



NOTICE OF LAND USE DECISION

Coos County Planning
60 E. Second
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners' land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: **Tuesday, June 01, 2021**

File No(s): ACU-21-028

Proposal: Request approval for a home occupation and accessory uses in the Exclusive Farm Use (EFU).

Applicant(s): Patrick Wright and Angie Boyd

Staff Planner: Jill Rolfe, Planning Director

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, June 16, 2021**. Appeals are based on the applicable land use criteria for Home Occupations subject to Coos County Zoning and Land Development Ordinance (CCZLDO) Sections 4.6.200(23) Exclusive Farm Use -Use Tables, Home occupations (cottage industries) as provided in ORS 215.448 Subject to an Administrative Conditional Use (ACU). The applicable review criteria are found in Subsection (5) APPROVAL CRITERIA and (14) Home occupations/Cottage Industry. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Property Information

Account Numbers	168317
Map Numbers	24S1313D0-01200
Property Owners	Patrick Wright and Angie Boyd 94753 Haynes Way Lane North Bend OR 97459
Situs Addresses	94753 HAYNES WAY LN NORTH BEND, OR 97459
Acreage	7.5 Acres
Zoning(s)	EXCLUSIVE FARM USE (EFU)
Special Development Considerations and Overlays	FLOODPLAIN (FP) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - TSUNAMI (NHTHO) WET MEADOW WETLAND (WM)

This notice shall be posted from June 1, 2021 to June 16, 2021

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 225 N. Adams, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

Staff tries to post all applications on the website at the following link:

<https://www.co.coos.or.us/planning/page/applications-2021>

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is **(541) 396-7770**.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: Jill Rolfe Date: **Tuesday, June 01, 2021** .
Jill Rolfe, Planning Director

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received

Exhibit E: Application

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

The applicant has met the criteria for a Vacation Rental, with the following conditions:

1. The applicant shall obtain all necessary health license from Coos Health and Wellness.
2. A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that there are conditions of approval that apply to this property.
3. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the use of the dwelling as a vacation rental on the property.
4. The parking and access shall be reviewed and signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter from staff.
5. Property Line Adjustment PLA-20-031 shall be completed and all conditions shall be satisfied prior to issuance of a Zoning Compliance Letter.
6. The Home Occupation shall be renewed every twelve (12) months. This is accomplished by a request from the applicant prior to the expiration of the prior zoning compliance letter. If the use has not changed and remains in compliance a zoning compliance letter will be issued
7. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.

EXHIBIT "B"
VICINITY MAP



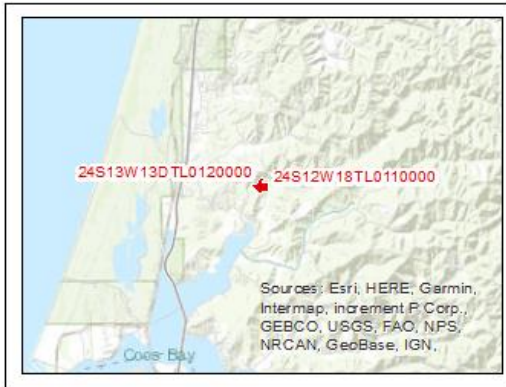
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-21-028

