yr of growth; therefore, it requires 11 parcels and 3 dwellings. There are more than 11 parcels that existing before January 1, 1993 located within or touching the
template. On those qualifying parcels there are more than three dwelling that were in existence prior to January 1, 1993. This criteria has been satisfied.

4. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
   a. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
   b. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

5. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road.

FINDING: Staff applied the square template to this property because the tract on which the dwelling will be sited is not 60 acres or larger. Staff could have applied the rectangle to this as described in subsection 5; however, it was not necessary to search for documentation on the age of the road as the property qualified by applying the square.

6. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

FINDING: Once the rezone is approved the dwelling will not be prohibited by the Coos County Comprehensive Plan.

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<tr>
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<th>§4.8.600</th>
<th>Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone</th>
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The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

A. Dwellings and structures shall be sited on the parcel so that:
   1. They have the least impact on nearby or adjoining forest or agricultural lands; and
   2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
   3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
   4. The risks associated with wildfires are minimized.
FINDING: The plot plan shows the property is rectangle and bordered by the river on the west and a road on the east. The plot plan shows all firebreak setbacks will be met. The property owner has proposed to develop toward the north end of the property. It appears that most of the properties in this area are being utilize for forest or residential uses. The property will meet the requirements to ensure that it will have the least impact on nearby or adjoining forest or agricultural lands. There are other small parcels in the area which is consistent with the development pattern.

B. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department’s administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor’s rights to appropriate water; or
2. A water use permit issued by the Water Resources Department for the use described in the application; or
3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor’s report to the County upon completion of the well.

FINDING: The applicants have provided a finding that states that ORS 537.545(b)& (d) requires no permits to take water for a single group purposes in the amount not to exceed 15,000 gallons per day or for watering a lawn or non commercial garden not to exceed ½ acre in size. Staff agrees with this finding.

C. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

FINDING: As a condition of approval and prior to issuance of a zoning compliance letter to site the dwelling, a road access permit and driveway confirmation will be required from the Coos County Road Department, if the Roadmaster determines it is needed.

D. Approval of a dwelling shall be subject to the following additional requirements:

1. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
2. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
3. The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.
4. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not met those requirements, it will notify the owner and Assessor that the land is not
being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

FINDING: The applicant shall comply with these criteria as a suggested condition of approval

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<th>Fire Siting and Safety Standards</th>
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All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable.

The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that he has contacted the Department of Forestry of the proposed development.

A. Firebreak:
   1. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
      This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
   2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
   3. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel’s configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL).

B. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.

C. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

D. The dwelling shall not be sited on a slope of greater than 40 percent.

E. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

F. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

G. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for fire fighting equipment.

H. Access to new dwellings shall meet road and driveway standards in Chapter VII.

FINDING: The applicant has addressed all fire siting and safety standards in the application. Access will be a
All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

A. **Minimum Lot Size:** The minimum parcels size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.8.800 (C). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Article 6.1 and 6.5 must be met. [OR96-06-007PL 9/4/96]

B. **Setbacks:** All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.

C. **Structure Height:** No requirement.

D. **Lot Coverage:** No requirement.

E. **Fences, Hedges and Walls:** No requirement, except for vision clearance provisions in Section 3.3.400 and Fire Siting and Safety Standards in Section 4.8.700.

F. **Off-Street Parking and Loading:** See Chapter VII.

G. **Minimum Road Frontage/Lot Width:** 20 feet.

H. **Minimizing Impacts:** In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

I. **Riparian Vegetation Protection.**
   1. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
      a. Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posting an erosion or safety hazard may be removed to minimize such hazard; or
      b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or
      c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
      d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan; or
      e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or
      f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
      g. The 50’ riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration represents
not more than 100% of the size of the existing structure’s “footprint”.

FINDING: The applicant has addressed all of the development standards in the application.

III. NOTIFICATION/ COMMENTS

Notification was provided as consistent with LDO Section 5.7.300. Notification was also provided on July 11, 2014, to subject property owners, property owners within 500’ feet from the subject property. The notice was also provided to the following: Board of Commissioners; Dave Perry, DLCD; Thomas Guevara, ODOT; Coos Forest Protective Association; County Roadmaster and the Planning Commission. There have been no comments received as of the date of this report. This notice of hearing was published in The World News Paper on July 28, 2014 and August 4, 2014 to comply with the notice requirements.

IV. SUMMARY / CONCLUSIONS

This rezone is consistent with the CCCP and the Planning Commission should recommend approval. The Planning Commission can recommend approval of this application as it stands, recommend the application with qualifiers to ensure that it meets the criteria or deny the application outright. If the Planning Commission recommends the application for approval as is or with qualifiers then the Board of Commissioners will review this matter on August 14, 2014 at 10:00 a.m.

If you have any questions please contact staff.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Attachments: Applicants Submittal
C: Troy Rambo
EC: County Counsel
   Dave Perry, DLCD
   John Rowe, County Roadmaster

C: w/o attachments:
   Special Districts
Attachment A

Application
AMENDMENT/REZONE APPLICATION
(PLEASE SUBMIT 20 COMPLETE COPIES OF THIS APPLICATION)

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: WF303, LLC - Tom Huppi, Managing Member  Telephone: 541.266.8079
Address: P.O. Box 296, Allegany, OR 97407

As applicant, I am (check one):

☐ The owner of the property;

☐ The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;

☐ A lessee in possession of the property who has written consent of the owner to make such application;

☐ The agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

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


B. DESCRIPTION OF PROPERTY:

Township 24S  Range 11W  Section 20B  Tax Lot 303
Account No. 99824  Lot Size 6.2 AC +/-  Zoning District E-FU
Existing Use VACANT/Timber

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Forest

Updated 2012
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?
Explain and provide documentation:  

(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?  
Explain:

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels?  
Explain:  

(3) If a Goal Exception is required one of the following sets of criteria must be addressed. An applicant must demonstrate that all of the standards of I, II, or III have been met.

