

### Coos County Planning Department Land Use Application

Official Use Only
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Ollo

Pleas	e place a check mark on the appropriate t	ype of review	that has been requested.
X A	dministrative Review $\hfill\Box$ Hea	rings Body Re	eview
☐ Fi	nal Development Plan (BDR)	ance	
the fo	complete application will not be process orm and addressing all criteria. Attach add e indicated not applicable on any portion of est.	litional sheets	to answer questions if needed.
Α.	Applicant:		
Name	Amanda Nations, Crown Castle on behalf of T-Mobile		_ Telephone: 206-336-2889
	ess: 1505 Westlake Ave N, Suite 800		
City:	Seattle	_ State: WA_	Zip Code: 98109
В.	Owner:		
Name	City of Coos Bay & City of North Bend	2 A A A A A A A A A A A A A A A A A A A	_ Telephone:
Addre			
City:	Coos Bay	_ State: OR	Zip Code: <u>97420</u>
	The owner of the property (shown on de	uly executed	written contract who has the
	written consent of the vendor to make s	uch applicatio	n (consent form attached).
	A lessee in possession of the property w such application (consent form attached		n consent of the owner to make
X	The agent of any of the foregoing who siduly authorized agent and who submits by his principal (consent form attached).	evidence of b	
D.	Description of Property:		
Town	nship <u><sup>26S</sup> </u>	on	Tax Lot
	Account <u>566301</u> Lot Si	1 13 acres	Zoning District

## E. Information (please check off as you complete)

×	1.	Project Proposal. Attach description if needed.
		A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an $8\frac{1}{2}$ " x 11" paper to scale.
		Applicable distances must be noted on the parcel map along with slopes. (See
		example plot map)Covenants or deed restrictions on the property, if unknown contact title company.
×	3.	Existing Use wireless communications facility
	4.	Site Address 63927 Seven Devils Road, Coos Bay, OR 97420
X		Access Road Seven Devils Road
X		Is the Property on Farm/Forest Tax Deferral no
		Current Land Use (timber, farming, residential, etc.) water district, WCF
		Major Topography Features (streams, ditches, slopes, etc.) no
X	9.	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.
X	10	Identify any homes or development that exists on properties identified in #9.
X	11	A copy of the current deed of record.
F.		Proposed use and Justification
regardi Zoning be app Staff w	ng and rove ill p	ach an explanation of the requested proposed use and <b>findings (or reasons)</b> how your application and proposed use comply with the following the Coos County d Land Development Ordinance (LDO). Pursuant to the LDO, this application may ed only if it is found to comply with the applicable criteria for the proposed use. rovide you with the criteria; however, staff cannot provide you with any legal n concerning the adequacy of the submitted findings, there is no guarantee of
		nd the burden rests on the applicant. (You may request examples of a finding)
		보고 있는데 있는데 그는 사람들이 되었다. 그렇게 되는데 하는데 하는데 하는데 되었다.
List	of.	Applicable Criteria and Justification:
please s	ee a	tached eligible facility request narrative and statement of code compliance
L. A. Sto No.		그는 그 아버지는 그 있는데 이번에 대한 사람들이 되는데 그런데 가장 나를 보고 있는데 함께 되었다.

#### G. Authorization:

Updated 2016

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

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible 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 choose 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 bear 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 r staff has not encouraged or discouraged the	ny/our desire to submit this application and submittal of this application.
amonola haticis	
Applicant(s) Original Signature	Applicant(s) Original Signature
ATTMONDA MATICUS	
Print Name	Print Name



1505 Westlake Ave N Seattle, WA 98109

Phone: (206) 336-2889

Fax:

www.crowncastle.com

April 30, 2019

COUNTY OF COOS, OR 225 N. Adams Street Coquille, Oregon 97423

RE:

Eligible Facilities Request to modify equipment on a communications tower located at:

63294 SEVEN DEVILS ROAD, CHARLESTON, OR, 97420

Crown Site Number: 857586 / Crown Site Name: CHARLESTON Customer Site Number: PO01038B / Application Number: 454385

Crown Castle USA Inc. ("Crown Castle") on behalf of T-Mobile West LLC ("T-Mobile") is submitting the attached Eligible Facilities Request to add transmission equipment on a telecommunications tower located at 63294 SEVEN DEVILS ROAD, CHARLESTON, OR 97420 in COUNTY OF COOS, OR (the "CHARLESTON Tower").

The proposed modifications are non-substantial in nature and include the installation of (6) panel antenna, (7) RRUs, (1) microwave dish, and (1) platform mount on a 20' extension of the "CHARLESTON Tower". (3) Equipment cabinets are proposed on a new 8' x 15' concrete pad within the existing ground lease area (the Existing Site).

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156), mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

With respect to height, this law allows for an extension of the most recently approved height prior to the passing of section 6409 (a) by 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20-feet, whichever is greater. The proposal to increase the existing tower height by 20'-0" does not constitute a substantial change to the approved tower height of 100'-0" under this ruling.

Notwithstanding the preceding, the following materials for a conditional use permit application are being provided at the request of Coos County:

- Cover letter and certification of non-substantial changes (this letter)
- Conditional Use Application Form
- Redacted lease and first amendment authorizing scope of work
- Deed
- Statement of Code Compliance
- Construction drawings including site plan and elevations
- HBCU-02-06
- ACU-05-69

In processing the application as a conditional use under FCC rules for 6409 modifications, "If reviewing State or local government determines that the application is incomplete" [they] "must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information." Under federal law, an Eligible Facilities Request is deemed granted with written notification in sixty (60) days after an application is filed with a local jurisdiction, excluding tolling.

T-Mobile is committed to working cooperatively with all jurisdictions around the country to secure expeditious approval of requests to modify existing personal wireless service facilities. If you should require more information regarding the Spectrum Act, please do not hesitate to contact me with your questions.

Sincerely,

Amanda.Nations.Contractor@crowncastle.com

(206) 336-2889

# ELIGIBLE FACILITIES REQUEST CERTIFICATION FOR NON-SUBSTANTIAL CHANGES TO A WIRELESS TOWER NOT LOCATED WITHIN A PUBLIC RIGHT OF WAY

Address of the Wireless Tower: _63294 Seven Devils Road, Charleston, OR 97420_	
2) The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012: 100'-0"_	
B) What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower? 105'-6"	
4. What will be the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed? 110'-6"	
5) Effect of modifications of Transmission Equipment on Tower height:	
<ul> <li>(A) Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower?</li> <li>         ∑ Yes □ No     </li> </ul>	,
(B) Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (i) 10% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (ii) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater?  ☐ Yes ☒ No	:
6) Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater?  Yes No	el
7) Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site?  Yes No	
8) Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four?  [ Yes No. No. Substitution Change Cartificate for Taylors Not Within A Public Pictor of Way.	l

National Development

2015.3

elements of the Tower?  Yes No
(10) Prior Conditions of Approval
<ul> <li>(A) Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012?</li> <li>∑ Yes ☐ No</li> </ul>
<ul><li>(B) If the answer to 10(A) is "No," is the non-compliance due solely to any of the conditions addressed in questions 5-9 above?</li><li>☐ Yes ☐ No</li></ul>
If the answer to either question 5A or 5B is "No", and the answers to questions 6-9 are "No", and the answer to either 10A or B is "Yes" then the proposed modifications do not substantially change the physical dimensions of the existing Tower. Please provide a brief explanation, if necessary, to clarify any answer.
Explanatory Comments (If Needed):
Question No
Comment:
This certification is dated this 30 day of April, 2019.
Signature Variation
Amanda Nations, Real Estate Speciaist
Name & Title

## FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (the "First Amendment") is made effective this 28 day of ("Effective Date"), by and between COOS BAY-NORTH BEND WATER BOARD, a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, municipal corporations (hereinafter referred to as "Lessor") and NCWPCS MPL 30 – YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through its Attorney In Fact, CCATT LLC, a Delaware limited liability company (hereinafter referred to as "Lessee").

#### RECITALS

WHEREAS, Lessor and Edge Wireless LLC, an Oregon limited liability company ("Original Lessee") entered into a Lease Agreement dated May 9, 2002, a memorandum of which was recorded in the official records of Coos County, Oregon on May 17, 2002 at Instrument No. 2002-6442 (the "Lease") whereby Original Lessee leased certain real property, together with access and utility easements, located in Coos County, Oregon from Lessor (the "Premises"), all located within certain real property owned by Lessor ("Lessor's Property"); and

WHEREAS, NCWPCS MPL 30 – Year Sites Tower Holdings LLC is currently the Lessee under the Lease as successor in interest to the Original Lessee; and

WHEREAS, the Premises may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Lease had an initial term that commenced on September 1, 2002 and expired on August 31, 2007. The Lease provides for five (5) extensions of five (5) years each, three (3) of which were exercised by Lessee. According to the Lease, the final extension expires on August 31, 2032; and

WHEREAS, Lessor and Lessee desire to amend the Lease on the terms and conditions contained herein.

Site Name: Charleston Business Unit #: 857586 1 By: (Indians, 8) was [1619 390289

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Lessor and Lessee agree as follows:

4. <u>First Additional Lease Area.</u> Lessor and Lessee agree that the Premises, as described in the Lease, is hereby expanded in size to include additional space, which consists of a 400 square foot parcel of real property, more or less, adjacent to the existing Premises at a location approximately shown on the Site Plan attached hereto as <u>Exhibit A</u> (the "First Additional Lease

Area") to be confirmed by a formal survey within one (1) year of the date of this First Amendment. Lessee reserves the right, at its discretion and at its sole cost, to obtain a survey ("Survey") specifically describing the Premises, First Additional Lease Area and any access and utility easements associated therewith. Lessee shall be permitted to attach the Survey as an exhibit to this First Amendment and any related memorandum for recording, which shall update and replace the existing descriptions or depictions, at any time prior to or after execution of this First Amendment. The Survey shall be deemed to be incorporated into this First Amendment as <a href="Exhibit C">Exhibit C</a> even if not physically affixed hereto. Provided Lessee has transmitted the Survey to Lessor and Lessor has not provided any reasonable objection within fifteen (15) days of the date it is sent to Lessor, the Survey shall be deemed approved. Thereafter, Lessee is authorized to record an updated memorandum that attaches the Survey descriptions without Lessor's signature. The description of the First Additional Lease Area set forth in <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit A">Exhibit C</a> and <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between <a href="Exhibit C">Exhibit C</a> shall control in the event of discrepancies between

7. <u>Sublease and Modifications</u>. In accordance with Section 14 of the Lease, Lessor hereby consents to the sublease of a portion of the Premises, as expanded by the First Additional Lease Area, to T-Mobile or an affiliated entity. Lessor further consents to the modifications, additions and improvements to the Premises required, in Lessee's discretion, in order to accommodate said subtenant or licensee, as more particularly shown on the drawings attached hereto as <u>Exhibit B</u>. Lessee will repair any damage to Lessor's Property, including any access area or roadway, caused by Lessee or its employees, contractors, or agents during the installation of the improvements shown on <u>Exhibit B</u>.