Applicant/
Owner: Patrick Wright & Angela Boyd

Date: June 1, 2021

Location: Township 24S Range 12/13W
Section 18/13D TL 1100/1200

Proposal: Administrative Conditional Use

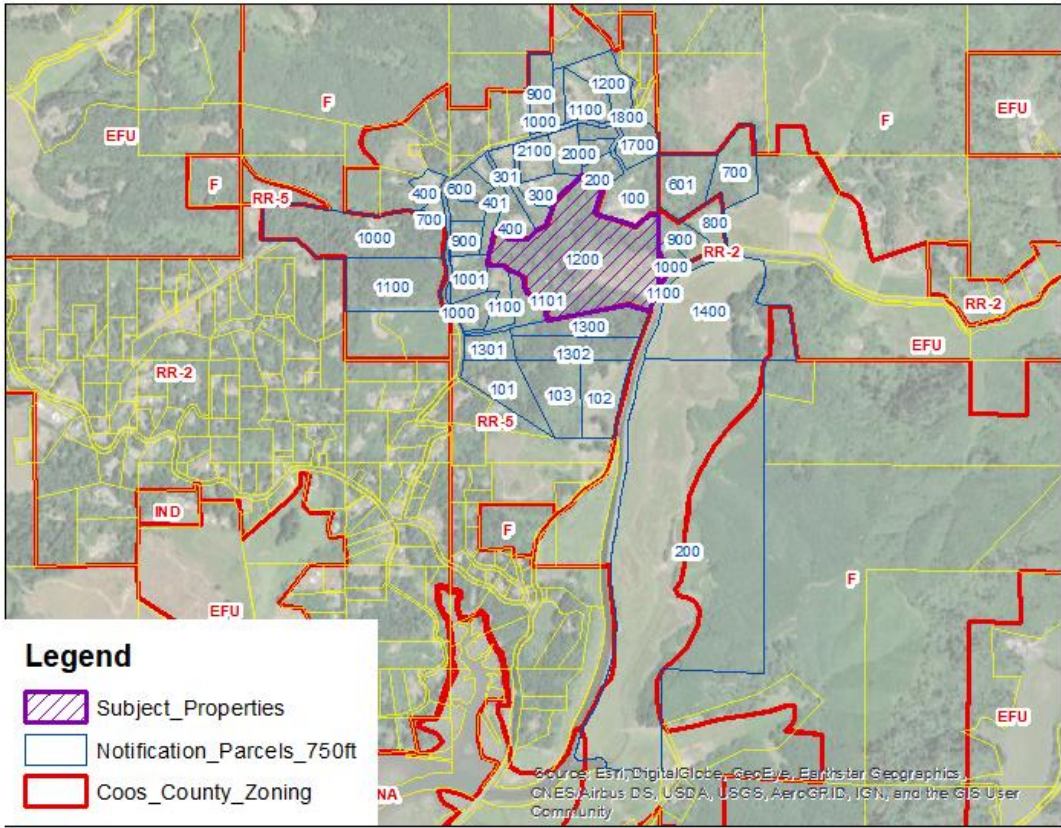


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** The applicants have requested to operate a *Home Occupations* (cottage industries) as provided in ORS 215.448.

The applicant states the following as the proposal:

To operate a home occupation / Cottage Industry by renting out sections of our property as shown on the plot plan as event space. This inclusion is defined in ORS 215.448

Although it is our intent to use the property as farming to include raising animals, we would like to supplement our income but allowing people to reserve sections for special events.

The property is approximately 10 acres. There is a mixture of pasture and rolling hills which are surrounded by trees. There is a small 2 acre vineyard, several already established fruit trees (plum, apple, cherry, pear, walnut). The pasture land and the metal bam is being used by our animals (6 Llamas, 2 Scottish Highland Cows, 2 Sheep, 3 Nigerian Dwarf Goats, and lastly 6 chickens).

We have reviewed all parts of OAR and will be operating within all guidelines provided. The Red Barn on the property will be used as a special event space. The second story of the Small Barn will be used as a dressing area for renters. There will be no employees other than 2 people who live on the property full time. The business will not interfere with any existing or neighboring properties. The business will not have a typical retail store. No signage will be needed.

B. BACKGROUND/PROPERTY HISTORY:

The subject property was made up of two different tax lots found in Township 24 Range 13 Sections 13D/18 Tax Lots 1200/1100. The tax lots are listed in one deed description but cross section lines and are mapped on two different maps due to the section lines. Since that time a property line adjustment was completed reducing the acreage of the property and creating the current configuration.

In 2005 Mr. Smith obtained an after-the-fact Zoning Clearance Letter (ZCL) to bring some of the structures into compliance. The after-the-fact permit included a Garage, Carport, Hot Tub House and Farm Building. In 2007 Mr. Smith filed a Measure 37 Claim to the State of Oregon for relief of certain land use permit requirements. Later in 2007 Mr. Smith obtained a permit to allow for a bathroom facility in the barn. It was noted that the structure was not for habitation, commercial or industrial use. Only one dwelling was permitted on the property. At that time, it appeared that Mr. Smith converted the loft of the barn to a dwelling. This has been corrected and returned to an accessory structure.

In 2010 a Measure 49 claim was filed and approved by the State of Oregon to allow for three dwellings and three parcels within Mr. Smith's Ownership. The notes in the claim stated that the number of parcels and dwelling are reduced by the number of existing parcels and dwellings. The State noted that there were three (3) tax lots and two (2) dwellings. The claim included tax lot 100 in Section 13D as it was owned by Mr. Smith at the time now owned by Mr. Beetham. Therefore, the claim stated that Mr. Smith was eligible for one additional dwelling and no additional parcels. However, tax lot 1100 was

not a separate parcel as it crosses a section line, so it was given a tax lot number (due to mapping constraints).

Therefore, Mr. Smith only had two (2) parcels and two (2) dwellings within his ownership. According to Oregon Department of Land Conservation if the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or the contiguous property under the same ownership, the number of additional lots, parcels or dwellings a claimant may establish pursuant to the home site authorization must be adjusted by the county (Coos County in this instance) according to the methodology found in Section 6(2)(b) and 6 (3) of Measure 49. This means a parcel of up to five (5) acres in size could be divided from tax lots 1100 and 1200 but the new parcel would have to meet the land division standards of Chapter VI and VII. All improvements that support the dwelling will need to be located on one parcel of land.

In 2015 Mr. Smith applied and received permits to operate a vacation rental out of the primary dwelling and utilize a barn as an accessory use for these events. The permit states “the authorization for a vacation rental is not transferrable and expires upon the sale of the property or one year after the use as a vacation rental is discontinued, whichever comes first” the use of the barn should have been reverted to a barn and any improvements made for events was supposed to be removed.

September 12, 2014 a Zoning Compliance Letter was issued (ZCL-14-245) to construct a ground mounted Solar Array for private use. This will be the only construction taking place at this time. This was followed up with a Zoning Compliance Letter on October 27, 2015 (ZCL-15-293) providing authorization to site a ground mounted solar panel array, pursuant to CCZLDO Section 4.6.200(2)(e)(iii) and clearance to operate a vacation rental pursuant to CCZLDO Section 4.6.220(2)(b)(v), including uses and activities accessory to the use as a vacation rental. The authorization for the solar panel array is a re-authorization of a previously issued zoning compliance letter, ZCL-14-245. The proposed development shall be located outside the floodplain and wetlands. The authorization for a vacation rental is not transferrable and expires upon the sale of the property or one year after the use as a vacation rental is discontinued, whichever comes first. All uses, activities, and events accessory to the vacation rental shall not be commercial in nature or open to the general public.

