

LAND USE PERMIT APPLICATION – BALANCE OF COUNTY
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF	
Received By: <u>A. Dibble</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>10/16/19</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>AM-19-044</u>	<input type="checkbox"/> TEXT AMENEDMENT
Fee: <u>\$893.00</u>	<u>CONDITIONAL USE REVIEW</u>
Fee Paid: <u>\$893.00</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>212991</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input checked="" type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	*Supplemental Application required
	STAFF NOTES:

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Brian and Sabrina Harmon

Mailing Address: 2150 Inland Dr. Unit 1

City North Bend State: OR Zip 97459

Daytime Phone: 541-914-8178

Email: bharmon@harmoncc.com

II. OWNER(S)

Name: Brian and Sabrina Harmon

Mailing Address: 2150 Inland Dr. Unit 1

City North Bend State OR Zip 97459

Daytime Phone: 541-914-8178

Email: bharmon@harmoncc.com

III. PROPERTY - If multiple properties are part of this review please check here and attached a separate sheet with property information.

Location or Address: 0 Fat Elk Rd. Coquille, OR 97423. Address Application is submitted along with Land Use Application

No. Acreage: 5.69

Tax Acct. 911303

Township: 28 Range: 13 Section: 11  Tax lot: 900

Zone: Forest Mixed Use Water Service Type: On site Well

Sewage Disposal Type: Septic system On-site

School District: Coquille

Fire District: Coquille Rural Fire District

IV. REQUEST SUMMARY: To establish a template dwelling on a Forest Mixed Use zoned site.


V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

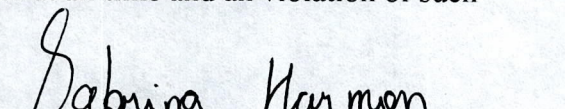
Application Check List: Please make off all steps as you complete them.

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
- A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 - A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - A complete description of the request, including any new structures proposed.
 - If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
- Location of all existing and proposed buildings and structures
 - Existing County Road, public right-of-way or other means of legal access
 - Location of any existing septic systems and designated repair areas
 - Limits of 100-year floodplain elevation (if applicable)
 - Vegetation on the property
 - Location of any outstanding physical features
 - Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.


Applicant/Owner Signature


Applicant/Owner Signature

Property Description and Intent

The subject property 0 Fat Elk Rd. is located about 3 miles off of highway 42 South. The lot is approximately 5.69 acres in size, zoned Forest Mixed Use, and is about 65% covered with mature timber consisting mainly of Cedar trees, but also has a few Douglas Fir, Myrtle, and Alder trees as well. The lot has a sizable flat portion on the central South East portion of the land in which is we plan to build an 1800 to 2000 sf dwelling. The North East side of the land slopes between 0-10 % and the western edge of the property has steeper slopes from 0-40%. We plan to enter the property by constructing a driveway, according to Road Department Standards, from the North East corner of the property, passing through the trees, to the future dwelling located near the center of the lot. Currently there is no development on the site except for a recently drilled well located centrally twelve feet off the southern property line and an uncompleted and uninspected driveway entering the South East corner of the lot. The existing driveway will be abandoned after dwelling construction and new driveway is built. Later after the dwelling is built we plan to build an agriculture building that will be used as a work shop as well as store a tractor for garden processing and cultivation (non-commercial). The land doesn't have access to local sewer and will have a previously DEQ approved, on-site septic system installed.