Lessor and Lessee have caused this First Amendment to be duly executed on the day and year first written above.

#### LESSOR:

COOS BAY-NORTH BEND WATER BOARD, a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, municipal corporations

Print Name: IVAN THOMAS

Title: GENERAL MANAGER

STATE OF(	Juegon	)
		)ss.
COUNTY OF _	COOS	)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

OFFICIAL STAMP KAREN IRENE PARKER NOTARY PUBLIC-OREGON COMMISSION NO. 981180 MY COMMISSION EXPIRES NOVEMBER 14, 2022	Karm Lyne Parker (Signature of Notary)  Admin Asst. / Notary Public for Oregon Title of office
	Title of office  My Commission Expires: 11/14/2022

[Lessee Execution Page Follows]

This First Amendment is executed by Lessee as of the date first written above.

#### LESSEE:

NCWPCS MPL 30 – YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company

By: CCATT LLC, a Delaware limited liability company

Its: Attorney In Fact

By:/	W-d
Print Name:	Matthew Norwood
	Senior Transaction Manage
Title:	· · · · · · · · · · · · · · · · · · ·

STATE OF _	Texas	)
COUNTY OF	Harry	)ss. )

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal  Notar	(Signature of Notary)  NOTUY PUBLIC STATE OF TCXA  Title of office  My Commission Expires:
--	--

# T - Mobile.

T-MOBILE SITE NUMBER: PO01038B T-MOBILE SITE NAME:

CHARLESTON

SITE TYPE:

MONOPOLE

**TOWER HEIGHT:** 

90'-0"

PO01038B\_Charleston\_ROB\_PCD\_Infinigy\_09.11.18

SITE INFORMATION 47 37 14 37 14 (43 377 37 ) 13 47 37 1 07 14 (43 37 48 7 1 427 6 443. CONSTRUCTION INFORMATION: PROPERTY OWNER:

COUNTY AND STREET NC.
ALMESS \$11 M REMONS SI

CIT; \$14\$ PP FORUMO, OR \$1215-1752

PROJECT TEAM

SHEET INDEX	
SHEET	DESCRIPTION
1.1	fitte sheet
T-2	SPECIFICATIONS & NOTES
A-1	OVERALL SITE PLAN
A-2	ENLARGED PLANS
A-D	WESTELEVATIONS
A-4	ANTENNA PLAN & RF SCHEDULE
A-4.1	RF PLUMBING DIAGRAM
A-5	EQUIPMENT OF TAILS
A-6	EQUIPMENT DETAILS
A-7	EQUIPMENT DETAILS
A-8	EQUIPMENT DETAILS
A-9	GENERATOR DETAIL
A-10	FUEL TANK DETAIL
E-1	UTILITY ROUTING PLAN & DE"AILS
G-1	SCHEMATIC GROUNDING PLANS & NOTES
0-2	GROUNDING DETAILS
CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL MANEOUTELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK ON BE RESPONSIBLE FOR SAME.	

	APPROVALS		
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APPROVAL:	SIGNATURE:	DATE	
PROPERTY OWNER OR REP.			
LAND USE PLANNER			
T-MOBILE REP.			
OPERATIONS			
RF ENGINEER			
NETWORK			
BACKHAUL			
CONSTRUCTION MANAGER			

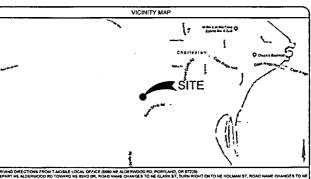
DESCRIPTION AND THE COLD MAD TH

CROWN CASTLE BU #: SITE ADDRESS: COUNTY: JURISDICTION: LAT: 43° 20' 14.35" N

63927 SEVEN DEVILS RD COOS BAY, OR 97420 coos **COOS COUNTY** 

857586

LONG: 124° 20' 3.06" W



#### CODE COMPLIANCE



#### PROJECT DESCRIPTION

T · Mobile



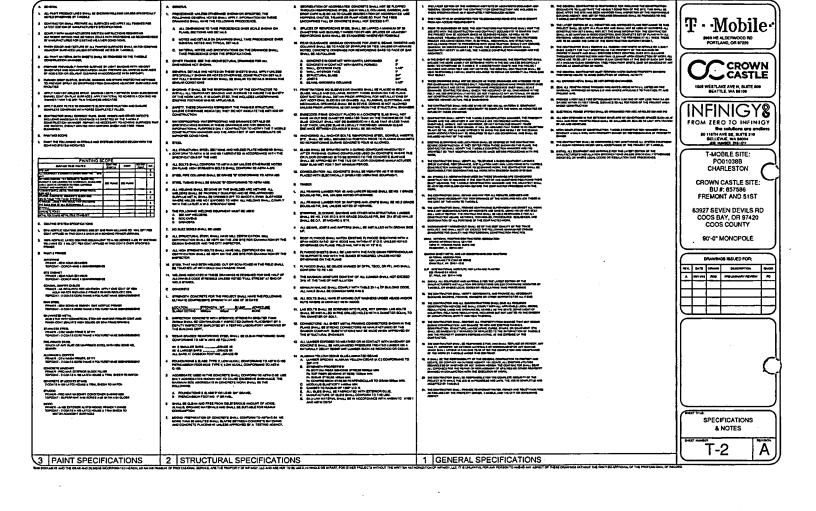
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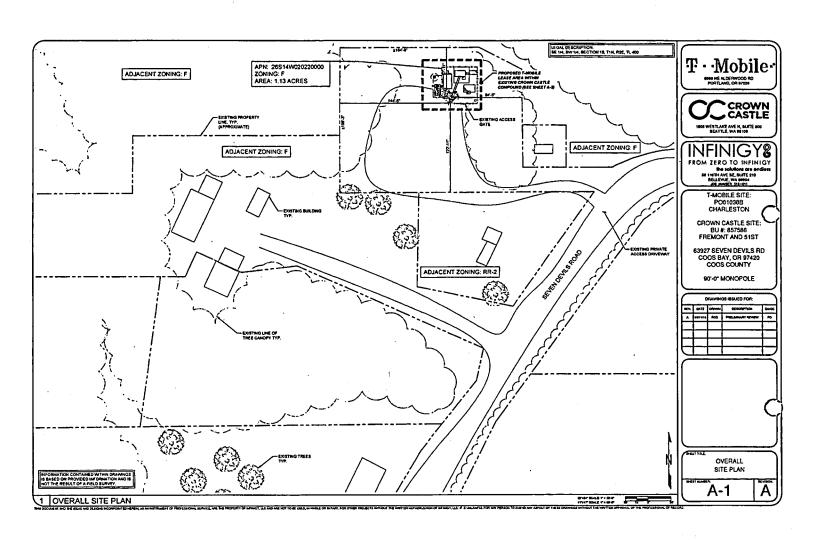
T-MOBILE SITE: PO01038B CHARLESTON

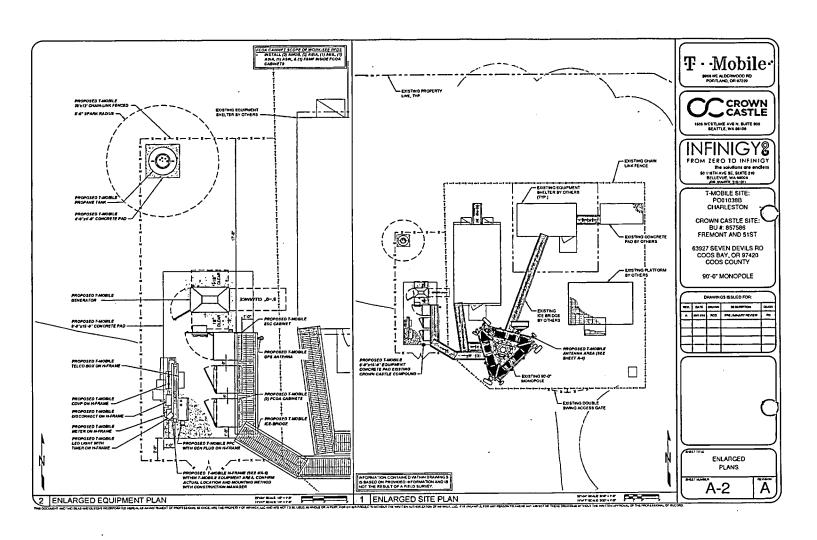
CROWN CASTLE SITE: BU #: 857586 FREMONT AND 51ST

