



COOS COUNTY CONDITIONAL USE LAND USE 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**

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)

Date Received: _____ Receipt #: _____ Amount: _____ Received by: _____

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s)

Mailing address:

Phone:

Email:

Township: _____ Range: _____ Section: _____ ¼ Section: _____ 1/16 Section: _____ Tax lots: _____

Tax Account Number(s):

Zone: Select Zone

Tax Account Number(s)

B. Special Districts and Services

Water

Sewage Disposal

School

Fire District

C. Type of Application (s) please consult with staff to determine prior to submittal

Administrative Conditional Use for

Hearings Body Conditional Use for

Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness

Beaches and Dunes

Non-Estuarine Shoreland Boundary

Significant Wildlife Habitat

Natural Hazards

Flood

Landslide

Liquefaction

Erosion

Wildfires

Airport Surfaces Overlay

Variance to which standard

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page 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. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:

1. Project summary and details including time lines.
2. 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. This shall be addressed on the supplemental criteria page (see staff for criteria).

II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- Owner's name, address, and phone number, map and Tax lot number
- North Arrow and Scale - using standard engineering scale.
- Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
- Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
- All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
- Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.

III. DEED: A copy of the current deed, including the legal description, of the subject property.

IV. CERTIFICATION: 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 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. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

Rohit Damyehini
Sulu [Signature] (Trustee TBF)
1-11-2023

Nate Chisholm
Rushal Sedlemyer

Digitally signed by Rushal Sedlemyer
Date: 2023.01.09 17:52:54 -08'00'

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: _____

Type of Access: _____ Name of Access: _____

Is this property in the Urban Growth Boundary? _____

Is a new road created as part of this request? _____

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.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. 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-

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: Choose a Service-Type.

Sewage Disposal Type: Choose a Type.

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: _____

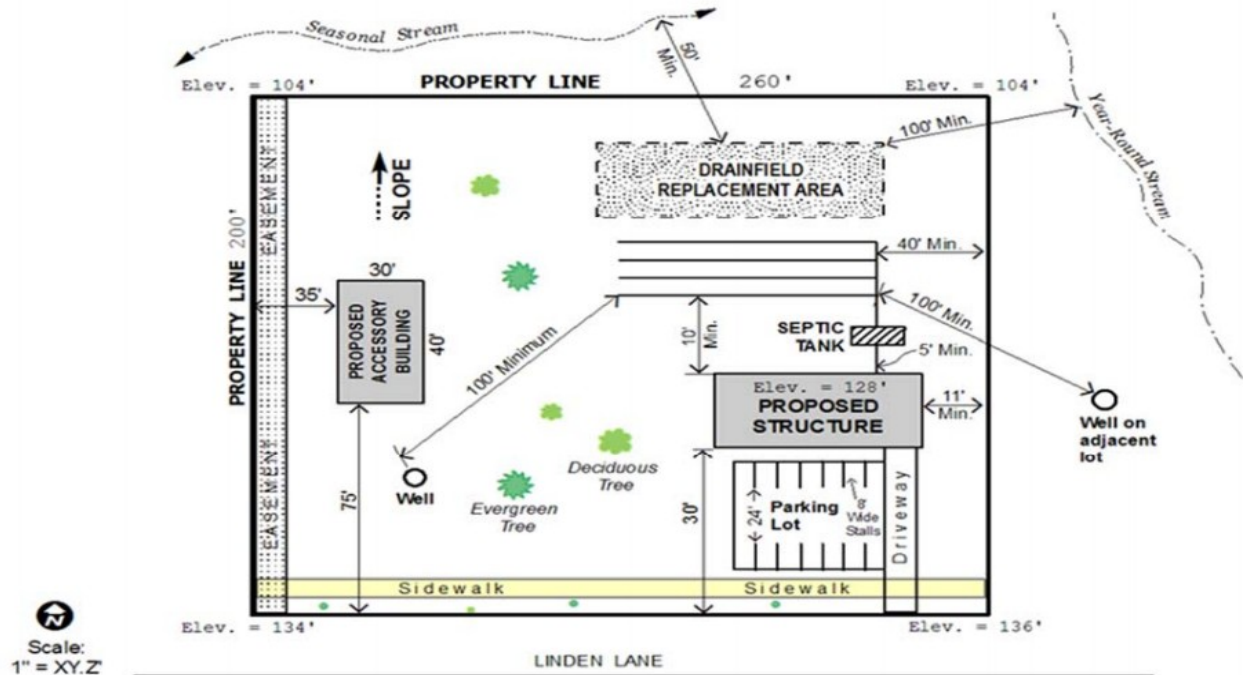
Staff Signature: _____

- 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.

