



# 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](mailto:PLANNING@CO.COOS.OR.US) PHONE: 541-396-7770

FILE NUMBER: ACU-22-011

Date Received: 3/31/22 Receipt #: 231846 Received by: JMB

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) Walker Family 1998 Trust

Mailing address: P.O. Box 124, Stites, ID 83552

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>28S</u>	<u>14W</u>	<u>32</u>	<u>B</u>	<u>Select</u>	<u>300</u>
<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	

Tax Account Number(s): 1029700 Zone: Select Zone Exclusive Farm Use (EFU)  
Tax Account Number(s) \_\_\_\_\_ Please Select

B. Applicant(s) Coos Curry Consulting

Mailing address: P.O. Box 1548, Bandon, OR 97411

Phone: 541-982-9531 cooscurry@gmail.com

C. Consultant or Agent: Sheri McGrath

Mailing Address P.O. Box 1548, Bandon, OR 97411

Phone #: 541-982-9531 Email: cooscurry@gmail.com

### Type of Application Requested

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Comp Plan Amendment | <input checked="" 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 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: Bandon Fire District: Bandon 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](#)



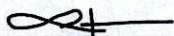
- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County 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. Signatures required below for application processing.





**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: County Road Name of Access: Ohio NE

Is this property in the Urban Growth Boundary? No

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

- 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-21-



ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR  
NEW DRIVEWAY: 54991 Ohio NE

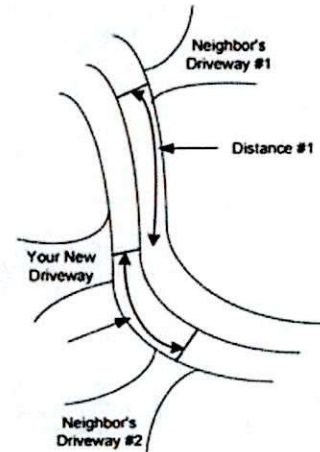
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW  
DRIVEWAY: 20'

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

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR  
NEW DRIVEWAY: 88180 Cardinal Lane

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW  
DRIVEWAY: 20'

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



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:**

We are not applying for an address at this time.

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: On-site Well

Sewage Disposal Type: On-site septic

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 Heath Division to make an appointment.

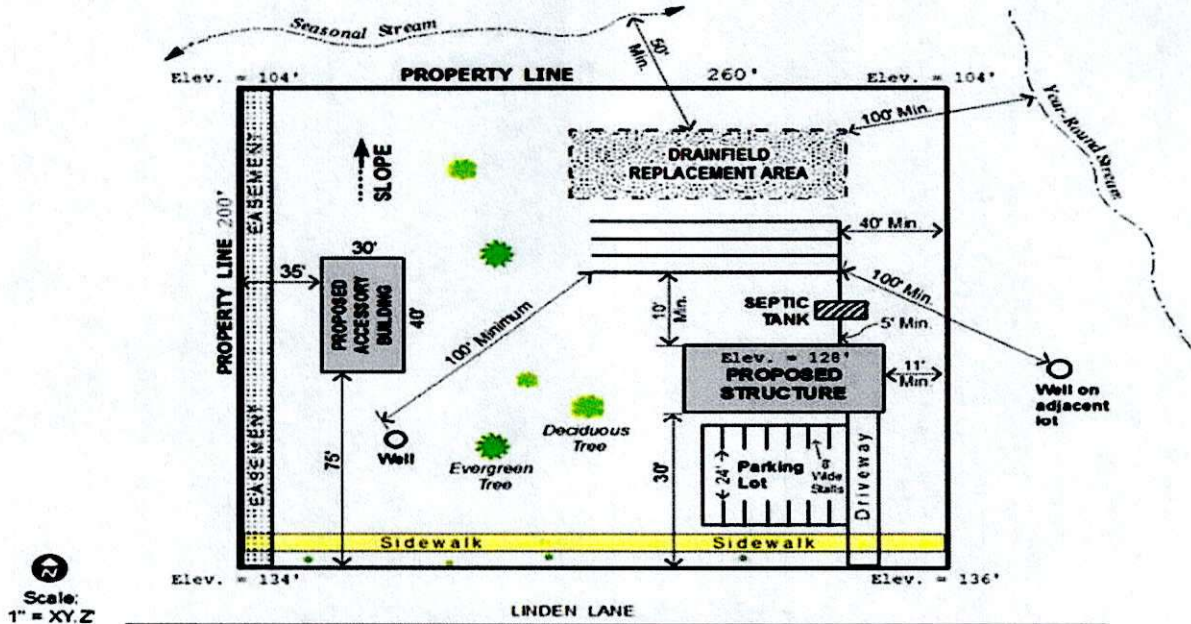
Additional Comments:

We are not applying for well or septic at this time.



