STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT/OWNER: Donald Wyatt
789 Michigan
PO Box 3373
Coos Bay OR 97420

REQUEST: A hunting and fishing lodge in the Forest Zone and a variance to 50 foot riparian setback.

STAFF CONTACT: Jill Rolfe, Planning Director
Debby Darling, Planner II

REVIEWING BODY: Coos County Planning Commission

MAP NUMBER(S) / LEGAL DESCRIPTION
ASSESSOR’S MAPS: Township 24S Range 11W Section 35 Tax Lot 600

PROPERTY LOCATION
The property is located on the East Fork of the Millicoma River, east of the City of Coos Bay. Highway 241 borders the property to the north-northeast and the Millicoma River borders the property to the south.

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 PARCELS:** The property was lawfully created in accordance with LDO § 3.3.800. June 10, 1964, Gladys Ferguson deeded the subject property to Robert and Mabel Ferguson pursuant to Book 310, Page 436 of the Coos County Deed Records, Coos County Clerk’s office. A property line adjustment was completed in 2002 creating the current configuration of the property.

B. **ZONING:** The property is currently zoned Forest.

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.

C. **SITE DESCRIPTION:** The subject property consists of 4.77 acres. It lies between Highway 241 and the East Fork of the Millicoma River and is a fairly narrow property. There are some trees on the property and some of the riparian vegetation has already been removed or disturbed. The property contains the following structures: a general purpose building, a multipurpose building and a backhoe cover. The general purpose building was supposed to be sited as an agricultural building and then at a later date had living quarters installed.

D. **HISTORY:**

- June 5, 2000, an access permit is issued by the Coos County Road Department (110)
- June 22, 2000, a driveway confirmation is issued by the Coos County Road Department (110-00)
- July 19, 2000, a zoning compliance letter (ZCL-00-311) is issued by the Planning Department for clearance to site an accessory structure 12' x 24' in diameter, not for habitation, commercial or industrial use.
- September 21, 2000, an address was issued (13522 Highway 241) and a stake was placed at the driveway.
- December 4, 2002, a property line adjustment was approved which increased the size of this parcel from 0.96 to the current size.
- January 11, 2006, notice was received by the Planning Department from State Building Codes Division that structural, electrical and plumbing permits were required. In addition the Building Codes Division staff person contacted the Planning Department by email stating that
there had been a complaint that Mr. Wyatt had moved into his agricultural building and that it was built too close to the river. A letter was sent to Mr. Wyatt requesting information on the alleged violation.

♦ January 18, 2006, Mr. Wyatt came into the Planning Department and stated he had an agricultural use on his property (fruit trees and he used the existing building to support that activity. He said he leaves his travel trailer on the property, but that no one was living in it. He was aware that camping was allowed for only 45 days out of a calendar year. It was determined by the Planning Staff from Mr. Wyatt's statements that there was no apparent violation on the property. Mr. Wyatt requested a ZCL and one was issued (ZCL-06-030) to give clearance for a pole building for private hunting and fishing operations without any lodging accommodations pursuant to Section 4.8.200 (K) of the Coos County Zoning and Land Development Ordinance (LDO). It was noted there were no dwellings allowed on the property at this time and that the property owner and/or his family could camp on the property for 45 days out of a calendar year. Mr. Wyatt signed this ZCL acknowledging he understood that a dwelling was not allowed.

♦ February 8, 2006, the Planning Department received a copy of an alleged pollution complaint from the Department of Environmental Quality that there were buildings without permits and there was no septic permit for the property.

♦ June 21, 2006, a citizen complaint was received by the Planning Department that there was a dwelling on the subject property without permits.

♦ September 11, 2008, Mr. Wyatt requested a septic system so he could have a bathroom in one of his structures. It was reasonable to the Planning Department to allow this because there were no other facilities available. ZCL-08-363 was issued to Mr. Wyatt to give clearance to have a septic site evaluation and to install a septic system. There was clearance to site a bathroom in his pole building, but there was no clearance for a residential dwelling. Again, Mr. Wyatt signed the ZCL acknowledging he understood the structure was not to be used as a dwelling.

♦ December 2, 2008, Wayne Parker of Oregon Building Codes Division contacted the Planning Department by telephone, stating that Mr. Wyatt had created a domicile within one of his pole buildings. He sent photographic evidence that showed a kitchen, a sleeping loft, a living room with paneling in the inside. It had the appearance of a dwelling. This created a violation of his zoning compliance letter, which clearly stated there were to be no residential dwellings on the property. Mr. Wyatt contacted the Planning Department shortly thereafter and obtained an application for a template dwelling to legalize the domicile.

♦ December 9, 2008, Del Cline of the DEQ contacted the Planning Department to see if Mr. Wyatt had requested permits. Mr. Cline said there had been a complaint that there was someone living on the property in an RV, who had been there over a year. He said he had spoken to this person.

♦ June 24, 2009, Mr. Wyatt filed an application for a template (first) dwelling in a forest zone. This application was denied because the property did not meet the template test (Eleven parcels with 3 dwellings within the template, all in existence prior to January 1, 1993). Mr. Wyatt appealed the decision and ultimately, on the advice of his attorney, withdrew the appeal prior to hearing.

♦ February 8, 2011, a pre-application meeting was held with Mr Wyatt's attorney, Patrick Terry, to help determine a resolution to the violations on the property. It was noted that a dwelling was sited without proper permit approval. Mr. Wyatt's request for a template dwelling approval had been denied because the property did not meet the template requirements. Mr. Terry stated that Mr. Wyatt intention was to use this property for

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1 LDO Section 4.8.200 consists of uses outright permitted in the Forest zone.
recreational uses; therefore, staff recommended an application for “Parks and Campgrounds in a forest zone.” Mr. Patrick was given the application and criteria to pass on to Mr. Wyatt with Staff’s recommendations.

- December 23, 2011, another DEQ violation complaint was forwarded to the Planning Department, alleging pollution concerning the use of travel trailers and/or campers as dwellings on the property.
- In October of 2012, I was contacted by George McNair concerning Mr. Wyatt’s property and how to resolve the violation issues. It appears that the property owner no longer wishes to pursue the campground use but would like to site a hunting and fishing lodge.
- December 19, 2012, a pre-application request is submitted for Mr. Wyatt by his consultant, George McNair, for a meeting with the Planning Director to discuss further possibilities for resolving the issues with this property and to review the criteria for a hunting and fishing lodge.
- May 8, 2013, the current application for hunting and fishing lodge and a variance to the riparian setbacks was submitted. It was deemed complete on May 31, 2013, after the applicant supplied missing property deeds as requested by the Planning Department.

E. SPECIAL CONSIDERATIONS: There are no special considerations on this property. The property lies along the East Fork of the Millicoma River and; therefore, there is a required 50 foot riparian setback. The property is not considered to be within a floodplain.

FIRST REQUEST: After-the-fact Variance to the 50 foot riparian setback.

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SECTION 5.3.100 Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use regulations.

FINDING: The applicant justifies encroaching into the riparian area due to the fact that the property’s shape is long and narrow. He claims there will not be enough room to have a well-designed lodge site unless allowed to encroach on the riparian vegetation area.
The current development is considered a self-inflected hardship because the applicant made the choice to site the structure within the riparian setback. As shown in Attachment “B”, the applicant signed the zoning compliance letters that specifically stated that the setback was 50 feet from all streams, lakes, wetlands and rivers. There was no variance applied for at the time the buildings were sited. This is why staff has referred to the variance as an after the fact application process.

On May 1, 2013, Christopher Claire, Habitat Protection Biologist, ODFW provided some comments for the Planning Commission to take into consideration (Attachment “F”). ODFW does not provide support or opposition for the proposal but has provided guidelines to mitigate the violation if the variance is granted by the Planning Commission. ODFW provided color photos to show the riparian area.

Staff does not support a variance of the current development because the applicant provided false statements in order to obtain a compliance letter and permits. The correct permits have not been obtained for building and development. The applicant was granted clearance to site an accessory structure (see Attachment “B”) in which he received an agricultural exemption permit from building codes. In 2006 the state building inspector sent these pictures to planning staff showing that the accessory structure had been converted to a habitable space with a deck. The applicant did obtain a permit for the woodstove.

Staff has been working with the property owner since 2006 to bring this property into compliance with the LDO. It appears at the time the structure was converted a bathroom was the only missing component and that RV was being utilize for sanitation purposes. However, in one of the attempts to work with the
applicant to bring the property into compliance and, allow the applicant use of his property, staff did allow a septic system to be used in conjunction with the private hunting and fishing operations that the applicant requested; however, DEQ has stated that was never completed. Again, Mr. Wyatt did acknowledge the property was not be used for residential purposes.

It appears the property owner has removed trees and vegetation for the access and view of the river as shown on the picture provided by the applicant.

![Riparian Zone Image]

The Planning Commission will need to find that the practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The Planning Commission will need to decide if there are setbacks or other restrictions that apply to this property that would make it unnecessary physical hardships or practical difficulties.

SETBACKS

The property is zoned Forest and adopted setbacks in the LDO provide limits on the placement of structures. The riparian set back is 50’; however, there is an exception to the 50’ riparian setback that states the 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”. However, this was not a lawfully sited structure.

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.

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.

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.

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.

FINDING: After reviewing the setbacks required it would seem that the 130’ fire and safety setbacks may not be able to be met but there is a provision for that; therefore, the development is only constrained by the road setback and the riparian setback. Even if a variance is granted for the existing structures any new development should be required to be out of the riparian area.

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<th>LDO</th>
<th>§5.3.150</th>
<th>Self-inflicted Hardships</th>
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<td></td>
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<td>SECTION 5.3.150 a variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owners, including but not limited to:</td>
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<td>♦ self-created hardship</td>
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<td>♦ willful or accidental violations</td>
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<td>♦ manufactured hardships</td>
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FINDING: The applicant states that the encroachment into the riparian is not a self-created hardship; however, in 2000 Mr. Wyatt obtained a zoning compliance letter (ZCL) to an accessory structure which he later stated was for agriculture use. The compliance letter clearly stated that all buildings shall maintain a 50 ft. minimum setback from all streams, lakes, wetlands, and rivers. By signing the ZCL, Mr. Wyatt agreed to abide by the setback standards. Mr. Wyatt signed three different zoning compliance letters agreeing to the setback. Therefore, Mr. Wyatt should have been aware there was a 50 foot setback from the river and was responsible to insure his buildings were built properly. Staff finds the encroachment to the 50 foot riparian setback is a self-created hardship. As shown in Attachments “C” & “D” there were no structural, electrical or plumbing permits issued for the development. The evidence in the record clearly shows the applicant willfully created the hardship by not obtaining the correct permits and not following the development standards set out in zoning compliance letter. The applicant submitted a permit in the record but it is for a woodstove and not building.

This does not mean that a variance cannot be granted for other reasons.

FINDING: The Planning Department requested that Oregon Department of Fish and Wildlife (ODFW) perform a site visit to measure the riparian area on the subject property (Attachment “. On April 9, 2013, Chris Claire, Habitat Protection Biologist for ODFW met Mr. McNair at the subject property for the purpose of assessing the vicinity of the three structures in relation to the 50 foot setback from the Mean or Ordinary High Watermark (OHW) of the Millcoma River. Mr. Claire found that the three buildings on the property indeed had encroached into the riparian area. Following considerable review, evaluation of the number of
structures and the limited distance from the OHW, ODFW deemed (with reservations) it reasonable to recommend a variance to the 50 foot riparian area. ODFW has offered recommendations to mitigate the existing damage to the riparian area and to help prevent further erosion. These will be offered as conditions should you agree to grant the variance.

The applicant has stated that due to the area of where the septic system will be located it will further limit the development. Planning does not regulate septic systems; however, staff is concerned that the original assessment from DEQ was to deny the site for a single family dwelling. After change in the site ultimately DEQ did approve the site for a single family dwelling (4 bedrooms) but staff questions if the site could handle more than four bedrooms. The applicant should provide documentation from DEQ concerning the proposed development to find out if indeed this will limit the placement of dwellings.

The applicant has submitted a lot of extra information that is not relevant to the application. There was information on past drawings for a cabin that was denied because the property would not qualify for a template dwelling.

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<th>LDO</th>
<th>§5.3.200</th>
<th>Variance</th>
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<td>SECTION 5.3.200 The Planning Director shall consider all formal requests for variances for zoning and land development variances.</td>
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FINDING: In general, a variance is an administration decision; however, Mr. Wyatt is also requesting an approval for hunting and fishing lodge, which is a Hearing’s Body decision. Pursuant to LDO Section 5.0.400, Consolidated Applications, applications for more than one land use decision on the same property may be submitted together for concurrent review. If the applications involve different review processes, they will be heard or decided under the higher review procedure. Therefore, the Planning Director has referred the variance to the Planning Commission to determine, along with the request for hunting and fishing lodge.

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<tr>
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<td>No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;</td>
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<td>1. Both findings “A” and “B” below are made:</td>
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<td>A. i. that a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance; or</td>
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FINDING: The applicant states that having to remove the buildings from the riparian area would cause an unnecessary hardship because it would not be cost effective; however, cost cannot be the sole considering factor. The objectives of the LDO in this instance are to help protect the riparian vegetation, which in turn protects the health of the nearby waterway. The applicant chose not to follow the guidelines for development and created the violation. If the development process had been followed then staff could agree that meeting all setback requirements may have created an unnecessary physical hardship but staff is unable to support this conclusion based on past events and the current record. The planning commission may consider continuing this matter to allow for more information to be brought forward if they find it necessary to ensure the criteria can be met.
ii. that there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

FINDING: The applicant states that the exceptional or extraordinary circumstances applicable to this property involve the fact that the property is long and narrow. The property is long and narrow and the other properties in the area are larger. Development is sparse in this area; however, the neighboring property appears to be further from the river and closer to the road. The development on this property has been in existence since 1979. The neighbor obtained building permits for his development.

iii. that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;

FINDING: The applicant cites other alleged riparian violations. This cannot be used to justify his violation. Other properties in the area also have the same riparian setback and have been able to develop the properties without encroaching. Strictly enforcing the riparian area would lessen the amount of space that is available for development; however, some development could occur within the area available. Other applicants have obtained permits for development so staff is hesitant to agree with the applicant’s findings. The decision rests with the planning commission; however, the burden of proof rests with the applicant.

B. that the granting of the variance will not be detrimental to the public health, safety, or welfare
or materially injurious to properties or improvements in the near vicinity.

FINDING: If the Planning Commission chooses to approve this variance request, conditions should be placed on the approval to protect the riparian vegetation area and prevent further erosion. The Millicoma River, as it runs by the subject property, is not meandering, but lies within bed rock, which holds the channel. Staff does not believe that granting the variance will be detrimental to the public health, safety or welfare as long as the mitigation that ODFW has suggested is implemented.

SUMMARY / CONCLUSIONS FOR VARIANCE:
Staff does not find that there is enough evidence to show why there is a hardship to meet the setback requirements. It has been the practice of the planning staff not to accept cost as an issue. In this case the property owner chose to ignore the critical development standards. Therefore, staff does not support the request. However, the Planning Commission may find after reviewing all the testimony and evidence that the application is justifiable and if so, staff recommends it be made clear to Mr. Wyatt or to future property owners that this variance is limited and that no other encroachment will be allowed. In addition, ODFW has recommended conditions that should be placed on the approval. The applicant should show proof of compliance before being allowed to continue with his other projects. In addition, there has been no evidence that any of the other building codes or DEQ violations have been resolved. Staff also recommends this be a condition of approval before any other development is allowed.

RECOMMENDED CONDITIONS OF APPROVAL FOR THE VARIANCE TO THE 50 FOOT RIPARIAN SETBACK.
1. Planting should be on 3 foot spacing, in the zone of planting, which would be from the OHW mark up to the upper bank. The plant list should include: Scoulers or Hookers willow (Salix scouleriana; Salix hookeriana); salmon berry (Rubus spectabilis); red alder (alnus rubra); and red cedar (Thuja plicata).
2. Recommend watering plants during July, August, and September in order to increase survival, as there are shallow soils.
3. There is a 20 foot by 20 foot area on the stream bank near the southwest corner of the “Cabin” where notable loss of streambank soils has occurred. Installation of heavy duty jute matting in combination with planting would expedite recovery. Jute matting installation should include use of non-metal natural or biodegradable stakes. The soils are shallow at this site and there may be a need for creative methods to secure the mats.
4. Several myrtle trees were previously cut. These have indications that they would recover by sprouting. These trees should be left to regrow, as the root networks will assist with stabilizing the streambank. Limbing the trees to allow for a view, while maintaining the vigorous growth of the trees, would be allowed.
5. Evidence should be presented to the Planning Department that these measures have been taken.
6. All DEQ violations and all Building Codes Division violations should be resolved and evidence presented to the Planning Department before any other permits are finalized and a zoning compliance letter issued for further development.
SECOND REQUEST – Hunting and Fishing Lodge in the Forest Zone

| LDO | §4.8.350 (H) & (J) | Hearings Body Conditional Use- Private Seasonal Accommodations for Fee Hunting Operations and Private Accommodations for Fishing Occupied on a Temporary Basis |

Section 4.8.350 (H) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

FINDING: The number of guest rooms is limited to no more than 15. The applicant is proposing a series of “Swiss Chalet” type cabins. He has stated that there will be 2 units in each cabin with 2 rooms in each unit. This would consist of 4 bedrooms per cabin. This is clearly more than the allowed 15 guest rooms. He has indicated there will eventually be 7 chalets; however, his plot plan only shows 5 buildings. It is not clear where he intends to site other buildings. However, this plan is not acceptable according to Central Oregon Landwatch v. Jefferson County, 62 Or LUBA 443 (2011) private accommodations for fishing limited to no more than “15 guest rooms,” LCDC intended to authorize a single fishing lodge with up to 15 “rooms,” meaning internal private sleeping areas within a larger structure, not 15 separate cabins with permanent provisions for living, sleeping, cooking and sanitation. Even though the case referenced is for fishing it would apply in the same manner. It is clear that LUBA has already made the interpretation that rooms are intended to be located in one structure. Therefore, the current plan does not meet the criteria.

The applicant acknowledges that the number of guest rooms will also be limited by the amount of drainfield that will be available as determined by the DEQ. In his application, he submits as part of his evidence prior approval from DEQ. This approval was for a single family dwelling with four bedrooms and not for multi-family use. There were some issues with his obtaining the DEQ approval. Therefore, it is recommended that as a condition of approval, he obtain DEQ approval of a proper septic system and that the Planning Department be given proof of its proper installation prior to obtaining zoning compliance for siting the lodge.

Staff cannot support the applicant as it is presented and suggest that the Planning Commission deny the request or continue the meeting to allow for new plans showing compliance.

2. Only minor incidental and accessory retail sales are permitted; and

FINDING: The applicant has stated he will only have apparel, ammunition, sporting books, GPS, firearms, rifle scopes, range finders, etc. for sale. There is no information available to provide guidance on firearms sales. There should be conditions of approval limiting the amount of accessory and incidental sales.

3. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

FINDING: The applicant has stated he will only have guests during the various hunting seasons as
Section 4.8.350 (J) Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:

1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

FINDING: While the applicant requested that the lodge be for both hunting and fishing, he did not address the criteria as listed in 4.8.350(J), perhaps because it is similar to the criteria for a hunting lodge. The restrictions remain the same. The applicant has indicated he will site a series of 7 “Swiss Chalet” type cabins; however, if as he states each cabin has 4 bedrooms, this density will exceed the requirement of 15 rooms. This plan is not acceptable according to Central Oregon Landwatch v. Jefferson County, 62 Or LUBA 443 (2011) “private accommodations for fishing” limited to no more than “15 guest rooms,” LCDC intended to authorize a single fishing lodge with up to 15 “rooms,” meaning internal private sleeping areas within a larger structure, not 15 separate cabins with permanent provisions for living, sleeping, cooking and sanitation. It is clear that LUBA has already made the interpretation that rooms are intended to be located in one structure. Therefore, the current plan does not meet the criteria.

2. Only minor incidental and accessory retail sales are permitted;

FINDING: In his application, the applicant stated he will only have apparel, sporting books, ammunition, GPS, firearms, rifle scopes, range finders, etc. for sale. It is the Planning Commission’s decision whether these are minor incidental and accessory retail items.

3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;

FINDING: In his application, the applicant stated he will be closed part of the seasons and whenever there are no seasons (except for hunting). There will be no permanent residents on this property.

4. Accommodations must be located within ¼ mile of fish bearing Class I waters.

FINDING: The subject property abuts the Millicoma River which is a Class I fish bearing stream.