Mr. Smith failed to remove the improvements upon sale of the property to Mr. Beetham. Mr. Beetham was unaware of the condition of approval to the property. Mr. Beetham sold the property to the current owner who was interested in keeping the venue. The current property owner reached out to the Planning Department to find out if another application would be required to restart the use. The option provided was to apply for a home occupation/cottage industry, but the barn had to remain with the current dwelling or another dwelling will need to be constructed on the residual parcel that contains the barn. The current property owner worked with with Mr. Beetham to do a property line adjustment to ensure the current dwelling was on the same unit of land as the dwelling.

- C. *COMPLIANCE PURSUANT TO SECTION 1.1.300: It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in***

all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

The applicants are working to bring the property into compliance currently and explore all development possibilities.

II. BASIC FINDINGS:

A. LOCATION: This property is located northwest of the City of North Bend. The address is 94753 Haynes Way Lane.

B. ZONING: The subject property is zoned Exclusive Farm Use.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

Exclusive Farm Use (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:

1. Committed rural residential areas and urban growth areas.
2. Proposed rural residential areas as per the Exception to Goals #3 and #4.
3. Proposed industrial/commercial sites.
4. Existing recreation areas (e.g., golf courses) [Recreation designation]
5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).
6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].

The secondary criterion for establishing the "Agricultural Lands Inventory" was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed-Use Overlay.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

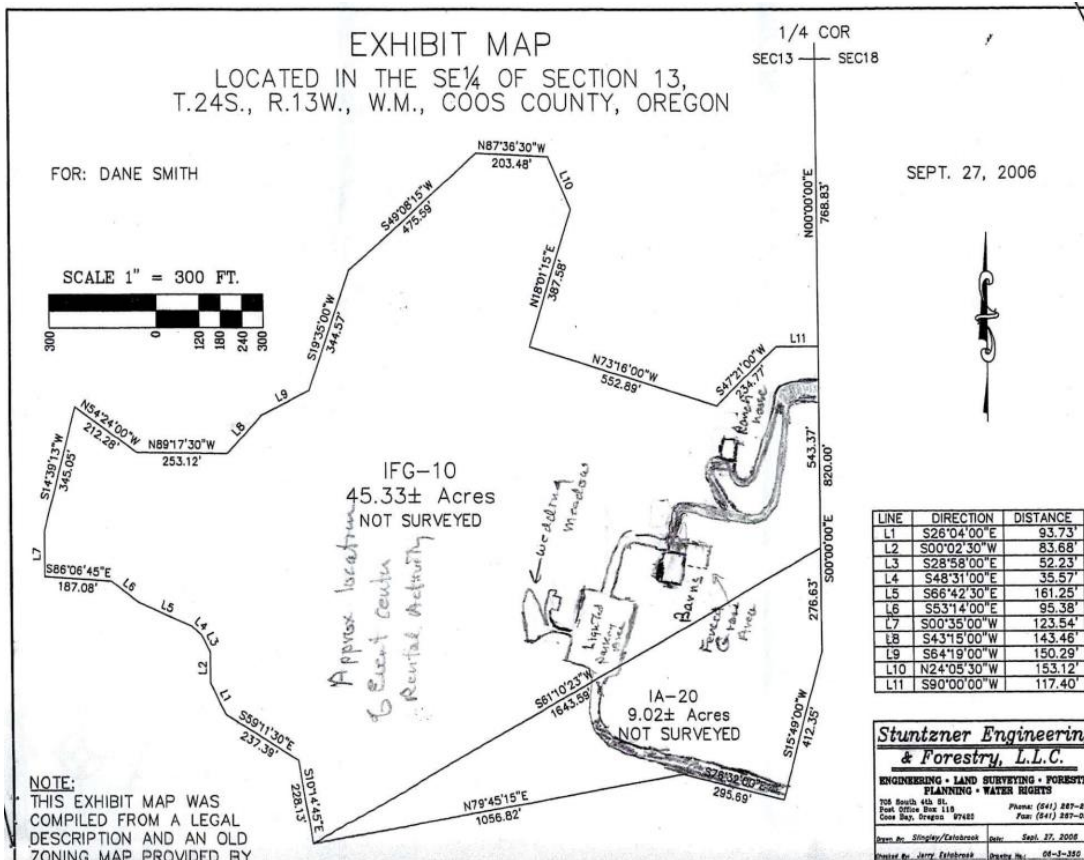
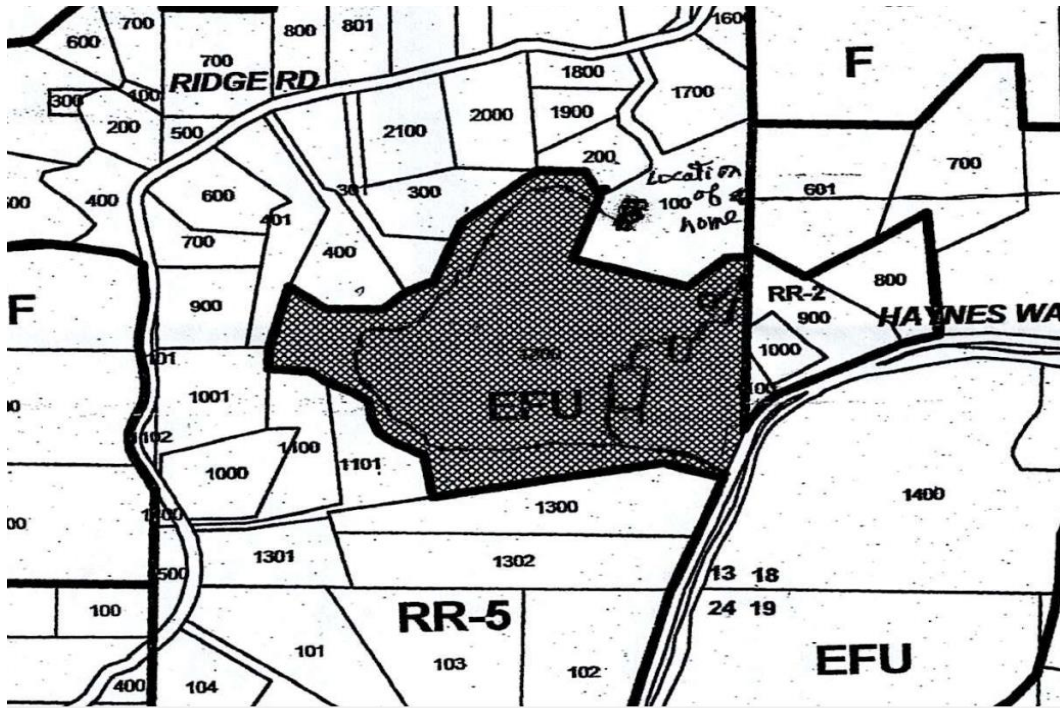
SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