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.

I. For a “Physically Developed” Exception, OAR 660-004-0025 applies:
   a. Findings must demonstrate that land is already physically developed to the extent that it is no longer available for uses allowed by the applicable Goal.
   b. Findings must show:
      • The exact nature and extent of the area;
      • Extent and location of existing physical development;
      • Uses allowed by a Goal to which an exception is being taken shall not be used to justify an exception as “physically developed”.

II. For an “Irrevocably Committed” Exception, OAR 660-004-0028 applies:
   a. An exception is justified under this category when “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 Goals impracticable.”
   b. Findings must address:
      • Existing adjacent uses;
• Public facilities and services;
• Parcel size and ownership patterns:
  i) This must include an analysis of how existing parcel sizes came about. Past land
divisions made without application of the Goals do not in themselves demonstrate
irrevocable commitment—the County must also show some other type of
development to justify commitment.
  ii) Parcels created under the Goals cannot be used to justify commitment.
  iii) Differing contiguous parcels under one ownership must be considered as one
parcel.
  iv) Small parcels alone do not justify commitment—parcels must be clustered in a
  large group and at least partially developed to justify commitment.
• Neighborhood and regional characteristics;
• Natural boundaries or other buffers separating the exception area from adjacent
resource land;
• Other relevant factors; and
• Facts must support a conclusion that it is “impracticable” to apply the Goal.

III. For a “Need” or “Reasons” Exception, OAR 660-004-0022 applies:
  a. Reasons must justify why the state policy embodied in the applicable Goals should not
apply.
  b. It must be demonstrated that areas which do not require a new exception cannot
reasonably accommodate the use.
  c. The economic, social, environmental and energy consequences resulting from the use
must be shown to be not significantly more adverse then would result from the same
proposal being located in another area requiring an exception.
  d. The proposed uses must be shown to be compatible with other adjacent uses or can be so
rendered.
  e. Reasons showing a need for rural residential land cannot be based on market demand; and
a strong connection must exist between the subject area and “existing or planned rural
industrial, commercial or other economic activity.

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 1/2” x 11” paper;
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 20 copies of the entire application, including all exhibits
   and color photocopies, or as directed by the Planning Staff.

G. Authorization:

Updated 2012
All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. 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.

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are response to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

I understand it is the function of the planning office 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 I bare the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

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

Applicant(s) Original Signature

Applicant(s) Original Signature

6/19/2014

Date

Updated 2012

Rezone Application
Page 4
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:

The purpose of this proposed rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest (F) with a Mixed-use overlay to reflect the suitability and predominant forest characteristics. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation, provided it can be documented that the requested zone designation satisfies the definitions prescribed by the pertaining Goal (See OAR 660-33-030(4)). Furthermore, standard farm practices are allowed outright in the Forest zone districts.

(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:

Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa, provided adequate findings are made supporting the request. The policy recognizes “That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities.”

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? **NO**

Explain:

This request is to rezone the subject property to reflect the existing forest use and subordinate agricultural characteristics. The lands surrounding the subject property are zoned Forest and Forest/EFU. Because agriculture and forestry are closely related, changing the resource designation will not seriously interfere with the permitted uses on nearby parcels.

c. Will the rezone comply with other adopted plan policies and ordinances? **YES**

The intent of this application is to adopt an appropriate zone designation for the
subject property pursuant to Oregon Statewide Planning Goal 4 (Forestry) and those portions of the Coos County Comprehensive Plan and Zoning Ordinance that have been acknowledged to be in compliance with Goal 4. Substantial evidence has been submitted in this application showing compliance with both the Comprehensive Plan and Implemented Ordinance.
APPLICANT'S EXHIBIT “A”

WF303, LLC FARM TO FOREST
PLAN AMENDMENT AND REZONE

INTRODUCTION

Overview

The landowner, WF303, LLC, is requesting a rezone of 6.2 +/- acre tract of land located approximately 7 miles Northeast of the community of Allegany, Oregon. The subject property was split zoned (EFU & F) until earlier this year when an approved property line adjustment was completed (Planning File No. PLA-14-05). The adjustments consolidated the Forest zoned portion of the property with Tax Lot 300 to the North. A portion Tax Lot 300 that is zoned EFU was then adjusted to Tax Lot 303 resulting in Tax Lot 303 being entirely zoned EFU.

The landowner wishes to change the zone designation Exclusive Farm Use (EFU) to Forest (F) with a "Mixed Use" (Agriculture) overlay. The subject property abuts the West Fork Millicoma River County Road and falls between the county road and the West Fork Millicoma River.

Surrounding Properties

The adjacent lands are zoned EFU and F. All of the land between the county road and the river have been zoned EFU and all lands located on the opposite side of the road are zoned F.