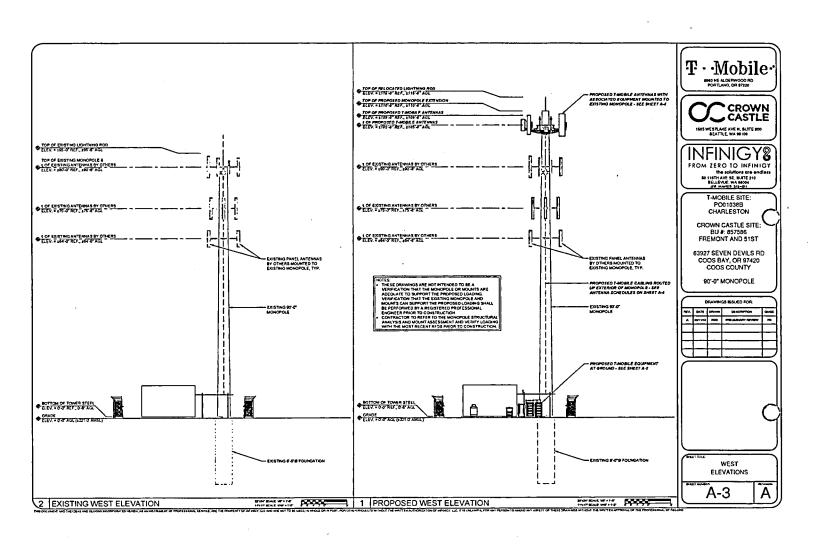
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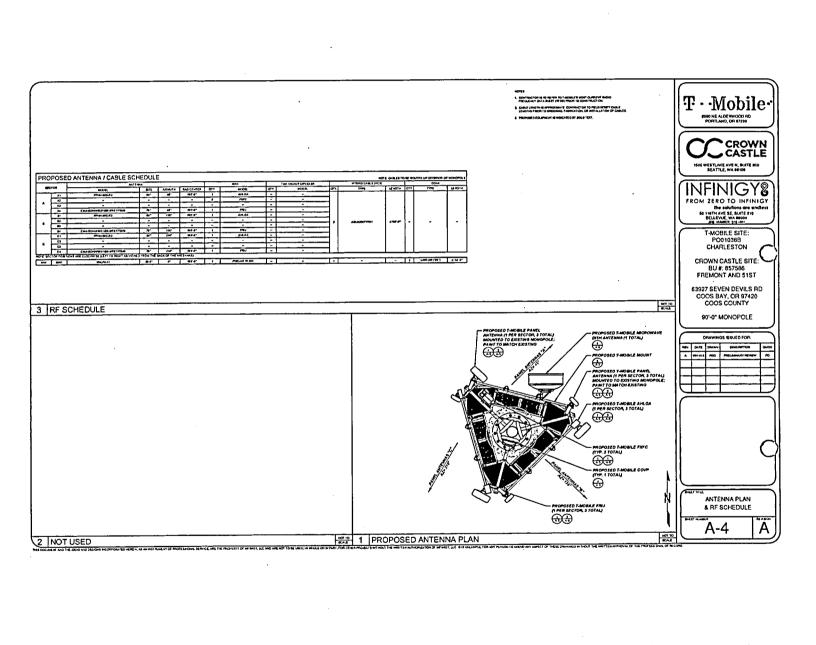
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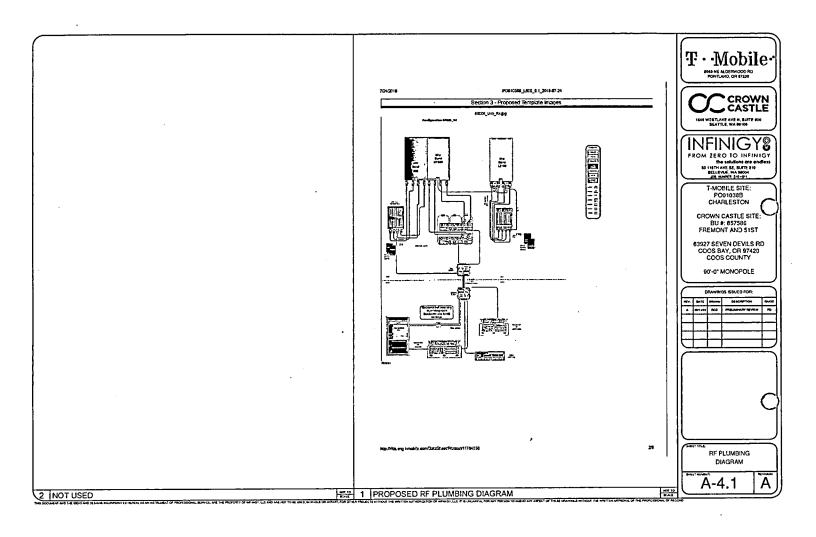