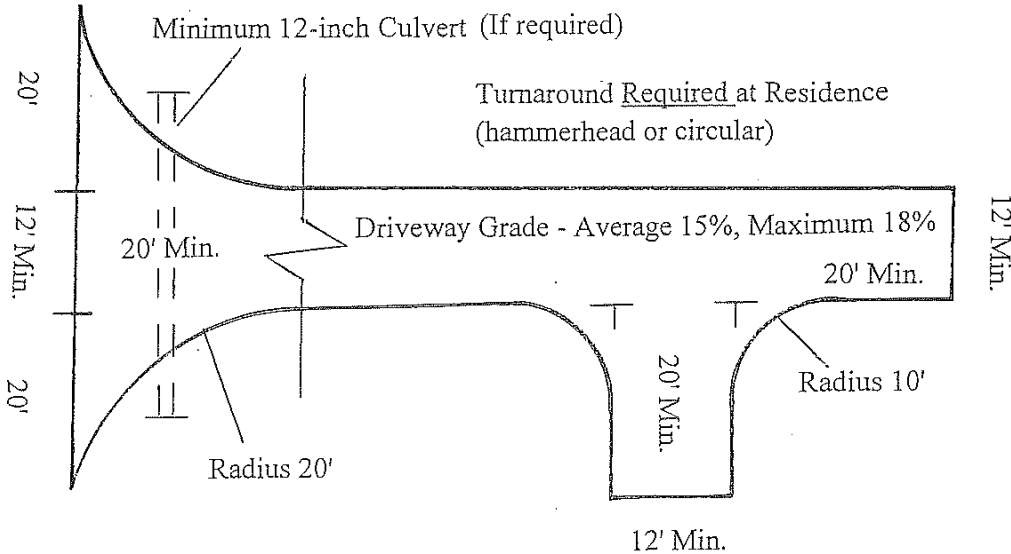
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS
DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

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



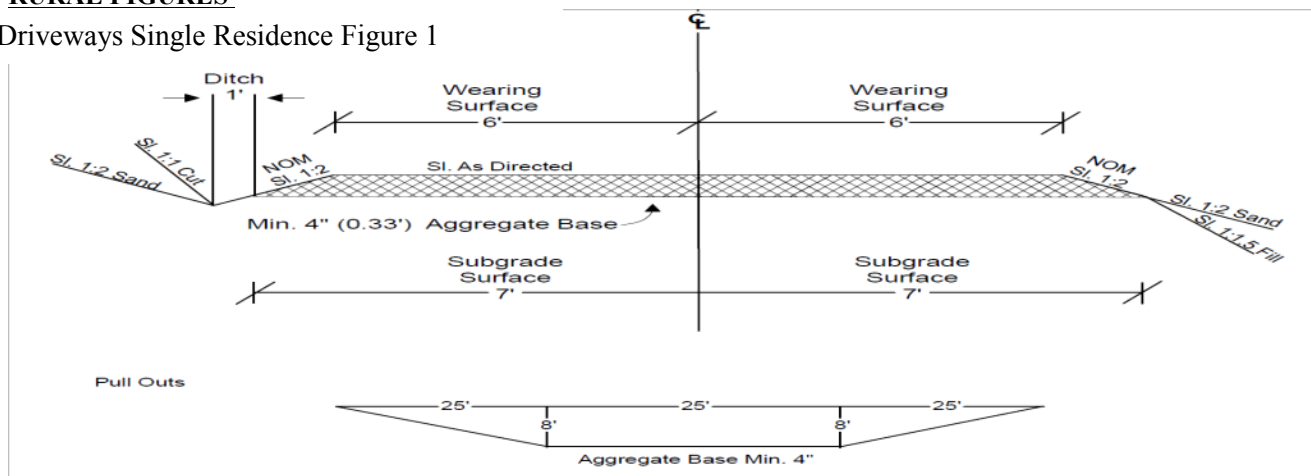
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

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:

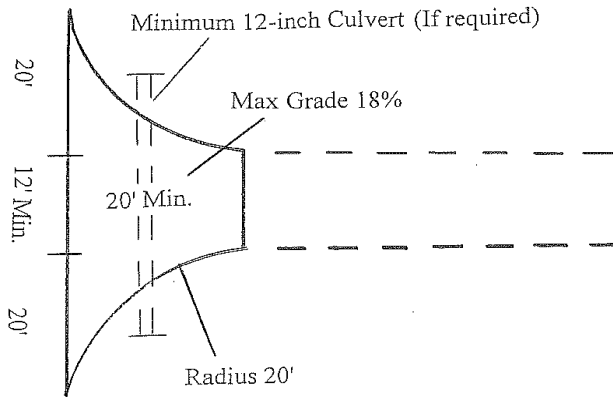
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways 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