Land Topography and Soil Type

The subject property, while zoned EFU, is timberland (see attached photo). The slopes of the subject property are less than 5% except along the river bank. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 100% soil type 33 (Kirkendall Silt Loam). Based on the soil survey, this type of soil is typically found in flood plains that are usually prone to moderate to severe flooding. The subject property is not located in a flood plain except a thin strip along the river bank. Based on the Soil Survey, the 50 year site index is 122 and has a growth rate of 172 cu. ft./ac./yr. which is a class II soil and will support both agricultural and forest production which would comply with the Forest Mixed Use classification.
Current Property Use:

The subject property has been used for timber production and recreation. The Northerly portion is timbered while the timber on the Southern portion had been harvested in the past by a previous owner. Several pathways have been maintained by the previous owner in this portion.

State Wide Planning Goals

Pursuant to State Wide Land Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil type "Kirkendall Silt Loam, the subject property is forestland by both use and definition.

The soil type also is suitable for agricultural uses pursuant to State Wide Planning Goal 3, therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay.

Pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, State Wide Planning Goals 3 and 4, the applicable Oregon Administrative Rule 660-006-0057, the applicant hereby requests a change of the current zone designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed use agricultural overlay. The proposed zone change will better support the predominant forest use and the subordinate agricultural traits of the subject property.

FINDING OF FACTS AND CONCLUSIONS

OREGON ADMINISTRATIVE RULES

OAR 660-06-057 - Rezoning Land to an Agricultural/Forest Zone

Any rezoning or plan amendment of lands from an acknowledged zone or plan designation to an Agriculture/Forest zone require a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 or 4 can be applied alone.

According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Kirkendall Silt Loam. For forestry purposes, the 50 year site index for Douglas Fir is 122 which produces 172 cubic feet of fiber per acre per year and therefore is a class II soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest uses and mini farms with homes sited on the EFU portions of the properties.
Based on the predominant forest use and soil characteristics of the subject property and adjacent properties, a conclusion can be made that the area contains a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

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;

   The subject property is forest land by use and definition.

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

   The subject property is currently vacant. The adjacent properties on the downstream and upstream sides have dwellings that were established or approved in 1980 and 1991 respectively. If rezoned, the subject property would meet the template dwelling criteria under the Forest designation zoning rules.

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

   The applicant is aware that if the rezone is granted, there could be significant tax consequences.

MIXED AGRICULTURAL-FOREST USE AREAS

Volume I, Part II, 3.2(5) Implementation Strategies (Appendix 1)

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.
Response: According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Kirkendall Silt Loam. For forestry purposes, the 50 year site index for Douglas Fir is 122 which produces 172 cubic feet of fiber per acre per year and therefore is a class II soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest uses with homes sited on the EFU portions of the properties.

CONCLUSION

Based on the soil type and topography and the fact that the surrounding area is predominantly managed for forestry uses, a mixed-use overlay is appropriate based on the Coos County Comprehensive Plan.

FINAL CONCLUSION

Based on the submitted evidence addressing the applicable criteria for a rezone from EFU zone to F zone, a conclusion can be made that criteria has been satisfied and that a Forest (F) zone designation with a Mixed-use overlay is appropriate for the subject property.
June 9, 2014

Coos County Planning Dept.
250 N. Baxter
Coos County Courthouse
Coquille, OR 97423

RE: Soil Classification for T.L. 303 - 24S 11W 20B

Based on Sheet Number 11 of the Soil Survey of Coos County, Oregon the subject property consists of soil type 33 (Kirkendall Silt Loam, 0 to 3 percent slopes). This soil type typically is located in flood plains and is predominantly used for pasture or hay production. Based on the Soil Survey, the 50 year site index for Douglas Fir is 122 which is a class II soil and will produce 172 cu.ft./ac./year of fiber. The majority of the subject parcel is not located in the flood plain.

The landowner is also submitting notice to the State Board of Forestry to be exempted from the Forest Practices Reforestation Requirements.

If you have any questions, please give me a call. Thank you.

Troy Rambo

Troy Rambo
<table>
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<th>Species</th>
<th>Abundance</th>
<th>Volume Growth Rate (CMAI)</th>
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County: Coos County, Oregon
Report - Forestland Productivity with Site Index Base
Natural drainage class: Well drained
Depth to restrictive layer: More than 80 inches
Slope: 0 to 3 percent

Properties and qualities

H3 - 4.2 to 6.0 inches: Strongly acid, silty loam
H2 - 7 to 42 inches: Strongly acid, silty loam
H1 - 0 to 7 inches: Strongly acid, silty loam

Typical profile

Parent material: Mixed alluvium
Across-slope shape: Linear
Down-slope shape: Concave
Landform position (three-dimensional): Tread
Landform: Tread plains

Setting

Description of Kirkendall

Major components: 15 percent
Kirkendall and similar soils: 80 percent

Map Unit Composition

Frost-free period: 145 to 265 days
Mean annual air temperature: 48 to 54 degrees F
Mean annual precipitation: 60 to 100 inches
Elevation: 20 to 750 feet

Map Unit Setting

33—Kirkendall silty loam
Coos County, Oregon

Report — Map Unit Description
LANDFORM
Flood plains

PERCENT OF MAP UNIT
15 percent

Aquifers

MINOR COMPONENTS

Hydrologic Soil Group: B
Land capability classification (nonirrigated): LW
Land capability classification (irrigated): LW
Farming classification: Farmland of statewide importance

INTERPRETIVE GROUPS

Available water storage in profile: High (about 1.8 inches)
Frequency of ponding: None
Frequency of flooding: Occasional
Depth to water table: About 42 to 48 inches
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.37 in/hr)
After recording return to:
WF303, LLC
P.O. Box 296
Allegany, OR 97407

Until a change is requested all tax statements shall be sent to the following address:
WF303, LLC
P.O. Box 296
Allegany, OR 97407

File No.: 7131-2207403 (SL)
Date: February 06, 2014

RECORDED BY
FIRST AMERICAN TITLE

STATUTORY WARRANTY DEED

Gary A. Gunnell and Barbara E. Gunnell as Trustees of The Gunnell Family Trust, uad January 24, 2005, Grantor, conveys and warrants to WF303, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:
1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is $117,500.00. (Here comply with requirements of ORS 93.030)
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 6th day of February, 2014.