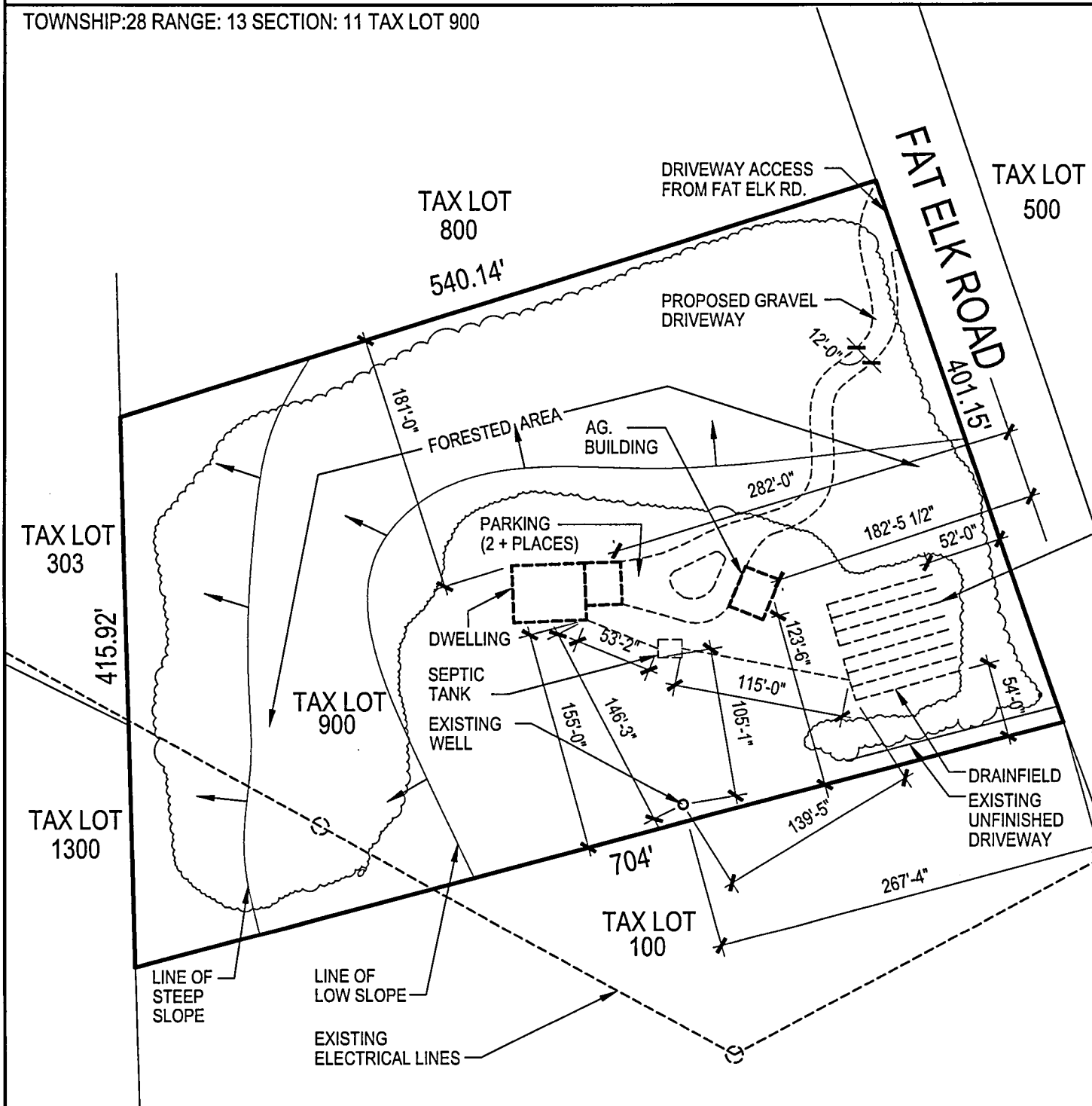
HARMON PROPERTY TEMPLATE DWELLING

0 Fat Elk Rd. Coquille, Oregon

BRIAN AND SABRINA HARMON

2150 Inland Dr. Unit 1
North Bend, Oregon 97459

TOWNSHIP:28 RANGE: 13 SECTION: 11 TAX LOT 900

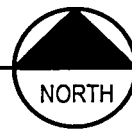


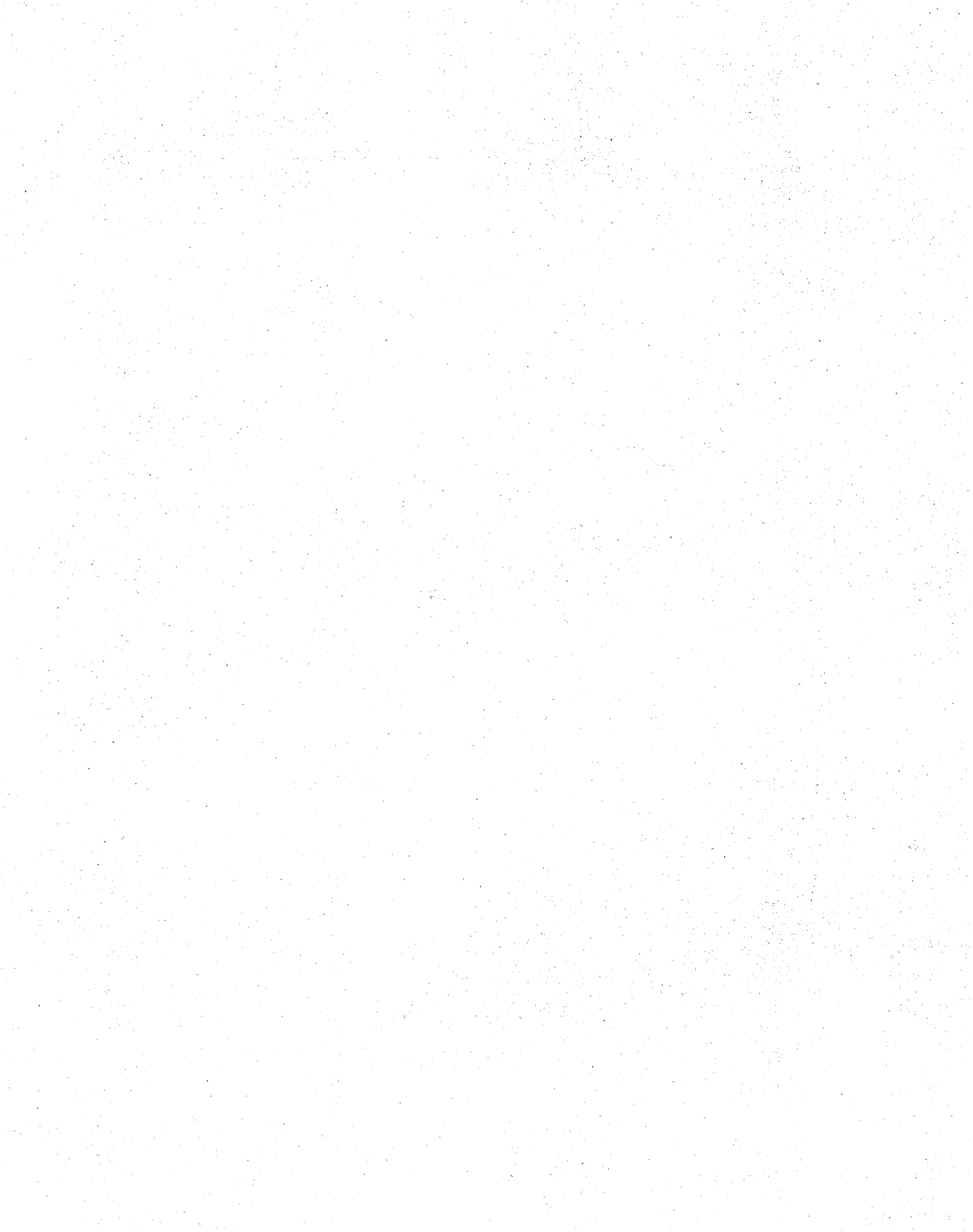
1

PLOT MAP / SITE PLAN

5.56 ACRES

SCALE: 1" = 100'-0"





THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

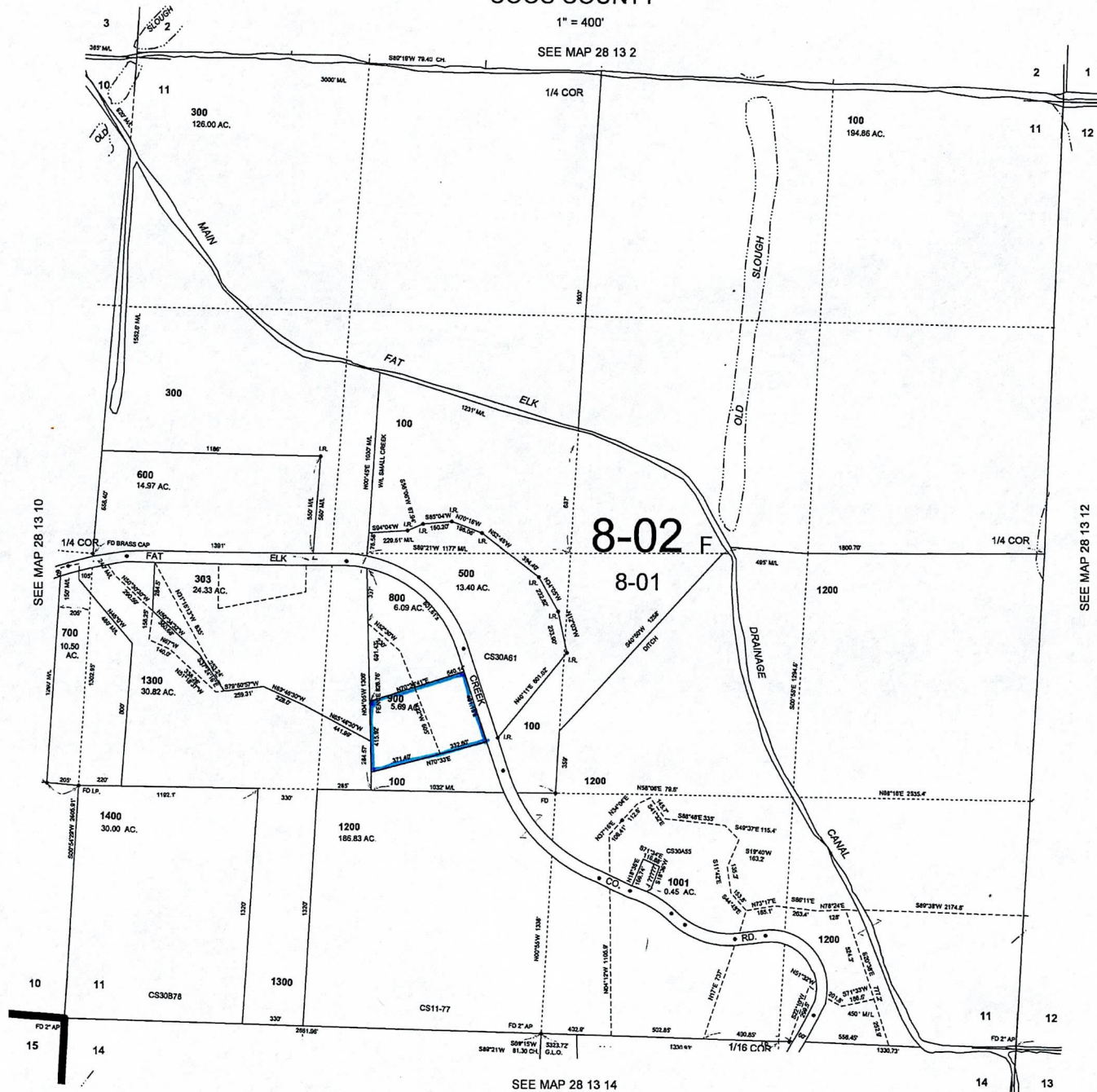
SECTION 11 T.28S. R.13W. W.M.
COOS COUNTY

28 13 11

1" = 400'