In order to minimize impacts in forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.

FINDING: The applicant has agreed to file a Forest Management Covenant in the deed records of the County prior to receiving zoning compliance letter to begin building the lodge. It is recommended this be a condition of approval.

| LDO | §4.8.400 | Review Standards for Conditional Uses in Section 4.8.300 and Section 4.8.350 |

Section 4.8.400 A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with
forest operations and agriculture and to conserve values found on forest lands.

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

Finding: The subject property is abutted by Millicoma River on one side and the Miller property on the other three sides. The Millers are involved in timber production. Weyerhaeuser Company has timber productions on property across the river from the subject property. The hunting/fishing lodge will not interfere with timber operations. The current land owner has agreed to sign a Forest Management Covenant and understands that at times timber operations can be noisy affairs. There will be no interference with accepted farm or forest practices which would force a significant change in or significantly increase the cost of those practices.

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

FINDING: The applicant’s plot plan shows that there will be access to the river for fire suppression equipment should this be necessary. They also plan to build to fire code specifications. There will be spark arresters and fire retardant roofs. The Staff finds that the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.

FINDING: These sections will be reviewed below.

D. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J, and Q.

FINDING: The applicant has agreed to sign a Forest Management Covenant and file it at the County Clerk's office. This is recommended as a condition of approval, prior to obtaining a zoning compliance letter.

<table>
<thead>
<tr>
<th>LDO</th>
<th>$4.8.600</th>
<th>Mandatory Siting Standards Required for Dwellings and other Structures in the Forest Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDO</td>
<td>$4.8.700</td>
<td>Fire Siting and Safety Standards</td>
</tr>
<tr>
<td>LDO</td>
<td>$4.8.750</td>
<td>Development Standards</td>
</tr>
</tbody>
</table>

FINDING: The development is required to meet all of these standards.

<table>
<thead>
<tr>
<th>LDO</th>
<th>$10.1.400(2)(b)</th>
<th>Required number of Parking Spaces for Type of Use: Parking Standards for Lodge Halls</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE</td>
<td>STANDARD</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Commercial Amusement</td>
<td></td>
</tr>
</tbody>
</table>
b. Dance hall, skating rink, lodge hall.  

1 space per 100 square feet of floor area  
Plus 1 space per 2 employees.  
1 Bicycle space

FINDING: County Roadmaster has determined the above standard will be used for the parking plan. Although the applicant has stated there is adequate parking for the use, he will have to draw a parking plan, submit it to the County Roadmaster and obtain approval for this prior to obtaining a zoning compliance letter. If approved this would be a recommended condition.

<table>
<thead>
<tr>
<th>OAR</th>
<th>66-06-0029</th>
<th>Siting Standards for Dwellings and Structures in Forest Zones</th>
</tr>
</thead>
</table>

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. 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. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

1. Dwellings and structures shall be sited on the parcel so that:
   a. They have the least impact on nearby or adjoining forest or agricultural lands;
   b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
   c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
   d. The risks associated with wildfire are minimized.

2. Siting criteria satisfying section (1) of this rule 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.

3. The applicant shall provide evidence to the governing body 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 (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
   a. 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;
   b. A water use permit issued by the Water Resources Department for the use described in the application; or
   c. 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.

(4) 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 U.S. Bureau of Land Management, or the
U.S. 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.

(5) Approval of a dwelling shall be subject to the following requirements:

(a) Approval of a dwelling requires the owner of the tract 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;

(b) The planning department shall notify the county assessor of the above condition at the time the
dwelling is approved;

(c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern
Oregon, 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;

(d) Upon notification by the assessor the Department of Forestry will determine whether the tract
meets minimum stocking requirements of the Forest Practices Act. If that department determines that
the tract does not meet those requirements, that department will notify the owner and the 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; and

(e) The county governing body or its designate shall require as a condition of approval of a single-
family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the
landowner for the dwelling sign and record in the deed records for the county a document binding the
landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for
relief or cause of action alleging injury from farming or forest practices for which no action or claim is
allowed under ORS 30.936 or 30.937.

FINDING: Development standards must be met.

| OAR   | 66-06-0035 | Fire Siting Standards for Dwellings and Structures |

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a
forest or agriculture/forest zone:

(1) 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. If the governing body determines that inclusion within a fire protection district or contracting
for residential fire protection is impracticable, the governing body may provide an alternative means
for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system,
onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

(3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

(4) The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

FINDING: Development standards must be met.

SUMMARY / CONCLUSIONS FOR CONDITIONAL USE REQUEST FOR HUNTING/FISHING LODGE

Staff recommends that the Planning Commission deny all parts of this application or continue the meeting to allow for more information from the application to show the lodge will comply with criteria regarding 15 guest rooms. The Central Oregon Landwatch v. Jefferson County, 62 Or LUBA 443 (2011) case states LCDC intended to authorize a single fishing lodge with up to 15 “rooms,” meaning internal private sleeping areas within a larger structure, not 15 separate cabins with permanent provisions for living, sleeping, cooking and sanitation.

At the present time, there are 3 structures on the property, all of which encroach into the 50 foot riparian vegetation setback. The applicant would like to convert the existing buildings to become part of the hunting and fishing lodge. However, there cannot be multiple cabins as the lodge must contain all rooms for the lodge.

Mr. Wyatt has been in violation for many years and the Planning Department and other agencies have been working with him to resolve the many issues that have arisen. The approval of the variance will help resolve the issue of encroachment but staff does not agree that it is justifiable. This may be irrelevant if the Planning Commission finds the proposal does not meet the intent of fishing and hunting lodge. The other issues mainly involved septic issues, the conversion of the agricultural building without permits, and complaints of people living in RV’s on the property.

The applicant has stated that if allowed, the lodge will be opened during a portion of hunting and fishing seasons and closed the remainder of the year. He has stated that there will be no permanent living quarters and no one will reside permanently on the property. The property does not qualify for a forest dwelling,
either under the template criteria or the large tract criteria; and therefore, there should not be a permanent residence on the property.

If the applicant intends on using this property for residential use then staff would suggest a possible rezone or another type of application. Staff agrees that the property is small and limited in uses and there are other properties that share the same constraints. This seems perfect for a recreational property or the applicant may want to expand by obtaining more property from a neighbor to help with some of the size issues.

The applicant has stated he will only be selling minor incidental retail items; however, he includes GPS locaters, firearms, and scopes in this list. These items do not appear to be minor incidental items. Selling of firearms is regulated by the Sheriff’s office and federal regulations.

The applicant’s consultant submitted the application and the supporting evidence on May 8, 2013. Several days later the consultant asked if he could email a color copy of the application for better clarity. He was told that was fine. However, upon reading the electronic application, it was discovered that some of the application was changed. The Planning Commission will receive both copies.

If the Planning Commission finds that the application can meet the criteria then below are some suggested conditions of approval.

**RECOMMENDED CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE REQUEST FOR A HUNTING AND FISHING LODGE**

1. All conditions of the variance shall be completed prior to any other development. Evidence shall be presented to the Planning Department that the recommendations have been followed.
2. No other buildings will be allowed to be placed within the 50 foot riparian vegetation setback.
3. There shall be no more than 15 guest rooms allowed total and they will be located within one structure.
4. Only minor incidental and accessory retail sales are permitted. This does not include firearms.
5. All accommodations are temporary. There shall be no permanent occupancy or resident on this property.
6. The applicant shall sign a Forest Management Covenant and file it in the County Clerk’s office.
7. Evidence shall be provided from Water Resources Department that a water 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.
8. All fire safety standards and setbacks must be met
9. Sufficient garden hose to reach the perimeter of the primary fire safety zone (30 feet) shall be available at all times.
10. A turn-out shall be supplied at the river for fire suppression equipment to access the water, if necessary. All internal roads and driveways shall be large enough to accommodate fire suppression equipment.
11. All buildings shall have noncombustible or fire resistant roofing materials and spark arresters on any chimneys.
12. No buildings shall be sited on slopes greater than 40%.
13. A new access permit and driveway confirmation shall be obtained from the County Road Department.
14. A parking plan shall be approved by the County Roadmaster.
15. The applicant shall comply with all State and Federal Regulations, including, but not limited to, those of DEQ, Building Codes and the State Fire Marshal.
### III. NOTIFICATION/COMMENTS

Notification was provided as consistent with LDO Section 5.7.300. Notification was also provided on July 12, 2013, to subject property owners, property owners within 750’ feet from the subject property and the applicant’s consultant. The notice was also provided to the following: Board of Commissioners; Dave Perry, DLCD; ODF&W; DEQ; Building Codes Division; State Fire Marshal; Coos Forest Protection Association; the Coos County Road Department; Coos Bay School District #9; Oregon International Port of Coos Bay.

If the Planning Commission recommends the application for approval as is or with qualifiers then the Board of Commissioners will review this matter on July 18, 2013 at 1:30 p.m. If you have any questions please contact staff.

**COOS COUNTY PLANNING DEPARTMENT**

_Jill Rolfe, Planning Director_

**Attachments:**

- "A" Applicants Submittal
- "B" Zoning Compliance letters
- "C" January 11, 2006, letter from State Building Codes
- "D" State Building Codes Division comments
- "E" Roadmaster comments
- "F" ODF&W comments

**C:** Applicant  
Consultant, George McNair

**EC:**

- Dave Perry, DLCD
- John Rowe, Coos County Roadmaster
- Shane Sumstine, Oregon Building Codes Division
- Chris Claire, ODF&W
- Bill Kinyoun, ODF&W
- Stuart Love, ODF&W
- Geri Sledd, DEQ
- Coos Forest Protection Agency
- Charles Chase, State Fire Marshal
Attachment

"A"
Application for a Conditional Use for a Hunting & Fishing Lodge in Coos County

June 6, 2013

Prepared by

George McNair
Oregon Registered Landscape Architect Land Use Planner

541-267-7400
gmcnair2@frontier.com
The land sits at the base of the Coast Mountain Range and occupies a flat bench long the East Fork of the Millicoma River. The county road passes by the north side of the parcel. The land is several miles up river from Allegany. Nesika Campground is just downstream from the subject property. The present zoning of the subject property is: Exclusive Forest Use or EFU.

The map below shows the Wyatt land and surrounding land owners. Weyer is short for Weier-haeuser Timber Company.

The photograph above shows the Wyatt land and the proposed area where the lodge and up to 7 Swiss Chalet Units could be built. Each unit will have two guest quarters.
This application requests a conditional use for a hunting and fishing lodge. The attached site plan shows this development in detail. This plan shows what a future development might look like. For now, Mr. Wyatt wants to expand the existing cabin to add a bedroom loft, bathroom and living room to the existing structure. Then add a two story chalet cabin with either 4 bedrooms of less as seen on this page.

Families interested in hunting and fishing will be attracted to the lodge where guides will be available to take groups into the woods. The guides will be skilled at introducing beginning sportsmen and children to the local rivers and mountain game trails. Firearm safety and use will be taught. Sporting equipment such as use of GPS hand holds, rifle scopes, and range finders will be explained to the guests.

The ideal plan for a chalet which will have two stories with two separate guest quarters. Each guest quarter will consist of two bedrooms, one bathroom, a small living room with a wood stove, and a kitchen. A total of three bathrooms will be initially built if the site has enough drainfield area. The carrying capacity of the soil for a septic system will be a determining factor for the number of bedrooms that will be allowed. Upon approving the conditional use, Mr. Wyatt will apply for a DEQ site evaluation and then install a septic system when needed.
The lodge will have hunting and fishing guides from the local area. The guides will then escort their clients out onto federal lands or private lands. Some clients may not desire a guide, and they will be shown where to hunt or fish from maps.

The proposed lodge is located in the canyon formed by the East Fork of the Millcoma River. The sides of the canyon are steep and covered with conifer forest composed of Douglas Fir, Red Cedar, Western Hemlock, White Fir, Grand Fir, and some others. Along the bank plants such as Western Sword Fern, Salmon Berry, Thimble Berry, Winter Currant, Pacific Dogwood and others can be found. The river bottom is golden sandstone that forms a channel for low water to run in.

Below is a more detailed look of the subject property’s location, and topography.

Goal 1 – Citizen Involvement
To ensure the opportunity for citizen involvement in all phases of the planning process.

Coos County will provide written notice of the requested conditional use for a lodge public hearing to property owners within 100 feet of subject property, and they will provide public notice of the application and public hearing in the local newspaper. Affected State agencies and other individuals and organizations will also receive notice.

Goal 2 – Land Use Planning
To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos County has acknowledged policies and procedures for conditional use applications.
This proposal for a conditional use is following established procedures. Findings will be made to determine compliance with the standards and criteria that have been acknowledged by the Land Conservation and Development Commission. These Findings of Fact will be the basis of the decision on this application.

Goal 3 – Agricultural Land
To preserve and maintain agricultural lands.

Goal 3 is not applicable since agriculture is not present on the land or in the vicinity.

Is there salable timber on the property? Has there been timber on the property in the past?

The land is less than 4 acres and is not being managed for timber production. The property has about 35 scattered Douglas Fir trees.

Do the properties surrounding the subject property have salable timber or trees in reproduction?
Yes, the land surrounding the subject property have salable trees in production.

What are the effects of the proposed use on the growing, sale or harvesting of these trees.

This proposal will have little effect on timber production since a deed restriction will transfer with the land which defines surrounding land owners’ rights to produce and harvest timber.
This deed restriction will restrict any present or future owners of Wyatt's land from hampering surrounding timber producers. Nearby land owners carrying on normal and legal logging operations will not be prevented from spraying, cutting, burning, yarding, and hauling.

The proposal is on the fringe of two parcels with timber, and in the river corridor with 50’ riparian zones on each side. Being on the fringe helps eliminate conflicts since the noisy part of logging is not on the fringe but towards the middle.

Are you proposing an exception to Goal 4?

No we are not.

SECTION 4.8.350. Hearings Body Conditional Uses. The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

H. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

Fishing lodges are allowed by ORS.

The lodge is limited in size by the amount of drainfield that is available.

2. Only minor incidental and accessory retail sales are permitted; and

Items for sale will be apparel, ammunition, sporting books, gps, firearms, rifle scopes, range finders and so on.

1. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

The lodge will be closed during parts of each season and there will not be any full time occupation of the living units.

SECTION 4.8.400. Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350. A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
The hunting lodge will not cause changes or increase the cost of timber production on lands that surround the Wyatt land. Weyerhaeuser and the Millers will continue to produce timber and to harvest when it becomes necessary. The subject property is on the fringe of both timber producing lands and next to the river where a 50' riparian vegetation strip is protected. This fact eliminates the dangers of falling trees onto buildings owned by Mr. Wyatt and spraying herbicides from helicopters more accurate.

In order to insure timber production is not hampered, the lodge owners will sign a deed restriction that will prevent any attempts to restrict timber land owners from practicing accepted forestry practices.

This includes brush spraying from helicopters, timber falling early in the morning, and pulling logs up hills to be loaded on trucks. These operations can be noisy for short periods of time and the forest appearance will be changed to a clearcut. These facts are realized and accepted by Mr. Wyatt and any future owners.

A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

No, fire hazards will remain the same or decrease, and fire suppression costs will not be increased but decreased. Risks to fire personnel will not be increased.

Chimneys will have spark arresters. Outside burning will occur during burning seasons and in an area where hoses can reach. More people will be put in the woods to help report fires from lightning.

Fire suppression will be improved by Mr. Wyatt who owns and keeps a backhoe on site that can and has been used to fight several fires that started at Nesika Campground. He drove the backhoe to these fires and used it to extinguish them. His property also has an area for water trucks to pump and fill from the river. The filling area is safe for fire personnel to fill their truck.

All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.

A. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J. and

This will be done as a condition of final approval.
SECTION 4.8.600. Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone. 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:

They have the least impact on nearby or adjoining forest or agricultural lands; and

See the site plan. The buildings are located along the riparian zone. The proposed buildings are clustered with the existing ones and are close to existing roads. The proposed buildings are 100 feet or more from the Miller residence and will be separated with a hedge. The proposed buildings are separated from Weyerhaeuser land to the south by the East Fork of the Millicoma River.

1. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and

The proposed building sites are on the fringe of the timber lands which is the ideal location for projects such as this one. When projects are surrounded on four sides by timber land, the chances of conflicts are greater than ones on one side. Those on the fringe with separation distances are mostly out of the conflict zone. The subject property is separated from Weyerhaeuser’s land by 100’ of riparian vegetation and another 50’ of the river.

A majority of forest management practices such as falling trees, limbing, haul to landing, loading, debris piling, and burning will be 150 feet or more from the proposed buildings. Re-planting, thinning, or spraying will be 150’ or more from the lodge.

The deed restriction will insure that forest managers can carry on standard forestry practices with out interference from neighbors.

There are no farming practices in the area.
1. The amount of forest lands used to site access roads, service corridors, the dwelling and structures minimized; and

The site is not being managed for commercial timber land and roads have not diminished timber producing lands potential.

The interior roads are existing and should remain so the fire truck fill up area and backhoe shed can be connected upstream by the existing road.

1. The risks associated with wildfires are minimized.

Wildfire risks are minimized as stated earlier. Spark arresters will be installed on chimneys. Burn piles will be small and hoses will be close by. Firetrucks can freely enter and fill up, and the backhoe is available for trained local drivers.

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 purpose of this Section, evidence of a domestic water supply means:

The water source will be ground water produced from a well. Water from the stream is for fire protection, native plants, and cleaning. The river may be a Class 2 Stream. The Water Resources Department has not responded to our calls.

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.

We believe that a water permit is not necessary. The Water Resources Department has not answered our calls. The land owner will submit the well constructor's name to the county upon completion of the well. We assume a permit for a well is not required.

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.
1.2 hrs

Access to the property is by way of a Coos County public road, therefore no road agreement is necessary. Mr. Wyatt pays property taxes that help finance road maintenance.

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.

This does not apply since there will be no dwelling. The parcel is not being managed as a tree farm due to its small size.

2. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.

This does not apply since dwelling approval is not being requested.

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.

This does not apply.

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 meet 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.

The subject property is not being managed as forest land, therefore reduced property taxes will not happen.

SECTION 4.8.700 Fire Siting and Safety Standards. 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.
The Department of Forestry has been contacted see letter in appendix. As a condition of approval, a formal letter describing fire protection and fire prevention relating to this application, will be provided to the planning department.

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.

See the site plan for this 30’ fire break.

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.

The shrubs have already been pruned below window height.

Taking out trees to meet the above requirement will affect the health of the riparian plants and animals by allowing more sunlight to dry out the area. In addition, fish will be harmed due to the increase of water temperatures. The site has many tall coniferous trees many of which have crowns that touch. The Oregon Department of Forestry can provide a letter with their recommendation. Upon approval of this application, this letter will be provided.

The large existing trees are closely spaced, and many would need to be removed to achieve 15’ between the crowns. The crown is defined as the ‘leafy head of a tree’ by Webster’s Dictionary. If the Department of Forestry can waive this regulation, it would also preserve the scenic qualities of this land.

2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

Water hoses that will reach all portions of the 30’ primary safety zone will be installed.

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.

This will be accomplished and see the site plan for this marked area.

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)
Mr. Wyatt will maintain the fire break desired by the Department of Forestry.

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.

This regulation will be fulfilled.

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).

See the turn around for trucks on the site plan. There will be a designated area where fire trucks can pump water from the river with a hose that needs to be 60’ long. The river can supply the 4000 gallon requirement.

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.

See the letter in the appendix.

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 firefighting equipment.

Interior roads will be wide enough for firetrucks. The interior road will be 12’ wide, have a 20’ turning radius, and a circular turn around.

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

The site plan fulfills these standards. New roads will have a 16’ wide subgrade composed of 5” compacted base rock from 4” to 6” in size where needed. The subgrade may already be rocky enough, and this requirement should be waived. There will be 3” of compacted 3/4 inch minus finish rock on top. The maximum grade will be 18%.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

Does the subject property include:

No (a) land needed or desirable for open space;
No (b) mineral and aggregate resources;
No (C) energy sources;
Yes (d) fish and wildlife areas and habitats;
Yes (e) ecologically and scientifically significant natural areas, including desert areas;
Yes (f) outstanding scenic views and sites;
Yes (g) water areas, wetlands, watersheds and groundwater resources;
No (h) wilderness areas;
No (i) historic areas, sites, structures and objects;
No (j) cultural areas;
Yes (k) potential and approved Oregon recreation trails; and,
No (l) potential and approved federal wild and scenic waterways and state scenic waterways?