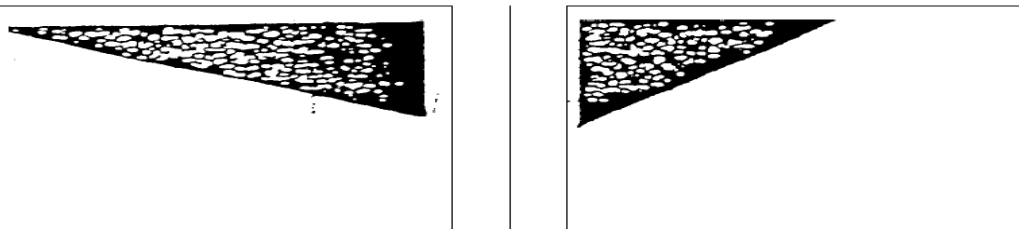
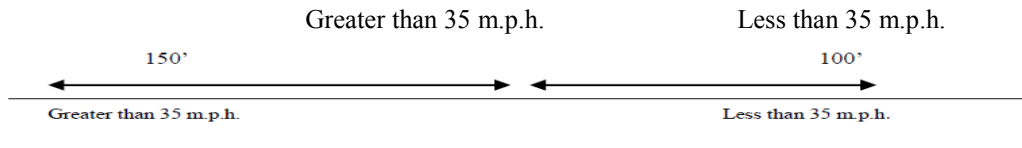


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

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.

Coaledo Tide Gate Replacement and Beaver Slough Fish Passage Project

Assessment of Project Actions and Coos County Planning/Zoning

Prepared by: Russell Bartlett, PE, Project Engineer, River Design Group, Inc. (RDG)

On behalf of the Coaledo Drainage District (CDD)

Project Summary

The Coaledo Tide Gate Replacement and Fish Passage Project will restore fish passage in the 9,800 acre Beaver Slough sub-basin to a level more similar to historical condition. In addition, the project will establish muted tidal flows to 490 acres of tidally influenced wetland, 289 of which are owned by the Oregon Department of Fish and Wildlife (ODFW). This project is in partnership with the Coaledo Drainage District (CDD), who owns the Coaledo tide gates and represents 30+ landowners upstream. Project implementation is planned for Summer 2023 during the ODFW In-water work window.

The CDD agricultural tide gate infrastructure is located on Beaver Creek to the south of North Bank Lane within the freshwater tidally influenced floodplain of the Coquille River near river mile 20. The tide gate structure, owned by CDD, is located on private property, owned by the Bridges Foundation. The area around the tide gate consists primarily of agricultural pasture grazing lowlands and forested hill upslope. The existing tide structure is an earthen embankment across the Beaver Creek channel with three ± 50 ft long metal culverts through the embankment. The site is located 3,600 ft (0.7 miles) upstream from the confluence of Beaver Slough with the Coquille River. Two of the culverts have a diameter of 6-ft and the third culvert diameter is 5-ft. The corrugated metal culverts are nearing the end of their serviceable lifespan and replacement is required, without which flooding of the pasturelands and some road infrastructure would occur on a near daily basis. The existing Coaledo tide gates mounted to engage the downstream end of the culvert barrels consist of three top-hinged wooden “dungeon door” style tide gates that open at <20% by upstream water head pressure during outgoing tide. This obstruction has restricted passage of salmonids, primarily juveniles, seeking overwinter refuge habitats and summer thermally tolerant locations upstream of the tide gate structure.

One of the largest factors suppressing juvenile fish use of the tidal channels and adjacent floodplains upstream of the tide gate has been the elimination of the normal signal of tidal inflow and access onto low lying floodplains that would have comprised a portion of extensive tidally influenced wetlands historically. The Coaledo tide gates are severely restricting fish access to high quality wetland habitat and are creating water quality issues by not allowing more tidal exchange. The selected tide gate infrastructure improvement and Water Management Plan (WMP) aim to be compliant with ODFW Fish Passage and National Marine Fisheries Service (NMFS) Anadromous Salmonid Passage Facility Design guidelines while meeting the needs of drainage district landowners. The purpose of this document is to provide the justification necessary for obtaining Coos County Planning approval.

**Tide Gate Structure Owner and
Project Applicant:**

Coaledo Drainage District
Nate Chisolm, manager
91729 North Bank Ln, Coquille, OR 97423
Phone: 707-775-1425
Email: natec191@gmail.com

Project Authorized Agent:

Coquille Watershed Association
Rushal Sedlemyer, Restoration Program Coordinator
390 N. Central Blvd, Coquille, OR 97423
Phone: 541-396-2541
Email: rsedlemyer@coquillewatershed.org

Project Element and Property Ownership

Project Element	Township	Range	Section	1/4 Section	1/16 Section	Taxlot	Account #	Zone
Tide Gate	27S	13W	29	NE	NE	101	717600	CREMP
						103	99916787	CREMP
Channel Enhancement - Downstream	27S	13W	29	NE	-	101		
				NE	-	103		
				NE	-	200	717800	CREMP
				SW/SE	-	201	718700	CREMP
Channel Enhancement - Upstream	27S	13W	20	SE	SE	1503	99916790	EFU
Bridge Replacement	27S	13W	29	SW/SE	NE	201		CREMP
Riparian Fencing	27S	13W	20	SE	-	1503		
			29	NE	-	101		
				NE	-	103		
				NE	-	200		
				SW/SE	-	201		
Off-channel Watering	27S	13W	29	SW/SE	-	201		
Large Wood Placement	27S	13W	29	NE	SW	200		