SEE MAP 28 13 2

CANCELLED
200
400
1000
1100
301
1201
302
304
305
1301
901
801



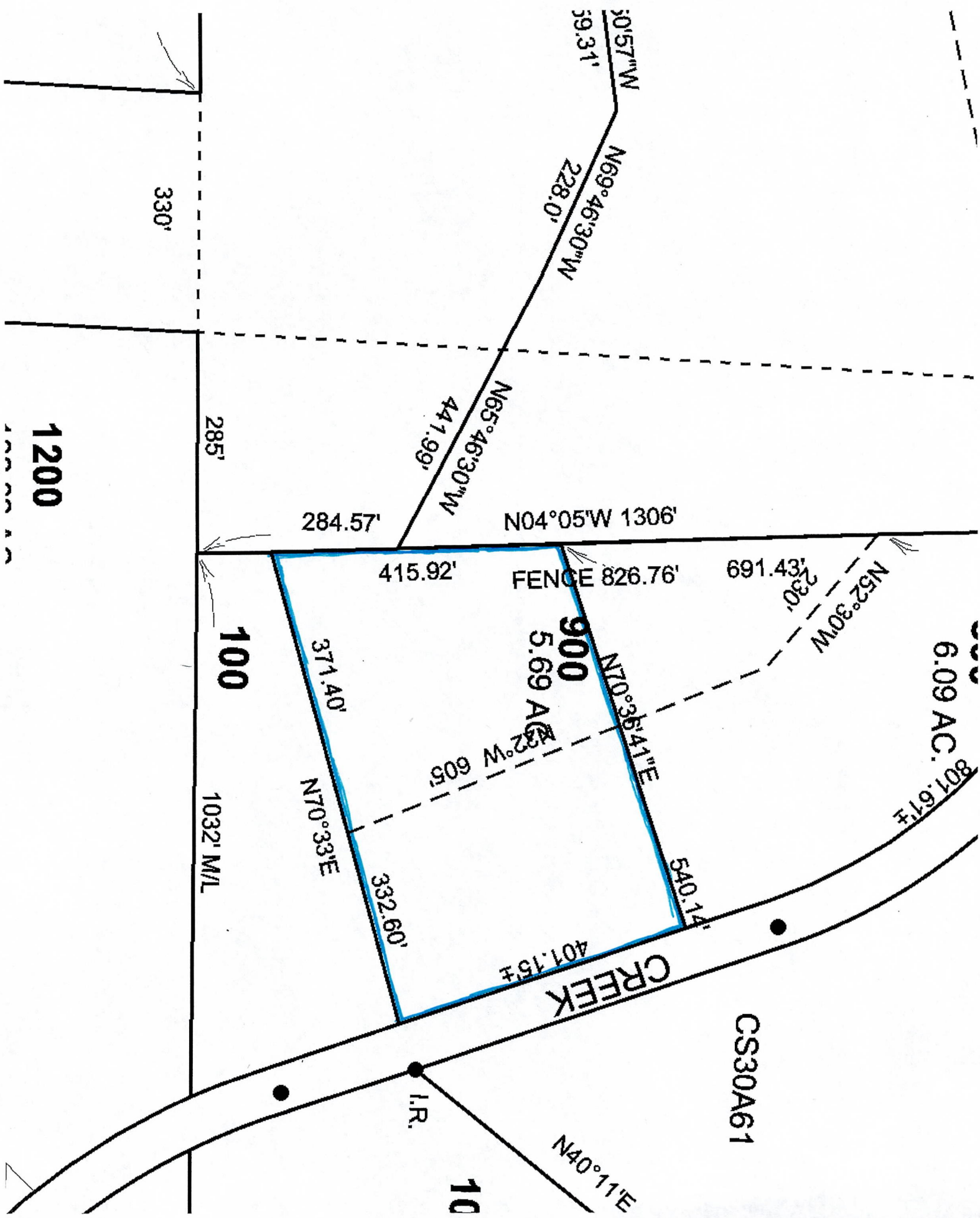
SEE MAP 28 13 10

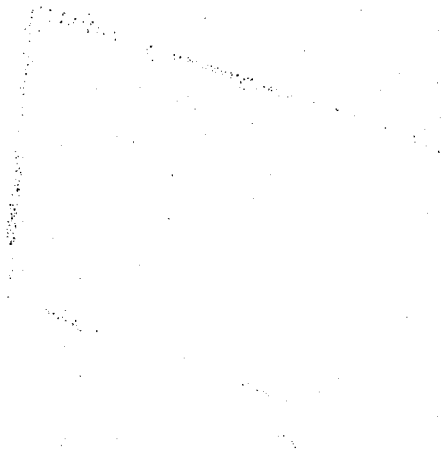
SEE MAP 28 13 12

SEE MAP 28 13 14

11-20-2006

28 13 11







Section 4.6.110(3)(b)

b. Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

- i. There are no other dwellings on the tract on which the dwelling will be sited.
No Dwellings have been built on the site

- ii. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.
There are no deed restrictions against building a dwelling on the lot or parcel making up this tract of land.

- iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:
In previous applicants evaluation, the Department of Forestry and the Planning Department estimate the cubic foot per acre per year growth to be greater than 85. The template requires 11 parcels and 3 dwellings within a 160 acre square centered on the property. The lot qualifies for a template dwelling according to the findings since there are 12 parcels and 8 dwellings established prior to January 1, 1993, within the 160 acre template. See attached.

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center

of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- 1) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. Or
- 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

The lot is less than 60 acres, does not apply to review

- v. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

Does not Apply to review

- vi. A proposed “template” dwelling under this ordinance is not allowed if:
 - 1) It is prohibited by or will not comply with the requirements of the acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - 2) Unless it complies with the requirements of Section 4.6.130.6 through 8 Section 4.6.140.8 through 16.

The proposal meets the criteria for a template dwelling and the acknowledged comprehensive plan

- 3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under d.iii below for the other lots or parcels that make up the tract are met; or
- 4) If the tract on which the dwelling will be sited includes a dwelling.

No Dwelling has been built on the site.

- vii. For single-family dwellings, the landowner shall 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.

Under the previous owner of the subject parcel of land, a Forest and Farm Practices Management Covenant has been signed, dated 1-6-2007. See attached.

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.

All site development will be such as to not obstruct, change, or increase costs of accepted farming or forest practices near or adjacent the site. Site currently has no "artifacts" showing previous farming or active forestry in the past.

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

Firebreaks will be maintained; dead trees will be cut down and removed.

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

The site development will comply with all development standard and fire safety and siting standards.

4. 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 authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.

Under the previous owner of the subject parcel of land, a Forest and Farm Practices Management Covenant has been signed, dated 1-6-2007.

5. 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.

a. Dwellings and structures shall be sited on the parcel so that:

- i. They have the least impact on nearby or adjoining forest or agricultural lands.

It will be sited in an existing clearing in the “center” of the site and favored to the southern property line. This will minimize disruption of existing trees on site.