The Gunnell Family Trust, uad January 24, 2005

Gary A. Gunnell, Trustee

Barbara E. Gunnell, Trustee

STATE OF Oregon )
Coos )ss.

This instrument was acknowledged before me on this 7th day of February, 2014 by Gary A. Gunnell and Barbara E. Gunnell as Trustees of The Gunnell Family Trust, uad January 24, 2005, on behalf of the Trust.

Michelle Lindsey
Notary Public for Oregon
My commission expires: July 18, 2014
EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN MICROFILM REEL NO. 81-2-6392, RECORDS OF COOS COUNTY, OREGON; THENCE NORTH 1° 04' 11" EAST 60.00 FEET TO THE TRUE POINT OF BEGINNING WHICH BEARS SOUTH 28° 20' 49" WEST 1794.49 FEET FROM THE NORTH QUARTER 1/4 CORNER OF SECTION 20, TOWNSHIP 24 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; THENCE NORTH 71° 35' 16" WEST 500.873 FEET ALONG THE NORTH LINE OF THAT PARCEL DESCRIBED IN MICROFILM REEL NO. 81-1-3811, RECORDS OF COOS COUNTY, OREGON; THENCE NORTH 62° 30' WEST 322.101 FEET TO AN IRON ROD ON THE RIGHT BANK OF THE WEST FORK OF THE MILLICOMA RIVER; THENCE CONTINUING NORTH 62° 30' WEST 50.00 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID WEST FORK OF THE MILLICOMA RIVER; THENCE ALONG SAID CENTERLINE NORTH 10° 30' EAST 411.39 FEET, MORE OR LESS; THENCE LEAVING SAID CENTERLINE SOUTH 89° 16' 34" EAST 60.52 FEET, MORE OR LESS, TO AN IRON ROD ON THE RIGHT BANK OF SAID WEST FORK OF THE MILLICOMA RIVER; THENCE CONTINUING SOUTH 89° 16' 34" EAST 296.48 FEET TO AN IRON ROD, MORE OR LESS, ON THE WESTERLY RIGHT OF WAY OF THE WEST FORK OF THE MILLICOMA COUNTY ROAD; THENCE CONTINUING SOUTH 89° 16' 34" EAST 386.920 FEET TO THE WEST LINE OF SAID PARCEL BEARING MICROFILM REEL NO. 81-2-6392, RECORDS OF COOS COUNTY, OREGON; THENCE SOUTH 1° 04' 11" WEST 725.25 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.
After recording return to: Tom Hoppi
P.O. Box 296
Allegany, OR 97407

Consideration: There is no monetary consideration for this conveyance, the purpose of this document to complete the intentions of the property line adjustment procedure approved by the Coos County Planning Department per PLA-14-05.

Address of Grantor's: P.O. Box 296, Allegany, OR 97407 and 94903 Country Lane, Coos Bay, OR 97420
Address of Grantee: P.O. Box 296, Allegany, OR 97407

Until a change is requested, all tax statements are to be sent to the following address:
Tom Hoppi
P.O. Box 296
Allegany, OR 97407

PROPERTY LINE ADJUSTMENT DEED

Known all men by these presents that WF303, LLC an Oregon Limited Liability Company and Gary A. Gunnell and Barbara E. Gunnell, Trustee's of the Gunnell Family Trust, uad January 24, 2005, Beneficiary, Grantor's, conveys to Tom Hoppi, Grantee, the following real property located in NW1/4 of Section 20, Township 24 South, Range 11 West, of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

ADJUSTED PARCEL

Beginning at the Southeast corner of that parcel described in Instrument No. 2002 - 4705, Coos County Deed Records from which the N1/4 corner of said Section 20 bears N45°48'28"E a distance of 1168.40 feet, more or less; thence S1°04'11"W a distance of 764.98 feet, more or less, to the Southeast corner of that parcel described in Instrument No. 2014 - 01026, Coos County Deed Records; thence N71°35'16"W a distance of 500.87 feet to a 5/8" rebar; thence N62°30'00"W a distance of 12 feet, more or less, to the Easterly boundary of the West Fork Millcimica County Road; thence Northerly along said road boundary a distance of 657 feet, more or less, to the South Line of that parcel Described in Instrument No. 2002 - 4705, Coos County Deed Records; thence S89°08'52"E along said line a distance of 356 feet, more or less, to the point of beginning.

ADJUSTED LINE

Beginning at the Southeast corner of that parcel described in Instrument No. 2002 - 4705, Coos County Deed Records from which the N1/4 corner of said Section 20 bears N45°48'28"E a distance of 1168.40 feet, more or less; thence S1°04'11"W a distance of 764.98 feet, more or less, to the Southeast corner of that parcel described in Instrument No. 2014 - 01026, Coos County Deed Records; thence N71°35'16"W a distance of
500.87 feet to a 5/8" rebar; thence N62°30'00"W a distance of 12 feet, more or less, to the Easterly boundary of the West Fork Millicoma County Road; thence Northerly along said road boundary a distance of 657 feet, more or less, to the South Line of that parcel described in Instrument No. 2002-4705, Coos County Deed Records.