Are the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site, considering measures designed to reduce adverse impacts, going to conflict with these resources? What effects will the conditional use have on the resources?

Negative environmental impacts caused by this proposal will be minimal. Some positive impacts could be expected as a result of this proposal. Guides working out of the lodge will be asked to report environmental as well as game violations. Fishing guides would be instructed to pay close attention and report riparian zone clearing violations or sporting violations such as snagging salmon. Hunting guides will report hunting violations such as shooting big game out of season or spot lighting deer. As a result of this proposal, environmental impacts will be positive.

Severe riparian damage is seen below the subject property above Allegany. Presently there are many unreported riparian violations between the Wyatt’s land and the Allegany Store. This damage ruins the river canyon’s natural beauty which also effects the economy of Coos County. Tourist bring money into the county, and they need places to go in Coos County. Driving along the East Fork of the Millcoma River is one of those places. This canyon should be maintained as a scenic road set aside by the county. This proposal will have positive impacts on environmental issues associated with this development along this river.

Economic impacts will be positive. The economic benefits of this proposal will be worthwhile when considering the tourist dollar. This scenic river corridor will only increase with time and now add charming chalet cabins for rent, and we have drawing power for sporting families. Many visitors come to Coos County for attractions lacking along the I-5 corridor and elsewhere. The economic need for this lodge is constantly growing. Hunting and Fishing is some of the best in the state. The river is a natural resource that has good potential kayak qualities which could bring money into the county. Sporting families could take a break from hunting and engage the river. During high water the kayak ride down the canyon would be as wild as any kayak attraction. In addition this operation will employ several workers to cut fire wood, cook, house clean, and for maintenance.

Economic goals of timber companies will not be impeded by this lodge proposal. Present and future lodge owners will not be allowed to disrupt lawful timber operations as specified by a deed restriction. This legal document will become a permanent part of the deed which informs the land owner the right of timber companies to carry out logging practices approved by the state and county.

Social impacts caused by this proposal will be positive since local residents and those from other
counties will have a fine river lodge to use. Family reunions can take place here while they take part in hunting and fishing activities.

Energy consequences will be minimal.

Goal 6 - Air, Water and Land Resource Quality: To maintain and improve the quality of the air, water and land resources of the state.

How will the proposed use affect the quality of the air and water?

The air quality will remain excellent and barely effected by this development. Burning will be done during fire season and small piles of leaves and brush will be burned. Wood stoves with proper combustions designs will be used, and they will have spark arresters.

Ground water and stream water will be protected by a properly designed septic system which has about a 100’ setback from the river. Rain run off will be channeled into catch ponds which will prevent sedimentation in the riparian zone. In some cases bioswales will be incorporated when there is paving and a danger from car oils to run into riparian zones.

Chemical herbicide or insecticide sprays will no be used in the riparian zone.

What measures will be taken to reduce air pollution resulting from the proposed use?

The smoke from wood stoves will be minimal since the stove design will allow complete combustion of woody material resulting in less smoke.

What type of sewage disposal system is planned for the development?

The Curry County sanitarian, Sara Hunter, and I met on site. She reported facilities are needed the legal use of an RV on site. These facilities are a gray water sump and a pit toilet. Wyatt’s RV can be used 45 days out of the year by law. Mr, Wyatt plans to store the RV on site.

The lodge will have a sand filter and drainfield sewage disposal system. This system will probably limit the lodge from developing to its full potential. This system must be 50’ from the edge of the drop off down to the river according to the sanitarian which puts it about 100’ from the river.

In the appendix is Sara Hunter’s letter.

Goal 7 – Areas Subject to Natural Disasters and Hazards
To protect life and property from natural disasters and hazards.
The Flood Insurance Rate Map (FIRM) possibly depicts some of the land for present buildings are in the 100 year flood zone. The text of the Natural Hazards, Flooding section of the Coos County Comprehensive Plan does not identify the Wyatt land in detail. The Comprehensive Plan states that Coos County participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage.

Possibly some development is currently proposed for an area that is located in the 100 year flood plain. All future development will meet building code requirements as applicable. Building codes require finished floor levels to be above the 100 year flood level. If this proposal is accepted, a surveyor will locate the flood line and the Oregon Building Codes will dictate how the lodge will be built to withstand the 100 year flood. Prior to any construction, a licensed surveyor will be required to set markers that indicate where the 100 year flood plain exists.

Presently landslides are not a problem. The hillside to the north is heavily vegetated which will probably hold the soil in place. If this area is clear-cut, then a landslide is possible. Slopes in excess of 25% are subject to mass movement hazards including moderate to rapid erosion, and slow to rapid earthflows. The proposed buildings are located near the slopes to the north and some damage could occur in case of a landside. Earthquakes can also trigger landslides.

Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The Comprehensive Plan points out that the subject parcel is surrounded by recreational opportunities. The primary recreational facilities are Nesika Campground and Gold and Silver Falls. This proposal adds one more recreational facility, and this river valley is not to full potential when fishing, hunting, kayaking, hiking, and tent camping are concerned. All of these activities can attract more sporting families from other counties and states, which brings more revenue for Coos County.

Steelhead fishing is a popular sport up and down stream from the subject property. Elk and deer hunters also camp and search for game in the vicinity. This lodge will attract more sporting families, that hunt and fish,

Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.
Goal 9 requires that rural areas adopt and implement policies that diversify and improve the economy of the state, and contribute to a stable and healthy economy in all regions of the state.

Will the proposed use contribute to the diversification or improvement of the county?

Yes, this lodge will bring in families from other counties or states who will help support the economy. The river and scenic resources of this area are supreme which is a powerful attractor. The business potential of this proposal will create diversification of the economy and will contribute financially to the county.

If so, describe that contribution in terms of facilities and employment opportunities proposed.

The proposed construction of this facility will enable lumber yards to sell more products. This in turn helps out the timber producers. This proposal will bring in families from other counties who enjoy hunting and fishing. They will purchase goods such as the following hunting and fishing necessities: clothing, ammunition, food, maps, firewood, fire arms and a host of other items. In addition some hunting and fishing guides will receive employment. Mr. Wyatt will need to employ house keepers, gardeners, and wood cutters to keep the lodge in operation which is job creation.

Mr. Miller next door was receptive to supplying the lodge with firewood. I spoke with him, and he has some sons who may desire to cut fire wood for hire. Mr. Miller owns a large parcel in the 50 acre range that has a vast number of trees that could be used for firewood.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

This proposal does not directly supply housing.

Goal 11: Public Facilities and Services: To plan and develop a timely orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The area already has public facilities such as roads, phone lines, sheriff protection, and electricity.

SECTION 4.8.750. Development Standards. All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

A. Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see
This standard does not apply to a hunting and fishing lodge.

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]

This requirement does not apply since the application is for a hunting and fishing lodge and not for a dwelling.

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.

See the site plan which shows the 35' set back measured from the center of the road. Upon approval, a surveyor will determine this setback.

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

The lodge will be on flat ground.

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

This regulation will be met by installing spark arresters.

a. Structure Height: No requirement.

b. Lot Coverage: No requirement.

c. 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.

See site plan for vision clearance and fire safety standards which is insured and will be met.

F. Off-Street Parking and Loading: See Chapter X.

Off street parking is shown on the site plan and is adequate for the lodge.

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

This regulation has been met and see the site

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.

This regulation will be met.
The picture below shows most of the riparian zone and how the trees, rocks and shrubs are holding the soil. The closest corner of the cabin shown above is 47’ from the mean high water mark.

The riparian zone is protected so plant roots and rocks will hold the soil and prevent erosion which is exactly what is happening there. The riparian area is not eroding and is very stable. The riparian zone begins at the mean high water mark which is at the rock ledge shown in the picture. See the site plan for exact measurements. The 100 year flood mark is merely an estimate.

The existing cabin/storage, tool shed, and backhoe carport are less than 10’ into the riparian zone, and they aren’t causing erosion since the river bank is heavily rocked with natural sedimentary rock formations. Removing the buildings and working in the riparian area will cause new damage that must be repaired. We asked the Fish and Wildlife Department to approve the buildings as they exist on site with the understanding that any new construction will be 50’ or more from the mean high water mark. In addition, the riparian area will be restored with natural stone, plants, and jute netting to stop minor erosion. This will happen within 6 months of approval of this application.
1. Riparian Vegetation Protection.

The riparian zone according to Mike Gray, manager of the local Fish and Wildlife office, has grasses, bushes, and trees that hold the soil and helps prevent erosion. This zone also has insects, amphibians, and mammals that are important for a healthy ecosystem. In some cases, buildings can be constructed in this zone providing erosion does not occur and habitats are protected. Mike said Chris Claire, Habitat Protection Biologist, will inspect the Wyatt site and determine if they can support a variance which would allow the storage/cabin and tool shed to remain in their present locations. They have sent a letter recommending riparian restoration and leaving the buildings as they sit.

*Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shore-land and Fish and Wildlife habitat inventory maps shall be maintained except that:*

b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or

This regulation does not apply to this application.

c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or

This regulation does not apply to this application.

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

This regulation does not apply to this application.

e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or

This regulation does not apply to this application.

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.

This regulation does not apply to this application.

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".
This does not apply to the Wyatt proposal.

What new or additional public facilities will be required to serve the proposed use?

None will be required.

Do the existing facilities or service providers have the capacity to serve the proposed use?

Police protection:

Coos County Sheriff’s department will provide police protection, and the capacity is stressed.

Fire Protection:

The applicant has asked to be included into the Bunker Hill Rural Fire Protection District on June 11, 2006. See document in appendix.

Fire protection is mostly provided by the lodge owner. Nonflammable roofing materials will be used. All building walls will be within water hose reach. Water will be pumped from a potable water 2500 gallon holding tank and the river to extinguish fires. Vegetation will be pruned to meet forestry codes. See site plan.

Are you proposing an exception to Goal 11?

No

Goal 12 – Transportation: To provide and encourage a safe convenient and economic transportation system.

The Allegany Douglas County Line Road is not to capacity and serves the subject property. The road is adequate to service this new use of the Wyatt land safely and conveniently. However problems exist with the road. The scenic resources of the river and forest are being degraded by encroachment which in return makes the road less safe.

Some residents along this road have damaged the road right-of-way with heavy equipment. This can cause wrecks by swerving or two speeding vehicles being pushed together. Others have vehicles and boats parked in the right-of-way and some have ignored the 35’ setback for structures. These structures need to be moved unless a variance was granted. The county road department should notify these land owners to return the road to an improved condition by clearing the right-of-way. This will make the road safe for fire vehicles, log trucks, and tourist.

Goal 13 – Energy Conservation: To conserve energy.

Will the proposed use promote energy conservation?

Yes, the development will entail energy conservation by utilizing downed trees for firewood which will conserve electricity. The lodge will be insulated according to state building codes which will conserve heat energy.
Goal 14 – Urbanization
To provide for an orderly and efficient transition from rural to urban land use.

The urbanization goal provides procedures and criteria for establishing and expanding an Urban Growth Boundary (UGB). The urbanization goal requires that land within a UGB is to be considered available over time for urban uses.

The subject property is not close to any urban growth boundaries and has little chance to ever become urbanized.

Conclusion:

This lodge will enable one more resident the chance to earn an income while bringing in sporting families who will enjoy the natural resources of Coos County. This in return will have a positive impact on Coos County’s economy. Recreational resources of Coos County should be developed to bring hunting or fishing families into our county. These families will purchase goods and services while visiting the lodge and surrounding areas.

This proposal is reasonable and fits in with timber lands surrounding the potential lodge. Timber land production will not be hampered by this proposal due to Mr. Wyatt’s knowledge and acceptance of forest management, deed restrictions, and fire prevention. In addition fire protection will be improved since Mr. Wyatt has places for fire truck fill ups, and has a back hoe that can be deployed to fires. This project is good for the county.
Application for a
Setback Variance for a Hunting &
Fishing Lodge

June 6, 1013

Prepared by

George McNair
Oregon Registered
Landscape Architect
Land Use Planner

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The land sits at the base of the Coast Mountain Range and occupies a flat bench long the East Fork of the Millicoma River. The county road passes by the north side of the parcel. The land is several miles up river from Allegany. Nesika Campground is just downstream from the subject property. The present zoning of the subject property is: EFU or exclusive forest use.

The map below shows the Wyatt looking to the west and what the riparian zone looks like.

The photograph above shows the Wyatt land and a variance is needed since the two buildings seen in this picture extend into the 50’ riparian zone.
The picture below shows most of the riparian zone and how the trees, rocks and shrubs are holding the soil. The closest corner of the cabin shown above is 42' from the mean high water mark.

The riparian zone is protected so plant roots and rocks will hold the soil and prevent erosion. In addition the insects provide food for fish and mammals. The riparian zone begins at the mean high water mark which is at the rock ledge shown in the picture. See the site plan for exact measurements.

The existing cabin/storage building and tool shed extend into the riparian zone. The river bank is heavily rocked with natural sedimentary rock formations and vegetation so erosion is minor. Some trees and shrubs have been removed which is causing minor erosion.

We asked the Fish and Wildlife Department to approve the buildings as they exist on site with the understanding that the river bank next to the buildings will be replanted with riparian vegetation. The riparian area will be reestablished by installing natural stone, river bank plants, and jute mesh to hold the soil.
ARTICLE 5.3. VARIANCES
SECTION 5.3.100. General. Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use.

The physical conditions of the land have caused a need for a variance. A hunting and fishing lodge needs a minimum amount of space or the development becomes flawed to the point of unusable. The property’s shape is long and narrow, and there is little room left when the riparian zone, building footprint, driveway, parking, and finally the drainfield are squeezed between the river and the road. Now add a 35’ setback from the road centerline and the space for the lodge is reduced causing more design issues. The drainfield needs to be 100’ from the river which leaves little room for a drainfield that is pushed up against the county road. The area of the drainfield needs to be large enough or the lodge will be too small to support a viable business. We hope the drainfield will support three bathrooms for two guest units and the lodge hosts’ quarters. By allowing the buildings to remain slightly into the riparian area, the drainfield, driveway, and parking are still very cramped. The variance is needed to enable this development to be usable and attractive.

SECTION 5.3.150. Self-inflicted Hardships. A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owners, including but not limited to:

self-created hardship
A self-inflicted harm was not the cause. The reason for the intrusion into the riparian zone appears caused by many factors including possible errors by consultants, Oregon Building Department, and owner confusion. On June of 2006, Mr. Wyatt hired Engineer Russel Cox to design the storage building that was converted later to a storage/cabin unit. This work was done under the leadership of Stuntzner Engineering and Forestry, LLC. See the drawings in the appendix.

At this point, someone should have staked out the riparian zone. The 50' zone should have been imposed by the building inspector and building designer, yet it wasn't. What happened? An electrical inspection report dated May 19, 2006 is issued and is found in the appendix. This shows the Oregon Building Department knew about the building and should have issued a stop ‘work order’ due to the riparian issue. Why did the state allow the building to be completed?

It appears the original building was lawfully created and approved by the Oregon State Building Department, yet the state failed to catch the riparian error. The structure was to be used for storage which was the original lawful use. The structure was called a pole building for storage purposes and not of high concern. On September 11, 2008, the Coos County Planning Department issued a zoning compliance letter stating the building must be setback 50' from the river to protect the riparian zone. By this time the building up and done and The state never issued a stop work order.

See the picture to the left of the backhoe carport: The riparian zone is shown down hill from the carport. Erosion appears minimal, and the bedrock is holding the river's edge. Grass and tree roots are holding the soil. New trees and shrubs need to reinforce the bank. The building should remain or the riparian area will suffer more losses.
Later on, a tool shed was built next to the cabin, and it too is into the riparian zone. Then to meet fire suppression needs, a carport was built to house a backhoe about 200 yards upstream on the parcel. It appears to be in the riparian zone as well.

The riparian zone is measured from the mean high water mark (MHWM). The mean high water mark is not an exact location, and two experts can pick different starting points depending on bank erosion characteristics. Two experts can disagree which can cause land owners to err.

According to measurements taken by George McNair and Mr. Claire of the ODF and W, three structures are in the 50' wide riparian zone. The measurements are not horizontal but along the sloping ground. The southeast corner of the storage/cabin building is 42' away from the MHWM and about 36' measured from the southwest corner. The tool building is 36' from MHWM measured from the southeast corner and 28' on the southwest corner from the MHWM. The backhoe carport is within the 50' area.

The riparian zone should grasses, bushes, and trees according to Mike Gray, local Oregon Department of Fish and Wildlife manager during our phone conversation. The Wyatt land has a diversity of vegetation which is an ongoing effort.

Mike said Chris Claire, Habitat Protection Biologist, will inspect the site and determine if they can support a variance which would allow the storage/cabin, tool shed, and the carport to remain in their present locations. The three buildings are within the riparian zone and not causing erosion or other problems. Also moving the buildings will cause unnecessary environmental damage. Chris inspected the site and recommended leaving the buildings and replanting the river bank with patches Western Sword Ferns, Thimble Berry, Salmon Berry, Vine Maple, Western Red Cedar, willow, Douglas Fir, and Western Hemlock. Each plant will be 4 feet on center, planted in good soil and watered during the summer months.

*willful or accidental violations*

Willful violations were not the cause as explained when we focus on riparian vegetation guidelines. Confusion and miscommunications were probably the cause. When the building designer competed the drawings, a site plan should have been produced as part of a full package. This site plan would have informed all future builders about this zone so corrective action could occur.

*manufactured hardships*

Hardships were not manufactured or created so the buildings could be placed in the riparian zone. The hardships were in place as explained with the narrow lot. When the buildings are pulled back from the river, it makes the hardship worse. The driveway and parking become too cramped. The drainfield is reduced in size which casts a shadow on the entire project. Without a large enough drainfield, the hunting lodge may be undersized.

This does not mean that a variance can not be granted for other reasons.
SECTION 5.3.200. **Variance.** The Planning Director shall consider all formal requests for variances for zoning and land development variances.

SECTION 5.3.250. RESERVED (OR 08 11 012PL 3/9/09)

SECTION 5.3.300. RESERVED (OR 08 11 012PL 3/9/09)

Section 5.3.350. **Criteria for Approval of Variances.** No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

1. Both findings “A” and “B” below are made:

   A. i. that a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;

   The objectives of this ordinance is to protect the riparian vegetation zone from erosion or damage to plant and animal life. The buildings have been in existence since 2006, and the minimal impact to the riparian zone has healed. Moving the buildings would reopen a wound and cause more unnecessary damage to the habitats. Erosion or sedimentation is not occurring to any great extent. Plant and animal habitat degradation is moderate. The opinion of ODF and W is an important consideration for this variance.

   Mr. Wyatt will also suffer a financial hardship to pay a contractor to move the buildings.

   In addition spot enforcement of riparian zones is not the way to enforce the law. If one drives from the Allegheny Store to the Wyatt land, there are just shy of ten probably riparian violations that can be seen from the road. This drive was short new buildings were visible, They are obvious and should have been corrected when they occurred. The entire river valley is probably full of riparian violations that will take years to correct. This law needs to be enforced by annual observations of any new construction that extends into the riparian zone. When inspections lapse, and violations become prolific, should one person be forced to comply or should all the other violators that exist at the time? The minimum requirement is all in violation should replant the river bank.

   ii. that there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

   As mentioned earlier, the long narrow shape of the land doesn’t leave enough room for driveways and the drainfield which degrades the ability of the lodge to function adequately.

   iii. that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;

   Land owners of other properties may have more room to develop parking, drainfields, and buildings so their development can function.
B. that the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

By allowing the buildings to remain, the public health, safety, or welfare will not be degraded in the vicinity. The river bank has minimal erosion and the channel is not meandering since bed rock holds the channel in place by the Wyatt land. The river is a straight run by the riparian zone intrusions, which reduces its ability to meander and cause downstream property owners to loose land.

2. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made:

“the variance will not create a hazard to air navigation”.

This does not apply.

3. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.265.

In summary, the lodge development will require a variance due to the location of the existing storage/cabin, tool shed, and backhoe carport. Since the property is so narrow, Mr. Wyatt needs to keep the tool shed, cabin, and carport a few feet closer into the river riparian vegetation zone. This allowed more drainfield area to be utilized on site. The 50’ riparian zone can be repaired by planting new shrubs and trees, and stapling down jute netting where some erosion is occurring.

In addition spot enforcement rather than blanket enforcement of the riparian ordinance is a better approach and does more to protect the river banks.