Taxlot #:	Owner:	Contact:
27S 13W 20 TL 1503	The Bridges Foundation	Luke Fitzpatrick, Conservation Director
27S 13W 29 TL 101, 103	Account # 99916787 Account # 99916790 Account # 717600	P.O. Box 1123, Turner, OR 97392 Phone: 503-930-9431
27S 13W 29 TL 200, 201	Domenighini Family LTD Partnership Account # 717800 Account # 718700	Rob Domenighini, Manager 94774 Labrador Ln, Coquille, OR 97423 Phone: 541-954-6218

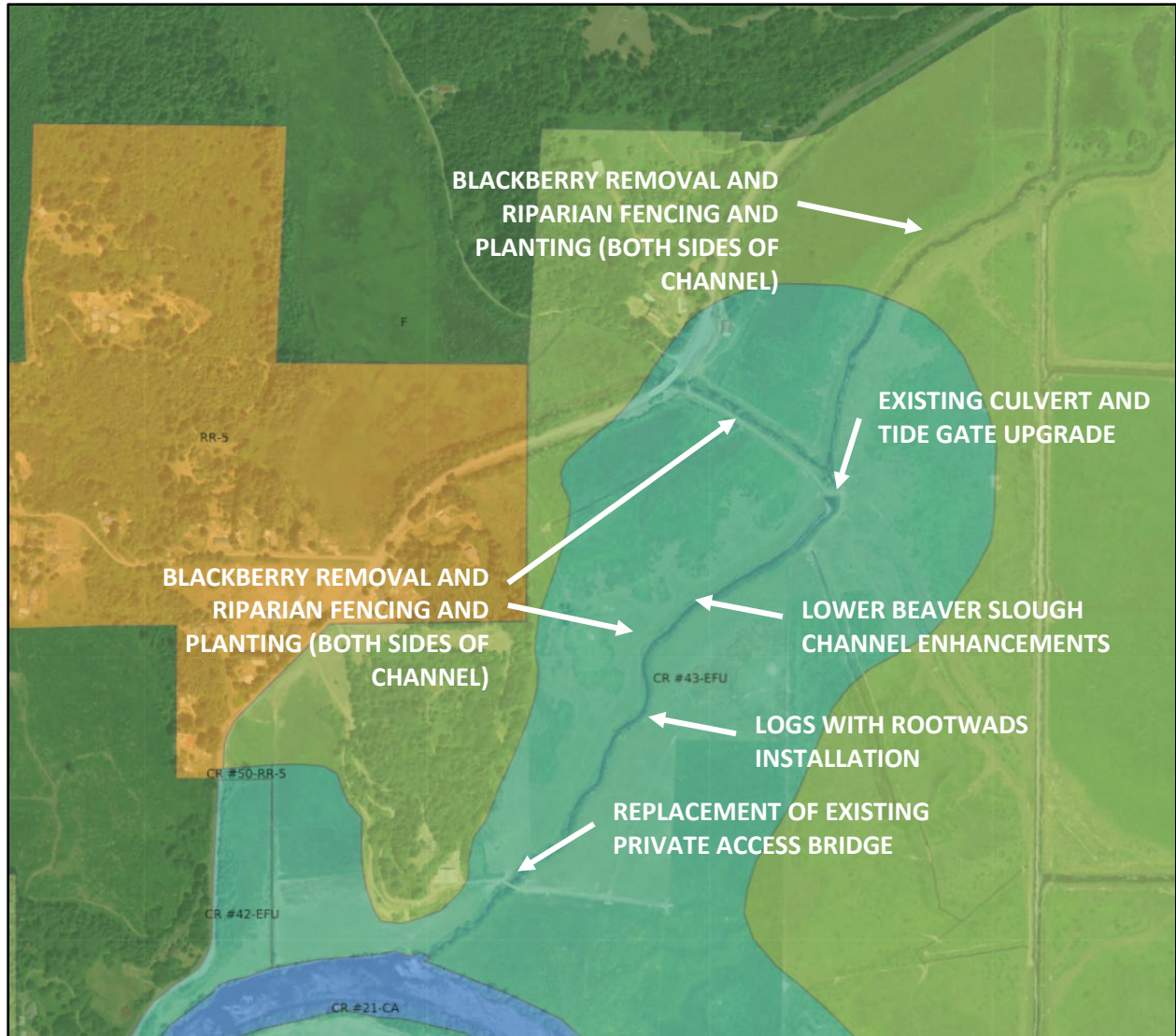


Figure 1. Coos County Zoning (2022) with select proposed work items highlighted. See project Permit Drawings dated Jan 6, 2023 for additional details of project elements.