Coos County Assessor's Account No.'s 99809 and 99824.

This as a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The deed whereby the Grantor acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2014-0126 Coos County Deed Records.

3. The deed whereby the Grantee's acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2002-4705 Coos County Deed Records.

4. Under ORS 92.060(8) and county ordinance a survey and monumentation is not required.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND TO SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 and SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 5TH day of April, 2014.
GRANTOR'S:

Tom Huppi, Managing Member
OF WF303, LLC

STATE OF OREGON )
County of COOS ) ss.

The foregoing instrument was acknowledged before me this 15TH day of
APRIL, 2014 by Tom Huppi, MANAGING MEMBER OF WF303, LLC.

Troy Jon Rambo
Notary Public for Oregon

Gary A. Gunnell, Trustee

Barbara E. Gunnell, Trustee

STATE OF OREGON )
County of COOS ) ss.

The foregoing instrument was acknowledged before me this 15TH day of
APRIL, 2014 by Gary A. Gunnell and Barbara E. Gunnell.

Troy Jon Rambo
Notary Public for Oregon
GRANTEE:

Tom Huppi

STATE OF OREGON )
) ss.
County of COOS )

The foregoing instrument was acknowledged before me this 15TH day of
APRIL, 2014 by Tom Huppi.

Troy Jon Rambo
Notary Public for Oregon
Consideration: There is no monetary consideration for this conveyance, the purpose of this document to complete the intentions of the property line adjustment procedure approved by the Coos County Planning Department per PLA-14-05.

Address of Grantor: P.O. Box 296, Allegany, OR 97407
Address of Grantee’s: P.O. Box 296, Allegany, OR 97407 and 94903 Country Lane, Coos Bay, OR 97420

Until a change is requested, all tax statements are to be sent to the following address:
WF303, LLC
P.O. Box 296
Allegany, OR 97407

PROPERTY LINE ADJUSTMENT DEED

Known all men by these presents that Tom Huppi, Grantor, conveys to WF303, LLC an Oregon Limited Liability Company, Grantor and Gary A. Gunnell and Barbara E. Gunnell, Trustee’s of the Gunnell Family Trust, uad January 24, 2005, Beneficiary, Grantee’s, the following real property located in NW1/4 of Section 20, Township 24 South, Range 11 West, of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

ADJUSTED PARCEL

Beginning at a 5/8” rebar on the Westerly boundary of the West Fork Millicoma County Road and on the North line of that parcel described in described in Instrument No. 2014-01026, Coos County Deed Records from which the N1/4 corner of said Section 20 bears N55°16’29”E a distance of 1490.94 feet, more or less; thence Northwesterly along said road boundary (chord - N23°15’24”W, 347.54 feet) to a 5/8” rebar; thence leaving said road boundary S63°34’18”W a distance of 167.28 feet to a 5/8” rebar; thence continuing S63°34’18”W a distance of 59 feet, more or less, to the centerline of the West Fork Millicoma River; thence following said centerline upstream S4°36’46”W a distance of 214.9 feet, more or less, to the North line of that parcel described in Instrument No. 2014-01026, Coos County Deed Records; thence S89°16’34”E along said North line a distance of 357.06 feet, more or less, to the point of beginning.

ADJUSTED LINE

Beginning at a 5/8” rebar on the Westerly boundary of the West Fork Millicoma County Road and on the North line of that parcel described in described in Instrument No. 2014-01026, Coos County Deed Records from which the N1/4 corner of said Section 20 bears N55°16’29”E a distance of 1490.94 feet, more or less; thence Northwesterly
along said road boundary (chord - N23°15'24"W, 347.54 feet) to a 5/8" rebar; thence leaving said road boundary S63°34'18"W a distance of 167.28 feet to a 5/8" rebar; thence continuing S63°34'18"W a distance of 59 feet, more or less, to the centerline of the West Fork Millcreek River; thence following said centerline upstream S4°36'46"W a distance of 214.9 feet, more or less, to the North line of that parcel described in Instrument No. 2014-01026, Coos County Deed Records Coos County Assessor’s Account No.’s 99809 and 99824.

This as a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The deed whereby the Grantor acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2002-4705 Coos County Deed Records.

3. The deed whereby the Grantee’s acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2014-01026 Coos County Deed Records.

4. Under ORS 92.060(8) and county ordinance a survey and monumentation is required. See CS# 5B53 recorded in the Coos County Surveyor’s Office.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND TO SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 and SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 15TH day of April, 2014.
GRANTOR:

[Signature]
Tom Huppi

STATE OF OREGON)
)
County of COOS)

The foregoing instrument was acknowledged before me this 15TH day of
APRIL, 2014 by Tom Huppi.

[Signature]
Troy Jon Rambo
Notary Public for Oregon

GRANTEE'S

[Signature]
Gary A. Gunnell, Trustee

[Signature]
Barbara E. Gunnell, Trustee

STATE OF OREGON)
)
County of COOS)

The foregoing instrument was acknowledged before me this 15TH day of
APRIL, 2014 by Gary A. Gunnell and Barbara E. Gunnell.