The past history of this project is quite confusing and stop work orders are used to correct projects that violate ordinances. This never happened which allows developments to become more difficult and expensive to correct. Mr. Wyatt will assume some responsibility by purchasing native trees, and shrubs then replanting the riparian area.
Coos County Planning Department
Conditional Use Application

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

- Administrative Conditional Use
- Site Plan 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.

A. **Applicant:**
   - Name: Dan Wyatt
   - Address: 780 N. Michigan P.O. Box 3323
   - City: Coosbay OR 97420
   - State: OR
   - Zip Code: 97420
   - Telephone: 541 888 3438

B. **Owner:**
   - Name: Same as applicant
   - Address:
   - City: ____________________________
   - State: _____
   - Zip Code: ______

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 24 Range 11 Section 35 Tax Lot 600
   - Tax Account __________________________ Lot Size 2160
   - Zoning District _______________________

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MAY 08 2013
COOS COUNTY PLANNING DEPARTMENT

Updated 11/01
E. Required Information (please check off as you complete)

1. Existing Use: Hunting Lodge
2. Site Address: 13522 Hwy 241, Allegany
3. Access Road: Millicoma Rd. C. Fork
4. Is the Property on Farm/Forest Tax Deferral: Forest
5. Current Land Use (timber, farming, residential, etc.): Camping
6. Major Topography Features (streams, ditches, slopes, etc.): Fork Millicoma
7. Letter from Natural Resource Conservation Service (for Forest/Farm dwellings only): Does not apply

8. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map: None
9. Identify any homes or development that exists on properties identified in #8: See site plan
10. A copy of the current deed of record: See site plan
11. Covenants or deed restrictions on the property, if unknown contact title company: None
12. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½” x 11” paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map) See site plan - needs to be at least 12” x 18” to read

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and findings (or reasons) regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

Please note staff has identified the applicable criteria based on the information received from the applicant.

Applicable Criteria: ___________________________________________________________________

G. Authorization:
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

Updated 11/01
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.

[Signature]
Applicant(s) Original Signature

[Signature]
Applicant(s) Original Signature

[Date]
Date
Coos County Planning Department
Conditional Use Application

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

- Administrative Conditional Use
- Variance
- Site Plan Review
- Hearings Body Conditional Use

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.

A. Applicant:

Name: Don Wyatt
Address: 289 Michigan, P.O. Box 3373
City: Coos Bay
State: OR
Zip Code: 97420

Telephone: 541-882-3430

B. Owner:

Name: 
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 24 Range 11 Section 35 Tax Lot 600

Tax Account Lot Size 2.106 Zoning District R

Updated 11/01
E. Required Information (please check off as you complete)

✓ 1. Existing Use: Hunting trips Lodge
✓ 2. Site Address: 13522 Hwy 241 Allegany
✓ 3. Access Road: Millcoma River Road East Fork
✓ 4. Is the Property on Farm/Forest Tax Deferral: Forest
✓ 5. Current Land Use (timber, farming, residential, etc.): Hunting - Camping
✓ 6. Major Topography Features (streams, ditches, slopes, etc.): East Fork Millcoma
✓ 7. Letter from Natural Resource Conservation Service (for Forest/Farm dwellings only): Does not apply

✓ 8. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map: None
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✓ 10. A copy of the current deed of record: None
✓ 11. Covenants or deed restrictions on the property, if unknown contact title company: None
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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

Date

May 1, 2013

Updated 11/01
Application for a
Setback Variance for a Hunting &
Fishing Lodge

February, 2013

Prepared by

George McNair
Oregon Registered
Landscape Architect
Land Use Planner

541-267-7400
gmcnair2@frontier.com
The land sits at the base of the Coast Mountain Range and occupies a flat bench long the East Fork of the Millicoma River. The county road passes by the north side of the parcel. The land is several miles up river from Allegany. Nesika Campground is just downstream from the subject property. The present zoning of the subject property is: Forest

The map below shows the Wyatt looking to the west and what the riparian zone looks like.

A. Proposed lodge  B. Existing tool shed

The photograph above shows the Wyatt land and a variance is needed since the two buildings seen in this picture extend into the 50' riparian zone.
The picture below shows most of the riparian zone and how the trees, rocks and shrubs are holding the soil. The closest corner of the cabin shown above is 42" from the mean high water mark.

The riparian zone is protected so plant roots and rocks will hold the soil and prevent erosion. In addition the insects provide food for fish and mammals. The riparian zone begins at the mean high water mark which is at the rock ledge shown in the picture. See the site plan for exact measurements.

The existing cabin/storage building and tool shed extend into the riparian zone. The river bank is heavily rocked with natural sedimentary rock formations and vegetation so erosion is minor. Some trees and shrubs have been removed which is causing minor erosion.

We asked the Fish and Wildlife Department to approve the buildings as they exist on site with the understanding that any new construction will be 50’ or more from the mean high water mark. If needed the riparian area can be reestablished by installing natural stone, river bank plants, and jute mesh to hold the soil.
ARTICLE 5.3. VARIANCES

SECTION 5.3.100. General. Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use.

The physical conditions of the land have caused issues that are not conducive to a well designed lodge site. The property’s shape is long and narrow, and there is little room left when the riparian zone, building footprint, driveway, parking, and finally the drainfield are squeezed between the river and the road. Now add a 35’ setback from the road centerline and the space for the lodge is reduced causing more design issues. The drainfield needs to be about 100’ from the river which leaves little room for a drainfield that is pushed up against the county road. The area of the drainfield needs to be large enough or the lodge will be too small to support a viable business. We hope the drainfield will support three bathrooms for two guest units and the lodge hosts’ quarters. By allowing the buildings to remain slightly into the riparian area, the drainfield, driveway, and parking are still very cramped.

SECTION 5.3.150. Self-inflicted Hardships. A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owners, including but not limited to: self-created hardship.
A self-inflicted harshness was not the cause. The reason for the intrusion into the riparian zone appears caused by many factors including possible errors by consultants, Oregon Building Department, and owner confusion. On June of 2006, Mr. Wyatt hired Engineer Russel Cox to design the storage building that was converted later to a storage/cabin unit. This work was done under the leadership of Stuntzner Engineering and Forestry, LLC. See the drawings in the appendix.

At this point, someone should have staked out the riparian zone. The 50' zone should have been imposed by the building inspector and building designer, yet it wasn't. What happened? By this time the building was going up. Then an electrical inspection report dated May 19, 2006 is issued and is found in the appendix. This is when development errors had occurred since the building is part way finished. Why did this error involving the riparian zone occur? Possibly what happened is the planning department was not notified by the Oregon Building Codes Department that construction was approved.

It appears the original building was lawfully created and approved by the Oregon State Building Department. It was to be used for storage which was the original lawful use. The structure was called a pole building for storage purposes and not of high concern. Usually, planning would have issues a zoning compliance letter prior to construction. On September 11, 2008, the Coos County Planning Department issued a zoning compliance letter stating the building must be setback 50' from the river to protect the riparian zone. By this time the building up up and done.

Later on, a tool shed was built next to the cabin, and it too is into the riparian zone. Then to meet fire suppression needs, a carport was built to house a backhoe about 200 yards up stream on the parcel. It appears to be in the riparian zone as well.

See the picture to the left: The riparian zone is shown down hill from the carport. Erosion appears minimal, and the bedrock is holding the river's edge. Grass and tree roots are holding the soil, however these roots will rot soon if the tree dies. New trees and shrubs need to reinforce the bank. The building should remain or the riparian area will suffer more losses.
The riparian zone is measured from the mean high water mark (MHWM). The mean high water mark is not an exact location, and two experts can pick different starting points depending on the details of the bank erosion characteristics. Two experts can disagree which can cause land owners to error, even if they hire an engineer.

According to measurements taken by George McNair and Mr. Claire of the ODF and W, three structures are in the 50' wide riparian zone. The measurements are not horizontal but along the sloping ground. The southeast corner of the storage/cabin building is 42' away from the MHWM and about 36' measured from the southwest corner. The tool building is 36' from MHWM measured from the southeast corner and 28' on the southwest corner from the MHWM. The backhoe carport is within the 50' area.

The riparian zone has grasses, bushes, and trees that hold the soils and helps prevent erosion, according to Mike Gray, local Oregon Department of Fish and Wildlife manager during our phone conversation. This zone also has insects, amphibians, and mammals that are important for a healthy ecosystem. In some cases, buildings can be constructed in this zone providing erosion does not occur and habitats are not harmed. Mike said Chris Claire, Habitat Protection Biologist, will inspect the site and determine if they can support a variance which would allow the storage/cabin, tool shed, and the carport to remain in their present locations. The three buildings are within the riparian zone, and they require a variance to remain.

willful or accidental violations

Willful violations were not the cause as explained when we focus on riparian vegetation guidelines. Confusion and miscommunications were probably the cause. When the building designer competed the drawings, a site plan should have been produced as part of a full package. This site plan would have informed all future builders about this zone so corrective action could occur.

manufactured hardships

Hardships were not manufactured or created so the buildings could be placed in the riparian zone. The hardships were in place as explained with the narrow lot. When the buildings are pulled back from the river, it makes the hardship worse. The driveway and parking become too cramped. The drainfield is reduced in size which casts a shadow on the entire project. Without a large enough drainfield, the hunting lodge may be undersized.

This does not mean that a variance can not be granted for other reasons.

SECTION 5.3.200, Variance. The Planning Director shall consider all formal requests for variances for zoning and land development variances.

SECTION 5.3.250. RESERVED (OR 08 11 012PL 3/9/09)
SECTION 5.3.300. RESERVED (OR 08 11 012PL 3/9/09)
Section 5.3.350. **Criteria for Approval of Variances.** No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

1. Both findings “A” and “B” below are made:

A. *i. that a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;*

The objectives of this ordinance is to protect the riparian vegetation zone from erosion or damage to plant and animal life. The buildings have been in existence since 2006, and the minimal impact to the riparian zone has healed. Moving the buildings would reopen a wound and cause more unnecessary damage to the habitats. Erosion or sedimentation is not occurring to any great extent. Plant and animal habitat degradation is moderate. The opinion of ODF and W is an important consideration for this variance.

Mr. Wyatt will also suffer a financial hardship to pay a contractor to move the buildings.

In addition spot enforcement of riparian zones is not the way to enforce the law. If one drives from the Allegany Store to the Wyatt land, there are just shy of ten probably riparian violations that can be seen from the road. This drive was short new buildings were visable, They are obvious and should have been corrected when they occurred. The entire river valley is probably full of riparian violations that will take years to correct. This law needs to be enforced by annual observations of any new construction that extends into the riparian zone. When inspections lapse, and violations become prolific, should one person be forced to comply or should all the other violators that exist at the time? The minimum requirement is all in violation should replant the river bank.

ii. *that there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or*

As mentioned earlier, the long narrow shape of the land doesn’t leave enough room for driveways and the drainfield which degrades the ability of the lodge to function adequately.

iii. *that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;*

Land owners of other properties may have more room to develop parking, drainfields, and buildings so their development can function.

B. *that the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*

By allowing the buildings to remain, the public health, safety, or welfare will not be degraded in the vicinity. The river bank has minimal erosion and the channel is not meandering since bed rock holds the channel in place by the Wyatt land. The river is a straight run by the riparian zone intrusions, which reduces its ability to meander and cause downstream property owners to lose land.
2. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made:

"the variance will not create a hazard to air navigation".

This does not apply.

3. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.265.

In summary, the lodge development will require a variance due to the location of the existing storage/cabin, tool shed, and backhoe carport. Since the property is so narrow, Mr. Wyatt needs to keep the tool shed, cabin, and carport a few feet closer into the river riparian vegetation zone. This allowed more drainfield area to be utilized on site. The 50’ riparian zone can be repaired by planting new shrubs and trees, and stapling down jute netting where some erosion is occurring.

In addition spot enforcement rather than blanket enforcement of the riparian ordinance is a better approach and does more to protect the river banks.

The past history of this project is quite confusing and stop work orders are used to correct projects that violate ordinances. This never happened which allows developments to become more difficult and expensive to correct. Mr. Wyatt will assume some responsibility by purchasing native trees, and shrubs then replanting the riparian area.
Application for a Conditional Use for a Hunting & Fishing Lodge in Coos County

February, 2013

Prepared by

George McNair
Oregon Registered Landscape Architect
Land Use Planner

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The land sits at the base of the Coast Mountain Range and occupies a flat bench long the East Fork of the Millicoma River. The county road passes by the north side of the parcel. The land is several miles up river from Allegany. Nesika Campground is just downstream from the subject property. The present zoning of the subject property is: Forest

The map below shows the Wyatt land and surrounding land owners. Weyer is short for Weyerhaeuser Timber Company.

The photograph above shows the Wyatt land and the proposed area where lodge and up to 7 Swiss Chalet Units could be built. Each unit will have two guest quarters.
This application requests a conditional use for a hunting and fishing lodge. The site plan shows this development in detail. This plan shows what a future development might look like. For now, Mr. Wyatt wants to expand the existing cabin to add a bedroom loft, bathroom and living room.

Then they will add a Swiss style chalet which will be two story with two separate guest quarters. Each guest quarter will consist of two bedrooms, one bathroom, a small living room with a wood stove, and a kitchen. A total of three bathrooms will be initially built if the site has enough drainfield area. The carrying capacity of the soil for a septic system was determined by a previous site evaluation. However, site plan changes showing more area for drainfield will require a complete septic design that will be done if the conditional use is approved.
The lodge will have hunting and fishing guides from the local area. The guides will then escort the clients out onto federal lands or private lands with special hunting privileges. Some clients may not desire a guide and they will be shown where to hunt or fish from maps.

Game mammals, birds, and fish will be brought to the cooler building and game processing building. Wild game products will be packed and sent in a variety of ways including canning, smoking, vacuum packing and other methods.

Below is a more detailed look of the subject property’s topography.

Goal 1 – Citizen Involvement
To ensure the opportunity for citizen involvement in all phases of the planning process.

Coos County will provide written notice of the requested conditional use for a hunting lodge public hearing to property owners within 100 feet of subject property, and they will provide public notice of the application and public hearing in the local newspaper. Affected State agencies and other individuals and organizations will also receive notice.

Goal 2 – Land Use Planning
To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Coos County has acknowledged policies and procedures for conditional use applications. This proposal for a conditional use is following established procedures. Findings will be made to determine compliance with the standards and criteria that have been acknowledged by the Land Con-
servation and Development Commission. These
Findings of Fact will be the basis of the decision on this application.

Goal 3 – Agricultural Land
To preserve and maintain agricultural lands.

Goal 3 is not applicable since agriculture is not present on the land.

Goal 4 – Forest Lands
To conserve forest lands for future use.

Is there salable timber on the property?
Has there been timber on the property in the past?

The land is less than 4 acres and is not being managed for timber production. The property has about 50 scattered Douglas Fir trees. The land has had timber trees in the past.

Do the properties surrounding the subject property have salable timber or trees in reproduction?
Yes, the land surrounding the subject property have salable trees in reproduction.

What are the effects of the proposed use on the growing, sale or harvesting of these trees.

This proposal will have little effect on timber production since a deed restriction will transfer with the land which defines surrounding land owners' rights to produce and harvest timber.

The proposal is on the fringe of two timber producers and in the river corridor with 50' riparian zones on each side. These timber producers can easily grow and harvest their product since they
have public and private access to their trees.

Are you proposing an exception to Goal 4? No

SECTION 4.8.350. Hearings Body Conditional Uses. The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

H. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

The lodge is limited in size by the amount of drainfield that is available.

2. Only minor incidental and accessory retail sales are permitted; and

Items for sale will be apparel, ammunition, sporting books and so on.

1. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

The lodge will be closed during parts of each season and there will not be any full time occupation of the living units.

SECTION 4.8.400. Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350. A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

The hunting lodge will not cause changes or increase the cost of timber production on lands that surround the Wyatt land. Weyerhaeuser and the Millers will continue to produce timber and to harvest when it becomes necessary. The subject property is on the fringe of both timber producing lands and next to the river where a 50’ riparian vegetation strip is protected. This fact eliminates the dangers of falling trees onto buildings owned by Mr. Wyatt and spraying herbicides by helicopters becomes simpler since over sprays are less likely.

In order to insure timber production is not hampered, the lodge owners will sign a deed restriction that will prevent any attempts to restrict timber land owners from practicing accepted forestry practices. This includes brush spraying, timber falling early in the morning, and pulling logs up hills to be loaded on trucks. These operations can be noisy for short periods of time and change the appearance of the forest. These facts are realized and accepted by Mr. Wyatt and any future owners.
A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

No, fire hazards will remain the same or decrease, and fire suppression costs will not be increased but decreased. Risks to fire personnel will not be increased.

Chimneys will have spark arresters. Outside burning will occur during burning seasons and in an area where hoses can reach. More people will be put in the woods to help report fires from lightning.

Fire suppression will be improved by Mr. Wyatt who owns and keeps a backhoe on site that can and has been used to fight several fires that started at Nesika Campground. He drove the backhoe to these fires and used it to extinguish the fires started by campers. His property also has an area for water trucks to pump and fill from the river. The filling area is not steep and safe for fire personnel to fill their truck.

*All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.*

A. A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J. and

This will be done when the time comes.

**SECTION 4.8.600. Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.** 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;

They have the least impact on nearby or adjoining forest or agricultural lands; and

See the site plan. The buildings are located along the riparian zone where vegetation is not allowed to be cut. The proposed buildings are clustered with the existing ones and are close to existing
roads. The proposed buildings are 100 feet or more from the Miller residence and will be separated with a hedge. The proposed buildings are separated from Weyerhaeuser land to the south by the East Fork of the Millicoma River.

1. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and

The proposed building sites are on the fringe of the timber lands and separated from Weyerhaeuser’s land by 100’ of riparian vegetation and another 50’ of the river. A majority of forest management practices such as felling trees, limbing, haul to landing, loading, debris piling, burning will be 500 feet or more from the proposed buildings. Replanting, thinning, or spraying will be 100’ or more from the lodge. There are no farming practices in the area.

The deed restriction will insure that forest managers can carry on standard forestry practices with out interference from neighbors.

1. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

The county road exists next to the Wyatt land and no new roads need to be built to access the proposed lodge. The minimum amount of forest land was used when the interior roads were created and many of the tall trees were preserved.

The site is not commercial timber land and roads have not diminished timber producing lands.

1. The risks associated with wildfires are minimized.

Wildfire risks are minimized as stated earlier. Spark arresters will be installed on chimneys. Burn piles will be small and hoses will be close by.

A. 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 purpose of this Section, evidence of a domestic water supply means:

The water source will be a well.

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.
The land owner will submit the well constructor's to the county upon completion of the well.

A. 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.

Access to the property is by way of Coos County Road, therefore no road agreement is necessary. Mr. Wyatt pays property taxes that helps finance road maintenance.

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.

This does not apply.

2. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.

This does not apply.

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.

This does not apply.

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 meet 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.

The subject property is not being managed as forest land.

SECTION 4.8.700 Fire Siting and Safety Standards. 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.

The Department of Forestry has been contacted.

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.

See the site plan for this 30' fire break.

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.

The shrubs have already been pruned below window height and there is no grass since it’s too shady for it to grow.

The site has many tall coniferous trees many of which have crowns that touch. The Oregon Department of Forestry will need to inspect the site to mark what trees need to be removed. The large existing trees are closely spaced, and many would need to be removed to achieve 15' between the crowns. The crown is defined as the ‘leafy head of a tree’ by Webster’s Dictionary.

2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

Water hoses that will reach all portions of the 30' firebreak will be installed.

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.

This will be accomplished and see the site plan for this marked area.

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)
Mr. Wyatt will maintain the fire break desired by the Department of Forestry.

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. This regulation will be fulfilled.

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).

See the turn around for trucks on the site plan. There will be a designated area where fire trucks can pump water from the river with a hose that needs to be 60’ long. This regulation will be met.

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.

The applicant will request to be in the nearest 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 firefighting equipment.

Interior roads will be 12’ wide, have a 20’ turning radius, and a circular turn around.

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

The site plan fulfills these standards. New roads will have a 16’ wide subgrade composed of 5” compacted base rock from 4” to 6” in size. The subgrade may already be rocky naturally and this requirement may be waived by an engineers report. There will be 3” of compacted 3/4 inch minus finish rock on top. The maximum grade will be 18%.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

Does the subject property include:

No. (a) land needed or desirable for open space;
No. (b) mineral and aggregate resources;
No. (C) energy sources;
Yes (d) fish and wildlife areas and habitats;
Yes (e) ecologically and scientifically significant natural areas, including desert areas;
Yes (f) outstanding scenic views and sites;
Yes (g) water areas, wetlands, watersheds and groundwater resources;
No (h) wilderness areas;
No (i) historic areas, sites, structures and objects;
No (j) cultural areas;
No (k) potential and approved Oregon recreation trails; and,
No (l) potential and approved federal wild and scenic waterways and state scenic waterways?