Project Elements

- Upgrade the existing culverts and tide gates with infrastructure that maximizes fish passage while balancing the needs of working lands. This will include replacing the failing tide gates with a three-bay concrete box culvert with each bay fitted with a 10-ft wide by 8-ft tall side-hinged aluminum tide gate, Muted Tidal Regulator (MTR), and an adjustable aperture (slide) gate for independent water control. – **Structure Owned by Coaledo Drainage District (CDD) on property owned by The Bridges Foundation. Zone CR #43-EFU**
 - Implement a Water Management Plan that balances winter fish use and summer land management. The WMP was based on existing conditions, known fish use, and the objective of improved ecological function while not negatively impacting upstream landowners.
- Perform channel enhancements on Lower Beaver Slough to maximize the tidal prism and hydrologic connection to the Coquille River. This includes removing grade control humps and

excavation of a new flowline for 3,700' below the tide gate. Excavated sediments to be "thinly" spread over adjacent farmland at a depth of ~3-in to allow for natural vegetation growth through the material. Material placement to blend with natural ground contouring, thus not significantly altering the drainage or shape of existing ground. – **Properties owned by The Bridges Foundation and Domenighini Family LTD Partnership. Zone CR #43-EFU**

- Replace an existing private access bridge downstream of the tide gate infrastructure to accommodate the restored hydrologic connectivity. – **Structure and Property owned by Domenighini Family LTD Partnership. Zone CR #43-EFU**
- Restore 3 miles of riparian habitat to create a thermal corridor for cold water from the Coquille Valley Wildlife Area to reach the Coquille River. This includes planting 13 acres of riparian forest, building 16,000' of livestock exclusion fencing, and installing 5 off-channel watering areas. – Fencing on both **The Bridges Foundation and Domenighini Family LTD Partnership properties. Off-channel livestock watering on Domenighini Family LTD property only. Zone EFU & CR #43-EFU**
- Install logs with rootwads for bank stabilization at a critical stress point in the lower Beaver Slough channel. - **Property owned by The Bridges Foundation. Zone CR #43-EFU**

Criterion One

SECTION 3.3.710, pg 491 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as administrative conditional uses in the "CREMP-EFU" zone subject to applicable requirements in Sections 3.3.730 and 3.3.740.

1. *Diking (construction and maintenance). CREMP Policies #14, #18, #19, #22, #23, and #27.*
2. *Drainage and tide-gating. CREMP Policies #14, #18, #19, #22, #23, and #27.*
3. *Fill. CREMP Policies #14, #18, #19, #22, #23, and #27. Use not permitted in Segment 26.*
5. *Dredge material disposal. CREMP Policies #14, #18, #19, #20, #22, #23, and #27. DMD is to include stabilization measures to control run-off and prevent sloughing. Use not permitted in Segment 26.*
13. *Shoreland structural stabilization. Flood elevation certificate required. CREMP Policies #9, #14, #23, #27, #18, #19, and #22. Use not permitted in Segment 47.*

Project Information in regard to Criterion One:

- 1) The previously summarized Project Elements are proposed to be compliant with Coos County management goals and Coquille River Estuary Management Plan – Exclusive Farm Use (CREMP-EFU) Shoreland Segment applicable Policies. The following Criterion summarize how the project complies with applicable requirements found in Sections 3.3.730 and 3.3.740.

Criterion Two

SECTION 3.3.730, pg 495 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY)

A use may be allowed provided the following requirements are met:

- 1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.*
- 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.*
- 3. Siting Standards for Dwellings and Structures in the EFU Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone. 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 agricultural 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 agricultural uses, and shall be considered together with the requirements in Section 3.3.740 to identify the building site. Dwellings and structures shall be sited on the parcel so that:
 - a. They have the least impact on nearby or adjoining forest or agricultural lands;*
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - c. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - d. The risks associated with wildfires are minimized.**

Project Information in regard to Criterion Two:

- 1) The project is designed to be a replacement of an existing agricultural tide gate structure with a structure of larger capacity to primarily improve stream and river processes and ecological function (fish passage), while minimizing adverse effects to surrounding lands. Improved working lands potential of the CDD is achieved by increasing the drainage potential of fields during spring drainout and maximize stream hydrology that supports sediment transport within Beaver Slough (Lower Beaver Creek) to naturally maintain the channel network. There are no forestry uses within the project area.
- 2) The project will provide infrastructure and management guidelines (Water Management Plant) developed in consultation with and approved by CDD which should not significantly increase the cost of currently accepted farm uses.
- 3) No structures such as houses, barns, sheds, or other will be constructed as part of this project.