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

The siting of the dwellings and additional development of and agricultural building will minimally impact the existing mature trees on the land.

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

- iv. The risks associated with wildfires are minimized.

The dwelling will be located in a clearing in the “center” of the property and favoring the southern property line. This will not increase fire hazard as it will not be within the trees, the necessary fire breaks and clearings will be maintained, and adequate access for fire suppression vehicles will be provided. The driveway access installation may need the removal of 1 or 2 existing trees but will be aiming to remove none.

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

- i. 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.
- ii. A water use permit issued by the Water Resources Department for the use described in the application. Or
- iii. 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.

A well was recently drilled on the site and is permitted in the state of Oregon. The report is being submitted by the well driller to the state and is also attached to this application, please see attached.

6. 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.

The property is accessed from Fat Elk Rd. which is a coos county Roadway.

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

The trees are mature and we want to leave as many of them on site as possible.
 - 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, 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.

The site is less than 10 acres and does not require a stocking survey.

- 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 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.
- 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.

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. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

Lot size is 5.69 acres , lawfully created and is hence to forth not developed, no new lot is being created.

2. 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.

Buildings and development is sited, 35' or greater away from the centerline of right of way from Fat Elk Rd.

3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.

Will follow vision clearance provisions as specified in Section 7.1.525 if any fences, hedges or walls are installed, currently there is no plan for such.

4. Off-Street Parking and Loading: See Chapter VII.

Road/driveway application has been submitted and been bonded. Parking places will be met near the garage of the to be proposed dwelling.

5. 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.

Under the previous owner of the subject parcel of land, a Forest and Farm Practices Management Covenant has been signed, dated 1-6-2007.

6. 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:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - 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; or

- g. The 50 foot 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 estuarine 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".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

The property is not next to a wetland, stream, lake or river and therefore no riparian vegetation needs to be protected from being disturbed.

- 7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. 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 they have contacted the Department of Forestry of the proposed development.

The property is within the Coquille Rural Fire District and is on record by the previous owner signed and dated by former fire chief Dave Waddington dated 1-9-2007, see attached.

- 8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. 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;
 - c. 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; and
 - d. 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 fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Property is within the Coquille Rural Fir District and doesn't have a source of water nearby that can be used as fire suppression, therefore provisions for fire suppression vehicles is not applicable under these guidelines.

9. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

A 500 gallon tank will be supplied on the site with a $\frac{3}{4}$ " hose and a pump maintaining at least 50 psi. The hose will be long enough to reach the edge of the primary setback of 30' from all construction including decks.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for 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.

10. 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.
- 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.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- 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.

All Firebreak guidelines will be met, the dwelling is sited and the setbacks are such that both the primary and secondary firebreaks can be maintained. We will comply will all fire protection standards.

Table 1 – Minimum Primary Safety Zone

Slope	Feet of 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

11. 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.

All roofing materials will be non-combustible or fire resistant according to certified official determination.

12. 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).

No water supply meeting or exceeding 4000 gallons is available on or near the site.

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

The dwelling will be located on a 0-10% slope at the proposed siting in attached plot map.

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

Any chimney installed will have a spark arrester.

15. 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 property is within the Coquille Rural Fire District and is on record by the previous owner signed and dated by former fire chief Dave Waddington dated 1-9-2007, see attached.

16. 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.

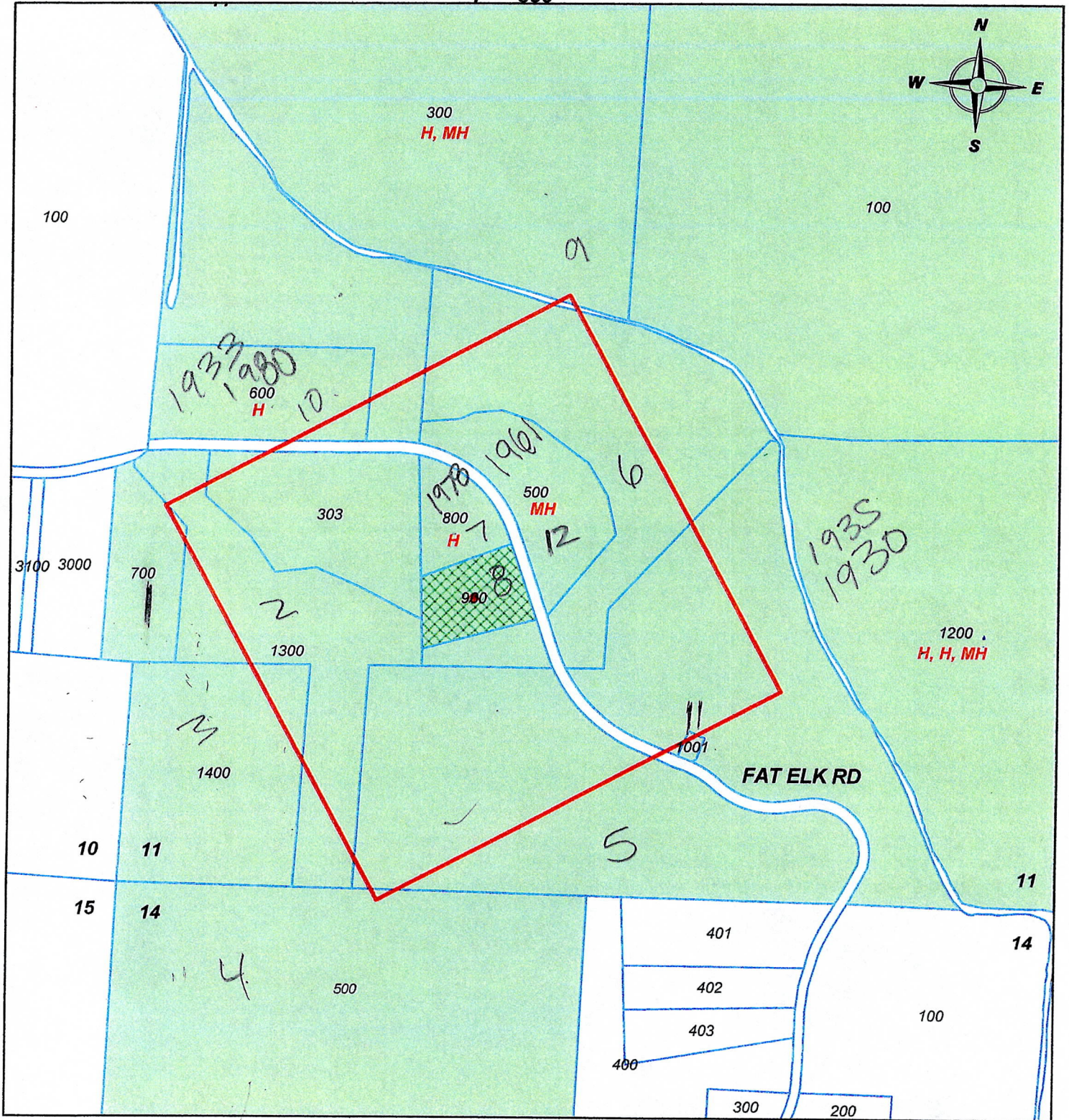
Adequate access for firefighting equipment will be provided.