Are the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site, considering measures designed to reduce adverse impacts, going to conflict with these resources? What effects will the conditional use have on the resources?

Timber natural resources are protected by fire seasons and development fire safety precautions such as fire breaks, water hoses, pumper truck fill stations.

Fish and wildlife are protected by existing laws and lodge owners will insure clients follow all wildlife laws.

The scenic river resource is protected by prohibiting streambank erosion caused by cutting brush or trees in the riparian zone which is not allowed by law. All human activity in the riparian zone is not allowed. This will also protect the scenic qualities of the river as seen from roads, or while floating down the river. The river has good potential kayak qualities which is a natural resource that could bring money into the county.

Goal 6 - Air, Water and Land Resource Quality: To maintain and improve the quality of the air, water and land resources of the state.

How will the proposed use affect the quality of the air and water?

Burning will be done during fire season and small piles of leaves and brush will be burned. Wood stoves with proper combustions designs will be used and they will have spark arresters.

Ground water and stream water will be protected by a properly designed septic system which has about a 100' setback from the river. Rain run off will be channeled into catch basins which will prevent sedimentation in the riparian zone. In some cases bioswales will be incorporated when there is paving and a danger from car oils to run into riparian zones.

Chemical herbicide or insecticide sprays will no be used in the riparian zone.

What measures will be taken to reduce air pollution resulting from the proposed use?

The smoke from wood stoves will be minimal since the stove design will allow complete combustion of woody material resulting in less smoke.
What type of sewage disposal system is planned for the development?

The Curry County sanitarian, Sara Hunter, and I met on site. The lodge will have a sand filter and drainfield sewage disposal system. This system will limit the lodge from developing to its full potential. This system must be 50' from the edge of the drop off down to the river according to the sanitarian which puts it about 100' from the river.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

The Flood Insurance Rate Map (FIRM) depicts none of the land for present or future building are in the 100 year flood zone. The text of the Natural Hazards, Flooding section of the Coos County Comprehensive Plan does not identify any problems with the Wyatt land area. The Comprehensive Plan states that Coos County participates in the Federal Flood Insurance Program sponsored by HUD, and also exercises sound building code practices to safeguard from unnecessary flood damage. No development is currently proposed for the area that is located in the 100 year flood plain. All future development will meet building code requirements as applicable.

The hillside to the north is heavily vegetated which will hold the soil in place. If this area is clear cut then a landslide is possible. Slopes in excess of 25% subject to mass movement hazards including moderate to rapid erosion, and slow to rapid earthflows. The proposed buildings are located away from the slopes to the north. This area of Coos County is in Seismic Zone 2, which applies strict building standards.

Goal 8 – Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Goal 9 requires that rural areas adopt and implement policies that diversify and improve the economy of the state, and contribute to a stable and healthy economy in all regions of the state.

Will the proposed use contribute to the diversification or improvement of the county?

If so, describe that contribution in terms of facilities and employment opportunities proposed.

This proposal will bring in families from other counties who enjoy hunting and fishing. They will purchase goods and services. In addition some hunting and fishing guides will receive employment. Mr. Wyatt will need to employ house keepers, gardeners, and wood cutters to keep the lodge in operation. Mr. Miller next door was receptive to supplying the lodge with firewood.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

This proposal will provide income for some families, which in return will supply them with housing.

The lodge can be occupied part of the year and is not permanent housing for anyone.

Goal 11: Public Facilities and Services: To plan and develop a timely orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

SECTION 4.8.750. Development Standards. 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

This standard does not apply to a hunting and fishing lodge.
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]

This requirement does not apply since the application is for a hunting and fishing lodge and not for a dwelling.

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.

See the site plan which shows the 35’ set back measured from the center of the road.

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

The lodge will be on flat ground.

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

This regulation will be met.

C. Structure Height: No requirement.
D. Lot Coverage: No requirement.
A. 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.

See site plan for vision clearance which is insured and will be met.

F. Off-Street Parking and Loading: See Chapter X.

Off street parking is shown on the site plan and is adequate for the lodge.

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

This regulation has been met and see the site plan.

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.

This regulation will be met.

I. Riparian Vegetation Protection.

Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
The picture below shows most of the riparian zone and how the trees, rocks and shrubs are holding the soil. The closest corner of the cabin shown above is 47' from the mean high water mark.

The riparian zone is protected so plant roots and rocks will hold the soil and prevent erosion which is exactly what is happening there. The riparian area is not eroding and is very stable. The riparian zone begins at the mean high water mark which is at the rock ledge shown below. See the site plan for exact measurements.

The existing cabin/storage and tool shed are less than 10' into the riparian zone and the threat of erosion is present since the river bank is heavily rocked with natural sedimentary rock formations. We ask the Fish and Wildlife Department to approve the buildings as they exist on site with the understanding that any new construction will be 50' or more from the mean high water mark. If needed, in order to compensate for encroachment in the riparian area, natural stone and plants can be used to build up the riparian zone.
b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or

This regulation does not apply to this application.

c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or

This regulation does not apply to this application.

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

This regulation does not apply to this application.

e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or

This regulation does not apply to this application.

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.

This regulation does not apply to this application.

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”.

The riparian zone according to Mike Gray, manager of the local Fish and Wildlife office, has grasses, bushes, and trees that hold the soil and helps prevent erosion. This zone also has insects, amphibians, and mammals that are important for a healthy ecosystem. In some cases, buildings can be constructed in this zone providing erosion does not occur and habitats are protected. Mike said Chris Claire, Habitat Protection Biologist, will inspect the site and determine if they can support a variance which would allow the storage/cabin and tool shed to remain in their present locations.

The storage building was designed by Engineer Russel Cox in June of 2006. This work was done under the leadership of Stuntzner Engineering and Forestry, LLC. See the drawings in the appendix. Then in May 19th of 2006 the building was inspected by Oregon Building Inspector, Wyane Parker. See the report in the appendix. At this time, it appears the 50’ setback from the river was incorrectly measured. This building was lawfully created and approved by the Oregon State Building Department as a storage building. See the inspection records attached in the appendix. However, it was built into the riparian zone in 2006. However, in September of 2008 the county notified Mr. Wyatt to build 50’ back.
On September 11, 2007, the Coos County Planning Department issued a zoning compliance letter stating the building must be setback 50' from the river to protect the riparian zone. At this time the building had already been established in the riparian zone. We seek to clear up this issue with a variance.

Errors occurred and the two buildings are within the riparian zone which is measured from the mean high water mark. The mean high water mark is not an exact location, and two experts can pick different starting points depending on the details of the bank erosion characteristics. Two experts can disagree which can cause land owners to error. These errors cause building to be moved at great financial costs. The variance will be filed after Chris Claire of Fish and Wildlife inspects the site and provides a report.

Measurements for the 50' setback did not begin at the mean high water mark but began at winter the low water mark. According to my measurements, the cabin is 47' away from the MHWM and about 43' measured from the southwest corner. The measurements are not horizontal but along the sloping ground. The tool building is 38' and 37' from the MHWM.
What new or additional public facilities will be required to serve the proposed use?

None will be required.

Do the existing facilities or service providers have the capacity to serve the proposed use?

Police protection:

Coos County Sheriff's department will provide police protection.

Fire Protection:

The applicant has asked to be included into the Bunker Hill Rural Fire Protection District on June 11, 2006. See document in appendix

Fire protection is provided by the lodge owner. Nonflammable roofing materials will be used. All building walls will be within water hose reach. Water will be pumped from a potable water 2500 gallon holding tank to extinguish fires. Vegetation will be pruned to meet forestry codes. See site plan

Are you proposing an exception to Goal 11?

No

Goal 12 – Transportation: To provide and encourage a safe convenient and economic transportation system.

The Allegany Douglas County Line Road is not to capacity and serves the subject property. The road is adequate to service this new use of the Wyatt land, however problems exist with the road. The scenic resources of the river and forest are being degraded by encroachment.

Some residents along this road have damaged the road right-of-way with heavy equipment. This can cause wrecks by swerving or two speeding vehicles being pushed together. Others have vehicles parked in the right-of-way and some have ignored the 35’ setback. There are several structures that have been built after the 35’ set back ordinance came to being. These structures need to be moved unless a variance was granted. The county road department should notify these land owners to return the road to an improved condition by clearing the right-of-way and adding gravel. This will make the road safe for fire vehicles, log trucks, and tourist. Failure to do so can put the county at risk of negligence and possibly be liable for traffic accidents.

Goal 13 – Energy Conservation: To conserve energy.

Will the proposed use promote energy conservation?

Yes, the development will entail energy conservation by utilizing downed trees for firewood which will conserve electricity. The lodge will be insulated according to state building codes which will conserve heat energy.
Goal 14 – Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

The urbanization goal provides procedures and criteria for establishing and expanding an Urban Growth Boundary (UGB). The urbanization goal requires that land within a UGB is to be considered available over time for urban uses.

The subject property is not close to any urban growth boundaries and has little chance to ever become urbanized.

Conclusion: This proposal is reasonable and fits in with timber lands surrounding the potential lodge. Timber land production will not be hampered by this proposal due to Mr. Wyatt’s knowledge and acceptance of forest management, deed restrictions, and fire prevention.

This lodge will enable one more resident the chance to earn an income while bringing in sporting families who will enjoy the natural resources of Coos County. This in return will have a positive impact on Coos County’s economy. Recreational resources of Coos County should be developed to bring hunting or fishing families into our county. These families will purchase goods and services while visiting the lodge and surrounding areas.
# Appendix:

**ARCHERY** (Note: Antler restrictions apply in certain units)

<table>
<thead>
<tr>
<th>Unit</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Deer</td>
<td>Aug 25 - Sept 23</td>
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**RIFLE ELK** (Note: Antler restrictions apply in certain units)

<table>
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<th>Unit</th>
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<tbody>
<tr>
<td>Coast First</td>
<td>Nov 10 - Nov 13</td>
</tr>
<tr>
<td>Coast Second</td>
<td>Nov 17 - Nov 23</td>
</tr>
<tr>
<td></td>
<td>One bull elk w/ visible antler</td>
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</tbody>
</table>

**COUGAR** (Spotted kittens, females with spotted kittens protected)

<table>
<thead>
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<th>Unit</th>
<th>Dates</th>
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<tbody>
<tr>
<td>Statewide Tag</td>
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</tr>
</tbody>
</table>

**BEAR** (Cubs, sows with cubs protected)

<table>
<thead>
<tr>
<th>Unit</th>
<th>Dates</th>
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</thead>
<tbody>
<tr>
<td>Western Oregon</td>
<td>Aug 1 - Dec 31</td>
</tr>
</tbody>
</table>

**Blue and Ruffed Grouse** (Forest grouse)

<table>
<thead>
<tr>
<th>Unit</th>
<th>Dates</th>
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</thead>
<tbody>
<tr>
<td>Western Oregon, Hood Rvr and Wasco cos</td>
<td>Sept 1 - Jan 31, 2013</td>
</tr>
</tbody>
</table>

*For wing collection information*

**General Spring Turkey**

<table>
<thead>
<tr>
<th>Statewide</th>
<th>April</th>
</tr>
</thead>
</table>

**Tag Sale Deadline:** Hunters may purchase tags through the end of 15 -
ST. THE COMMON BOUNDARY
IN#2000-5902 AND THAT
39. THIS BOUNDARY
CE WITH COOS COUNTY
2.11.2002
ODRUFF AND ELVIN STINGLEY.

SURVEY FOR: DON WYATT
COOS BAY, OREGON

DATE OF SURVEY: OCTOBER 17, 2002

Wyatt Land Survey
KNOW ALL MEN BY THESE PRESENTS: That GLADYS FERGUSON, a single person, the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to her in hand paid, does hereby grant, bargain, sell and convey unto ROBERT FERGUSON and MABEL FERGUSON, husband and wife, the Grantees, a life estate, upon the terms and provisions set forth hereinafter, in and to the following described real property situated in Coos County, Oregon, to wit:

Beginning at a point marked by a 3/4 inch iron pipe driven in the ground on the Southerly right of way line of the existing County Road from which point the North 1/16 corner between Sections 34 and 35, Township 24 South, Range 11 West, bears N 72° 39' 13" West 964.66 feet; thence S 32° 51' 30" West 115.67 feet to a 3/4 inch iron pipe on the right bank of the East Fork of the Millcoma River; thence S 32° 51' 30" West 80.33 feet to the center of the Channel of the East Fork of the Millcoma River; thence S 57° 27' East along said channel 99.55 feet; thence S 64° 04' 42" East along said channel 144.94 feet; thence N 32° 51' 30" East 61.41 feet to a 3/4 inch iron pipe on the right bank of the East Fork of the Millcoma River; thence N 32° 51' 30" East 78.59 feet to a 3/4 inch pipe on the Southerly right of way line of the County Road; thence N 48° 17' 47" West along said right of way line 206.34 feet to the point of beginning, containing 937 acres of which 1.252 acres is upland and 405 acres is occupied by the East Fork of the Millcoma River, being a part of the SW 1/4 NW 1/4 of Section 35, Township 24 South, Range 11 West, Coos County, Oregon.

Also, Grantor gives and grants unto Grantees the right to lay pipes under the ground along a reasonable route from the premises described above to the nearest point of connection to the water system maintained by Grantor on the adjoining premises to the West of the above described parcel, and to take and use from said water system a reasonable quantity of water for household and domestic purposes, provided that such use shall not interfere with Grantor's water supply or use of said water system, and provided further that the rights granted hereby shall terminate upon
TO HAVE AND TO HOLD the above-described premises, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said ROBERT FERGUSON and MABEL FERGUSON, husband and wife, during their natural lives, and in the event of the death of either, then to the survivor for his or her natural life, and upon the death of such survivor, then the above-described premises and all rights granted hereby shall revert to and vest in the Grantor, her heirs and assigns forever.

The rights granted hereby are intended to be personal to the Grantees. Grantees promise and agree that they will not in any way transfer any of the rights granted hereby. The rights granted hereby shall not be liable for the debts of the Grantees, nor subject to sale, attachment or execution for such debts. Any attempted transfer or alienation by Grantees of the rights granted hereby, or any part thereof or interest therein, whether voluntary or involuntary, shall be null, void and of no force and effect, and in the event of any such attempted transfer or alienation, all rights granted hereby shall immediately cease and terminate, and the above-described premises and rights shall immediately revert to and vest in the Grantor, her heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 10th day of June, 1964.

[Signature]

STATE OF OREGON SS.
County of _____

JUNE 10, 1964.

Personally appeared the above named GLADYS FERGUSON and acknowledged the foregoing instrument to be her voluntary act and deed.
Dear Coos County Planning Department,

The Oregon Department of Fish and Wildlife (Department) has the following desired outcomes related to the proposed Hunting Camp on the Millicoma River:

1. Ensuring that the streambank stability/integrity of the Millicoma River and other stream channels on the property is not damaged.
2. Ensuring that the facility does not contribute nutrients or wastes (liquid or solid) into the Millicoma River.

The Department provides the following recommendations for this project.
1. Activities be conducted in a manner that provides for retention of the woody vegetation and trees adjacent to the river and streams as is outlined in the Riparian Ordinance guidelines of the Coos County Land Management Plan (50ft. buffer).

2. Limit impacts to the streambank from construction activities. Any work below the Ordinary High Water Mark will likely require a permit from the Oregon Dept. of State Lands and U.S. Army Corps of Engineers.

3. That methodologies be designed into the facility to capture stormwater runoff from impervious and partially permeable surfaces associated with the project in order to allow for reasonable retention of sediments that may be transported from runoff.

4. Structures should be located at elevations above the 100yr. floodplain.

Thanks for your concern with Oregon's Fish and Wildlife habitat.

Christopher W. Claire  
Habitat Protection Biologist  
Oregon Dept. of Fish and Wildlife  
P.O. Box 5009  
Charleston, OR 97420  
(541) 888-5515  
-----Original Message-----  
From: Jill Rolfe [mailto:jrolfe@co.coos.or.us]  
Sent: Mon 1/14/2013 4:58 PM  
To: PERRY Dave; Josh Soper; John Rowe; Tom Guevara (Thomas.guevara@odot.state.or.us); Christopher Claire; SLEDD Geri  
Cc: gmcnair2i@frontier.com; GEORGE Megan A  
Subject: Emailing: Pre-report  

All,  

This is a report for a pre-application meeting. The meeting is scheduled for January 23, 2013 at 10:00 am. Please come if you can and if not provide any comments. Please forward this to the appropriate person in your department for comments if necessary.
05/01/13

Coos County Planning Dept.
250 N. Baxter Street,
Coquille, OR 97423
(541) 396-7770

To Coos County Planning Department:

On Tuesday, April 9th I visited the property owned by Mr. Wyatt on the E.F. Millicoma River with consultant George McNair. At the request of Mr. McNair, I assessed the vicinity of three structures in relation to the Coos County Ordinance requiring a 50-ft. setback from the Mean or Ordinary High Watermark (OHW) of the East Fork Millicoma River. Setbacks assist in providing conditions for healthy riparian areas that contribute to water quality and streambank stability, resulting in greater production of fish and wildlife. While on site, we looked at two structures (a small "Cabin" and a "Toolshed") and it appeared that there was a third, "Carport"-style pole structure that served to provide protection for a backhoe on the property. I have forwarded several photos from the consultant of streambank conditions in the reach of the Cabin and Toolshed.

Note: Although Mean or Ordinary High Water Mark measurements may vary depending on the individual obtaining the data, variability is generally minor as the zone is defined by parameters that are repeatable between locations (permanent vegetation, channel features, etc).

The distance from the S.E. corner of the Cabin to the OHW of the E.F. Millicoma River measured 42 ft. The distance from the S.W. corner of the Cabin to the OHW measured 36 ft. The Toolshed was 36 ft. from the OHW to the S.E. corner and 28 ft. to the S.W. corner. We did not measure the distance of the pole structure from the OHW while on site, but it is apparently less than 50 ft. from the OHW as well. Observed impacts to the Riparian Management Area (RMA) in the past include removal of several myrtle and alder trees; clearing of shrubs; construction of a concrete walkway down to the wetted channel; and construction of terraced rock flower beds.

For this particular site I have considered the following:
-Fish and wildlife needs in relation to the impacts that have occurred to the RMA;
-Current streambank stability and potential causes for the instability observed;
-Distance of the three structures from the OHW;
-Methods to alleviate impacts of structure/dwelling encroachment on the RMA;
-Shallow depth of soils on the streambank, with an underlying layer of bedrock.

Recommendations:
Following considerable review, evaluation of the number of structures, and the limited distance from the OHW, the Oregon Department of Fish and Wildlife (with reservations) has deemed it reasonable at this location to recommend a variance of the 50-ft. setback for the three structures on this property as opposed to requiring the landowner to move the structures. We have provided the following as mitigative guidance if the Coos County Planning Dept. grants a variance for these three structures or a number of the structures.
Notable, but moderate erosion of soil and destabilization of the streambank has occurred on the streambank at the site. It is considered reasonable that this is primarily related to removal of shrubs and decay of tree roots following their removal.

1. **Planting/Restoration**: Native non-woody vegetation, woody shrubs, and trees including salmonberry, sword fern, alder, willow, and cedar trees should be planted at this location from 20ft. upstream of the encroachment to 20ft. downstream of the encroachment as measured from the individual structures (Cabin, Toolshed, and Carport).
   a. Planting should be on 3 ft. spacing, in the zone of planting (from the OHW mark up to the upper bank).
   b. Recommend watering plants during July, August, and September in order to increase survival, as the soils are shallow.
   c. There is a 20 x 20 ft. area on the streambank near the S.W. corner of the Cabin where notable loss of streambank soils has occurred and installation of heavy duty jute matting in combination with planting would expedite recovery. Jute matting installation should include use of non-metal natural or biodegradable stakes. The department recognizes that soils are shallow at the site and staking of jute may require creative methods to secure the mat (rather than stakes).
   d. Several of the myrtle trees that were previously cut have indications that they would recover from sprouting. It is recommended that these trees are allowed to regrow, as the root networks will assist with stabilizing the streambank. Understandably, the landowner is interested in having an open view of the river. In this context, limbing of trees while maintaining their vigor is considered preferred.
   e. The plant list should include: Scoulers or Hookers willow (Salix scouleriana; Salix hookeriana); salmon berry (Rubus spectabilis); red alder (Alnus rubra); and red cedar (Thuja plicata).