Criterion Three

SECTION 3.3.740, pg 496 DEVELOPMENT AND USE STANDARDS

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

Project Information in regard to Criterion Three:

- 1) The project will not implement construct of structures, Section 3.3.740, 1-9 are not applicable.
- 2) Section 3.3.740, 10: Minimal riparian vegetation disturbance is expected as part of the tide gate and bridge structure replacements. Any native vegetation to be removed will be designated by CoqWA and/or the Project Engineer. Select riparian vegetation disturbance is expected as part of the proposed channel enhancement excavation to allow for equipment access.

A major component of the project which will greatly benefit both stream and wetland function and offset riparian vegetation disturbance required to achieve enhanced stream and ecological function of the Beaver Creek basin will be the development of a riparian buffer along ~1.25 miles of the Lower Beaver Creek channel network. Riparian forest development activities will include the removal of invasive blackberry, construction of livestock exclusion fencing (15-ft and 50-ft from top of bank dependent on property), and planting of a riparian forest comprised of a multi-tier mix of native woody species.

Criterion Four

SECTION 4.6.200, pg 113 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.

Project Information in regard to Criterion Four:

- 1) The only project element proposed to occur within the EFU Zone is the development of the riparian buffer in Taxlot #27S13W201503 which is proposed to fall under Table II Use #8: Diking, drainage, tide-gating, fill, mitigation, non-shoreland stabilization, dredge material disposal and restoration of non-high valued farmland. Per Table II, project elements are allowed subject to compliance determination review with clear and objective standards (Staff review or Type I process). Permitted uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.

Criterion Five

SECTION 4.6.210, pg 146 DEVELOPMENT AND USE STANDARDS FOR THE EXCLUSIVE FARM USE ZONE.

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

Project Information in regard to Criterion Five:

- 1) The project will not implement construct of structures, Section 4.6.210, 1-9 are not applicable.
- 2) Section 4.6.210, 10: A major component of the project which will greatly benefit both stream and wetland function and offset riparian vegetation disturbance required to achieve enhanced stream and ecological function of the Beaver Creek basin will be the development of a riparian buffer along ~1.25 miles of the Lower Beaver Creek channel network. Riparian forest development activities will include the removal of invasive blackberry, construction of livestock exclusion fencing (15-ft and 50-ft from top of bank dependent on property), and planting of a riparian forest comprised of a multi-tier mix of native woody species.

Criterion Six

SECTION 4.11.125, pg 149 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.

Project Information in regard to Criterion Six:

- 1) *Section 4.11.125 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7).* No alteration or modification of a historical structure or site is proposed, concurrence will be obtained from Oregon State Historic Preservation Office (SHPO). Extensive coordinate with the local tribe has occurred throughout project development. Tribal approval notification will be provided to the County once complete.
- 2) *Section 4.11.131 Significant Wildlife Habitat (Balance of County Policy 5.6).* The current undersized culverts and archaic tide gate doors inhibit full wetland function and access for anadromous fish. The project purpose is to improve these functions by replacing infrastructure and performing channel enhancements that will improve the access for juvenile anadromous fish to rear and feed in the wetland pastures. As such the project proposed actions fully support County Planning goals.

- 3) *Section 4.11.132 Natural Hazards (Balance of County Policy 5.11), A. Flooding.* All project elements are located within the floodplain overlay zone (/FP) and as such are proposed to be compliant with Sections 4.11.211-257 (See Criterion Seven).

Criterion Seven

SECTION 4.11.251, pg 187 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

7. Other Development. Includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County's determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages. Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before "other development" may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer's certification that the "other development" shall not:

- a. Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,*
- b. Result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.*

Project Information in regard to Criterion Seven:

Project elements are proposed to be compliant with Section 4.11.251(7)(b) for "other development" within the floodplain by showing no cumulative increase greater than 1.0-ft during the occurrence of the base flood discharge. This is *shown by zero-net rise in the base flood elevation resultant of Project actions* as documented within the floodplain analysis completed by River Design Group, Inc.

Criterion Eight

SECTION 7.1.450, pg 20 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.

Project Information in regard to Criterion Eight:

Both the roadway over the new tide gate box culvert structure and the downstream bridge replacement surface existing agricultural access purposes and as such are not required to meet minimum County standards. However, both elements have been designed to meet anticipated future land use needs.