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

Road access to dwelling will meet standard in chapter VII.

TEMPLATE = 1/2 X 1/2 MILE

1" = 800'



H, MH = DWELLINGS

GREEN = PARCELS WITHIN TEMPLATE

NOTE: 28-13-11 TL 303 NOT ALLOWED. CREATED AFTER JAN. 1, 1993.

700, 1300, 1400, 500, 1200, 1001, 100, 300, 800, 900, 600, 300

12 parcels

WAIVER OF RIGHT TO OBJECT FOREST AND FARM PRACTICES MANAGEMENT COVENANT

Joseph D. Leonard, TRUSTEE FOR THE
Philip Leonard 1999 Revocable Trust herein called grantor(s) are the owners of the real property
(Property Owner's Name)
described as follow: Microfilm Reel No. 1999-3062

Township 28 S, Range 13 W.W.M., Section 11 Tax Lot 900

In accordance with the conditions set forth in the decision of the Coos County Planning Department dated 12-21-2006, approving a TEMPLATE DWELLING WITHIN THE FMD ZONE for the above described property and in consideration of such approval, grantor(s) hereby grant to Coos County a perpetual non-exclusive forest and farm management covenant as follows:

1. Grantors, their heirs, successors and assigns hereby acknowledge that the above described property is situated within a forest or farm zone, or adjacent or near a forest or farm zone in Coos County, Oregon, and may be subjected to conditions resulting from commercial forest or agricultural operations being undertaken on adjacent lands. Such operations include, but are not limited to, management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, management of farm and animals and farm lands and other accepted and customary forest and farm management activities conducted in accordance with state laws. Said forest and farm management activities ordinarily and necessarily produce noise, dust, smoke, odor, and other conditions that may conflict with management. Grantors hereby waive all common law rights to object to normal, necessary, and non-negligent forest or farm management activities legally conducted on adjacent lands that may conflict with grantors' use of grantors' property for residential or other land uses not related to commercial forestry or farm management purposes and for the benefit of adjacent property owners for the resultant impact on grantors' property that may be caused by non-negligent forest and farm management activities occurring on adjacent lands.
2. Grantors shall comply with all restrictions and conditions for maintaining residences on rural lands that may be required by state and local land use laws and regulations. Grantors shall comply with all fire safety regulations set forth in the Coos County Zoning and Land Development Ordinance, which are applicable to the subject property.
3. Grantors shall comply with all restrictions and conditions for maintaining residences in farm zones, pursuant to state and local laws and regulations if a farm-use dwelling has been approved for the subject property.

This covenant is appurtenant to all property adjacent to the above described property and shall bind the heirs, successors and assigns of grantors and shall endure for the benefit of the adjacent landowners, their heirs, successors and assigns. Adjacent landowners, their heirs, successors and assigns are hereby expressly granted the right of third party enforcement of this covenant.

IN WITNESS WHEREOF, the grantors have executed this covenant on 1-6-2007

Joseph D. Leonard (TRUSTEE)
(Titleholder's signature)

(Titleholder's signature)

STATE OF OREGON)
COUNTY OF COOS)
Personally appeared the above named
_____ and SEE ATTACHED
acknowledged the above covenant to be
their voluntary act and deed.

Notary Seal

Notary Public for Oregon Commission Expires : _____

This covenant is hereby accepted this 3/5
day of JAN., 2007.

COOS COUNTY BOARD OF COMMISSIONERS

By Patty Eermden
Patty Eermden, County Planning Director

RESERVED FOR RECORDER

RETURN TO:
Joseph D. Leonard
PO Box 217
Shingle Springs
CA 95682-0217

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of El Dorado } ss.

On 1/16/06, before me, Melanie Lastra, Notary
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Joseph O. Leonard
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Melanie Lastra
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

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

Coquille Rural Fire Protection District.