[Signature]
Troy Jon Rambo
Notary Public for Oregon
Tom Huppi, Managing Member
WF303, LLC

STATE OF OREGON
County of COOS

The foregoing instrument was acknowledged before me this 15TH day of APRIL, 2014 by Tom Huppi, Managing Member of WF303, LLC.

Notary Public for Oregon
WF303. LLC PLOT PLAN
T.L. 303
24S 11W 20B
COOS COUNTY, OR.

PROPOSED DRIVeway
APPROVED SEPTIC
PROPOSED HOME

SCALE 1" = 100'
JUNE 24, 2014

T.L. 303 - 6.2 AC. +/-
WF303. LLC

PREPARED FOR:
WF303. LLC
P.O. BOX 296
ALLEGANY, OR 97407

PREPARED BY:
TROY RAMBO, LS2865

LEGEND
○ RECORD CORNERS
UNLESS OTHERWISE NOTED
● CALCULATED POSITION
( ) RECORD BEARING / DISTANCE
Coos County Planning Department
Land Use Application

Please place a check mark on the appropriate type of review that has been requested.

☒ Administrative Review
□ Site Plan Review
□ Hearings Body Review
□ Variance

An **incomplete** application **will not** be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

A. **Applicant:**

Name: **WF303, LLC**
Address: **P.O. Box 296**
City: **ALLEGANY**
State: **OR**
Zip Code: **97407**
Telephone: **541-266-8079**

B. **Owner:**

Name: **SAME**
Address:
City: 
State: 
Zip Code:
Telephone:

C. **As applicant, I am (check one): Please provide documentation.**

☒ The owner of the property (shown on deed of record);
□ The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached).
□ A lessee in possession of the property who has written consent of the owner to make such application (consent form attached).
□ The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. **Description of Property:**

Township **24S** Range **11W** Section **20B** Tax Lot **303**
Tax Account **99024** Lot Size **6.2 AC** Zoning District **F**

Updated 2013
G. Authorization:
All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application unless the statement is not applicable. If one of the statements, below is not applicable to your request indicated by writing N/A.

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. 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.

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are response to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

I understand it is the function of the planning office 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 I bare the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

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

_________________________________  ______________________________________
Applicant(s) Original Signature     Applicant(s) Original Signature

Updated 2013
Coos County Planning Dept.

RE: Template Dwelling Application - T.L. 303 - 24S 11W 20B

Applicant/Owner:

Wf303, LLC
P.O. Box 296
Allegany, OR 97407

RE: Review Standards and Special Considerations

Section 4.8.400

A. Siting a home on the subject tract will not force a significant change in, or significantly increase the cost of accepted forest or farming practices on the adjacent lands. There are multiple parcels within the 160 acre square ranging from 1.80 acres to 75 acres of which are zoned Forest and EFU. Many of the surrounding parcels already have homes or structures sited on them. Based on the 160 acre square it was determined that there are a minimum of 15 parcels with 5 dwellings that existed prior to 1993 that fell within the 160 acre template (see attached). By allowing the siting of a single family dwelling on this site, the parcel would conform to what already exists within the area.

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or increase risks to fire suppression personnel. The maintained roads, river and maintained firebreak will actually aid in fire suppression by allowing easy and fast access in the event of a fire.

Section 4.8.525

1) Only one residential dwelling will be sited on the subject parcel.

2) There are no deed restrictions on the subject property restricting dwellings.

3) The subject parcel will meet the required number of parcels (11) if the property is capable of producing +85 CF/Ac./Yr of growth using the 160 acre square. (It was determined that there are approximately 15 parcels within the 160 acre square that existed prior to 1993). See attached Soil Classification letter.
Section 4.8.600

A. 1. The proposed home site is located a minimum of 50 feet from the high water line and a minimum of 130 feet from the property lines. Setbacks from the County Road are 35 feet from centerline or 5 feet from the right of way line, whichever is greater - not an issue.

2. The proposed home site will not impact any future forest/farming operations.

3. The proposed cleared home site will be approximately 1 acre.

4. A 30 ft. primary firebreak will be established around all structures and a secondary firebreak (where available)100 feet beyond the primary firebreak will be maintained to minimize any risks associated with wildfires.

B. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day or for watering a lawn or non commercial garden not to exceed ½ acre in size. This fits this proposed situation.

C. The access road is the West Fork Millcicoma County Road.

D. 1. The a portion of the subject parcel beyond the proposed home site is growing trees, brush and grass.

Section 4.8.700 -

A. 1. Primary firebreak - all brush would be cleared back a minimum of 30 feet from any new structures.

2. A garden hose will be available to reach the perimeter of the primary firebreak.

3. A secondary firebreak (where available)100 feet beyond the primary firebreak shall be maintained. The subject parcel does not fall within the rural fire protection district.

B. The new structures will be constructed with non-combustible or fire resistant roofing material.

C. There is no water supply exceeding 4000 gallons on the property.

D. The proposed home site has a grade of less than 5%.

E. A spark arrester will be required on any chimney.

F. The subject property does not fall within a rural fire protection district.

G. The subject property borders a County Road. The proposed driveway to the proposed home site will meet county driveway standards(16 ft. subgrade/12 ft. surface).
June 9, 2014

Coos County Planning Dept.
250 N. Baxter
Coos County Courthouse
Coquille, OR 97423

RE: Soil Classification for T.L. 303 - 24S 11W 20B

Based on Sheet Number 11 of the Soil Survey of Coos County, Oregon the subject property consists of soil type 33 (Kirkendall Silt Loam, 0 to 3 percent slopes). This soil type typically is located in flood plains and is predominantly used for pasture or hay production. Based on the Soil Survey, the 50 year site index for Douglas Fir is 122 which is a class II soil and will produce 172 cu.ft./ac./year of fiber. The majority of the subject parcel is not located in the flood plain.