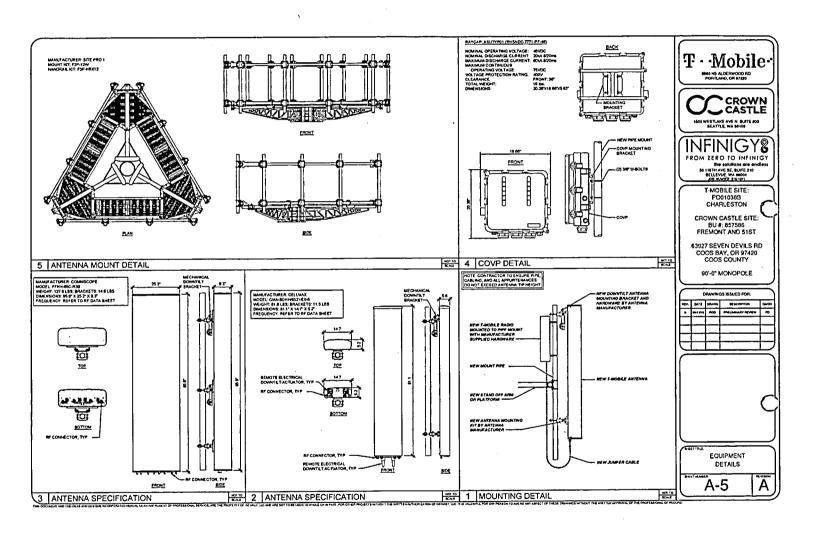


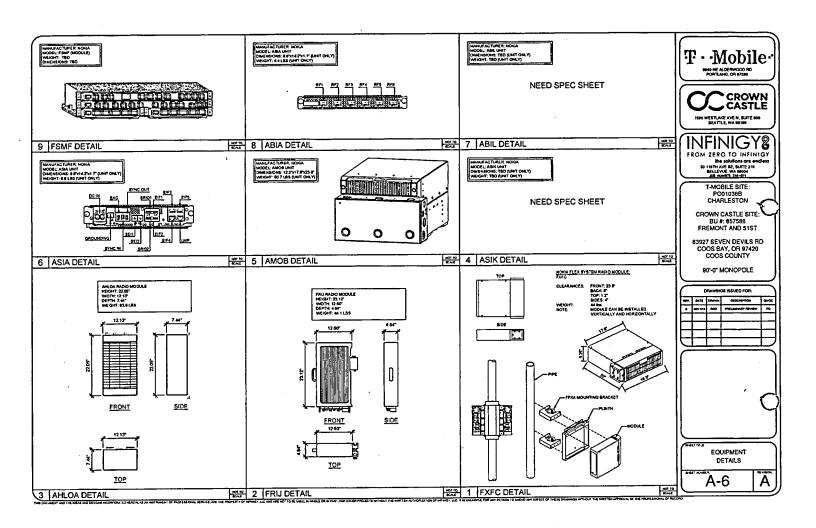


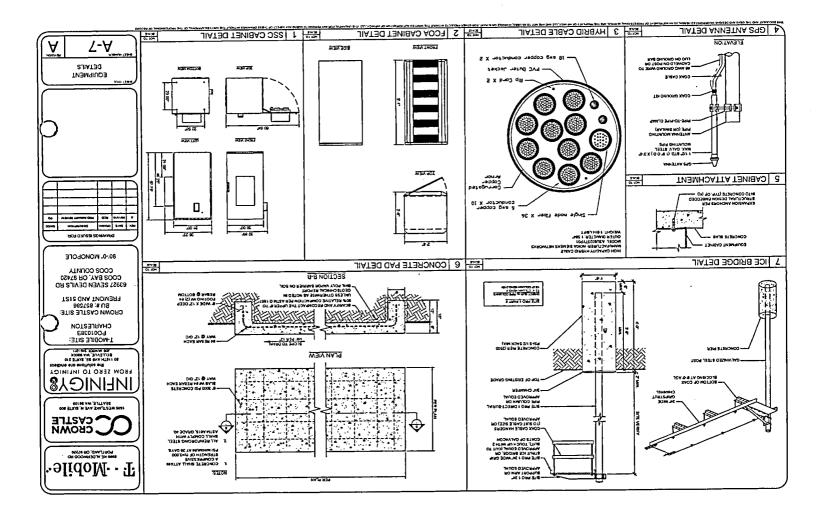


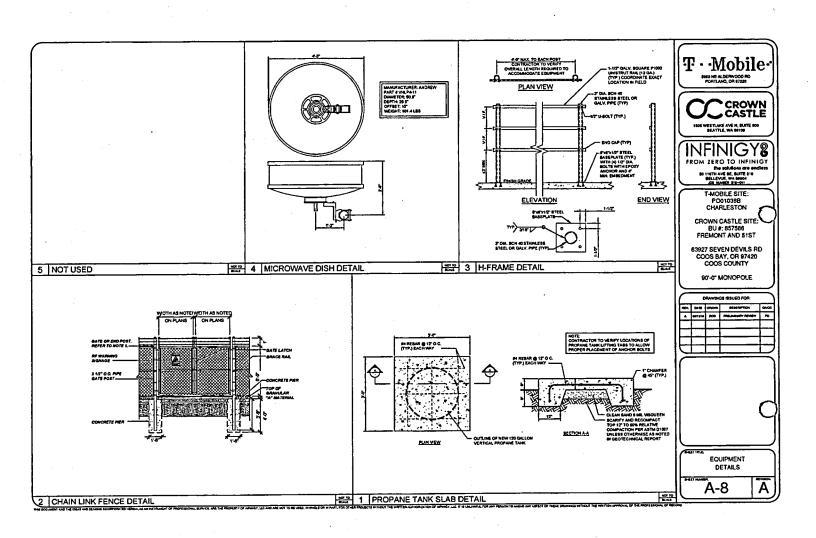


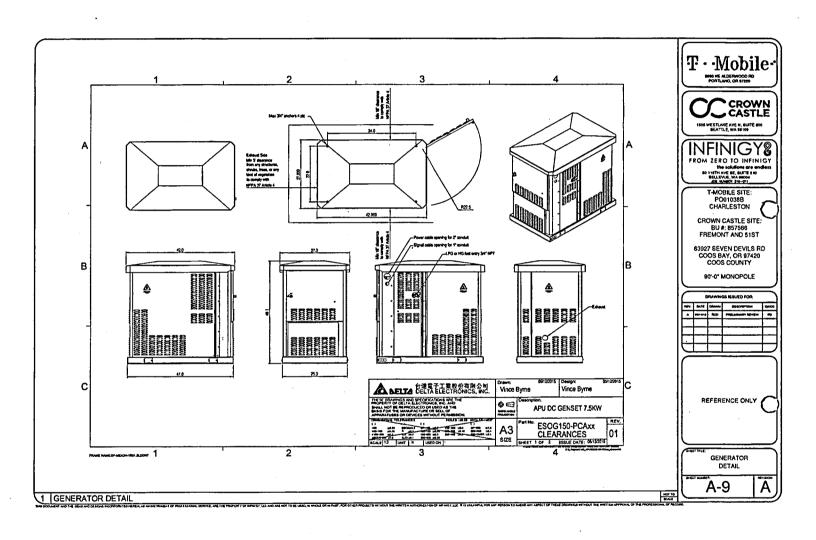


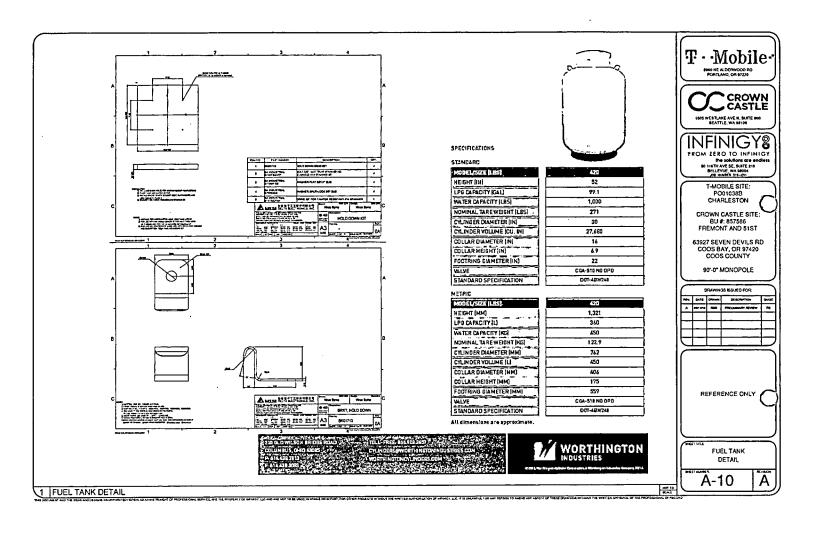


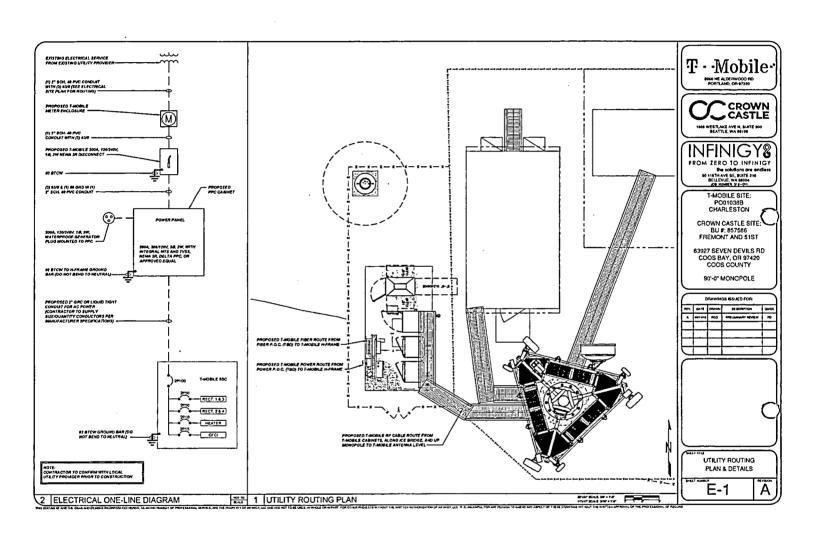


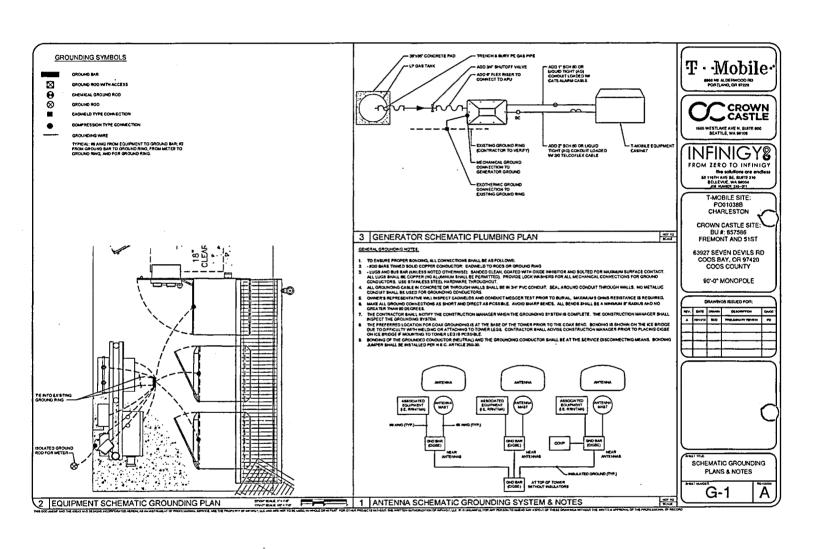


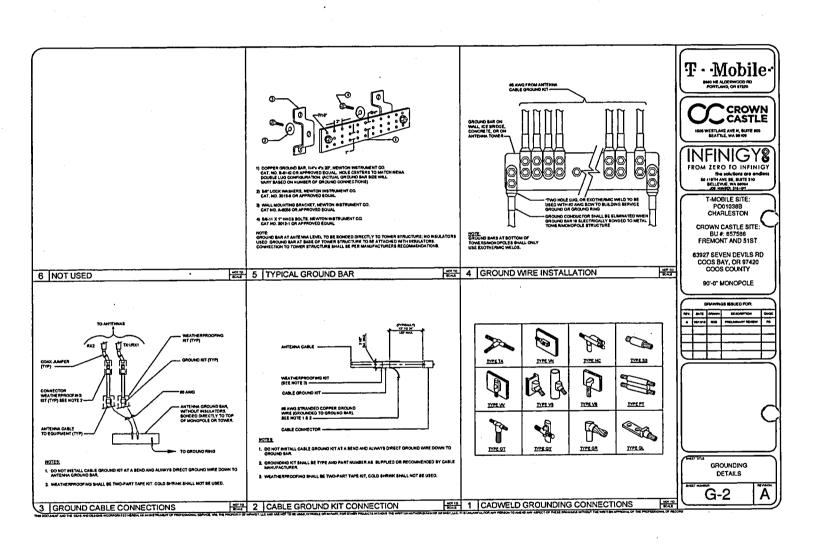














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  ORDING TO FEDERAL EMERCENCY MANAGEMENT ACCIOCY PLOSO

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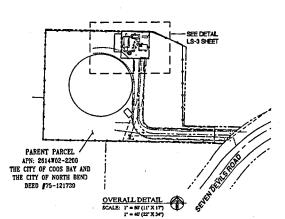
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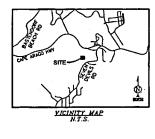
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  C) OPS DATA PROCESSED ON THE ORECON STATE REFERENCE

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  NAVORS DATUM.







CROWN CASTLE





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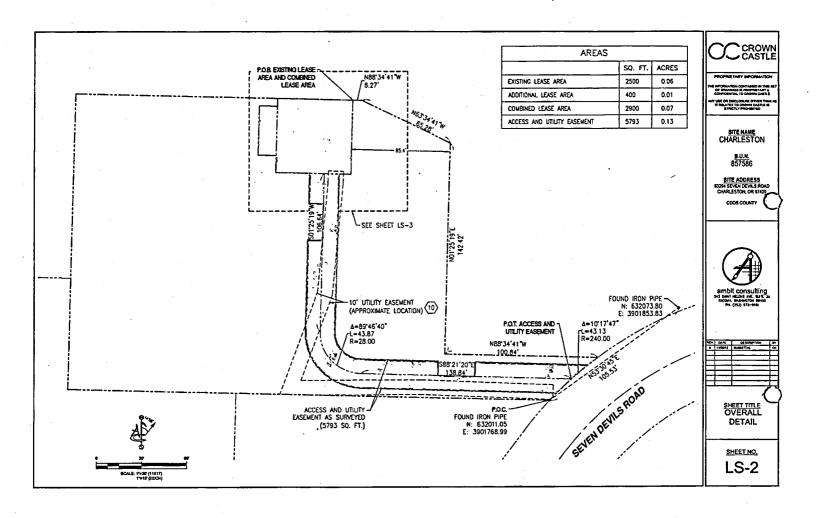
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POINT OF COMMENCEMENT
POINT OF BEGINNING
CONCRETE
AIR CONDITIONER P.O.T. P.O.C. P.O.B. CONC. UTILITY POLE POSITION OF GEODETIC COORDINATES CHAIN LINK FENCE \_\_ LIMITS OF LESSOR'S PROPERTY --- LEASE AREA -0/M --- OVERHEAD POWER LINES

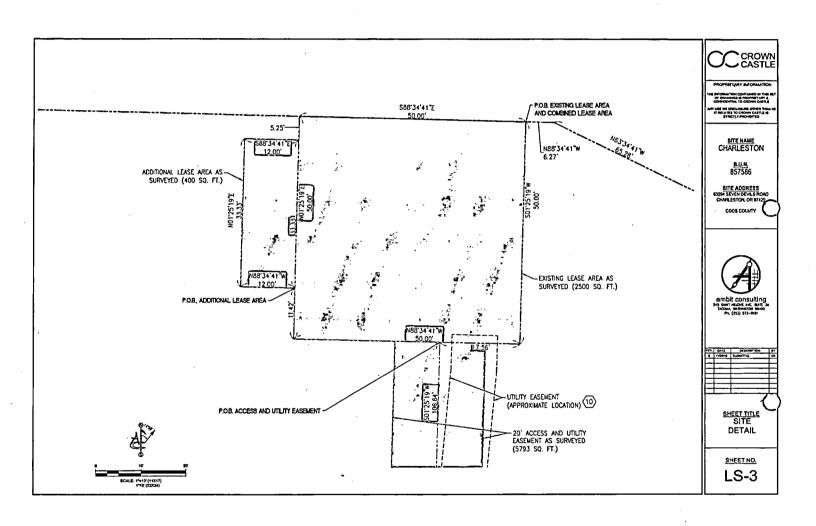
POSITION OF GEODETIC COORDINATES
LATITUDE 43° 20° 14.04° NORTH (NAD83)
LONGITUDE 124° 20° 03.23° WEST (NAD83
GROUND ELEVATION © 220.7° (NAVD88)

SURVEY DATE 07/04/2018

CERTIFICATION
ALL VISIBLE STE RELATED IMPROVEMENTS ARE CONTAINED WITHIN THE OVERALL LEASE AREA.