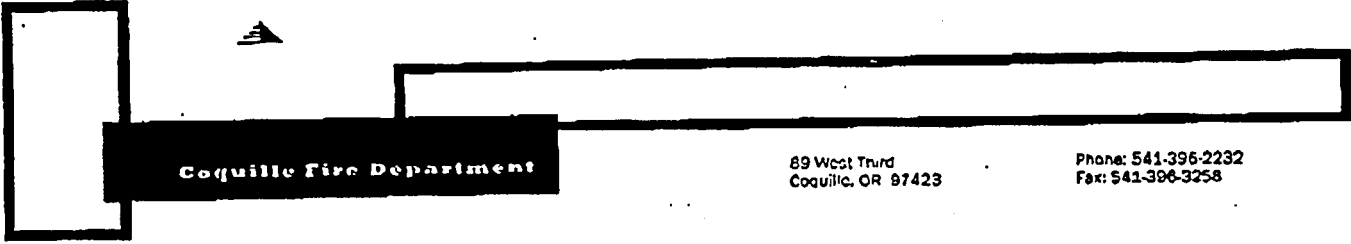
District Chief:

D. Wadsworth

Date:

1-9-07

RECORDED
JAN 30 2007



Fax Transmittal Form

To: Joe Leonard

From: Dave Waddington, Fire Chief

Coquille Fire Department

Fax Number: 530-676-3520

Phone: 541-396-2232

Fax: 541-396-3258

- Urgent
- For Review
- Please Comment
- Please Reply

Date sent: 1-9-07
 Time sent:
 Number of pages including cover page: 2

Message:

Joe,

Please find the Fire Protection Request Form signed and dated. Your proposed property is well within our Rural Fire Protection District. I hope all goes well with your final steps in the process. Also, thank you for your kind words about our fire department. I am very proud of our hard working firefighters and what they provide for the citizens of our district. Happy New year and take care.

Dave Waddington
 Fire Chief
 Coquille Fire Department

dwaddington@cityofcoquille.org

(1) LAND OWNER

Owner Well I.D. _____
 First Name BRIAN Last Name HARMON
 Company _____
 Address 2150 INLAND DR
 City NORTH BEND State OR Zip 97459

(2) TYPE OF WORK

New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stl Plstc Wld Thrd
 Casing: _____
 Material From To Amt sacks/lbs
 Seal: _____

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE

Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard (Attach copy)
 Depth of Completed Well 150.00 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
10	0	25	Bentonite Chips	0	25	18	S
6	25	150				Calculated	16.6
						Calculated	

How was seal placed: Method A B C D E
 Other POURED

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	<input checked="" type="checkbox"/>	1.6	79.6	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4.6	<input type="checkbox"/>	0	150	SDR26	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Shoe Inside Outside Other Location of shoe(s) _____

Temp casing Yes Dia _____ From + _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method TOURCH SAW

Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Dia	From	To	Scm/slot width	Slot length	# of slots	Tele/ pipe size
Perf	Casing	6	62	75	25	5	6	
Perf	Liner	4.5	75	150	25	5	96	

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

1			150	1
---	--	--	-----	---

Temperature 52 °F Lab analysis Yes By _____

Water quality concerns? Yes (describe below) TDS amount 148 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County coos Twp 28.00 S N/S Range 13.00 W E/W WM

Sec 11 NE 1/4 of the SW 1/4 Tax Lot 900

Tax Map Number _____ Lot _____

Lat _____ " or 43.15581254 DMS or DD

Long _____ " or -124.21334875 DMS or DD

Street address of well Nearest address

NO SITE ADDRESS
 FAT ELK

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	<u>9/27/2019</u>			<u>55</u>

Flowing Artesian? Dry Hole?

WATER BEARING ZONES

Depth water was first found 62.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
<u>9/27/2019</u>	<u>62</u>	<u>75</u>	<u>1</u>			<u>55</u>

(11) WELL LOG

Ground Elevation _____

Material	From	To
TOP SOIL	0	1
BROWN CLAY	1	11
LT BROWN CLAYSTONE	11	25
BROWN CLAYSTONE	25	52
BROWN CLAYSTONE W/GRAVEL MIX	52	72
BLUE CLAYSTONE	72	150