The landowner is also submitting notice to the State Board of Forestry to be exempted from the Forest Practices Reforestation Requirements.

If you have any questions, please give me a call. Thank you.

[Signature]

Troy Rambo
Attachment B

7/28/14 Submittal by Applicant
Intro:

This is the primary project description in a body of documentation submitted for planning purposes. It can be found online here:

https://sites.google.com/a/huppi.com/wf303_pres/home/init_pres

Project Goal:

As described in our operating documents, "wf303, llc" exists for the purpose of providing a home for Susan and Leo, and a place for all three of us (Tom, Susan, and Leo) to pursue our life's interests. The area is geographically near that owned by Tom and Melissa Green's family which include Susan's daughter and grandchild. This is an important aspect of achieving our goals. As stated in our operating documents, we all expect to input to this project significant capital and effort as individuals. Because it is common for bankruptcies to occur for medical reasons in recent times we felt it necessary to form an LLC to reduce the risk of one party losing their investments due to an accident impacting another party member.

In addition to the tax lot 303 being adjacent to the homes of Tom and Melissa's family, it also has the potential to meet the ideal goals of Tom, Susan, and Leo in that it can provide enough space for hobbies, a mix of desirable environmental and ecological features, reasonable isolation from road noise, and privacy. To further achieve these goals Tom contributed the useful portion of his existing buildable and septic approved tax lot 300 which was joined with that of 303 to create the most ideal site possible.
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Intro:

This 'sites' is designed to collect much or all of the information that I wish to be accessible to the planning department for AM-14-08/RZ-14-01 and ACU-14-16.

http://www.co.coos.or.us/Departments/Planning/PendingApplications.aspx

I intend to make this information public due to planning rules, and I intend to keep the 'sites' page available on-line. Whether it will be active or static after submission I've not yet decided, but I will snapshot it under revision control. The link to the page you are looking at is this:

https://sites.google.com/a/huppi.com/wf303_pres/home

This body of documentation is relatively extensive because I have encountered unusual behaviors in association with our project and we wish to be as prepared as possible achieve our goals here.
When the word 'I' is used it refers to Tom Huppi who is currently the managing member of wf303, llc, and have been the primary actor up until the time of the zoning meeting. The other member, Susan and Leo, have reviewed and contributed to these efforts.

Presentations:

Initial:

We hope to present this document at the Planning Commission meeting and that it will be sufficient to achieve our goals: Init_pres

Media:

General imagery and video presentations of the project are here: Media_pivot

Documents:

A collection of documents referred to throughout this site is here: Docs_pivot
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      3.1.2 Nick:

Subpage Listing

Intro:

This pivot seeks to organizes documents into subject matter.

Individuals:

Neighbors:

Joe:

Joe is the up-river neighbor who shares a property line.

joe.png
Tom (me):

I own tax lot 300 which is associated with tax lot 303 in some ways.
tom_tl-300

Previous Owner:

Gary:

Gary and I have had several conversations related to several issues and I took notes about them. Gary tells me that he will attest to any of this information as necessary:

20140701_gary_phone
20140720_gary_phone

Tom (me):

I was the previous owner of the part of the property which was tax lot 300.
tom_tl-300

Issues:

Potential Wetlands:

There have been odd circumstances and rumors about watershed issue. I took careful notes and did other research to try to shed light on these issues. Certain of these notes and information which is pertinent and potentially valuable for planning purposes are included in this body of documentation submitted for the zoning change hearing.

Mitch:

Mitch Lewis is the watermaster. I look forward to working with him in the future and appreciated the interesting and helpful information he provided.

20140701_mitch_visit
mitch_large_diameter_well.png
Nick:

Nick Morris is the ODF Forester who supervised the logging plan which I formulated and implemented. He provided a lot of helpful information that I did not know. Nick complemented me on doing an exceptional job of preserving the buffer zone near the river.

20140701_nick_phone
To whom it may concern,

I met Tom when he was working on the clearing of the land next to mine.

Tom is considerate about land things. He asked for my opinion about how to create a property line buffer that worked for me. He also had a lot of large fires for the land clearing and apologized for the smoke and did not cause any uncontrolled fires.

I also met Tom's mother Susan and look forward to having her as a neighbor.

[Signatures]

Page 1
I've owned the portion of tax lot 303 which used to be part of 300 prior to the lot line adjustment for a long time. Tax lot 300 was a very nice piece of property and had septic approval.

I performed the lot line adjustment making two buildable lots into one because:

- The combination of the two allows for a forest through which the driveway passes which is both aesthetically pleasing and has privacy and noise advantages.

- It provides more flexibility with respect to setbacks.

- It provides a lot which is large enough for the goals of the members of WF303 (Susan's donkey and horse, and a workshop for metal, mechanical, and woodworking which we will all use.)

- Joining the useful land of the two lots into one aligned with my feelings about optimum housing density in the area.

- I had no particular plans to do anything with tax lot 300.

The new tax lot 300 contains enough room for access to my cable car (which I use to access to my property across the river when necessary) and the part of the driveway which meets the county road and which was already in existence. The up-river driveway is primarily for access to the shop site, but also could provide access to the house in the future which would relax the need for an easement or construction of a second county road access point for the lower driveway should the loss of use of tax lot 300 occur.