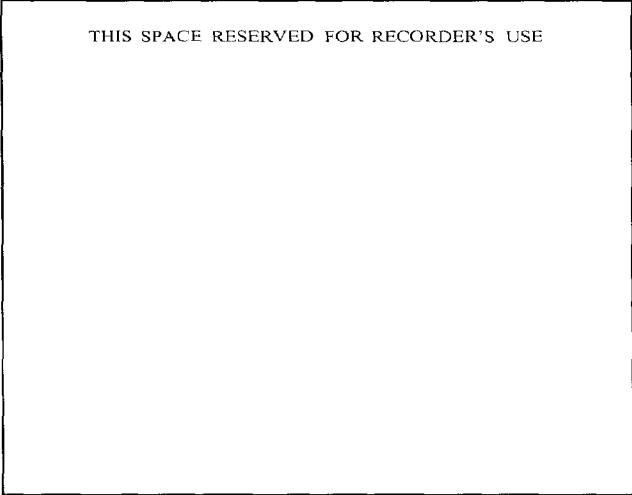


After recording return to:
Domenighini Family Limited Part.
5025 HWY 101 South
Coos Bay, OR 97420

Until a change is requested all tax statements
shall be sent to the following address:
Domenighini Family Limited Part.
5025 HWY 101 South
Coos Bay, OR 97420

Escrow No. 257136LS
Title No. 25136

RETURN TO: F.A.T.CO.



STATUTORY WARRANTY DEED

Margaret A. Kay aka Margaret Ann Kay, Grantor, conveys and warrants to Domenighini Family Limited Partnership, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:


See Attached Exhibit "A"

This property is free of liens and encumbrances, EXCEPT: See Attached Exhibit "B"

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$200,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 24 day of February, 2000.


Margaret Ann Kay

STATE OF OREGON
County of COOS } ss.

This instrument was acknowledged before me on this 24TH day of FEBRUARY, 2000
by MARGARET ANN KAY





Notary Public for Oregon
My commission expires: 2-15-2002

EXHIBIT "A"

Lot 2 and 3 and the SE ¼ of the NW ¼, EXCEPTING THEREFROM, that part lying North and West of the County Road, ALSO that part of the W ½ of the NE ¼, lying East and South of Beaver Slough. All of the above described premises being in Section 29, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon. EXCEPTING THEREFROM that portion conveyed to Coos County in instrument No. 68-4-28074, Records of Coos County, Oregon.

EXHIBIT "B"

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Beaver Slough and the ownership of the State of Oregon in and to that portion lying below the mean high water mark thereof.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Coquille River and the ownership of the State of Oregon in and to that portion lying below the mean high water mark thereof.
5. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of Beaver Slough or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of Coquille River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
7. Rights of the public in and to any portion of the herein described property lying within the boundaries of public roads and roadways, if any, and/or rights of private parties over any portion lying within existing roadways or driveways not disclosed by public records.
8. Oil and Gas Lease, including the terms and provisions thereof, between Thomas R. Kay and Margaret A. Kay, lessors, and Northwest Exploration Company, lessee, recorded March 24, 1980 as microfilm no. 80-1-3099, records of Coos County, Oregon.

RECORDING REQUESTED BY:



105 E 2nd Street
Coquille, OR 97423

Luke E. Fitzpatrick as trustee of The Bridges Foundation
approves this document and conveyance

X

Dated: _____

Luke E. Fitzpatrick, trustee of
The Bridges Foundation

GRANTOR'S NAME:

Hanna Elizabeth Hart, Successor Trustee of the Maria Concepcion
Frias 1996 Revocable Trust dated August 12, 1996 as amended
and restated on October 9, 2006

GRANTEE'S NAME:

The Bridges Foundation

AFTER RECORDING RETURN TO:

Order No.: 360621038553-TT
The Bridges Foundation, an Oregon non-profit corporation
Attn: Luke Fitzpatrick, Trustee, PO Box 1123
Turner, OR 97392

SEND TAX STATEMENTS TO:

The Bridges Foundation
Attn: Luke Fitzpatrick, Trustee, PO Box 1123
Turner, OR 97392

APN: 99916790

716702

716800

717402

717401

717500

717600

99916787

Map: 27S13200001503

27S13270000400

27S13270000500

27S13280000400

27S13280000600

27S13280000700

27S13290000101

27S13290000103

Vacant Land Lower Coquille River (Chisholm Tract) 528 Acres,
Coos Bay, OR 97420

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Hanna Elizabeth Hart, Successor Trustee of the Maria Concepcion Frias 1996 Revocable Trust dated August 12, 1996 as amended and restated on October 9, 2006, Grantor, conveys and warrants to The Bridges Foundation, an Oregon non-profit corporation, 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:

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION SIX HUNDRED FORTY THOUSAND AND NO/100 DOLLARS (\$2,640,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" 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: _____

Hanna Elizabeth Hart, Successor Trustee of the Maria Concepcion Frias 1996 Revocable Trust dated August 12, 1996 as amended and restated on October 9, 2006

BY: _____
Hanna Elizabeth Hart
Successor Trustee

State of _____
County of _____

This instrument was acknowledged before me on _____ by Hanna Elizabeth Hart, Successor Trustee of the Maria Concepcion Frias 1996 Revocable Trust dated August 12, 1996 as amended and restated on October 9, 2006.

Notary Public - State of Oregon

My Commission Expires: _____

EXHIBIT "A"
Legal Description

PARCEL I:

That part of the Southeast quarter of Section 20, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying Southerly and Easterly of the North Bank County Road.