Date Started 9/25/2019

Completed 9/27/2019

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____ Date _____

Signed _____

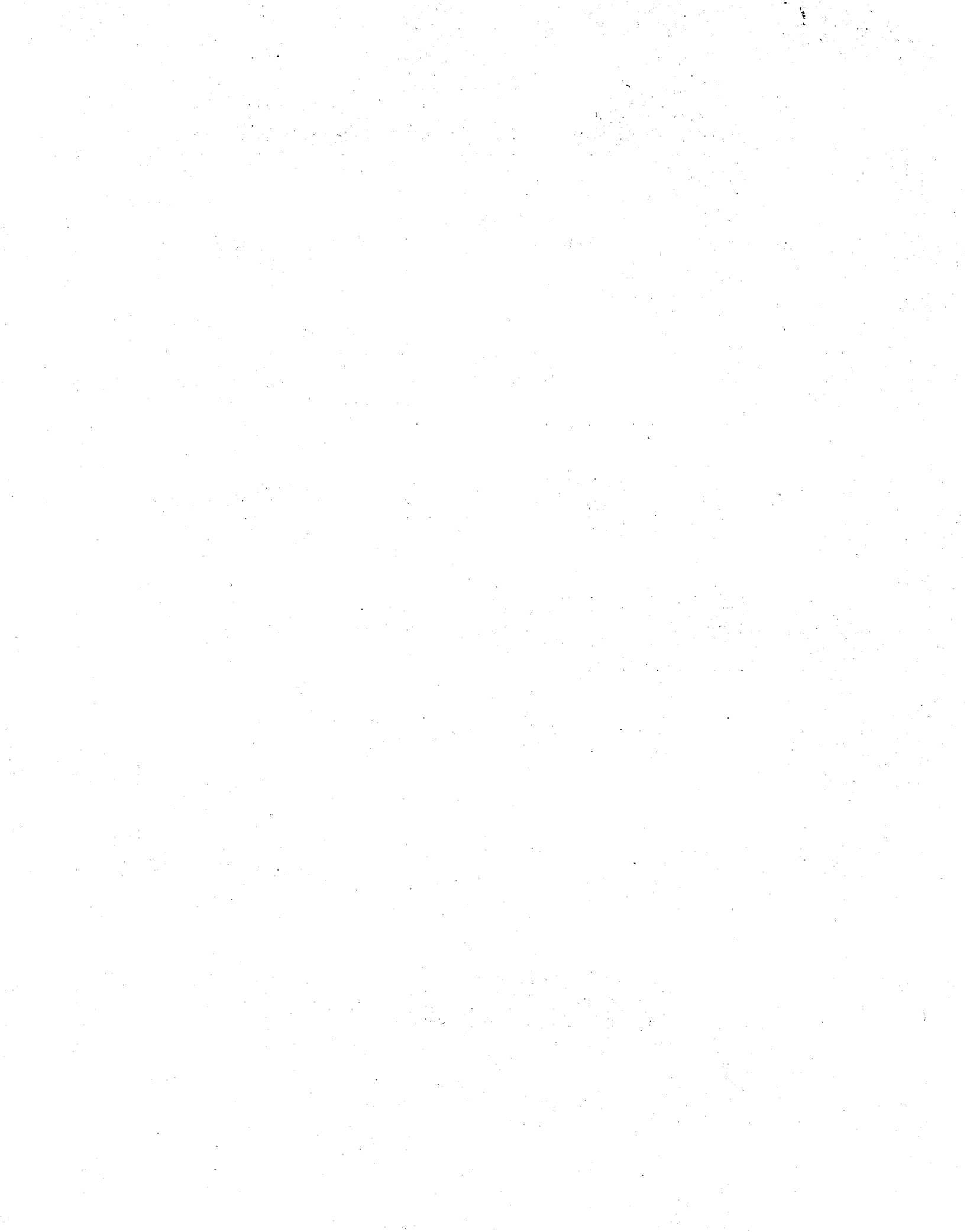
(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1381 Date 10/15/2019

Signed RONALD BARRINGTON (E-filed)

Contact Info (optional) BARRINGTON WELL DRILLING LLC. 541-269-7221



RECORDING REQUESTED BY:



105 E 2nd Street
Coquille, OR 97423

GRANTOR'S NAME:
Joseph D. Leonard

GRANTEE'S NAME:
Brian Harmon and Sabrina Harmon

AFTER RECORDING RETURN TO:
Order No.: 360619027828-TT
Brian Harmon and Sabrina Harmon
2150 Inland Drive Apt 1
North Bend, OR 97459

SEND TAX STATEMENTS TO:
Brian Harmon and Sabrina Harmon
2150 Inland Drive Apt 1
North Bend, OR 97459

APN: 911303
Map: 28S13110000900
0 Fat Elk, Coquille, OR 97423

Coos County, Oregon

2019-09286

\$101.00 Pgs=4 10/14/2019 01:06 PM

eRecorded by: TICOR TITLE COQUILLE - 105 E. 2ND
ST. OR 97423

Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Joseph D. Leonard, Grantor, conveys and warrants to Brian Harmon and Sabrina Harmon, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at a 5/8" Iron rod on the West boundary of that parcel described per deed instrument 1999-3062, Deed Records of Coos County, Oregon, said 5/8" iron rod lying South 64° 36' 20" East 1724.90 feet from a brass cap marking the West quarter corner of Section 11, Township 28 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence South 4° 04' 22" East 415.92 feet to a 5/8" iron rod at the Southwest corner of said parcel; thence along the South boundary of said parcel North 70° 36' 41" East 649.39 feet to a 5/8" iron rod on the Westerly right of way boundary of Fat Elk Creek County Road; thence along said right of way Northwesterly 401.15 feet, more or less, to a 5/8" Iron rod; thence South 70° 36' 41" West 540.14 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED FORTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$148,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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



STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10-10-2019



Joseph D. Leonard

State of _____
County of _____

This instrument was acknowledged before me on _____ by Joseph D. Leonard.

Notary Public - State of _____

My Commission Expires: _____

**SEE ATTACHED
NOTARY CERTIFICATE**



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of EL DORADO

On Oct 10, 2019 before me, Leonard Land, Notary Public
(insert name and title of the officer)

personally appeared Joseph D. LEONARD,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

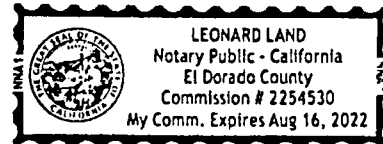




EXHIBIT "A"
Exceptions

Subject to:

1. The Land has been classified as Forest Lands, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public to any portion of the Land lying within roads, streets and highways.
3. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein.

Dated: January 1, 1930
Lessor: Russ Investment Company
Lessee: Fat Elk Oil & Gas Co., Inc.
Recording Date: April 30, 1930
Recording No: Book 110, Page 607
Amendment(s)/Modification(s) of said oil and gas lease

Recording Date: August 30, 1932
Recording No: Book 117, Page 450

4. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein.

Dated: March 1, 1977
Lessor: Burton E. Forbes, et. al.
Lessee: John W. Batts
Recording Date: March 16, 1977
Recording No: 77-3-03882

5. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Well Agreement and Waterway Easement

Recording Date: October 26, 2006
Recording No.: 2006-14416

6. Waiver of right to object to Forest and Farm Practices Management Covenant, including the terms and provisions thereof

Recording Date: January 31, 2007
Recording No.: 2007-1316