REGISTRANT, RLS PXXXXX





PARENT PARCEL LEGAL DESCRIPTION

EXCHAINT LARGEST LEAST-LACTOR TOWN OF SECTION 2, TOWNSHIP 28 SOUTH, RANCE 14 WEST, WILLIAMETTE MERIONAN IN COOS COUNTY, ORGON, SAID POINT BEING NORTH BEY 12' EAST, A DISTANCE OF 575,00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 2;

THENCE HORTH OF 4" WEST, A DISTANCE OF 200.00 FEET,
THENCE HORTH 88" IZ" EAST, A DISTANCE OF 190.84 FEET,
THENCE SOUTH 63" 46" EAST, A DISTANCE OF 190.84 FEET,
THENCE SOUTH 63" 46" EAST, A DISTANCE OF 142.92 FEET,
THENCE HORTH 69" IZ EAST, A DISTANCE OF 142.92 FEET,
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A MORTH BESTA'41" WEST, 52.5 FEET;

THENCE DEPARTING SAID BOUNDARY LIVE SOUTH 0125/19" WEST, 50.00 FEET;
THENCE MORTH 05324/1" MEST, 50.00 FEET;
THENCE MORTH 0123/19" EAST, 50.00 FEET TO A POINT ON THE HORTHERLY BOUNDARY OF
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1) NORTH 853"4" WEST, 10,28 FEET;
2) NORTH 833"4" WEST, 10,28 FEET;
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THENCE DEPARTING SAD BOUNDARY TIME SOUTH OT 25"19" WEST, 50,00 FEET;
THENCE DEPARTING SAD BOUNDARY TIME SOUTH OT 25"19" WEST, 50,00 FEET;
THENCE NORTH BOST-4" WEST, 55,00 FEET;
THENCE NORTH BOST-4" WEST, 51,00 FEET;
THENCE NORTH BOST-4" WEST, 51,00 FEET;
THENCE NORTH BOST-4" WEST, 51,00 FEET;

THENCE NORTH 887341" WEST, 12.00 FEET;
THENCE NORTH 012519" EAST, 33.33 FEET;
THENCE SOUTH 887341" EAST, 12.00 FEET;
THENCE SOUTH 012519" EAST, 33.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 400 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

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OF AND PLANCEL, THE TOLLOWING FOUN COMMOND THE EASTERLY AND MORTHERLY BOUNDARY

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4) MORTH BESTA'41" WEST, 08.25 FEET;

4) MORTH BESTA'41" WEST, 08.25 FEET;

4) MORTH BESTA'41" WEST, 08.25 FEET;

THENCE DEPARTING SUB BOUNDARY LIKE SOUTH 0125'19" WEST, 90.00 FEET;
THENCE NORTH SE2144" WEST, 50.00 FEET;
THENCE NORTH 0125'19" EAST, 11.42 FEET;
THENCE NORTH 0125'19" EAST, 11.42 FEET;
THENCE NORTH 0125'19" EAST, 33.33 FEET;
THENCE NORTH 0125'19" EAST, 33.33 FEET;
THENCE SUBTH SE3144" WEST, 1200 FEET;
THENCE SUBTH SE3144" EAST, ALONG SAD BOUNDARY, 50.00 FEET TO THE POINT OF ELECTHORS.

CONTAINING 2900 SQUARE FEET, OR 0.07 ACRES, MORE OR LESS.

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1) NORTH BESTA'S'S' WEST, 10.03.8 FEET.

1) NORTH BESTA'S'S' WEST, 10.03.8 FEET.

1) NORTH BESTA'S'S'S, 8.2.7 FEET;

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up 4.307 feet; Thence south 88°21'20" east, 138.84 feet more or less to a point on the Northerly right of way of seven devils road and the point of terminus.

THE SIDE LINES OF SAID EASEMENT ARE TO EXTEND TO OR TERMINATE AT SAID RIGHT OF WAY.

CONTAINING 5793 SOUARE FEET, OR 0.13 ACRES, MORE OR LESS.

CROWN

SITE NAME CHARLESTON

B.U.N. 857586

SITE ADDRESS 83294 SEVEN DEVILS R CHARLESTON, OR 97-



EV. DATE SESCRIPTION 8 19399 SUBMITAL

SHEET TITLE NOTES

SHEET NO.

LS-4

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SCHEDULE 'B' NOTES REFERENCE IS MADE TO A TITLE REPORT, ORI	DER NO. 266329AM, ISSUED BY AMERIT	ITLE, DATED OCTOBER 25, 2018. ALL EAS	ements contained within said title	REPORT AFFECTING THE IMMEDIATE AR	EA SURROUNDING THE LEASE HAVE BEEN PLOTTE!	
SCHEDULE "B" EXCEPTIONS 1-7 AND 11-12 A	ARE NOT SURVEY WATTERS AND CANNO	T BE PLOTTED.		•		
8. REMOVAL DROER NO. 76-29, INCLU	DING THE TERMS AND PROVISIONS	THEREOF, RECORDED: AUGUST 2,	1976 INSTRUMENT NO.: 75-8-1	1335 AFFECTS PARENT PARCEL - NOTION	1 TO PLOT	
9. AN UNRECORDED LEASE WITH CERT/ WATER BOARD (A JOINT INSTRUMENTAL AND OPTION, DATE: MAY 9, 2002, RE	LITY OF THE CITIES OF COOS BAY	AND NORTH BEND, OREGON, MUNIC	PAL CORPORATIONS), LESSEE:	TIONS AS MAY APPEAR NECESSAR EDGE WIRELESS LLC (AN OREGON	Y UPON RECORDING THEREOF, LESSOR: TH LIMITED LIABILITY COMPANY), DISCLOSED	E COOS BAY — NORTH BEND BY: MEMORANDUM OF LEASE
TO MEMORANDUM OF EASEMENT AGREE	EMENT, INCLUDING THE TERMS AND	D PROVISIONS THEREOF, RECORDED:	SEPTEMBER B, 2014, INSTRUMEN	IT NO.: 2014-07077 AFFECTS PAREN	IT PARCEL - PLOTTED	
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#### LEASE AGREEMENT

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This agreement is made and entered into by and between Coos Bay-North Bend Water Board (a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, municipal corporations), hereinafter called LESSOR, and Edge Wireless LLC (an Oregon limited liability company), hereinafter called LESSEE. The parties hereto agree as follows:

#### 1. Leased Premises

In consideration of the rents, covenants, and agreements hereinafter reserved and contained on the part of the Lessee to be kept, observed, and performed, Lessor does hereby demise and lease unto Lessee, and the Lessee does hereby hire and take from Lessor on the terms and conditions set forth below, a portion of that certain property situated in Coos County, Oregon, (depicted on the attached Exhibit "A") and described as follows:

63924 Seven Devils Road, Charleston, Oregon; MAP # 26S14W2 TL2200; also described as a portion of the W/2 SW/4 of Section 2, T26S, R14WWM, County of Coos, State of Oregon.

#### 2. Option to Lease

- a. Lessor hereby grants to Lessee an option (the "Option") to lease from Lessor that certain parcel described as the "Premises" in Exhibit "B", which is attached hereto and incorporated herein by reference, together with unrestricted access for Lessee's uses from nearest public right-of-way along the property.
- b. During the Option period and any extension thereof and during the term of this Lease, Lessee and its agents, engineers, surveyors, and other representatives will have the right to: (1) enter upon the Premises to inspect, examine, conduct soil borings, drainage testing, material sampling, and other geological or engineering tests or studies of the Premises (collectively the "Tests"); (2) apply for and obtain licenses, permits, approvals, or other relief required of or deemed necessary or appropriate at Lessee's sole discretion for its use of the Premises, including without limitation applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively referred to as "Governmental Approvals"); and (3) otherwise do those things on or off the Premises that, in the opinion of Lessee, are necessary in Lessee's sole discretion to determine the physical condition of the Premises, the environmental history of the Premises, Lessor's title to the Premises, and the feasibility or suitability of the Premises for Lessee's permitted use, all at Lessee's expense. Lessee will not be liable to Lessor or any third party due to any pre-existing defect or condition on or with respect to the Premises, whether or not such defect or condition is disclosed by Lessee's inspection.

c. In consideration of Lessor granting Lessee the Option, Lessee hereby agrees to pay Lessor the sum of upon execution of this Lease. The Option will be for an initial term of twelve (12) months (the "Initial Option Term") and may be renewed by Lessee for an additional six (6) months upon written notification to Lessor prior to the expiration date of the

IN WITNESS WHEREOF, the parties have authorized officers this day of	e executed this agreement by their duly
COOS BAY-NORTH BEND WATER BOARD	EDGE WIRELESS, LLC
Rob K. Schab, General Manager	Roy Willy Director of Systems Development