ALSO that part of the Northeast quarter of Section 29, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying Southeasterly of the North Bank County Road and Northwesterly of Beaver Slough.

PARCEL II:

That part of the Northeast quarter of the Northeast quarter, lying Easterly of Beaver Slough; the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter and Government Lot 1, all of Section 29, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ALSO that part of Government Lot 1 of Section 32, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at the Northeast corner of Section 32; thence South 49° West a distance of 6.30 chains to a point on the right bank of the Coquille River; thence Downstream along said bank to a point on the North boundary of said Section 32; thence East to the point of beginning.

PARCEL III:

That portion of the South half of the Southwest quarter lying South and West of Highway No. 42 (formerly Highway No. 101); EXCEPT any portion lying within the Railroad right of way; and that portion of the Northwest quarter of the Southwest quarter all of Section 27, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, lying Southwesterly of the railroad right of way.

ALSO the South half of the Southeast quarter; the East half of the Southeast quarter of the Southwest quarter; the Northwest quarter of the Southeast quarter; the West half of the Northeast quarter of the Southeast quarter and the East half of the Northeast quarter of the Southeast quarter all of Section 28, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ALSO the East half of the Northeast quarter of the Southwest quarter of Section 28, Township 27 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

EXHIBIT "B"

Exceptions

Subject to:

1. The Land has been classified as Farm, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 99916790, 716702, 716800, 717402, 717401, 717500, 717600 and 99916787

2. The Land lies within the Beaver Slough Drainage District and is subject to the terms and provisions thereof.

(Account Nos: 716702, 716800, 717401, 717402, 717500, 717600, 99916790)

3. The Land lies within the Coaledo Drainage District and is subject to the terms and provisions thereof.

(Account Nos. 99916787, 99916790)

4. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Beaver Slough, unnamed streams, Coquille River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Beaver Slough, unnamed streams, Coquille River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Beaver Slough, unnamed streams, Coquille River.

5. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.

6. Drainage ditch easement, as disclosed by the Old Coos County Assessor's Maps and indicated in numerous document of record.

7. Easement(s) and rights incidental thereto as set forth in a document:

In favor of: J.A. Beliew, et ux
Recording Date: March 28, 1950
Recording No: Book 113, Page 212

8. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Coaledo Drainage District
Recording Date: March 28, 1950
Recording No: Book 197, Page 663

9. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: West Coast Telephone Company
Recording Date: May 7, 1951
Recording No: Book 208, Page 596

10. Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Recording Date: January 1, 1753
Recording No.: Book 215, Page 474

11. Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Recording Date: January 10, 1953
Recording No.: Book 224, Page 185

12. Easement(s) and rights incidental thereto as set forth in a document:

Reserved By: Stan E. Sherwood and Mary Ardis Sherwood, husband and wife
Recording Date: May 9, 1972
Recording No: 72-05-71400

EXHIBIT "B"

Exceptions

13. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
- Recording Date: April 5, 1974
Recording No: 74-04-98548
14. Indenture of Access, including the terms and provisions thereof,
- Recording Date: November 18, 1975
Recording No: 75-11-121430
Between: State of Oregon, by and through its Department of Transportation Highway Division
And: F. Willis Smith, C. Wylie Smith, Coos Head Timber Company
15. Easement(s) and rights incidental thereto, as granted in a document:
- Granted to: Coos County of the State of Oregon
Recording Date: May 26, 2005
Recording No: 2005-7523
16. Mineral, Oil and Gas Rights and Surface Deed, including the terms and provisions thereof,
- Recording Date: June 27, 2014
Recording No: 2014-05020
- Amendment to Deed,
Recording Date: September 20, 2016
Recording No: 2016-008158
17. Mineral, Oil and Gas Rights and Surface Deed, including the terms and provisions thereof,
- Recording Date: June 27, 2014
Recording No: 2014-05021
- Amendment to Deed,
Recording Date: Septmeber 20, 2016
Recording No: 2016-008159
18. A Stipulated general Judgment for Permanant Easements, Ingress and Egress, including the terms and provisions thereof,
- Plaintiff: Beaver Slough Drainage District
Defendants: The Charlie and Sharon Waterman Trust, etal, C & S Waterman Ranch LLC etal
Date entered: December 29, 2015
County: Coos
Case No.: 14CV0814 and 14CV0815
Recording Date: December 29, 2015
Recording No.: 2015-11401
19. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Reciprocal Access Easement,
- Recording Date: October 4, 2016
Recording No.: 2016-008764
20. Order, including the terms and provisions thereof:
- Recording Date: February 1, 2022
Recording No.: 2022-01004
21. Attention is directed to the fact that public road access to and from Parcel 2 is by crossing Parcel 1. There are no access easements that benefit Parcel 2.
Affects: T27-13-29 Tax Lot 101