Even though there are no new improvements made with the proposal there appears to be parking area and road that accesses to the venue (Barn) that will need some gravel and maintenance. Therefore, a notice was provided to Department of State Lands as required by law. Department of State Lands did have some concern with some of the parking and driveway maintenance impacting the wetland area. The applicants will need to work with the Department of State Lands to resolve the issue.

D. SITE DESCRIPTION AND SURROUNDING USES:

The property is surrounded mainly by Rural Residential with some EFU lands across Haynes Way Lane. The subject property abuts Haynes Way Lane to the east property boundary. Below are maps to show the property, surrounding development, zoning and site plan that was done when the Smith's owned the property. This gives a good overview of what is occurring and planned to occur.





E. COMMENTS:

- a. **PUBLIC AGENCY:** Department of State Lands requested a Wetland Delineation to ensure any earthmoving activities would not impact the Wetland. Coos County Road Department reviewed the access, road, and parking area. The road will need to be widened in certain areas and the parking area will need to be re-graveled. Full comments are attached to the staff report.

- b. **PUBLIC COMMENTS:** This application request did not require any request for public comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This application request did not require any request for comments prior to the release of the decision.

F. LAWFULLY CREATED UNIT OF LAND: This unit of land was lawfully created pursuant to 6.1.125.1.e by deed prior to current Coos County Plan and Ordinance. A Property Line Adjustment was approved in 2020 which created the current configuration. Therefore, the unit of land is lawful nonconforming because it is less than 80 acres (minimum size for new parcels in EFU).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for the Planning Director Approval of a Home Occupation in the Exclusive Farm Use Zone.

B. Key definitions:

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

215.203 Zoning ordinances establishing exclusive farm use zones; definitions. (1) Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established only when such zoning is consistent with the comprehensive plan. The following uses are permitted in lands designated as agricultural lands (EFU) pursuant to OAR 660-033-0120.

C. Criteria and standards for Vacation Rentals

I. Home Occupations in the Exclusive Farm Use zone. EXCLUSIVE FARM USE (EFU)

SECTION 4.6.200 EXCLUSIVE FARM USE – USE TABLES

Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone. The tables describe the use, type of review, applicable review standards and Section 4.6.210 Development and Siting Standards. Properties that are located in a Special Development Consideration and/or overlays shall comply with the

applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone

As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3). Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

	COMMERCIAL USES	HV	All Other
23.	Home occupations (cottage industries) as provided in ORS 215.448.	ACU (5) (14)	ACU (5) (14)