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

**SAMPLE PLOT PLAN**

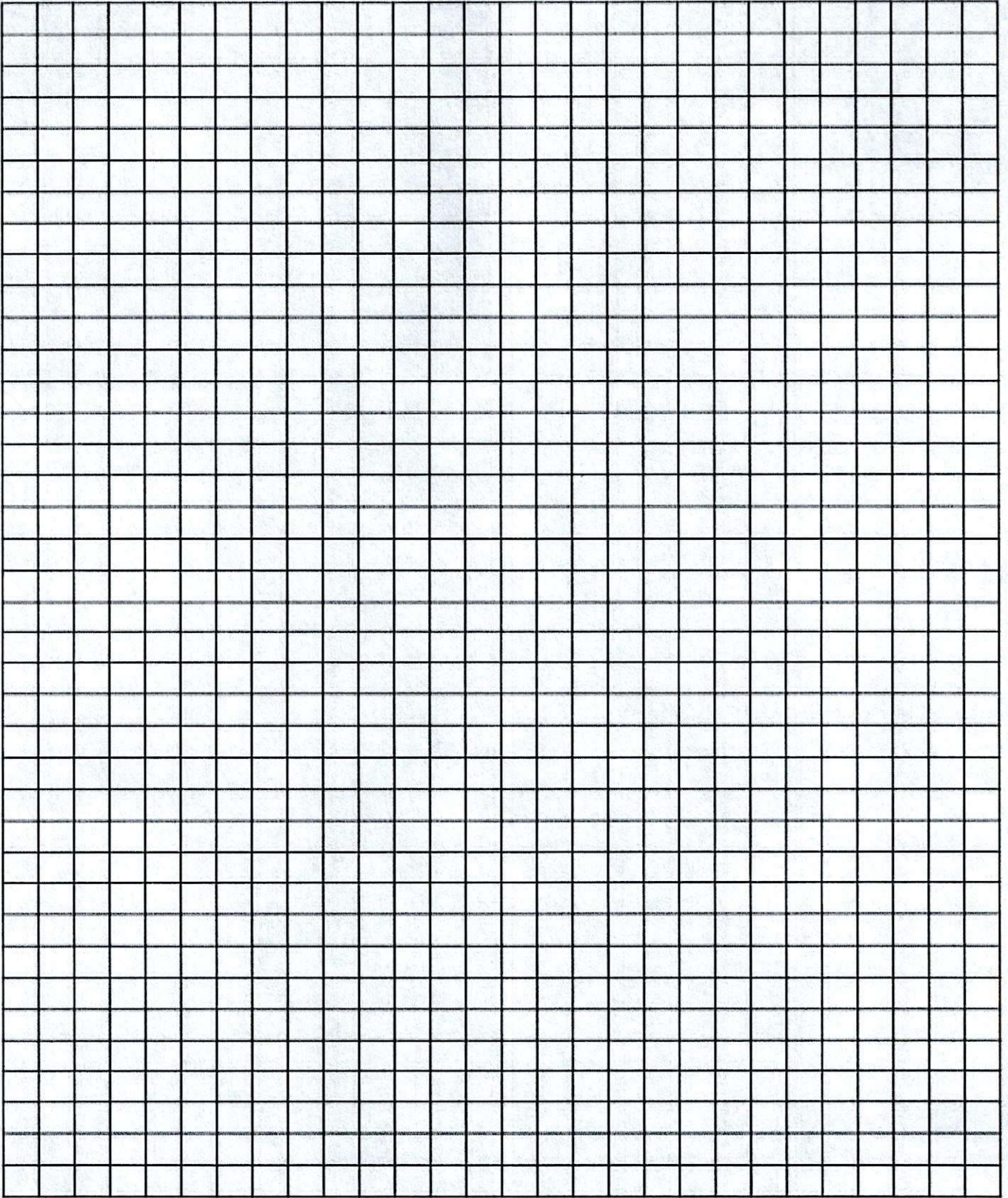


**ITEMS THAT MUST BE ON THE PLOT PLAN:**

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.