#### **EXHIBIT A**

#### **DESCRIPTION OF THE PROPERTY**

The Property of which the Premises are a part is all that real property located in the State of Oregon, County of Coos, described as follows:

That certain real property located at 63924 Seven Devils Road, Charleston, Oregon. MAP # 26S14W2 TL2200, also described as a portion of the W/2 SW/4 of Section 2, T.26S., R.14W. WM, County of Coos, State of Oregon

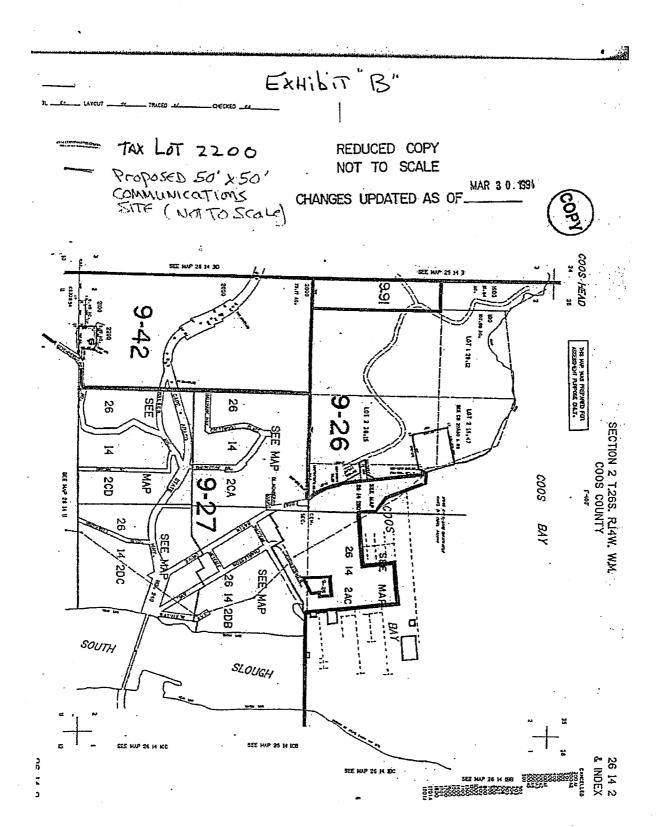
#### **EXHIBIT B**

#### **DESCRIPTION OF THE PREMISES**

The Premises consist of a parcel of land as depicted below, together with a non-exclusive license and right of way in and over the Property to provide pedestrian and vehicular ingress and egress to and from the Premises from the nearest public road, and utilities between the Premises and suitable utility company service connection points; and, a temporary right to enter and rest upon the Property adjacent to the Premises for the purposes of installing, repairing, replacing, and removing Tenant's Facilities and any other improvements or personal property of Tenant upon the Premises, including the right to bring in and use all necessary tools and machinery. The Premises and the associated access and utility connections as depicted below, are approximate only, and may be adjusted or changed by Tenant at the time of construction to reasonably accommodate sound engineering criteria and the physical features of the Property.

Approximate dimensions: 50 feet by 50 feet.

Approximate square footage: 2500



# 75 || 121739

#### WARRANTY DEED

M. G. SENGSTACKEN and DORIS L. BRINKMAN, Grantors, convey and warrant to the CITY OF COOS BAY, a municipal corporation of the State of Oregon, and to the CITY OF WORTH BEND, a municipal corporation of the State of Oregon, Grantees, the following described real property, free of encumbrances except as specifically set forth herein:

Beginning at a point on the South boundary of Section 2, Township 26 South, Range 14 West, Willamette Meridian in Coos County, Oregon, said point being North 89° 12' East, a distance of 575.00 feet from the Southwest corner of said Section 2; thence North 0° 48' West, a distance of 200.00 feet; thence North 89° 12' East, a distance of 190.84 feet; thence South 65° 48' East a distance of 65.28 feet; thence South 0° 48' East a distance of 142.42 feet; thence North 89° 12' East, a distance of 102 feet more or less to a point on the Northwesterly boundary of the Seven Devils County Road; thence boundary of the Seven Devils County Road; thence Southwesterly along the Northwesterly boundary of Seven Devils County Road to a point on the South boundary of said Section 2; thence South 89° 12' West, a distance of 320.00 feet more or less to the point of beginning, containing 1.187 acres.

Said property shall be used only for a reservoir pumping station and related water distribution facilities.

Grantees agree to retain or maintain a screen of natural or planted vegetation near the boundaries of the above-described property sufficient to prevent the property from appearing unsightly to persons standing on adjacent property retained by Grantors or travelling on the public road passing near said property.

The true consideration for this conveyance is \$1,200. DATED THIS 14 day of November, 1975.

# 15-11-121739A

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Warranty Deed - 2

#### STATEMENT OF CODE COMPLIANCE

Eligible Facilities Request to modify equipment on a communications tower located at 63294 SEVEN DEVILS ROAD, CHARLESTON, OR, 97420

Crown Site Number: 857586 / Crown Site Name: CHARLESTON

Customer Site Number: PO01038B / Application Number: 454385

SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

- Non Residential Uses
- b. Television, microwave and radio communication facilities and transmission towers.

Response: T-Mobile proposes to collocate on an existing transmission tower located in the FMU (Forest Mixed Use Zone). The proposed collocation includes the installation of (6) antennas, (7) RRUs, (1) microwave dish, and platform mount on a 20' extension of the Existing Tower. (3) Equipment cabinets are proposed on a new 8' x 15' concrete pad within an existing ground lease area (the Existing Site).

The proposed collocation meets criteria for an "eligible facility request" to modify an existing telecommunications site under Section 6409 (a) and its implementing rules found in the Federal Communications Commission's Final Rule, 47 CFR Parts 1 and 17. The proposed project does not "substantially change the physical dimensions" of the communications site, as defined in the Final Rule of p. 1269, Subpart CC (b)(7).

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW: All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. 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.

Response: The subject wireless communication facility was previously approved by ACU-05-69 and HBCU-02-06. No change is use or intensity of use will result from the proposed collocation. As such, the proposed collocation will not force a significant change in, or significantly increase the cost of, accepted farming or practices on agriculture or forest lands.

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

Response: The subject wireless communication facility was previously approved by ACU-05-69 and HBCU-02-06. No change is use or intensity of use will result from the proposed collocation. No increase in fire hazard or increase in fire suppression cost or risk to fire suppression personnel shall result from the proposed collocation.

All uses must comply with applicable development standards and fires siting and safety standards.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA: This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. 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.

Response: The proposed collocation by T-Mobile will not result in any encroachment into required setbacks. Tower setbacks are provided on sheet A-1 of the construction drawings.

2. 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:

Response: N/A. The proposed collocation by T-Mobile does not impact any 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

- 3. Firebreak:
- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.

Response: The subject wireless communication facility was previously approved by ACU-05-69 and HBCU-02-06. The proposed T-Mobile collocation will not result in non-compliance with any established firebreaks.

b. 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.

Response: The subject wireless communication facility was previously approved by ACU-05-69 and HBCU-02-06. The proposed T-Mobile collocation will not result in non-compliance with any established firebreaks.

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

Response: N/A. The facility is unmanned.

d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land 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 Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Response: the facility operates in compliance and will continue to operate 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 Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 2 – Minimum Primary Safety Zone

Slope	Feet o	f Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0	
10%	30	50	
20%	30	75	
25%	30	100	
40%	30	150	

4. 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.

Response: All new and replacement equipment proposed as part of this collocation are designed to be compliant with this section.

5. 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).

Response: The existing facility is compliant with this section and the proposed modification will not result in any non-compliance.



Coos County Planning Department

Cos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210 FAX (541) 396-2690 / TDD (800) 735-2900 e-mail PlanSec@co.coos.or.us

PATTY EVERNDEN

PLANNING DIRECTOR

#### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Coos County Planning Director rendered the following decisions on December 8, 2005:

ITEM 1: APPROVED a Site Plan (SP-05-09), to replace the existing facility used by resort caddies, a new reservation center building, a new housekeeping building, an office addition to the existing maintenance building, a new motor pool building, related infrastructure and a gatehouse structure to be located on Randolph Road in the Bandon Dunes Resort (BDR) zone, Township 27, Range 14, Section 32, Tax Lot 400. The applicant is Bandon Dunes L.P. and the owners of the property are Michael Keiser/Howard L McKee (agent). The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Article 4.10. The property is located north of the City of Bandon off of W. Randolph Lane via Seven Devils Road and Hwy 101. The property is zoned Bandon Dunes Resort (BDR) and contains 249.72 acres.

ITEM 2: RECONSIDERED AND APPROVED an administrative conditional use (ACU-05-53/V-05-14) to relocate the previously authorized dwelling and reapply for a variance to the 130-foot firebreak setback in Forest Mixed Use (FMU) zone, Township 30, Range 14, Section 07, Tax Lot 301. The applicant is Brett Johnson and the owners are Jerry and Bonnie Hettenbach. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 5.8.250 Reconsideration of Administrative Decision, section 5.3.350 Criteria of approval of variances and Section 5.2.825 Authority to modify conditions of approval. The property is located south of the City of Bandon off of Lois Lane and Hwy 101. The property is zoned Forest Mixed Use (FMU) and contains 10.00 acres.

ITEM 3: APPROVED an administrative conditional use (ACU-05-65) to site a template dwelling within the Forest Mixed Use (FMU) zone, Township 27, Range 14, Section 08, Tax Lot 302. The applicant is Mel Garrett and the owners are William Barry and Kyong Harkins. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.525(B) "template dwelling". The property is located north of the City of Bandon off of a private roadway via Seven Devils Road. The property is zoned Forest Mixed Use (FMU) and contains 1.00 acre.

ITEM 4: APPROVED an administrative conditional use (ACU-05-66) to site a farm help relative dwelling in the Forest Mixed Use (FMU) and Exclusive Farm Use (EFU) zones, Township 27, Range 13, Section 17, Tax Lot 300 and 302. The applicants and owners of the property are William Grami, Maria Grami and Emily Grami. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.9.525(E). The property is located northwest of the City of Coquille off of Old Beaver Hill Road via North Bank Lane. The property is zoned Forest Mixed Use (FMU) and Exclusive Farm Use (EFU) and contains 178.16 acres.