(5) APPROVAL CRITERIA Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

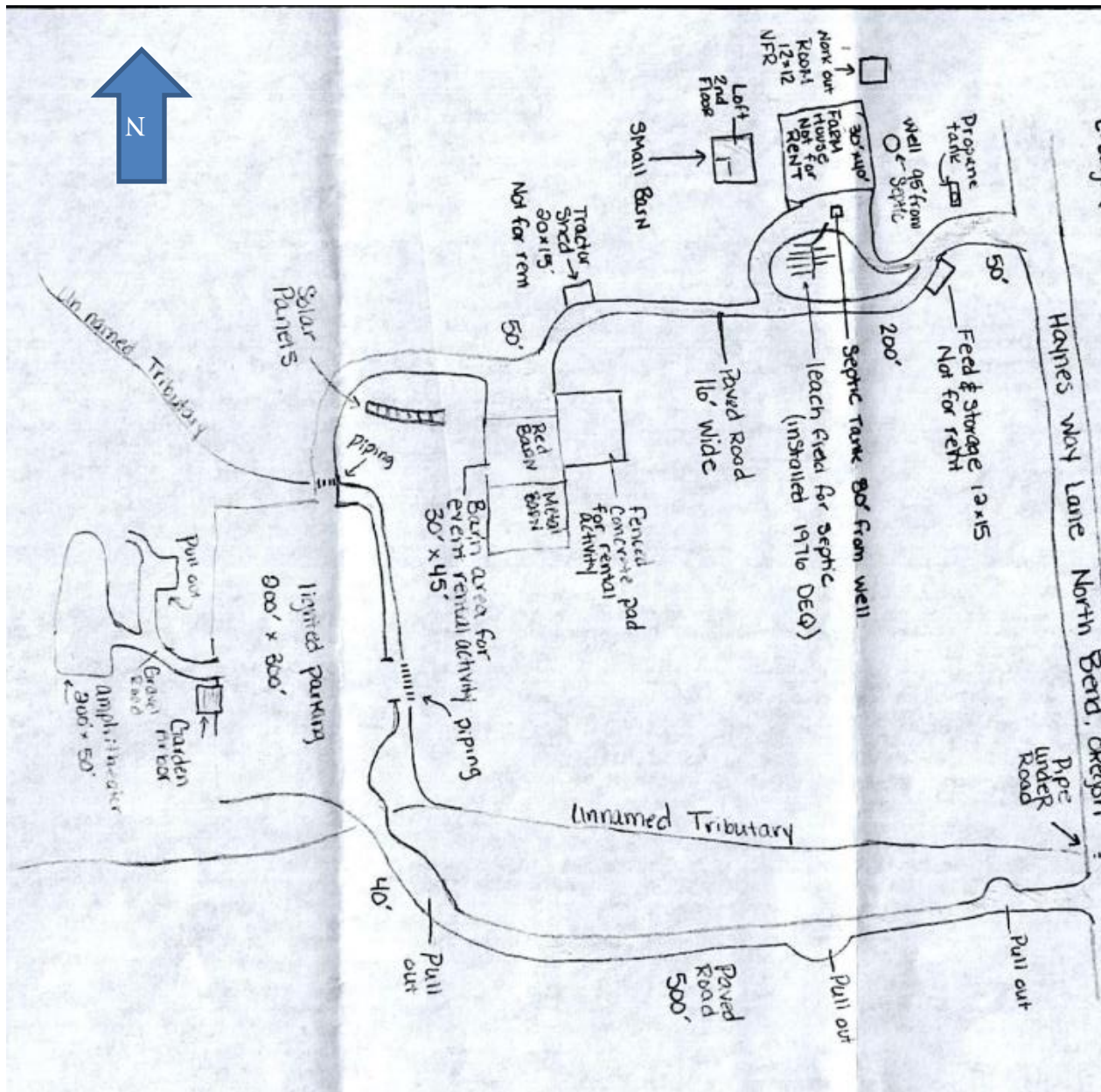
- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(14) HOME OCCUPATIONS/COTTAGE INDUSTRY - Home occupations and the parking of vehicles may be authorized. Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located and shall employ on the site no more than five full-time or part-time persons.

FINDINGS: The property is predominantly surrounded by Rural Residential Zoned property with the road separating the subject property from other EFU Zoning. There does not appear to be any abutting lands that are devoted to farm or forest uses with the exception of the property across Haynes Way Lane. The property is in the North Bay Fire District. Given that the property has a history of being used for a vacation rental and event venue and no complaints were filed related to interruption of farm or forest practices staff is confident a home occupation will yield the same result. To ensure there are no impacts events should be contained to the structure and immediate surrounding areas. There shall be no built improvements in conjunction with the use. The Barns may be used and the parking of vehicles including vendor vehicles.

The applicant did not provide how many events and the frequency they will be occurring but they did explain that the Red Barn on the property will be used as a special event space and the second story of the Small Barn will be used as a dressing area for renters. However, the plot plan provide seems that there are more spaces that they intend to use. Home Occupations only gives authority to operate in the home or building(s) normally associated with uses permitted in the Exclusive Farm Use Zone. The Amphitheater is not associated with an approved building. The outdoor space can

be used for parking but beyond that the events need to be conducted inside of the buildings or adjacent areas that can be accommodated without change to the property.



IV. DECISION:

The proposed Home Occupation meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

V. EXPIRATION:

The conditional use will not expire; however, the Home Occupation will need to be renewed every twelve (12) months if the use is still occurring and if the property changes ownership a new application is required or the barn shall have all improvements removed.

VI. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special districts, or parties

A Notice of Decision and Staff Report will be provided to the following:
Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness,
Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

Special districts to receive notice: North Bay Rural Fire Protection District, Coos County Road Department, Department of State Lands and Coos Health and Wellness.

EXHIBIT "D"
Comments Received



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2021-0440

Responsible Jurisdiction

Staff Contact Michelle Berglund	Jurisdiction Type County	Municipality Coos
Local case file # ACU-21-028	County Coos	

Activity Location

Township 24S	Range 13W	Section 13	QQ section D	Tax Lot(s) 1200
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Street Address

94753 Haynes Way Ln

Address Line 2

City

North Bend

Postal / Zip Code

97459

State / Province / Region

OR

Country

Coos

Latitude

43.483985

Longitude

-124.183822

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

It appears that the proposed project may impact wetlands and may require a State permit.