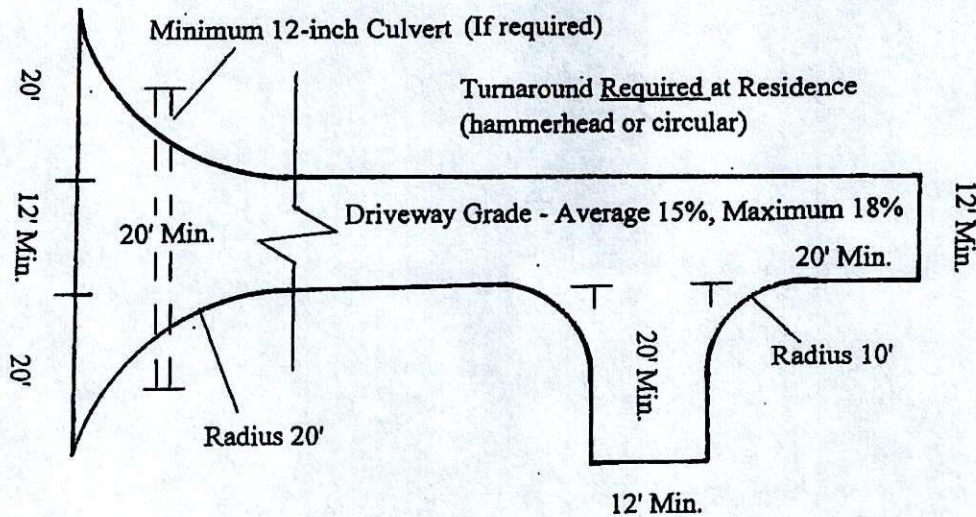
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS  
DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

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



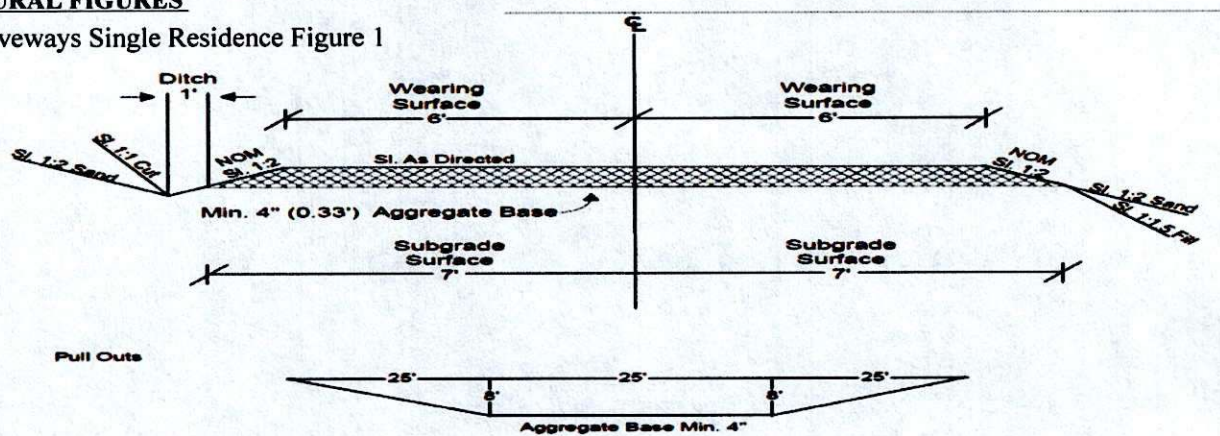
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

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:



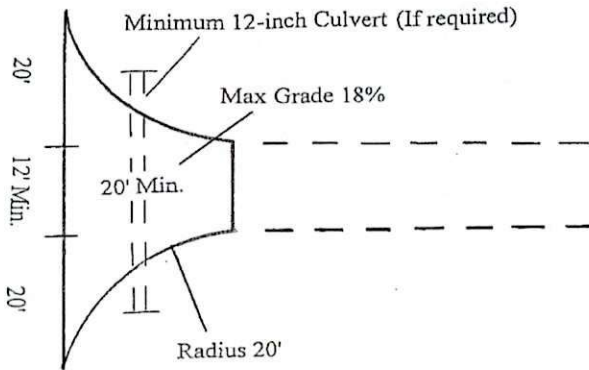
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways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