One time over the 15 years that I've owned tax lot 300 a local community member who lives up-river of my place named Barbara Shmet mentioned that her son might be interested in buying it. I was not interested in selling it. This is the only query I've received from anyone interested in buying the TL 300 property.
Chatted with Gary on the phone this evening.

Believes that he logged through the summer of 1985 mostly on weekends.

Put the road in at that time by laying down a culvert and dumping some loads of rock over it.

Logs were not particularly decked by the road. Dragged into spots on the property for a self-loader to pick up.

Land was not noticeably wet in the early phases of Gary’s ownership.

Land became notably more wet after the county road work involved emplacement of a culvert on up-river property.

It was during the above mentioned road work that the very impressive stump was deposited on the property. A mild complaint was insufficient to get the stump removed so it ended up on my burn pile many years later. It was almost to big for a 40,000 pound excavator to manage!

Gary believes that Dad dug a test pit on the property near the site where the outhouse was. Thought he had DEQ approval but it expired(?) Worth looking in to.
Doc: '20140720_gary_phone'

Today (20-Jul) when I was working on wf303 an acquaintance drove by, stopped, and we chatted a bit. This person told me that he had heard that when Gary was logging many years ago he had received some sort of ‘cease and desist’ order associated with surface water or wetlands or some such.

This struck me as an unusual and suspect assertion. I immediately called Gary and asked him about it directly. Gary told me that no such event ever happened.

Gary told me that he would be happy to testify to this, and to all of the material he presented in our earlier phone conversation of 1-Jul.
Watermaster Mitch Lewis stopped by a bit before noon to inspect the pond.

Results:

- The pond is not an entrapment structure having no elements of a dam.

- The pond does not impact the watershed health or resources. It does not add water, remove water, or alter the flow. Any evaporative impacts in this area are negligible in total resource volume terms.

- The pond may also be classified as a type of well. Also may not. Depends on dimensions among other factors.

- Utilization of water resources from the pond (which I had not especially planned to do) may be possible with appropriate permitting. Unlikely to sustain typical volumes (in the 15k gal/day range) in dry months. (I expect it to be dry in the later part of summer.)

I will mention that I found Mitch to be a very pleasant person to work with. He seemed genuinely interested in solving actual issues and in the science behind water resource management and balancing the various factors that come into play in addition to having real-world experience with different techniques and problems.
Tom Huppi  
PO Box 296  
Allegany, OR 97407

Dear Tom,

Thanks for taking the time to show me around your property.

As we discussed, drainage systems do not require a water right provided there is no use of the water between the area being drained and the terminus of the draining, in this case the river.

Also, the excavation in the drainage system is simply a hole excavated into the earth and exposing the groundwater table (Aquifer). Since the only water ponding up is groundwater, we would treat that as a large diameter well. No right is needed for the existence of the pond. A water right would be required for any use of the water outside the pond beyond what is allowed under the groundwater exemption.

Under ORS 537.545, Exempt Groundwater uses are: 15,000 gallons per day for single or group domestic, the irrigation of up to ½ acre lawn and non-commercial garden. The exemption is per tax lot, so, although additional wells are allowed, the limits of use cannot be enlarged.

I will make sure Pam Blake at DEQ gets this information.

Let me know if you have any other concerns or questions.

Sincerely,

Mitchell E. Lewis  
Watermaster District 19  
Oregon Water Resources Department
Called Nick this morning and asked a few questions:

- Assistant/trainee's name: Jennifer
- Reforestation plan area expected: Entire lot.
- Acceptable to shovel log by pushing trees over?: Yes.
- Acceptable (or requirement) to remove artificial entrapment structures (e.g., gravel road with clogged culvert) as an element of an effective reforestation regime: Yes.
Media_pivot

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   3.4 Roadside Images:

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roadside

Intro:

This page contains links and images useful in describing and documenting the WF303 project.

Vid:

A good way to get an overview of the majority of this project is by this short vid I created and put on Youtube. I stood on top of a stump pile which was not safe to burn initially and scanned the area. http://youtu.be/j-q4-U6PEj8

WF303 FROM STUMP PILE
Imagery:

Historic from Google Earth:
All of the imagery available through Google Earth going back to 1994 is collected on this document: historic_imagery

Driveway Images:
driveways

General Site Images:
general_site

Roadside Images:
roadside
general_site

^ Container is temporary for construction. House would be behind the 100' buffer zone area to the left. Middle is the yard area and to the left would be the orchard.

^ This is the 100'+ deep buffer area that we left for aesthetic purposes.
This is from the far South West corner. The shop site is in front of the 100' buffer which hides it from the house. The upper driveway is to the right of where this picture was taken.

This is the SW corner. The buffer strip is rounded and more than 50' deep, and I left some fir trees along the property line.
\(^{\text{This is the upper driveway.}}\)

\(^{\text{This is looking toward the well/pond where the orchard would go. The best garden spot is to mid-right of this photo for solar reasons even though it is more close to the road than desirable.}}\)
driveways

^ Lower driveway standing on remnants of tax lot 300. New works starts about where trees are.

^ View of lower driveway from house site.
^ Upper driveway (South - upriver side of property)
roadside

^ Standing on the stump pile looking at the country road. Upper driveway right.

^ Standing at the upper driveway country road junction looking North along the property.
^ Standing in the County road at the South of the non-forest part. Picture taken before grass was growing on the bench.