Thanks for your concern with conservation of Oregon's fish and wildlife resources and the habitats that support those resources.

Sincerely,

**Christopher W. Claire**
Christopher W. Claire
Habitat Protection Biologist
Oregon Dept. of Fish and Wildlife
Coos-Coquille-Tenmile District
George McNair  
675 Telegraph Dr. 
Coos Bay, OR 97420

RE:  Donald Wyatt  
13522 Hwy 241  
Coos Bay, OR 97420

Mr. McNair,

On February 8, 2013, Sara Hunter, Curry County Sanitarian, met with you on the above site as per your request to verify that the DEQ violation of multiple RV's onsite was resolved. It was also alleged that a structure, garage and one RV were being used as living quarters.

Sara Hunter noted the following:

1. One of the structures is a dry cabin with a loft and living area with kitchen appliances;

2. The second structure is a garage with no plumbing;

3. One RV was on site connected to electricity.

Please be advised that based on the above information it is required by DEQ rule to have a pit privy/vault toilet and gray water sump onsite. That would require a Site Evaluation and Gray Water Disposal permit from DEQ, but also approval from the Coos County Planning Department.

We are requesting that you submit to DEQ within 3 months of the date of this letter an application for a Site Evaluation for a pit privy/vault toilet and gray water sump for hand carried water. This application will require a copy of a Zoning Compliance Letter (ZCL) from the Coos County Planning Dept. allowing this use.

If you have any questions please call this office for assistance. Thank you.

Sincerely,

Geri Sledd  
Administrative Specialist

C: Coos County Planning Dept.
IMPORTANT DOCUMENT – PLEASE READ CAREFULLY
-This is not a construction permit-

RE:  Site Evaluation Results – Site Approval with Conditions
Township/Range/Section: 24-11-35, Tax Lot Number: 600 Tax Account Number: 1149.02
Coos County

Dear Mr. Wyatt:

Your site was evaluated for suitability of on-site sewage disposal systems on the following date(s):
10/15/2008, 11/04/2008. Based on this evaluation, the following on-site sewage disposal systems are
approved:

**Initial system:** Equal Distribution, 150 linear feet drainfield

**Replacement system:** Equal Distribution/Pressure Distribution from pump, 150 linear feet drainfield

Details of the site evaluation are included in the Site Evaluation Report that is enclosed. The Site
Evaluation Report also includes more specific information and further conditions of site approval.

**Next Step – Applying for a Construction/Installation Permit**

When you are ready to proceed with system construction, contact this office to get a permit application
package. You will need to obtain a Zoning Compliance Letter from Coos County Planning Department
allowing placement of the cabin. In addition, you will need to obtain a sign off from State Building Codes
for construction of the cabin. The permit, for a maximum two-bedroom cabin—one unit only, no
occupied Recreational Vehicle in addition—must be issued by DEQ before you can start construction.

**Request for Site Evaluation Report Review or Request for Variance**

If you believe that an error was made in the evaluation of your property, you may apply for a Site
Evaluation Report Review at a cost of $440. If you would like to apply for a Variance from one or more
of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of $1340. If you are
interested in either of these actions, please contact the undersigned for more details before you proceed.

Best wishes on a successful project. If you have any other questions about this report, please feel free to
call me at (541) 269-2721, ext. 25.

Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist

Enclosure
Site Evaluation Report
Site Evaluation Report
For On-Site Sewage Disposal System Suitability

Site Location: 24-11-35, Tax Lot Number: 600 Tax Account Number: 1149.02, Coos County
Applicant: Donald P. Wyatt
Date(s) of Site Evaluation: 10/15/2008, 11/04/2008
DEQ On-Site Specialist: Del Cline, R.S.
Date of Report: November 7, 2008

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial drainfield area and the replacement drainfield area. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on 10/15/2008. In the site inspection, the following features were evaluated:

- Soil types - how well they drain and other evidence of good soil structure for treatment
- Depth to groundwater
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of your on-site system.
Approved Systems

Based on the evaluation of the site conditions, the following on-site sewage disposal systems are approved:

Initial System:  
System Type: Serial-Equal Distribution  
Minimum Septic Tank Size: 1000 gallons  
Linear feet of drainfield: 150  
Distribution Method: Equal  
Trench Depths – Maximum: 30" and Minimum: 18"  
Other Comments/Requirements: 1) setback 50 feet to top of river bank for both drainfield and septic tank; 2) equal distribution, 18" – 30" maximum

Replacement System:  
System Type: Equal Distribution/Pressure Distribution from pump  
Minimum Septic Tank Size: 1000/1500 gallons  
Linear feet of drainfield: 150  
Distribution Method: Equal  
Trench Depths – Maximum: 30" and Minimum: 18"  
Other Comments/Requirements: 1) setback 50 feet to top of river bank for both drainfield and septic tank; 2) equal distribution, 18" – 30" maximum

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the site visit.

Additional Conditions of Site Approval

1. This site is approved for the type of disposal system described above. Peak sewage flow into the system is limited to a maximum of 450 gallons per day, with an average sewage flow of not more than 225 gallons per day. This is normally sufficient to serve a single-family dwelling with a maximum of four bedrooms. Premature failure of the treatment system may occur if either of these flow quantities is exceeded. If for some reason you expect your domestic household water use may exceed these flows, it may be advisable to increase the size of the treatment system.

2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.

3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development, or other potential disturbance of natural soil conditions.

4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways, and building down spouts.

5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.

This site approval is valid until the system approved above is constructed in accordance with a DEQ construction permit. Technical rule changes shall not invalidate this approval, but may require use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

Attachment: Field Worksheet
IMPORTANT DOCUMENT – PLEASE READ CAREFULLY
-This is not a construction permit-

RE: Site Evaluation Results – Denial
Township/Range/Section: 24-11-35, Tax Lot Number: 600 Tax Account Number: 1149.02
Coos County

Dear Mr. Wyatt:

Your site was evaluated for suitability of on-site sewage disposal systems on the following date(s):
10/15/2008. Unfortunately, this site is not acceptable for a standard or alternative on-site sewage disposal
system based on Oregon Administrative Rules Chapter 340, Division 071.

Details of the site evaluation are included in the Site Evaluation Report that is enclosed. The Site
Evaluation Report also includes more specific information about this site's limitations.

Possible Alternatives

Although the area(s) evaluated in this site evaluation did not meet rules for on-site sewage disposal
systems, it may still be possible to find an acceptable area either on the site or on an adjacent property if
you can obtain an easement from a neighbor. Additional test pits on other areas of your property will be
evaluated for free within 90 days of 10/15/2008, which was the date of our initial visit to your site. More
details about your options are in the Site Evaluation Report that is enclosed.

Request for Site Evaluation Report Review or Request for Variance

If you believe that an error was made in the evaluation of your property, you may apply for a Site
Evaluation Report Review at a cost of $440. If you would like to apply for a Variance from one or more
of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of $1340. If you are
interested in either of these actions, please contact the undersigned for more details before you proceed.

If you have any other questions about this report, please feel free to call me at (541) 269-2721, ext. 25.

Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist

Enclosure
Site Evaluation Report
Site Evaluation Report
For On-Site Sewage Disposal System Suitability

Site Location: 24-11-35, Tax Lot Number: 600 Tax Account Number: 1149.02
Coos County
Applicant: Donald P. Wyatt
Date(s) of Site Evaluation: 10/15/2008
DEQ On-Site Specialist: Del Cline, R.S.
Date of Report: October 27, 2008

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial drainfield area and the replacement drainfield area. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on 10/15/2008. In the site inspection, the following features were evaluated:

- Soil types - how well they drain and other evidence of good soil structure for treatment
- Depth to groundwater
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of your on-site system.

Based on the evaluation of the site conditions, the site does not meet Oregon rules for on-site sewage disposal. The denial is based on limitations at your site, as described later in this report. Possible options for your next step are also discussed. Technical details of the site evaluation are included in the field worksheet attached to this report.
Site Limitations

Most sites have some limitations that will affect either the location of the on-site sewage system, or the type of system that can be allowed. The following describes the limitations found at this site.

Setback from highway right-of-way
Rule requirement: 10’ setback required
Description: This is more of a practical issue – it allows construction of the system without trespass or damage to neighboring properties.

Alternatives – Where to Go From Here

As described above, the site limitations for your site did not leave a big enough area of appropriate soils to allow the installation of a safe, reliable on-site sewage disposal system. There may be some ways to overcome the site limitations. The following alternatives are suggested:

You will need to locate on the ground the highway right-of-way line to determine if there is enough room to install a system and have a future repair area in the area of the test holes.

Attachment: Field Worksheet
### Soil Matrix Color and Conditions

<table>
<thead>
<tr>
<th>Depth (Inches)</th>
<th>Texture</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-24</td>
<td>5 dm/lw</td>
</tr>
<tr>
<td>24-69</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pit 1</th>
<th>Pit 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-24</td>
<td>5 dm/lw</td>
</tr>
<tr>
<td>24-69</td>
<td>3 dm/lw</td>
</tr>
</tbody>
</table>

**Landscape Notes:** Green debris

**Slope:** 0.5

**Other Site Notes:**

**System Specifications**

- **Design Flow:** 300 gpd
- **Initial System:** Equal Det
- **Replacement System:** Equal Det

**Special Conditions:** No additional infrastructure needed.
**FINAL INSPECTION REQUEST AND NOTICE**

Pursuant to the requirement within ORS 454.655, OAR 340-071-0170, and OAR 340-071-0175 the system installer and/or the permittee must notify the Department of Environmental Quality (or its authorized Agent) when the construction, alteration, or repair of a system for which a permit was issued is completed (except for the covering of the installation). The Department (or Agent) has 7 days to perform an inspection of the completed construction after the official notice date, when the Department (or Agent) elects to waive the inspection and authorize the system to be backfilled. Receipt and acceptance of this completed form by the Department (or Agent) establishes the official notice date of your request for the pre-cover inspection. Please complete all sections of the form and return it to the office that issued the permit. Forms that are determined to be incomplete will be returned.

### BASIC INFORMATION:

Property Owner: ____________________________  Permit #: ____________________________  County: ____________________________

Township: ______ Range: _____ Section: ____  Tax Lot: ______  Tax Account: ______  Date System Construction Completed: ______

Job Location: ____________________________

### ANKER INFORMATION – WATER TIGHTNESS TEST

Type & Size: ____________________________  Manufacturer: ____________________________  Date & Time Filled: ____________________________

A-HR Check – Water Level (Date & Time): ____________________________

Comments (Pump Information, ie., HP, GPM, Type): ____________________________

### ALTERNATIVE SYSTEM (CF, PD, SF, etc.) – PRETREATMENT UNIT (Advanced, Whitewater, Enviro Guard, etc.)

Type: ____________________________  Manufacturer: ____________________________

? Type (Concrete, Liner, Bottomless): ____________________________

S & M Manual Submitted: ____________________________  Service Provider: ____________________________

### MATERIALS LIST

- Drainage Pipe (From Tank to "D" Box or DE): Length: ____________________________  Type: ____________________________
- Distribution Pipe (From "D" Box to DF & Bollowers): Length: ____________________________  Type: ____________________________
- Airediff Media (Gravel or Alternative)/Number of Sections: ____________________________

- ollaneous: ____________________________
- Remarks: ____________________________

- Need ZCL for Cabin
- For Permit
- B.C. Sign off
- For Constr. Addn.
KNOW ALL MEN BY THESE PRESENTS: That GLODYS FERGUSSON, a single person, the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to her in hand paid, does hereby grant, bargain, sell and convey unto ROBERT FERGUSSON and MABEL FERGUSSON, husband and wife, the Grantees, a life estate, upon the terms and provisions set forth hereinafter, in and to the following described real property situated in Coos County, Oregon, to-wit:

Beginning at a point marked by a 3/4 inch iron pipe driven in the ground on the Southerly right of way line of the existing County Road from which point the North 1/16 corner between Sections 34 and 35, Township 24 South, Range 11 West, bears N 72° 39' 13" West 964.66 feet; thence S 32° 51' 30" West 115.67 feet to a 3/4 inch iron pipe on the right bank of the East fork of the Millicoma River; thence S 32° 51' 30" West 80.33 feet to the center of the Channel of the East Fork of the Millicoma River; thence S 57° 27' East along said channel 99.35 feet; thence S 64° 04' 42" East along said channel 144.94 feet; thence N 32° 51' 30" East 61.41 feet to a 3/4 inch iron pipe on the right bank of the East Fork of the Millicoma River; thence N 32° 51' 30" East 78.59 feet to a 3/4 inch iron pipe on the Southerly right of way line of the County Road, thence N 48° 17' 47" West along said right of way line 246.34 feet to the point of beginning, containing .957 acres of which .552 acre is upland and .405 acre is occupied by the East Fork of the Millicoma River, being a part of the SW 1/4 NW 1/4 of Section 35, Township 24 South, Range 11 West, Coos County, Oregon.

Also, Grantor gives and grants unto Grantees, the right to lay pipes under the ground along a reasonable route from the premises described above to the nearest point of connection to the water system maintained by Grantor on the adjoining premises to the West of the above-described parcel, and to take and use from said water system a reasonable quantity of water for household and domestic purposes, provided, that such use shall not interfere with Grantor's water supply or use of said water system, and provided further that the rights granted hereby shall terminate upon the termination of the life estate in the above-described land, as
TO HAVE AND TO HOLD the above-described premises, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said ROBERT FERGUSON and MABEL FERGUSON, husband and wife, during their natural lives, and in the event of the death of either, then to the survivor for his or her natural life, and upon the death of such survivor, then the above-described premises and all rights granted hereby shall revert to and vest in the Grantor, her heirs and assigns forever.

The rights granted hereby are intended to be personal to the Grantees. Grantees promise and agree that they will not in any way transfer of the rights granted hereby. The rights granted hereby shall not be liable for the debts of the Grantees, nor subject to sale, attachment or execution for such debts. Any attempted transfer or alienation by Grantees of the rights granted hereby, or any part thereof or interest therein, whether voluntary or involuntary, shall be null, void and of no force and effect, and in the event of any such attempted transfer or alienation, all rights granted hereby shall immediately cease and terminate, and the above-described premises and rights shall immediately revert to and vest in the Grantor, her heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 10th day of June, 1964.

[Signature]

STATE OF OREGON )
County of Coos ) SS.

JUNE 10, 1964.

Personally appeared the above named GLADYS FERGUSON and acknowledged the foregoing instrument to be her voluntary act and deed.

[Signature]

Notary Public for Oregon
Commission Expires May 7, 1967

DEED RECORDED June 22
MURIEL PAULSEN, COUNTY CLERK
ATTENTION OWNER/CHARLESTON SANITARY DISTRICT

ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ONSITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT'S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE EVALUATION XX
INSTALL NEW SEPTIC SYSTEM XX
OTHER

BUILDING CODES AGENCY
CONSTRUCT SINGLE FAMILY DWELLING
REPAIR OR ALTER EXISTING DWELLING
SITE MANUFACTURED DWELLING
CONSTRUCT ACCESSORY STRUCTURE
CONSTRUCT FARM BUILDING
OTHER

EXPLANATORY NOTES AND/OR CONDITIONS: Clearance to have a septic site evaluation and to install the new septic system. Clearance to site a bathroom in the existing pole building. There is no clearance for a residential dwelling.

APPLICANTS STATEMENT
Pertaining to the subject property described above, I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain this zoning compliance letter so as to obtain necessary permits for development from the Department of Environmental Quality and/or the Building Codes Agency. The statements within this form are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, parcel or lot. I understand that any permits and/or authorization for development issued by the Planning Department may be revoked if it is determined that it was issued based on false statements, misrepresentations or in error. As a condition for the issuing this zoning compliance letter the undersigned hereby agrees to hold Coos County harmless from and indemnify the County for any liability for damage which may occur as a result of the failure to build, improve or maintain roads which serve as access to the subject property.

(Zoning compliance letter valid for one year from date of issue)

APPLICANTS SIGNATURE: [Signature]

COOS COUNTY COMPLIANCE
The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue.

AUTHORIZED SIGNATURE: [Signature]  September 11, 2008

FOR OFFICE USE ONLY
FEE RECEIVED: $100.00  RECEIPT NO.: 092885  CHECK NO.: 2145
BASED ON APPLICATION NO.:  STAFF: DD
**COOS COUNTY ZONING COMPLIANCE LETTER**

(VALID FOR ONE YEAR FROM DATE OF ISSUE)

Coos County Planning Department  
Courthouse Annex  
Coquille, OR 97423

**DATE**  
September 11, 2008

**APPLICANT**  
Don Wyatt

**OWNER**  
Donald Wyatt, Jr.

**ADDRESS 1**  
13522 Highway 241

**ADDRESS 2**  
Coos Bay OR 97420

**CITY/ST/ZIP**  
PO Box 3373, Coos Bay OR 97420 (Mailing)

**LEGAL DESCRIPTION:**

<table>
<thead>
<tr>
<th>TOWNSHIP</th>
<th>RANGE</th>
<th>SECTION</th>
<th>TAX LOT</th>
<th>ACCOUNT#</th>
<th>SIZE</th>
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<tr>
<td>24</td>
<td>11</td>
<td>35</td>
<td>600</td>
<td>1149.02</td>
<td>2.66</td>
<td>F</td>
</tr>
</tbody>
</table>

**EXISTING STRUCTURES/IMPROVEMENTS**

- DWELLING: FARM XX
- MOBILE HOME: OTHER XX
- COMMERCIAL: NONE
- INDUSTRIAL: LAKE
- MOBILE HOME: OTHER XX
- COMMERCIAL: NONE
- INDUSTRIAL: LAKE

**COMMENTS:**

**EXISTING STRUCTURES/IMPROVEMENTS**

- DWELLING: FARM XX
- MOBILE HOME: OTHER XX
- COMMERCIAL: NONE
- INDUSTRIAL: LAKE

**COMMENTS:**

**ZONING DISTRICTS REQUIREMENTS**

- SETBACK

  XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.

  STRUCTURE HEIGHT:  
  AIRPORT OVERLAY ZONE:  
  UGB:

**RIPARIAN VEGETATION**

XX ALL BUILDINGS SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

**FIREBREAK**

XX CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30 FT. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).

XX A SECONDARY FIREBREAK OF AT LEAST 100 FT. AROUND THE PRIMARY FIREBREAK.

**DRIVEWAYS**

- DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT (ATTACHED).

**RURAL RESIDENTIAL COMPATIBILITy WITH FARM/FOREST MANAGEMENT PRACTICES**

I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

**APPLICANTS SIGNATURE:**
COOS COUNTY ZONING COMPLIANCE LETTER
(VALID FOR ONE YEAR FROM DATE OF ISSUE)

Coos County Planning Department
Phone (541) 396-3121 ext. 210
Courthouse Annex
Fax (541) 756-8630
Coquille, OR 97423

DATE: September 11, 2008
APPLICANT: Don Wyatt
OWNER: Donald Wyatt, II
ADDRESS 1: 13522 Highway 241
ADDRESS 2: Coos Bay OR 97420
CITY/ST/ZIP: PO Box 3373, Coos Bay OR 97420 (Mailing)

ZCL NO.:08-363
PHONE:
PHONE:

LEGAL DESCRIPTION:

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</tbody>
</table>

COMMENTS:

EXISTING STRUCTURES/IMPROVEMENTS

DWELLING FARM XX WELL PUBLIC WATER
MOBILE HOME OTHER XX SPRING PUBLIC SEWER
COMMERCIAL NONE LAKE SEPTIC
INDUSTRIAL

COMMENTS:

ZONING DISTRICTS REQUIREMENTS

SETBACK FRONT SIDE/CORNER REAR
XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.

RIPARIAN VEGETATION
XX ALL BUILDINGS SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK
XX CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30FT. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).
XX A SECONDARY FIREBREAK OF AT LEAST 100 FT. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS
DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT (ATTACHED).

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES
I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE:
ATTENTION OWNER/CHARLESTON SANITARY DISTRICT

ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ONSITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT'S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE EVALUATION XX
INSTALL NEW SEPTIC SYSTEM XX
RECONNECT EXISTING SYSTEM REPAIR/REPLACE EXISTING SYSTEM
OTHER

BUILDING CODES AGENCY
CONSTRUCT SINGLE FAMILY DWELLING CONSTRUCT ACCESSORY STRUCTURE
REPAIR OR ALTER EXISTING DWELLING CONSTRUCT FARM BUILDING
SITE MANUFACTURED DWELLING OTHER

EXPLANATORY NOTES AND/OR CONDITIONS: Clearance to have a septic site evaluation and to install the new septic system. Clearance to site a bathroom in the existing pole building. There is no clearance for a residential dwelling.