ITEM 5: APPROVED an administrative conditional use (ACU-05-69) to site a telecommunications facility within the Forest Mixed Use (FMU) zone, Township 26, Range 14, Section 02, Tax Lot 2200. The applicant is Verizon Wireless and the owner is Coos Bay North/North Bend Water Board. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350. The property is located south of the Urban Community of Charleston off of Seven Devils Road via Cape Arago Hwy. The property is zoned Forest Mixed Use (FMU) and contains 1.13 acres.

Additional information concerning these items may be obtained by contacting <u>Staci</u> <u>Leep, Planner II</u> at (541) 396-3121 or 756-2020 extension 210. A copy of the application(s), all documents and evidence relied upon by the applicant(s), the applicable criteria, and staff report(s) are available for inspection at the Planning Department and copies will be provided for a reasonable fee of \$.25 per page.

These decisions may be appealed to the Coos County Hearings Body by filing a written "NOTICE OF INTENT TO APPEAL" and the required filing fee with the Planning Director pursuant to Section 5.8.200 of the Coos County Zoning & Land Development Ordinance by <u>December 23, 2005</u>. These decisions will not become final until the period for filing an appeal has expired. These decisions cannot be appealed directly to the Land Use Board of Appeals pursuant to ORS.197.830.

JUDY NORRIS, ADMINISTRATIVE AIDE

**POSTING DATE:** 

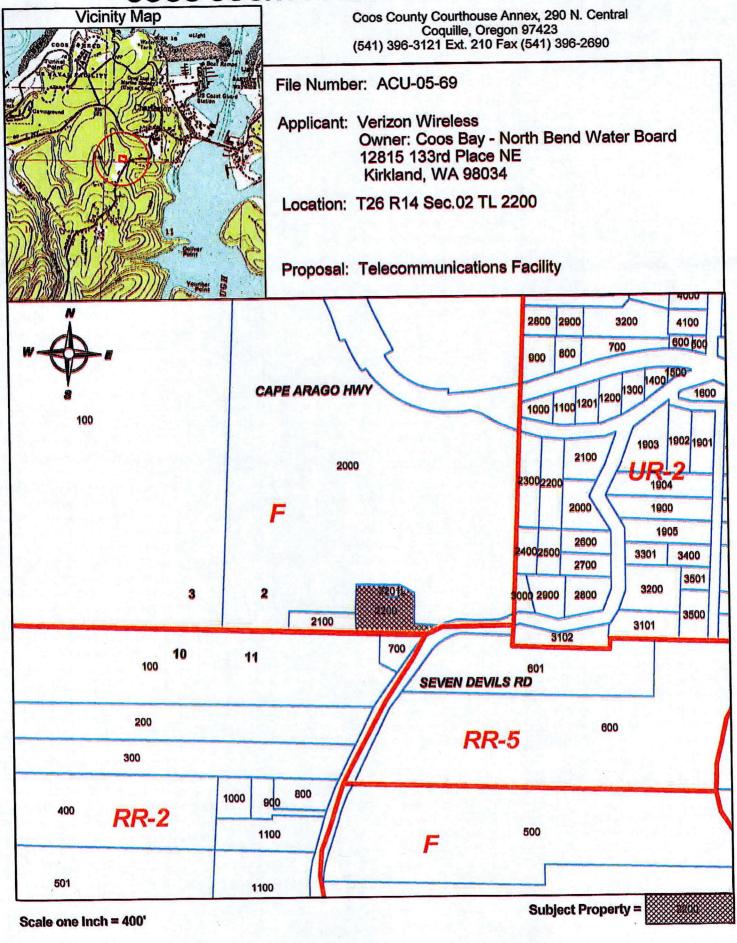
COOS COUNTY PLANNING DEPARTMENT

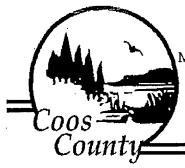
**December 8, 2005** 

PLEASE LEAVE POSTED THROUGH

December 23, 2005

# COOS COUNTY PLANNING DEPARTMENT





#### Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423 Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

> (541) 396-3121 Ext.210 FAX (541) 396-2690 / TDD (800) 735-2900

PLANNING DIRECTOR

#### NOTICE OF PLANNING DIRECTOR'S DECISION

December 8, 2005

Verizon Wireless C/o Ted McLean -RealCom Associates,LLC 12815 133<sup>rd</sup> Place NE Kirkland, Washington 98034

Coos Bay/North Bend Water Board 500 Centeral Coos Bay, Oregon 97420

Coos Bay/North Bend Water Board 63924 Seven Devils Road Coos Bay, Oregon 97420

REQUEST(S)

To site a telecommunications facility within the Forest Mixed

Used (FMU) zone

FILE

ACU-05-69

OWNER/APPLICANT(S)

Verizon Wireless

LEGAL DESCRIPTION(S)

T.26, R.14, S.02, Tax Lot(s) 2200

LOCATION

The subject property is located south of the Urban Community of Charleston off of Seven Devils Road via Cape Arago Hwy

ZONE(S)

Forest Mixed Use (FMU)

ACREAGE

1.13 acres

Notice is hereby given that the Planning Director has approved the above referenced application request, subject to reasons stated in the staff report attached\*.

The subject application must meet criteria set forth in the Coos **REVIEW CRITERIA:** County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350.

REVIEW OF APPLICATION MATERIALS/STAFF REPORT: A copy of the application, all documents and evidence relied upon by the applicant(s), staff report and the applicable criteria

are available for review at the Planning Department. You may purchase these documents for a fee of \$.25 per page.

The decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Ordinance within 15 days of the date notice of decision is mailed by filing a written "NOTICE OF INTENT TO APPEAL" and the required filing fee with the Planning Director. Therefore, appeals filed after <u>December 23, 2005</u> are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. This decision cannot be appealed directly to the Land Use Board of Appeals under ORS.197.830.

Detailed information about the appeal process, filing fees and additional information may be obtained by contacting <u>Staci Leep</u>, <u>Planner II</u>, at (541) 396-3121 or 756-2020, Extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Judy Norris, Administrative Aide

JN/js

\*Attachment-Staff Report

- c: \*David Perry, DLCD
  - \*Larry Van Elsberg, Roadmaster
  - \*Charleston RFPD
  - \*Del Cline, DEQ
  - \*Ruben Kretzschmar, DEQ
  - \* Oregon International Port of Coos Bay
  - \*City of Coos Bay
  - \*Charleston Sanitary District
  - \*Arrow Coyote, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Adjacent property owners within 750' required notification Planning Commission

File

Staff Report

File #:

ACU-05-69

Date:

December 8, 2005

12815 133rd Place NE

Kirkland, Washington 98034

Staff:

Staci Leep, Planner II

Applicant: Verizon Wireless

c/o Ted McLean - RealCom Associates, LLC

Owner:

Coos Bay/North Bend Water Board

500 Central

Coos Bay, Oregon 97420

Coos Bay/North Bend Water Board

63924 Seven Devils Road Coos Bay, Oregon 97420

Request: To site a telecommunications facility within the Forest Mixed Use (FMU) zone.

Legal Description:

T.26. R.14. S.02, Tax Lot #2200

The subject property is located south of the Urban Community of Charleston off of Seven Location: Devils Road via Cape Arago Hwy.

Legal Lot of Record: Pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.800(1) all lots or parcels created lawfully prior to January 1, 1986 are legal lots or parcels. According to assessment records tax lot 2200 was created in 1975 (deed #75-12179); therefore, the subject property is a legal lot of record.

Acreage:

1.130 acres

Zone: Forest Mixed Use (FMU)

Decision:

Approved with Conditions

#### **CCZLDO Review Criteria**

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.

- The proposed use will not force a significant change in, or significantly increase the cost of, A. accepted farming or forest practices on agriculture or forest lands; and
- The proposed use will not significantly increase fire hazard or significantly increase fire В. suppression costs or significantly increase risks to fire suppression personnel.

The proposal is to install a telecommunication facility that will consist of a 100-foot Finding: monopole, 11'8" x 26' equipment shelter and a propane tank on the subject property with an established commercial/industrial use. The site is a heavily wooded area, where other communication facilities have been sited. The proposed site is located in the northwest corner of the property to minimize the visual impact to the residences located to the west of the property. The applicant stated the site should not be visible from Seven Devils Road. Because the location of the telecommunication facility is within an exiting fenced area no additional landscaping or screening will be necessary.

Ted McLean – RealCom Associates LLC Verizon Wireless ACU-05-69 Page 2

The subject property consist of 1.130 acres with an exiting water reservoir for Coos Bay/North Bend Water Board and other wireless communication facilities. The subject property contains an existing concrete water reservoir in the center of the property, a wireless communication facility and shelter. The proposed location has an existing six (6) foot high chain link fence with a locked gate. Access to the subject property and proposed location is from an existing panhandle off of Seven Devils Road.

#### Analysis:

The applicant is requesting approval of a conditional use application to site a telecommunication facility on the subject property. After review of the submitted documentation and evidence, the Planning Department has determined the applicants demonstrated the proposed facility would be consistent with the pattern of development in the area. The submitted conditional use application is therefore approved, subject to conditions listed below.

Please note all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (CCZLDO), and all land use regulations.