An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

It appears that the parking lot, stream piping and channelization, road access to parking lot, and patio east of red barn could impact wetlands associated with the drainages. A wetland delineation is needed for site planning that avoids or minimizes impacts to wetlands. The delineation should be submitted to DSL for review and approval. A list of possible wetland consultants to do the work can be found on our web site.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

5/12/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300

Exhibit "E"
Application



Coos County Land Use Permit Application
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

DR-21-043

FILE NUMBER: ACU-21-028

Date Received: 04/14/21 Receipt #: 224327 Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.
If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Patrick Wright & Angela Boyd
Mailing address: 94753 Haynes Way Lane
Phone: 541-297-0571 Email: angie@archerfarms.org

Township: 24S Range: 13W Section: 13 ¼ Section: D 1/16 Section: Select Tax lots: 1200
Select Select Select Select Select

Tax Account Number(s): 168317 Zone: Select Zone Exclusive Farm Use (EFU)
Tax Account Number(s): _____ Please Select

B. Applicant(s) Patrick Wright & Andela Boyd
Mailing address: 94753 haynes Way Ln, North Bend, OR 97459
Phone: 541-297-0571 Email: Angie@archerfarms.org

C. Consultant or Agent: _____
Mailing Address: _____
Phone #: _____ Email: _____

Type of Application Requested

<input type="checkbox"/> Comp Plan Amendment	<input type="checkbox"/> Administrative Conditional Use Review - ACU	<input type="checkbox"/> Land Division - P, SUB or PUD
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Hearings Body Conditional Use Review - HBCU	<input type="checkbox"/> Family/Medical Hardship Dwelling
<input type="checkbox"/> Map - Rezone	<input type="checkbox"/> Variance - V	<input checked="" type="checkbox"/> Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
School District: North Bend Fire District: North Bend RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

- D. **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.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. 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.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. 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.

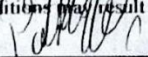
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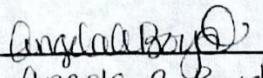
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 Patrick M. Wright



 Angela a Boyd

Coos County Land Use Application - Page 2

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 94753 Haynes Way LN

Type of Access: Select Public Name of Access: Haynes Way LN

Is this property in the Urban Growth Boundary? Select NO

Is a new road created as part of this request? Select NO

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: _____

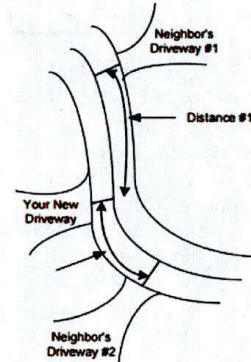
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: _____

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select



The distance information is important from your new driveway to the closest driveways on either side of you (doesn't matter which side of the road) and what the addresses are to those two driveways. This information is important to include in the formula used to calculate the correct address.

Staff from the County Road Department will place the stake and once the driveway stake has been placed, it must not be moved. If your stake is removed or damaged you may purchase replacements.

Additional Notes or directions:

This application is not required.

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: Select

Sewage Disposal Type: Select

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

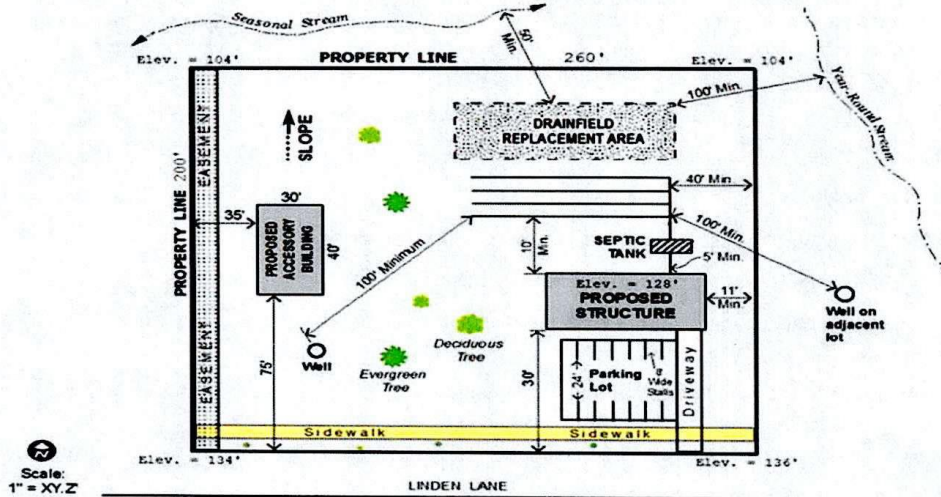
Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Health Division to make an appointment.

Additional Comments:

Plot Plan
The grid for the plot plan is found on the next page

SAMPLE PLOT PLAN



ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

Coos County Land Use Application - Page 7

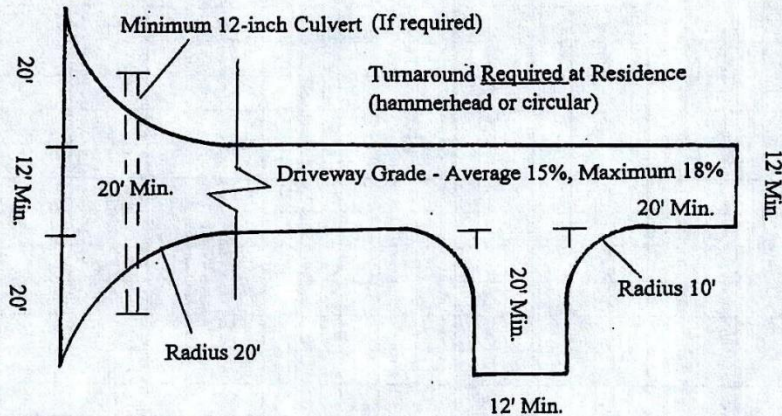
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS
DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