APPLICANTS STATEMENT

Pertaining to the subject property described above, I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain this zoning compliance letter so as to obtain necessary permits for development from the Department of Environmental Quality and/or the Building Codes Agency. The statements within this form are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, parcel or lot. I understand that any permits and/or authorization for development issued by the Planning Department may be revoked if it is determined that it was issued based on false statements, misrepresentations or in error. As a condition for the issuing this zoning compliance letter the undersigned hereby agrees to hold Coos County harmless from and indemnify the County for any liability for damage which may occur as a result of the failure to build, improve or maintain roads which serve as access to the subject property.

(Zoning compliance letter valid for one year from date of issue)

APPLICANTS SIGNATURE: [Signature]

COOS COUNTY COMPLIANCE

The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue.

AUTHORIZED SIGNATURE: [Signature]

Debby Darling, Planner 1 September 11, 2008

FOR OFFICE USE ONLY

FEE RECEIVED: $100.00 RECIEPT NO.: 092885 CHECK NO.: 2145
BASED ON APPLICATION NO.: STAFF: DD
Inspection Request and Report

Date requested: 2/11
Requested by: [Redacted]
Time: [Redacted]
Type of inspection: Final

Permit no.: E09C00074
Owner: Wyatt
Contractor: Keyle
Job address: 13522 Hwy 241 CB
(Allegany)

Directions: [Redacted]

Ready (date): 2/13/09
Mon. Tue. Wed. Thu. Fri. A.M. Mid P.M.

Call before coming? No Yes Phone: [Redacted]

---

Inspection Report

Date inspected: 2/13/09
Time: [Redacted]
Type of inspection: Final

Unable to inspect
No corrections noted
Correction(s) expected within [Redacted] days

Inspection report no.: [Redacted]
Correction(s) noted: (Page [Redacted] of [Redacted])

Emergency Pany 1 Recap

Approved

Reinspection required prior to approval
OK to continue after corrections made
Owner/contractor must sign below to indicate all corrections are made; return form to inspector.

Owner/contractor signature:

Call for reinspection

Inspector name: Tim Zimmerman

Top copy — Job site Pink — File Yellow — Office
## Inspection Request and Report

**Date requested:** 11/25  
**Time:**  
**Type of inspection:** Wood Stove

**Requested by:**  
**Phone:** 297-2292

- Electrical
- Plumbing
- Structural
- Mechanical
- Manufactured home

**Permit no.:** ME0600462  
**Owner:** Wyatt  
**Contractor:**  
**Job address:** 13522 HWY 241  
**Directions:** Allegheny

**Ready (date):** 12/1  
- Mon.
- Tue.
- Wed.
- Thu.
- Fri.
- A.M.
- Mid.
- P.M.

**Call before coming?** No  
**Phone:**

---

## Inspection Report

**Date inspected:** 12-1-08  
**Time:** 10:10  
**Type of inspection:**  
- Unable to inspect
- No corrections noted
- Correction(s) expected within _______ days

**Inspection report no.:**  
- Correction(s) noted: (Page ______ of ______)

---

**Final Approved**

- Reinspection required prior to approval
- OK to continue after corrections made

**Owner/contractor must sign below to indicate all corrections are made; return form to inspector.**

**Owner/contractor signature:**  
**Call for reinspection**

---

**Inspector name:** M.J. Perkins  
**Inspector signature:**

---

Top copy — Job site  
Pink — File  
Yellow — Office
**Inspection Request and Report**

**Department of Consumer & Business Services**
**Building Codes Division**

<table>
<thead>
<tr>
<th>Date requested:</th>
<th>9/21</th>
<th>Time:</th>
<th>Type of inspection:</th>
<th>W ( \checkmark )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested by:</td>
<td>D(\checkmark)</td>
<td>Phone: (541) 297-2292/888-3938</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical</td>
<td>(\checkmark)</td>
<td>Plumbing</td>
<td>(\checkmark)</td>
<td>Structural</td>
</tr>
<tr>
<td>Permit no.</td>
<td>MEC00462</td>
<td>Owner:</td>
<td>Myata</td>
<td>Contractor:</td>
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<tr>
<td>Job address:</td>
<td>13522 Hwy 241 Allegany</td>
<td></td>
<td></td>
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<tr>
<td>Directions:</td>
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</tr>
<tr>
<td>Ready (date):</td>
<td>Mon.</td>
<td>Tue.</td>
<td>Wed.</td>
<td>Thu.</td>
</tr>
<tr>
<td>Call before coming?</td>
<td>No</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Phone: ( )</td>
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**Inspection Report**

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<th>9-22-06</th>
<th>Time:</th>
<th>1210</th>
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<tbody>
<tr>
<td>Type of inspection:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unable to inspect</td>
<td>No corrections noted</td>
<td>Correction(s) expected within ______ days</td>
<td></td>
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<tr>
<td>Inspection report no.:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M 1306.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.427.5.3 STOVE PIPE TO EXTEND 2' HIGHER THAN ANY PORTION OF ROOF WITHIN 10'.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TABLE 1306.2 MAINTAIN 9&quot; CLEARANCE AT REAR OF UNIT.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Call for Reinspection</td>
<td></td>
<td></td>
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<td>Reinspection required prior to approval</td>
<td>OK to continue after corrections made</td>
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<td></td>
</tr>
<tr>
<td>Owner/contractor must sign below to indicate all corrections are made; return form to inspector.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner/contractor signature:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call for reinspection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspector name: Wayne Parker</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspector signature:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Top copy — Job site  Pink — File  Yellow — Office
**Inspection Request and Report**

**Inspection Request**

<table>
<thead>
<tr>
<th>Date requested:</th>
<th>9/14</th>
<th>Time:</th>
<th>Type of inspection:</th>
<th>Wood Stove</th>
</tr>
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<tbody>
<tr>
<td>Requested by:</td>
<td>Don</td>
<td>Phone: ( )</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Electrical
- Plumbing
- Structural
- Mechanical
- Manufactured home

<table>
<thead>
<tr>
<th>Permit no.</th>
<th>MECO040621</th>
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</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>W Jatt</td>
</tr>
<tr>
<td>Contractor:</td>
<td></td>
</tr>
<tr>
<td>Job address:</td>
<td>13522 Hwy 241</td>
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<tr>
<td>Directions:</td>
<td>Allegany</td>
</tr>
</tbody>
</table>

- Ready (date): 9/15
- Call before coming? No
- Phone: ( )

**Inspection Report**

<table>
<thead>
<tr>
<th>Date inspected:</th>
<th>9/15/00</th>
<th>Time:</th>
<th>1:235</th>
<th>Type of inspection:</th>
</tr>
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<tbody>
<tr>
<td>Unable to inspect</td>
<td></td>
<td>No corrections noted</td>
<td></td>
<td>Correction(s) expected within ________ days</td>
</tr>
<tr>
<td>Inspection report no.:</td>
<td></td>
<td>Correction(s) noted: (Page _______ of _______)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- No one home, gate locked
- Call for Reinspection
- Reinspection Fee May be Assessed
- Reinspection required prior to approval
- OK to continue after corrections made
- Owner/contractor must sign below to indicate all corrections are made; return form to inspector.

- Owner/contractor signature: [Signature]
- Call for reinspection
- Inspector name: Wayne Parker
- Inspector signature: [Signature]

---

Top copy — Job site  Pink — File  Yellow — Office
**Building Codes Division**

P.O. Box 398  
Coquille, Oregon 97423  
Phone 396-2148  FAX 396-3974

**Sep 14, 2006 12:01**

**Owner:** WYATT DON  
**Job Location:** 13822 HWY 241 065A  
**City:** ALLIGANY  
**Type of Work:** WOOD STOVE  
**Directions:** UP COOS RIVER  
**County:** COOS

**Status:** ISSUED  
**Applied:** Sep 14, 2006  
**Issued:** Sep 14, 2006

---

**State of Oregon**

**BBB##:**

---

**Permit No. ME06C00452**  
**Wood Stove**

---

**Detail on Fee Items Purchased:**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>QTY</th>
<th>COST</th>
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</thead>
<tbody>
<tr>
<td>Issuance of Permit</td>
<td>1</td>
<td>$13.00</td>
</tr>
<tr>
<td>Furnace/Turner Incl. Ducts &amp; Vent</td>
<td>1</td>
<td>$5.35</td>
</tr>
<tr>
<td>Wood/Bulk Bag/Store</td>
<td>1</td>
<td>$20.36</td>
</tr>
<tr>
<td><strong>Total Permit Fee</strong></td>
<td></td>
<td><strong>$20.36</strong></td>
</tr>
<tr>
<td><strong>Total All Payments</strong></td>
<td></td>
<td><strong>$20.36</strong></td>
</tr>
<tr>
<td><strong>Balance Due</strong></td>
<td></td>
<td><strong>$.00</strong></td>
</tr>
</tbody>
</table>

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**Applicant must hold an Oregon registration to conduct contractor's business or be exempt from this requirement. Applicant certifying the above information is true and correct. All work to be performed shall be in accordance with the governing laws and rules.**

---

**[Signature of Applicant]**

---

Permit expires if work is not started within 180 days of issuance or if work is suspended for 180 days. It is the responsibility of the permit holder to request inspections.
Building permit

Receipt Number: RCO08317 Amount: $498.63 09/14/08 12:01
Payment Method: CK Notation: OWN 2260 Init: MR

Permit No: ST06C00471 Type: ST STRUCTURAL PERMIT
Site Address: 13522 HWY 241
Location: UP COOS RIVER

Total Fees: $498.63
This Payment: $498.63
Total All Pmts: $498.63
Balance: $0.00

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>70711 1291</td>
<td>ST/ME - 8% SURCHARGE</td>
<td>14.61</td>
</tr>
<tr>
<td>70711 1195</td>
<td>ST/ME - PERMIT FEES</td>
<td>484.02</td>
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</table>
**Inspection Request and Report**

**Date requested:** 7/24/06  
**Time:** 8:20  
**Type of inspection:** Service

**Requested by:** Kyle  
**Phone:** ( ) 756-2723

**Electrical**

**Permit no.:** 10-00-1233  
**Owner:** Wyatt  
**Contractor:** Kyle

**Job address:** 13522 Hwy 240 Alemany

**Directions:** 2nd Drive (past 20 mile marker) on the right just past the yard filled with

**Ready (date):** 7/24/06  
**Call before coming:** Yes  
**Phone:** ( )

**Someone will be there during**

---

**INSPECTION REPORT**

**Date inspected:** 7/26/06  
**Time:**  
**Type of inspection:** O.K.

**Unable to inspect**

**No corrections noted**

**Correction(s) expected within**

**days**

**Correction(s) noted:**

---

**Owner/contractor signature:**

---

**Inspector name:** Tim Zimmerman  
**Inspector signature:**

---

**Top copy — Job site  
Pink — File  
Yellow — Office**
## Inspection Request and Report

**Date requested:**

**Time:**

**Type of inspection:** Compliance

**Requested by:**

**Phone:**

- ☐ Electrical  
- ☐ Plumbing  
- ☐ Structural  
- ☐ Mechanical  
- ☐ Manufactured home  

**Permit no.:**

**Owner:** Dan Wyatt  

**Contractor:**

**Job address:** 13522 Hwy 241 Alleghany

**Directions:**

---

**Ready (date):**

- ☐ Mon.  
- ☐ Tue.  
- ☐ Wed.  
- ☐ Thu.  
- ☐ Fri.  
- ☐ A.M.  
- ☐ Mid  
- ☐ P.M.

**Call before coming?**

- ☐ No  
- ☐ Yes  

**Phone:**

---

## Inspection Report

**Date inspected:** 5/19/06  

**Time:** 1300  

**Type of inspection:**

- ☒ Correction(s) expected within 30 days

**Inspection report no.:**

**☑ Elec. Permit Reg'd. Consult with Elec. Inspector**

**☑ Mech. Permit Reg'd. for wood stove**

**☑ Provide letter from Engineer for structural design, stability & structural plans & permit with zoning letter**

---

- ☐ Reinspection required prior to approval  
- ☐ OK to continue after corrections made

- ☐ Owner/contractor must sign below to indicate all corrections are made; return form to inspector.

**Owner/contractor signature:**

---

- ☐ Call for reinspection

**Inspector name:** Wayne Parker  

**Inspector signature:**

---

Top copy — Job site  
Pink — File  
Yellow — Office
STRUCTURAL ANALYSIS FOR CABIN

Prepared For
Don Wyatt
P.O. Box 3373
Coos Bay, Or. 97420

Site Location: Allegany, Or.

The attached lateral stability calculations are for a Pole Building with stud framed non-bearing exterior walls. Wind load is the controlling lateral load. The design parameters used in the analysis are as follows:

1. Soil type D, Seismic Zone D2, wind load 100 mph exposure B.

This design was performed in accordance with the 2005 Oregon Residential Specialty Code.

Prepared by Stuntzner Engineering & Forestry, LLC
P.O. Box 118, Coos Bay, Oregon, 97459
The existing poles concreted into the ground are adequate to resist the lateral loads applied parallel to the roof ridge. The exterior walls in this direction are also sheathed with 5/8" T1-11 siding that provides additional shear resistance that was not included in the analysis in the direction parallel to the roof ridge.

The existing poles concreted into the ground are not adequate to resist the lateral loads applied perpendicular to the roof ridge. The exterior walls are sheathed with 5/8" T1-11 siding that provides adequate shear resistance if the siding is nailed as follows:

**North Wall:** Nail siding to studs with 8D nails at 4" O.C. at all edges, and 12" O.C. in the Field. All edges are to be blocked. MSTA30 straps are to be installed at all corners of the windows as shown on the attached plan sheet. Straps may be installed on the inside of the wall framing.

**South Wall:** Nail siding to studs with 8D nails at 6" O.C. at all edges, and 12" O.C. in the field. All edges are to be blocked. MSTA30 straps are to be installed at all corners of the windows as shown on the attached plan sheet. Straps may be installed on the inside of the wall framing.

**East & West Wall:** Install MSTA30 straps across the splice in the 4X6 beams that are connected to the top of the posts. Install straps as shown on the attached plan sheets.
To meet TBC requirements, add the following items to the existing structure:
(refer to attached cabin drawings)

1) East and West Walls -
   Provide strapping to tie the two horizontal rafters on each wall together.
   Straps must withstand 1600 lb shear force.

2) North and South Walls -
   Install 2" x 4" blocks between adjoining wall studs for a horizontal distance of 30", at top and bottom of each large and small window, on both sides of window.
   After block installation, install MSTA 30 straps over top of blocks.
   Straps must be able to withstand 1835 lb tension. Straps are 30" in length.
North Wall

Wall is strapped across openings to transfer shear around openings. Entire wall acts as a shear wall therefore overturning resistance would be equivalent to South Side shear wall.

Uplift on Corner Post = 652 lbs.

Concrete Post Footing 04

2' x 2' x 2' x 150pcf = 1,200 lbs. > 652 lbs


Uplift Resistance is O.K.
Calculate wind load from 18 MPH wind against top portion of end wall (3 ft height) transferred to 4 columns along side walls.

Given:
- End wall dim. = 12.5 x 11'
- Roof Dim = 12.5 x 2.08 high

\[ \frac{1}{2} \text{ pitch over 12.5 ft length.} \]

\[ \tan \left(\frac{18.43^\circ}{6.25 \text{ ft}}\right) = \frac{x}{6.25} \]

\[ x = 6.25 \left(\tan 18.43^\circ\right) = 2.0827 \text{ ft} \]

b) Area of wall = rectangular + triangular
- Triangular (under roof eaves):
  \[ \frac{1}{2} (12.5 \text{ ft} \times 2.08 \text{ ft}) = 13.017 \text{ SF} \]
- Rectangular (upper half of 11 ft wall height):
  5.5 ft vertical x 12.5 ft width = 68.75 SF

d) Wind load on upper 3 ft + eave section of endwall

\[ F_w = 18 \text{ lb/ft} \times (13.017 + 68.75) \]

\[ F_w = 14718.16 \text{ lb} \]

Applying half to each side wall:

\[ \frac{14718.16}{2} = 7359.08 \text{ lb} \]

Apply equally to 4 columns per side:

\[ \frac{7359.08}{4} = 1839.77 \text{ lb per column} \]

\[ F_w = 184 \text{ lb per column} \]
**South Wall**

- Area for DL Roof = 3' x 16.5' = 49.5 SF
  - \( DL_R = 10 \text{ lb/ft}^2 \times 49.5 \text{ SF} = 495 \text{ lb} \)
  - \( \frac{2}{3} \times DL_R = 330 \text{ lb} \)

- Area for DL Wall = 12.5 ft wide x 11' tall = 137.5 SF
  - \( DL_W = 150 \text{ lb/ft}^2 \times 12.5 \text{ SF} = 1875 \text{ lb} \)
  - \( \frac{2}{3} \times DL_W = 1200 \text{ lb} \)

- \( F_W = 1610 \text{ lb} \)

\( M_T = 0 \)

\( 0 = \frac{2}{3} DL_R (6.25 \text{ ft}) + \frac{2}{3} DL_W (6.25 \text{ ft}) + T (12.5 \text{ ft}) - F_W (11 \text{ ft}) \)

\( F_W (11 \text{ ft}) = 330 \text{ lb} (6.25 \text{ ft}) + 1200 \text{ lb} (6.25 \text{ ft}) + T (12.5 \text{ ft}) \)

\( 1610 \text{ lb} (11 \text{ ft}) = 2062.5 \text{ lb} + 7500 \text{ lb} + T (12.5 \text{ ft}) \)

\( 8147.5 \text{ lb} = 9562.5 \text{ lb} + T (12.5 \text{ ft}) \)

\( T = 6552 \text{ lb} \)
Given:
Side wall dim.= 22'4" x 11' height.
Roof dim.= 26'6" x 20'8" height (2 ft. rake)

Find: Load per linear foot of wall length;
Determine adequacy of shear walls per IBC Table

Sol'n

Side Wall: Use upper half of wall height = 5'5'/
22.5' x 5.5' = 123.75 sf

Roof: 26.5' x 21.08' = 551.12 sf

Wind Load = 18.16 x (123.75 + 551.12)

\[ F_w = 3219.66 \approx 3220 \text{ lb} \]

Divide between buildings 2 and walls: \( \frac{3220}{2} = 1610 \text{ lb.} \)

a) North wall has 4' x 6' window, has 2-3/4' walls. 4F of full wall span = 2(3'4") = 6.5' LF

\[ \frac{1610}{16} = 24.71 16/16 LF \approx 24.78 16/16 LF \]

See 'Allowable Shear' Table pg. 469 of IBC.

Using the following specifications to meet IBC reg.:
for a shear force of 24'16/16F on a wooden shear wall:

- Wall: Fastener penetration Nail: 6.1" 4/16
- 13/32" 1 1/2" 10d 340 5/10
- Advise: use 8d nail at 4" spacing or 10d nail at 6" spacing.
b) South wall (disregard high small window 2" x 3")
Wind load of 16"/16'/LF

\[
\frac{1610\text{ lb}}{12.5\text{ LF}} = 128\text{ lb/lf}
\]

Using the following specs to meet IBC requirement for a shear force of 128 lb/lf on a wooden shear wall (Douglas fir, 5/8" thickness) evaluate options:

**Wall Fastener Penetration (in)**

<table>
<thead>
<tr>
<th>Wall</th>
<th>Fastener</th>
<th>Nail Fastener Spacing (in Panel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/32</td>
<td>1 1/2</td>
<td>10 d 3 3/4</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1 3/4 16 Gs 185</td>
</tr>
</tbody>
</table>

(Info from IBC Shear Walls - pg 4/69)

Adviso:
- Use 8d Nails at 6 inch, 1 3/8" in penetration required.
FOR BOTH NORTH AND SOUTH WALLS, INSTALL 2x4 BLOCKS ON BOTH SIDES OF LARGE AND SMALL WINDOWS. ATTACH METAL MSTA-30 FASTENERS OR EQUAL CAPABLE OF WITHSTANDING 1835 LB TENSION.

NOTE: MSTA-30 STRAP IS 30" IN LENGTH. MSTA-20 INSTALL 2x4 BLOCKS BETWEEN ADJOINING WALL STUDS TO ALLOW FASTENER INSTALLATION.