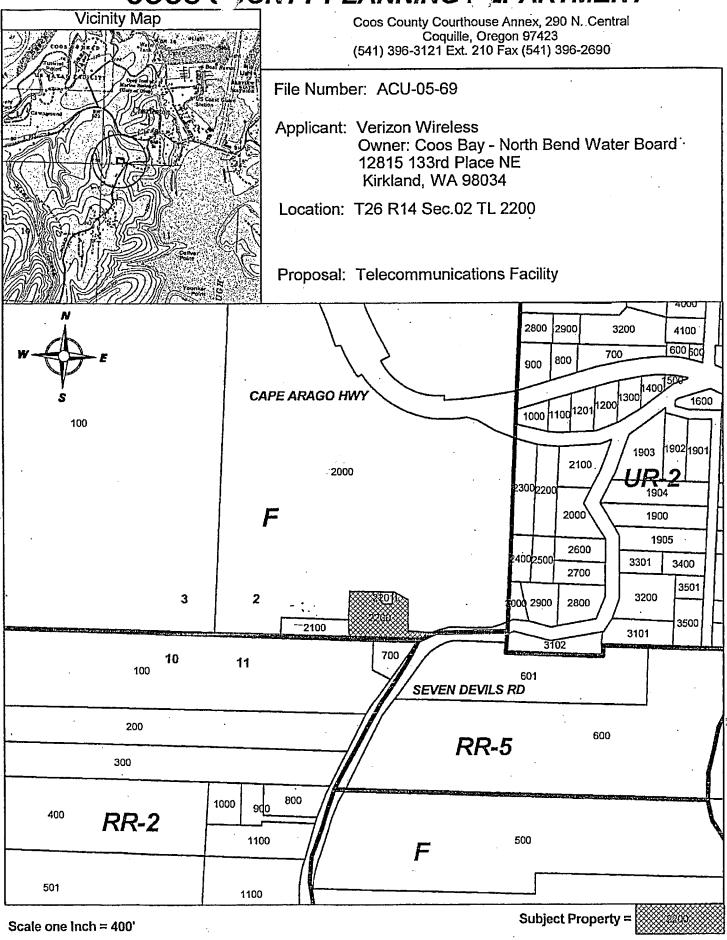
Please be aware the burden of proof rests with the applicant pursuant to Section 5.7.300(4) of the CCZLDO. Pursuant to Section 5.2.900 all conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension as specified in ORS 214.417.

#### Requirements of approval:

- Construction activities that disturb one or more acres of land are subject to Department of Environmental Quality (DEQ) review. Less than one acre may be subject to review if part of a larger common plan. Please direct all questions to DEQ.
- 2. The applicant must obtain a Zoning Compliance Letter (ZCL) from the Planning Department in order to obtain any required development permits from the Department on Environmental Quality (DEQ) and State Building Codes Agency.
- 3. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" shall by acting upon this permit agree to notify the "buyer" or "grantee" of the terms and conditions of the permit.
- 4. The telecommunication facility shall be located as shown on the applicant(s) submitted plot plan, subject to applicable setbacks of the zoning district.
- C: David Perry, DLCD
  Larry Van Elsberg, Roadmaster
  Watermaster
  Del Cline, DEQ
  Ruben Kretzschmar, DEQ
  Charleston RFPD

Coos Bay School District #9
Oregon International Port of Coos Bay
City of Coos Bay
Charleston Sanitary District
Arrow Coyote, Confederated Tribes
File

# COOS C DUNTY PLANNING E EPARTMENT





--- Coos County Planning De Itme

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**PATTY EVERNDEN** 

PLANNING DIRECTOR

September 12, 2002

#### NOTICE OF HEARINGS BODY DECISION

RE:

Conditional Use Application to allow a telecommunication facility

File No .:

HBCU-02-06

Location:

T.26, R.14, S.02, TL#2200

City of Coos Bay & City of North Bend

Edge Wireless L.L.C. Olivier Fontana, Agent

500 Central

600 SE Columbia Suite 7200

Coos Bay, Oregon 97420

Bend, Oregon 97702

Dear City of Coos Bay/City of North Bend & Mr. Fontana:

On September 5, 2002 the Hearings Body unanimously approved your application.

The Hearings Body found the review criteria had been based satisfied upon the evidence included with the staff report and applicants' presentation at the hearing.

The Hearings Body decision is final unless it is appealed in writing to the Board of Commissioners within 15 days of the date the final action was reduced to writing and mailed. This means that appeals filed after <u>September 27, 2002</u> are not timely and will not be considered. Any notice of appeal pursuant to Section 5.8.200 of the Coos County Zoning and Land Development Ordinance shall include the appeal fee (\$500) and state:

- i. how the Hearings Body erred in this decision; and
- ii. the issues the petitioner seeks to have reviewed; and

HBCU-02-06 September 13, 2002 Page 2 of 2

iii. the facts establishing the petitioner has "standing to appeal" pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance.

Please note: If appealed to the Board of Commissioners, the hearing will be de novo and new testimony and evidence will be considered.

All conditional uses remain valid for a period of two (2) years from date of final action. Any conditional use not established or vested within two (2) years from this date may be eligible for an extension period of up to 12 months.

You must obtain a zoning compliance letter from the Planning Department in order to obtain any required development permits from the State Building Codes Agency or the Department of Environmental Quality. If you wish to obtain a compliance letter prior to the termination of the appeal period, you will be required to sign a "Waiver of Vested Rights" form.

If you have any questions, please feel free to contact the Department at (541) 396-3121 or 756-2020, extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Patty Evernden, Planning Director

PE/jb c.

David Perry, DLCD

Rob Schab, Coos Bay/North Bend Water Board

City of North Bend Planning Commission Dept. of Forestry Assessor's Office State Aeronautics

File

Oregon International Port of Coos Bay Gary Le Tiller, North Bend Airport Manager Charleston Rural Fire Protection Dist. Coos Bay School Dist. #9 Confederated Tribe

#### COOS COUNTY PUBLIC HEARING FOR ZONING ADMINISTRATION PLANNING DEPARTMENT CONFERENCE ROOM September 5, 2002 7:00 P.M.

TO

Coos County Planning Commission

**FROM** 

Coos County Planning Department

DATE

August 16, 2002

**PROPOSAL** 

Telecommunication facility

**APPLICANT** 

Edge Wireless L.L.C.

600 SW Columbia

Suite 7200

Bend, Oregon 97702

**OWNER** 

City of Coos Bay &

City of North Bend

500 Central

Coos Bay, Oregon 97420

FILE NO.

HBCU-02-06

PRESENT USE

OF PROPERTY

water tank

•

SURROUNDING

**PROPERTIES** 

North: Forest mixed use

South: Rural Residential-2 East: Forest mixed use West: Forest mixed use

### APPLICABLE STANDARDS AND CRITERIA

- 1. Coos County Zoning and Land Development Ordinance
  - A. Chapter 3, Section 3.2.700 Process for Tribe(s) Review and Response of Proposed Development within Acknowledged Archaeological Sites.
  - B. Chapter 4
  - i. Section 4.8.300 (B) Television, microwave and radio communication facilities and transmission towers.
    - ii. Section 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300...

#### **BASIC FINDINGS**

- A. LOCATION: The subject property is located at 63294 Seven Devils, Coos Bay. Coos County Assessor's Map No. 26-14-02 identifies the property as Tax Lot 2200.
- B. LOT OF RECORD: The site is a legal lot of record because it was created prior to January 1, 1986 per Section 3.3.800 (A) of the Ordinance.
- C. ZONING: The subject property is zoned Forest. The Comprehensive Plan designation is Forest and the property lies within the "mixed use" overlay. The site lies approximately 5 miles west of the City of Coos Bay.
- D. SITE DESCRIPTION: The subject property is assessed as 1.130 acres in size. The proposed lease area is approximately 2496 square feet. The property is located east of Seven Devils County Road near Charleston. There is a water tank on the property.

#### CONCLUSIONS

#### I. Coos County Zoning and Land Development Ordinance

#### A. Chapter 3

- i. Section 3.2.700 Process for Tribe(s) Review and Response of Proposed Development Acknowledged Archaeological Sites.
  - 1. The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s).

The subject property lies within an acknowledged archaeological area. Staff complied with the above criteria by providing the required information to the appropriate Tribe on July 5, 2002. Pursuant to this Section the Tribe has up to 30 days to respond. On August 8, 2002, the Department notified the applicant that the Tribe did not respond.

#### B. Chapter 4

i. Section 4.8.300 (B) Television, microwave and radio communication facilities and transmission towers.

The proposed use is a cellular wireless communication facility to include an 8' x 14' communications equipment shelter, 90' high laminated wood pole, and a 6' high chain link fence. The proposed use fits this use classification in the forest zone.

ii. Section 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300...

A use authorized by Section 4.8.300...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 applicant states that the proposed use is an unmanned wireless communication facility. The proposed tower and structure will be sited next to an existing water tank. The site will be self-supporting except for routine maintenance which will occur monthly.

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

The area is cleared around the existing water tank and will be overlaid with weed barrier fabric and covered with 6 inches of gravel. All structural elements and other site improvements will be constructed of non-combustible and/or fire retardant materials consistent with Section 4.8.700 *Fire Siting and Safety Standards*.

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

Section 4.8.600 Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone. 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.

Structures shall be sited on the parcel so that:

- 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
- 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
- 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- 4. The risks associated with wildfires are minimized.

Section 4.8.700 Fire Siting and Safety Standards:

- 1. A fire break shall be established and maintained around all structures...for a distance of at least 30 feet in all directions.
- 2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- 3. A secondary fuel-free fire break of at least 100 feet radius around the primary safety zone shall be established and maintained.

A variance will not be required if the parcel's configuration does not allow the primary or secondary fire break to be met.

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

Section 4.8.750 Development Standards. If approved, the structures and development must comply with setback criteria of this section.

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.

This criteria does not apply to the proposed use.

See the applicants' submitted findings at Attachment "A".

#### STAFF ANALYSIS

Based upon the applicant's submitted findings it appears that the proposed tower and structure would have minimal impact to the resource lands in the area. Because the criteria requires addressing issues of resource lands impacts and compatibility, comments from adjacent and nearby property owners will need to be considered.

The Hearings Body may require the Federal Aviation Administration's aeronautical study be provided prior to rendering a decision. Or, as a condition of approval, zoning clearance to site the tower will not be issued until comments from ODOT Aeronautics Division are provided and those comments included as development conditions.

Please call if you have questions prior to the hearing.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Patty Evernden, Director

Attachment A – Applicant's submitted evidence

c: David Perry, DLCD

Rob Schab, Coos Bay/North Bend Water Board

City of North Bend Dept. of Forestry Assessor's office State Aeronautics

Oregon International Port of Coos Bay Gary LeTillier, North Bend Airport Manager

Charleston Rural Fire Protection Dist.

Coos Bay School Dist. #9

File