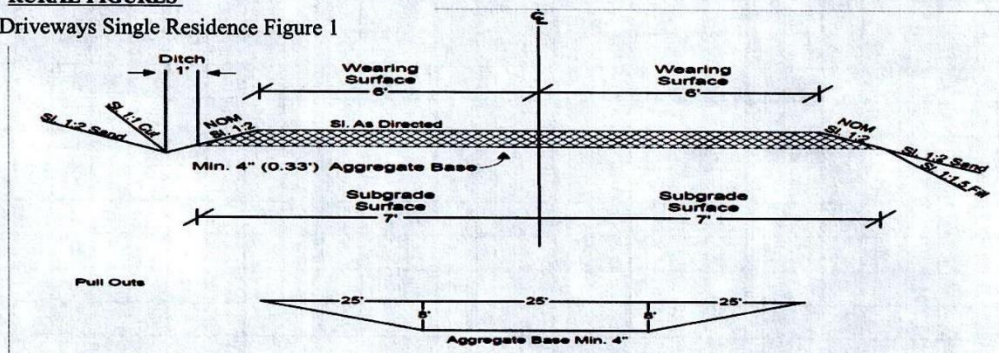
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

RURAL FIGURES

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

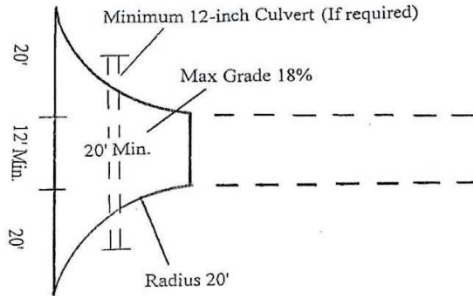
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

Forestry, Mining or Agricultural Access Standard drawing
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35 mph – 150' both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster
The access will be developed from the edge of the developed road.

Figure 7.1.450

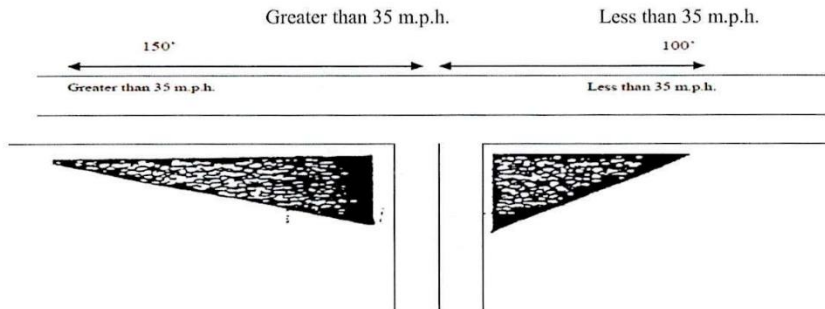


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

VISION CLEARANCE TRIANGLE:

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi- family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
Figures	A	B	C	D	E
Single row of Parking					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
Figures #'s					
	F	G	H	I	J
Two Rows of Parking					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.

Statement of Intent

The property at 94753 Haynes Way Lane, North Bend, Oregon is currently zoned exclusive farm use as defined in OAR 660-033-0020(8)

We are asking to operate a home occupation / Cottage Industry by renting out sections of our property as shown on the plot plan as event space. This inclusion is defined in ORS 215.448

Although it is our intent to use the property as farming to include raising animals, we would like to supplement our income but allowing people to reserve sections for special events.

The property is approximately 10 acres. There is a mixture of pasture and rolling hills which are surrounded by trees. There is a small 2 acre vineyard, several already established fruit trees (plum, apple, cherry, pear, walnut)

The pasture land and the metal barn is being used by our animals (6 Llamas, 2 Scottish Highland Cows, 2 Sheep, 3 Nigerian Dwarf Goats, and lastly 6 chickens)

We have reviewed all parts of OAR 350-09-81-0098 and will be operating within all guidelines provided.

The Red Barn on the property will be used as a special event space.

The second story of the Small Barn will be used as a dressing area for renters.

There will be no employees other than 2 people who live on the property full time.

The business will not interfere with any existing or neighboring properties.