SCALE: 1/4" = 1'

North Wall: Both ends have smaller window.
South Wall has 3x2' window.
North wall has 4' x 6' window.
Provide strapping to connect two 4x6 post beams on East wall. Strapping must withstand 1600 lb shear on horizontal rafters. Use MSTA30 strap.

Roof: 2x6 trusses 4'x4', space sheathing. Use metal roofing.

Scale: 4" = 1'

West wall.
Provide strapping to connect two 4x6 post beams on east and west walls. Strapping must withstand 1600 lb shear on horizontal.

Use M57330 strap.

2x4 walls
16" on center.

Roof & walls
Insulation

Scale 1" = 1'

East wall
Fire Protection Request Form

If the dwelling is not within a residential fire protection district and has not contracted with a fire protection district, the applicant shall provide evidence that he/she has asked to be included in the nearest such district; and

Note: Alternative means for protecting the dwelling from fire hazards may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.

Please have the following blanks completed by the fire chief:

The applicant has asked to be included in/ is contracting with/is part of

Bunker Hill Rural Fire Protection District.

District Chief: __________________________ Date: 10/11/07
Attachment

"B"
COOS COUNTY ZONING COMPLIANCE LETTER  
(Valid For One Year From Date Of Issue )
COOS COUNTY PLANNING DEPARTMENT  
COURTHOUSE ANNEX  
PHONE (541) 396-3121  
FAX (541) 396-2690

DATE 07-19-00  
ZCL NO. 00-311

APPLICANT Donal Wyatt  
OWNER Donald Wyatt II

ADDRESS PO Box 3373

CITY Coos Bay  
STATE : OR  
ZIP 97420

LEGAL DESCRIPTION :

TWN/SHIP RANGE  
SECTION TAX LOT ACCOUNT# SIZE ZONING
24 11 35 600 1149.02 .96 F

COMMENDS

EXISTING STRUCTURES / IMPROVEMENTS

DWELLING  
MOBILE HOME  
COMMERCIAL  
INDUSTRIAL

FARM  
OTHER  
NONE  

WELL  
SPRING  
LAKE  

PUBLIC WATER  
PUBLIC SEWER

COMMENDS

ZONING DISTRICT REQUIREMENTS

SETBACKS  
FRONT:  
SIDE/CORNER:  
REAR:  
XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35FT FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5FT FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.
STRUCTURE HEIGHT:  
AIRPORT OVERLAY ZONE:  
UGB:  

RIPARIAN VEGETATION:

XX ALL BUILDINGS SHALL MAINTAIN A 50FT MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

XX CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30FT RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).

XX A SECONDARY FIREBREAK OF AT LEAST 100FT. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS:

n/a  
DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT, ATTACHED.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM / FOREST MANAGEMENT PRACTICES

XX I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE
SPECIAL CONSIDERATIONS
FLOOD HAZARD AREA
COASTAL SHORELINES
BEACHES AND DUNES
NATURAL HAZARDS
WATERSHED
OTHER

FIRM FLOOD MAP NUMBER:
MINERAL RESOURCES
WETLANDS
ARCHAEOLOGICAL
AIRPORT

BOTANICAL
HISTORICAL
GEOLOGICAL

ATTENTION OWNER / CHARLESTON SANITARY DISTRICT
ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ON-SITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT'S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE EVALUATION
INSTALL NEW SEPTIC SYSTEM
RECONNECT EXISTING SYSTEM
REPAIR / REPLACE EXISTING SYSTEM
OTHER

BUILDING CODES AGENCY
CONSTRUCT SINGLE FAMILY DWELLING
REPAIR OR ALTER EXISTING DWELLING
SITE MANUFACTURED DWELLING
CONSTRUCT ACCESSORY STRUCTURE
CONSTRUCT FARM BUILDING
OTHER

EXPLANATORY NOTES AND / OR CONDITIONS:
Clearance to site a accessory structure 12' x 24' in diameter. Not for habitation commercial or industrial uses.

APPLICANT'S STATEMENT
PERTAINING TO THE SUBJECT PROPERTY DESCRIBED ABOVE, I HEREBY DECLARE THAT I AM THE LEGAL OWNER OF RECORD OR AN AGENT HAVING CONSENT OF THE LEGAL OWNER OF RECORD AND I AM AUTHORIZED TO OBTAIN THIS ZONING COMPLIANCE LETTER SO AS TO OBTAIN NECESSARY PERMITS FOR DEVELOPMENT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND / OR THE BUILDING CODES AGENCY. THE STATEMENTS WITHIN THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I VERIFY THAT THIS IS A LEGALLY CREATED TRACT, PARCEL OR LOT. I UNDERSTAND THAT ANY PERMITS AND / OR AUTHORIZATION FOR DEVELOPMENT ISSUED BY THE PLANNING DEPARTMENT MAY BE REVOKED IF IT IS DETERMINED THAT IT WAS ISSUED BASED ON FALSE STATEMENTS, MISREPRESENTATIONS OR IN ERROR. AS A CONDITION FOR ISSUING THIS ZONING COMPLIANCE LETTER THE UNDERSIGNED HEREBY AGREES TO HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGE WHICH MAY OCCUR AS A RESULT OF THE FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS WHICH SERVE AS ACCESS TO THE SUBJECT PROPERTY.

Zoning Compliance Letter Valid For One Year From Date Of Issue.

APPLICANT'S SIGNATURE

COOS COUNTY COMPLIANCE
THE COOS COUNTY PLANNING DEPARTMENT FINDS THAT THE PROPOSED USES COMPLY WITH APPLICABLE PROVISIONS OF THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE. THE INFORMATION CONTAINED ON THIS FORM REFLECTS THE STATUS OF THE SUBJECT PROPERTY AND LAND USE REGULATIONS THAT EXIST AT THE TIME OF ISSUANCE.

AUTHORIZED SIGNATURE: [Signature]
TITLE: [Title]
DATE: [Date]

FOR OFFICE USE ONLY
FEE RECEIVED: $50
RECEIPT #: 17250
CHECK #: 1841
STAFF
OTHER:

DCL/PLMP2 PUD-12/15-95 (bw)
COOS COUNTY ZONING COMPLIANCE LETTER
(VALID FOR ONE YEAR FROM DATE OF ISSUE)
Coos County Planning Department
Phone (541) 396-3121 ext. 210
Courthouse Annex
Fax (541) 396-2690
Coquille, OR 97423

DATE : January 18, 2006
APPLICANT: Don Wyatt, II
OWNER: Same
ADDRESS 1: 13482 Hwy 241
ADDRESS 2: Coos Bay OR 97420
CITY/ST/ZIP:

ZCL NO.: 06-030
PHONE:
PHONE:

LEGAL DESCRIPTION:

TOWNSHIP RANGE SECTION TAX LOT ACCOUNT# SIZE ZONING
24 11 35 600 1149.02 2.66 F

COMMENTS:

EXISTING STRUCTURES/IMPROVEMENTS

DWELLING
MOBILE HOME
COMMERCIAL
INDUSTRIAL

FARM
OTHER
NONE

WELL
SPRING
LAKE

PUBLIC WATER
PUBLIC SEWER
SEPTIC

COMMENTS: ag building

ZONING DISTRICTS REQUIREMENTS

SETBACK FRONT SIDE/CORNER REAR
XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.

STRUCTURE HEIGHT AIRPORT OVERLAY ZONE: UGB:

RIPARIAN VEGETATION

XX ALL BUILDINGS SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK

XX CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30FT. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).

XX A SECONDARY FIREBREAK OF AT LEAST 100 FT. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS

— DRIVEWAY CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT (ATTACHED).

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES

— I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE:
ATTENTION OWNER/CHARLESTON SANITARY DISTRICT

ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ONSITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT’S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE EVALUATION
INSTALL NEW SEPTIC SYSTEM
RECONNECT EXISTING SYSTEM
REPAIR/REPLACE EXISTING SYSTEM
OTHER:

BUILDING CODES AGENCY
CONSTRUCT SINGLE FAMILY DWELLING
REPAIR OR ALTER EXISTING DWELLING
SITE MANUFACTURED DWELLING
CONSTRUCT ACCESSORY STRUCTURE
CONSTRUCT FARM BUILDING
OTHER XX

EXPLANATORY NOTES AND/OR CONDITIONS: Clearance to site a pole building for private hunting and fishing operations without any lodging accommodations pursuant to Section 4.8.200(K) of the Coos County Zoning and Land Development Ordinance. There are no dwellings allowed on this property at this time. Property owner and family may camp on his property for 45 days out of the calendar year.

APPLICANTS STATEMENT
Pertaining to the subject property described above, I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain this zoning compliance letter so as to obtain necessary permits for development from the Department of Environmental Quality and/or the Building Codes Agency. The statements within this form are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, parcel or lot. I understand that any permits and/or authorization for development issued by the Planning Department may be revoked if it is determined that it was issued based on false statements, misrepresentations or in error. As a condition for the issuing this zoning compliance letter the undersigned hereby agrees to hold Coos County harmless from and indemnify the County for any liability for damage which may occur as a result of the failure to build, improve or maintain roads which serve as access to the subject property.

(Zoning compliance letter valid for one year from date of issue)

APPLICANTS SIGNATURE: [Signature]

COOS COUNTY COMPLIANCE
The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue.

AUTHORIZED SIGNATURE: [Signature]
Debby Darling, Planning Tech
January 18, 2006

FOR OFFICE USE ONLY
FEE RECEIVED: $80.00
BASED ON APPLICATION NO.: [Application No.]
RECEIPT NO.: 065380
CHECK NO.: 2124
STAFF: DD
COOS COUNTY ZONING COMPLIANCE LETTER
(VALID FOR ONE YEAR FROM DATE OF ISSUE)

Coos County Planning Department Courthouse Annex Coquille, OR 97423
Phone (541) 396-3121 ext. 210 Fax (541) 756-8630

DATE : September 11, 2008 ZCL NO.:08-363
APPLICANT : Don Wyatt PHONE :
OWNER : Donald Wyatt, II PHONE :
ADDRESS 1 : 13522 Highway 241
ADDRESS 2 : Coos Bay OR 97420
CITY/ST/ZIP : PO Box 3373, Coos Bay OR 97420 (Mailing)

LEGAL DESCRIPTION:

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COMMENTS:

EXISTING STRUCTURES/IMPROVEMENTS

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<th>DWELLING</th>
<th>MOBILE HOME</th>
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<tr>
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PUBLIC WATER
PUBLIC SEWER
SEPTIC

COMMENTS:

ZONING DISTRICTS REQUIREMENTS

SETBACK FRONT SIDE/CORNER REAR
XX ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.

STRUCTURE HEIGHT AIRPORT OVERLAY ZONE: UGB:

RIPARIAN VEGETATION
XX ALL BUILDINGS SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL STREAMS, LAKES, WETLANDS AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK
XX CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30FT. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).

XX A SECONDARY FIREBREAK OF AT LEAST 100 FT. AROUND THE PRIMARY FIREBREAK.

DRIVEWAYS
XX DRIVeway CONFIRMATION FORM SIGNED-OFF BY ROAD DEPARTMENT (ATTACHED).

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES
XX I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANTS SIGNATURE: ________________________________
SPECIAL CONSIDERATIONS
FLOOD HAZARD AREA
COASTAL SHORELANDS
BEACHES AND DUNES
NATURAL HAZARDS
WATERSHED

OTHER Mixed Use

ATTENTION OWNER/CHARLESTON SANITARY DISTRICT

ADDITIONAL CLEARANCE BY THE CHARLESTON SANITARY DISTRICT IS REQUIRED FOR ALL ONSITE SEPTIC DISPOSAL SYSTEM REPAIR OR INSTALLATION, OR CONNECTION TO THE DISTRICT'S SANITARY SYSTEM.

COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY
SITE EVALUATION XX RECONNECT EXISTING SYSTEM
INSTALL NEW SEPTIC SYSTEM XX REPAIR/REPLACE EXISTING SYSTEM
OTHER

BUILDING CODES AGENCY
CONSTRUCT SINGLE FAMILY DWELLING CONSTRUCT ACCESSORY STRUCTURE
REPAIR OR ALTER EXISTING DWELLING CONSTRUCT FARM BUILDING
SITE MANUFACTURED DWELLING OTHER

EXPLANATORY NOTES AND/OR CONDITIONS: Clearance to have a septic site evaluation and to install the new septic system. Clearance to site a bathroom in the existing pole building. There is no clearance for a residential dwelling.

APPLICANTS STATEMENT
Pertaining to the subject property described above, I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain this zoning compliance letter so as to obtain necessary permits for development from the Department of Environmental Quality and/or the Building Codes Agency. The statements within this form are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, parcel or lot. I understand that any permits and/or authorization for development issued by the Planning Department may be revoked if it is determined that it was issued based on false statements, misrepresentations or in error. As a condition for the issuing this zoning compliance letter the undersigned hereby agrees to hold Coos County harmless from and indemnify the County for any liability for damage which may occur as a result of the failure to build, improve or maintain roads which serve as access to the subject property.

(Zoning compliance letter valid for one year from date of issue)

APPLICANTS SIGNATURE: [Signature]

COOS COUNTY COMPLIANCE
The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue.

AUTHORIZED SIGNATURE: [Signature] Debby Darling, Planner I
September 11, 2008

FOR OFFICE USE ONLY
FEE RECEIVED: $100.00 RECEIPT NO.: 092885 CHECK NO.: 2145
BASED ON APPLICATION NO.: STAFF: DD
Attachment

“C”
DATE: January 11, 2006

Donald Wyatt
13522 Hwy 241
Charleston, OR 97420

RE: PERMITS REQUIRED, ADDRESS: 13522 Hwy 241, Charleston

This office has observed construction on the property located at the above address which requires a permit be issued prior to the work commencing. The following is required:

2005 Oregon Residential Specialty Code Sec R105.1
  (X) Structural Permit;
  (X) Electrical Permit;
  (X) Plumbing Permit;

2004 Oregon Structural Specialty Code Sec 105
  ( ) Structural Permit;

OAR 918-309-0000
  ( ) Electrical Permit;

OAR 918-780-0060
  ( ) Plumbing Permit;

2002 Oregon Manufactured Dwelling and Park Specialty Code
  ( ) Manufactured Home Setup Permit

The permit application must be submitted to this office not later than January 23rd, 2006.

Depending on the work, zoning and sanitation approvals may be required prior to issuance of the permit. Structural permits will require adequate plans submitted along with the permit application. Contact this office for specific requirements.

Wayne Parker
Oregon State Building Inspector

cc: Coos County Planning
Attachment

"D"
July 18, 2013

Planning Department / Jill Rolfe
225 N. Adams
Coquille, OR 97425

Dear Planning Commission members,

Although I have no opinion as to the decision before you regarding the proposed use of subject property (identified as Township 24S Range 11W, Section 35 Tax Lot 600), owned by Mr. Don Wyatt, I submit this testimony to share my concerns regarding the structures currently located on this site and a desire to make sure that the existing structures and any new structures have the necessary permits and inspections to ensure safety of the occupants.

Our permit records indicate that there are structures currently located on the site that were illegally constructed without the necessary building permits and inspections throughout the construction process. As you are aware, the adopted building codes in Oregon are in place to assure a minimum standard of safety is afforded the occupants and users of buildings.

I would suggest that Planning, Building and DEQ work with Mr. Wyatt on a coordinated plan to bring the existing structures into compliance and ensure further development will be done through the appropriate processes prior to granting any further development approval.

Thank you for your consideration and please feel free to contact me with any questions related to this matter.

Sincerely,

Shane Sumption,
Building Official, Coos and Umatilla Counties
503-378-2015

Cc: Charles Chase, Deputy State Fire Marshal
Megan George, Permit Technician
Attachment

"E"
July 16, 2013

Jill Rolfe, Planning Director  
Coos County Planning Department

Re: Don Wyatt  
Proposed Hunting and Fishing Lodge

T24S, R11W, Section 35, Tax Lot 600

The entrance to the hunting and fishing lodge shall meet the driveway standards of the CCZLDO Chapter VII.

A parking plan would need to be submitted and reviewed. As per the CCZLDO Chapter X, Section 10.1.400 (2b) Lodge Hall; the parking requirements are one space per one hundred square feet of floor area plus one space per two employees. Additionally one Bicycle space

Thank you,

John J. Rowe  
Roadmaster
05/01/13

Coos County Planning Dept.
250 N. Baxter Street,
Coquille, OR 97423
(541) 396-7770

To Coos County Planning Department:

On Tuesday, April 9th I visited the property owned by Mr. Wyatt on the E.F. Millcoma River with consultant George McNair. At the request of Mr. McNair, I assessed the vicinity of three structures in relation to the Coos County Ordinance requiring a 50-ft. setback from the Mean or Ordinary High Watermark (OHW) of the East Fork Millcoma River. Setbacks assist in providing conditions for healthy riparian areas that contribute to water quality and streambank stability, resulting in greater production of fish and wildlife. While on site, we looked at two structures (a small "Cabin" and a "Toolshed") and it appeared that there was a third, "Carport"-style pole structure that served to provide protection for a backhoe on the property. I have forwarded several photos from the consultant of streambank conditions in the reach of the Cabin and Toolshed.

Note: Although Mean or Ordinary High Water Mark measurements may vary depending on the individual obtaining the data, variability is generally minor as the zone is defined by parameters that are repeatable between locations (permanent vegetation, channel features, etc).

The distance from the S.E. corner of the Cabin to the OHW of the E.F. Millcoma River measured 42 ft. The distance from the S.W. corner of the Cabin to the OWH measured 36 ft. The Toolshed was 36 ft. from the OHW to the S.E. corner and 28 ft. to the S.W. corner. We did not measure the distance of the pole structure from the OHW while on site, but it is apparently less than 50 ft. from the OHW as well. Observed impacts to the Riparian Management Area (RMA) in the past include removal of several myrtle and alder trees; clearing of shrubs; construction of a concrete walkway down to the wetted channel; and construction of terraced rock flower beds.

For this particular site I have considered the following:
-Fish and wildlife needs in relation to the impacts that have occurred to the RMA;
-Current streambank stability and potential causes for the instability observed;
-Distance of the three structures from the OHW;
-Methods to alleviate impacts of structure/dwelling encroachment on the RMA;
-Shallow depth of soils on the streambank, with an underlying layer of bedrock.

Recommendations:
Following considerable review, evaluation of the number of structures, and the limited distance from the OHW, the Oregon Department of Fish and Wildlife (with reservations) has deemed it reasonable at this location to recommend a variance of the 50-ft. setback for the three structures on this property as opposed to requiring the landowner to move the structures. We have provided the following as mitigative guidance if the Coos County Planning Dept. grants a variance for these three structures or a number of the structures.
Notable, but moderate erosion of soil and destabilization of the streambank has occurred on the streambank at the site. It is considered reasonable that this is primarily related to removal of shrubs and decay of tree roots following their removal.

1. Planting/Restoration: Native non-woody vegetation, woody shrubs, and trees including salmonberry, sword fern, alder, willow, and cedar trees should be planted at this location from 20ft. upstream of the encroachment to 20ft. downstream of the encroachment as measured from the individual structures (Cabin, Toolshed, and Carport).
   a. Planting should be on 3 ft. spacing, in the zone of planting (from the OHW mark up to the upper bank).
   b. Recommend watering plants during July, August, and September in order to increase survival, as the soils are shallow.
   c. There is a 20 x 20 ft. area on the streambank near the S.W. corner of the Cabin where notable loss of streambank soils has occurred and installation of heavy duty jute matting in combination with planting would expedite recovery. Jute matting installation should include use of non-metal natural or biodegradable stakes. The department recognizes that soils are shallow at the site and staking of jute may require creative methods to secure the mat (rather than stakes).
   d. Several of the myrtle trees that were previously cut have indications that they would recover from sprouting. It is recommended that these trees are allowed to regrow, as the root networks will assist with stabilizing the streambank. Understandably, the landowner is interested in having an open view of the river. In this context, limbing of trees while maintaining their vigor is considered preferred.
   e. The plant list should include: Scoulers or Hookers willow (Salix scouleriana; Salix hookeriana); salmon berry (Rubus spectabilis); red alder (Alnus rubra); and red cedar (Thuja plicata).

Thanks for your concern with conservation of Oregon's fish and wildlife resources and the habitats that support those resources.

Sincerely,

Christopher W. Claire
Christopher W. Claire
Habitat Protection Biologist
Oregon Dept. of Fish and Wildlife
Coos-Coquille-Tenmile District