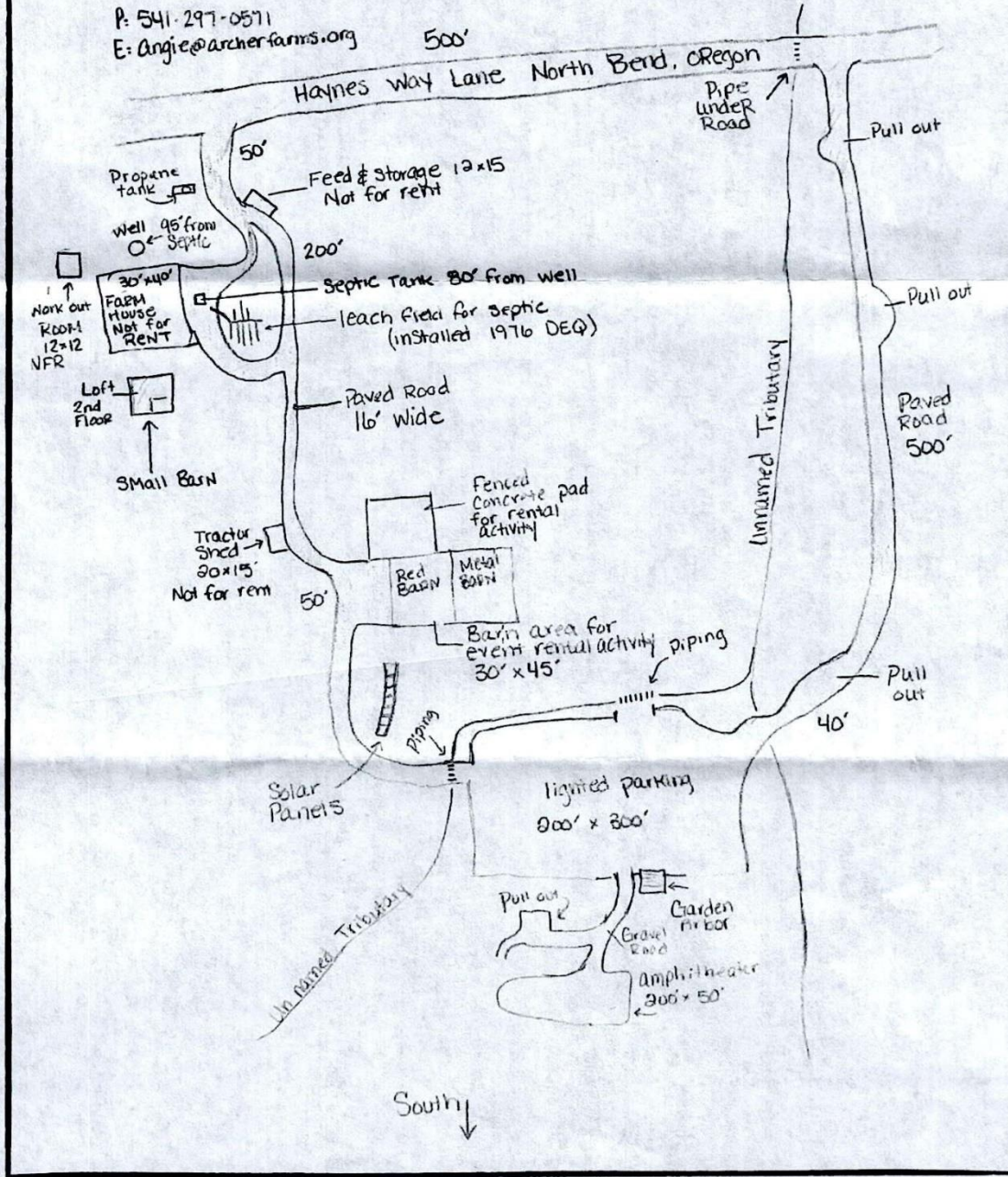
The business will not have a typical retail store.

No signage will be needed.

Angela Boyd & Patrick Wrigm
94753 Haynes Way Lane
North Bend, OR 97459

P: 541-297-0571
E: Angie@archerfarms.org

North ↑

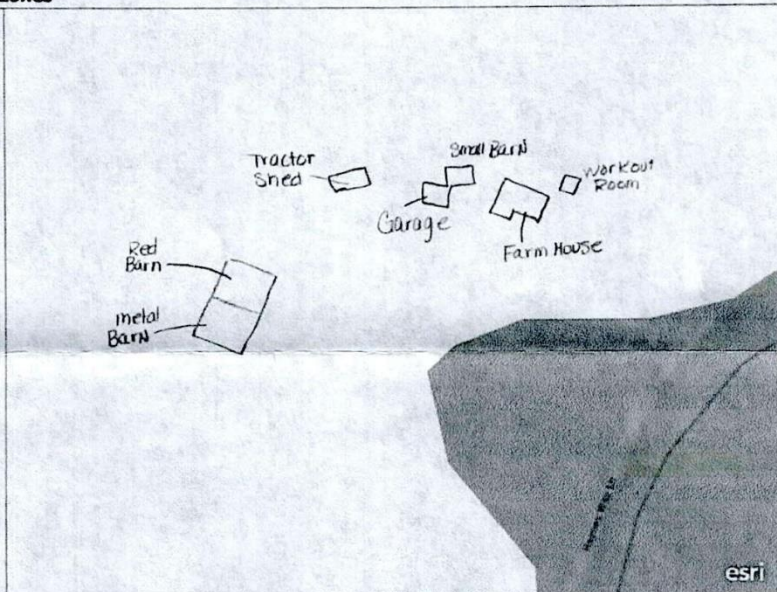


South ↓

Oregon 100-yr Flood Zones

Oregon 100-yr Flood Zones

- FEMA Effective
- FEMA Preliminary
- FEMA Q3
- State Digitized



This layer includes the best available "100-year" floodplain data for Oregon as represented by FEMA's Flood Insurance Rate Maps (FIRM). The FEMA flood hazard is defined as the are ...

200ft

FEMA, Oregon DLCD, Oregon Geospatial Enterprise Office | Esri Community Maps Contributors, State of Oregon GEO, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, US Census Bureau, USDA