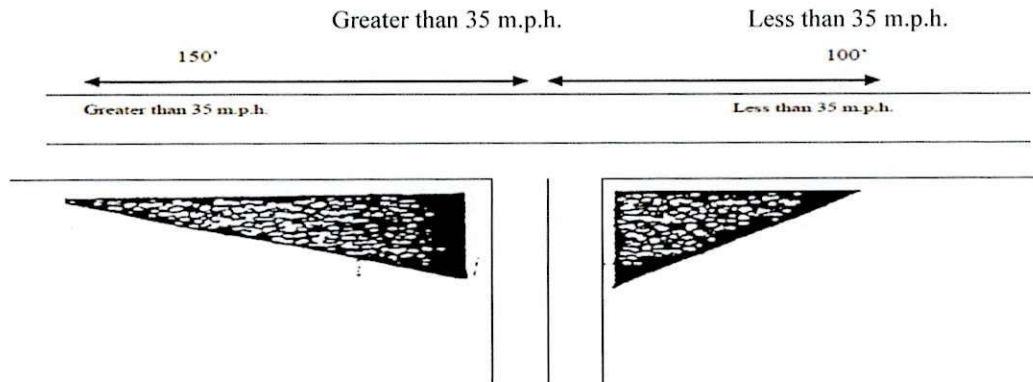


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

**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
<b>Figures</b>	A	B	C	D	E
<b>Single row of Parking</b>					
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'
<b>Figures #'s</b>	F	G	H	I	J
<b>Two Rows of Parking</b>					
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.**



**Sheri McGrath, Inc**  
**Coos Curry Consulting**  
P.O. Box 1548 \* Bandon, Oregon 97411  
cooscurry@gmail.com  
541-982-9531

**CONSENT FOR REPRESENTATION**

I, Julie Walker of P.O. Box 124, Stites, ID 83552 give permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the property located on Coos County Tax Assessor's Map 28-14-32B TL 300. The tax account for this property is 1029700.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:

Cell: 541-982-9531  
E-mail: cooscurry@gmail.com  
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires twelve months from the date below, without requirement of notice.

DATED: March 7, \_\_\_\_\_, 2022

COOS CURRY CONSULTING

  
\_\_\_\_\_  
By: SHERI MCGRATH

CLIENT

  
\_\_\_\_\_  
By: JULIE WALKER



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.

	Use	HV	All Other
	<b>215.203 Zoning ordinances establishing exclusive farm use zones; definitions.</b> (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.		
15	One single-family dwelling on a lawfully created lot or parcel. (Lot of Record)	ACU (5), (3), (30)	ACU (5), (3), (30)

- (3) LOT OF RECORD DWELLING (only one single family dwelling)
  - (a) A dwelling may be approved on a pre-existing lot or parcel if:



(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (3)(g) of this rule:

- (i) Since prior to January 1, 1985; or
- (ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

**Applicant's Response:** The subject property has been continuously owned by the present owner or a relative (Hebert & Tressie Walker) since prior to January 1, 1985. This can be verified by Coos County Assessor Records.

<b>OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES</b>	54.01		28	14	32	B	300		
	<b>CODE AREA NUMBER</b>	TWP	RGE	SEC	1/4	1/16	PARCEL	TYPE	NO
		MAP NUMBER					NUMBER	SPEC INT	
	TAX LOT NUMBER								
OLD ACCT. NO. <u>1029700</u> OLD TAX LOT NO. <u>5</u>	FORMERLY PART OF _____								
Name and Tax Lot Information			DATE OF ENTRY ON THIS CARD		DEED RECORD VOL PAGE		ACRES REMAINING		

Walker, Hubert B. & Tressie C.	8-17-78	72-9-	76393	8.00
WALKER, JERRY D. WD	10-31-89	89-10	1439	
Walker, Jerry B. & Walker, Julie A., Trustees of		Dated	6-30-98	
Walker Family 1998 Trust (J.B.W., S.P.) Res.	7-15-99	1999	3059	

(B) The tract on which the dwelling will be sited does not include a dwelling;

**Applicant's Response:** The landowner will attest there is currently no dwelling, or approval for a dwelling, on the subject property. This can be verified by checking Coos County Planning and Assessor records.

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

**Applicant's Response:** The landowner will attest that the parcel was not part of a tract that existed on November 4, 1993. Therefore, no dwelling existed on an adjacent parcel that was part of a tract.

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;



**Applicant's Response: The proposed dwelling would not be considered prohibited by comprehensive plan. The dwelling will meet the criteria of ORS 215.705 when the adopted version of high-value farmland soils used in the Coos County Comprehensive Plan is factored in.**

(E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(c) and (d) of this rule; and

*Chapter 2 Definitions:*

*HIGH-VALUE FARMLAND: "High-value farmland" means land in a tract composed predominantly of soils that are:*

*A. Irrigated and classified prime, unique, Class I or Class II; or*

*B. Not irrigated and classified prime, unique, Class I or Class II.*

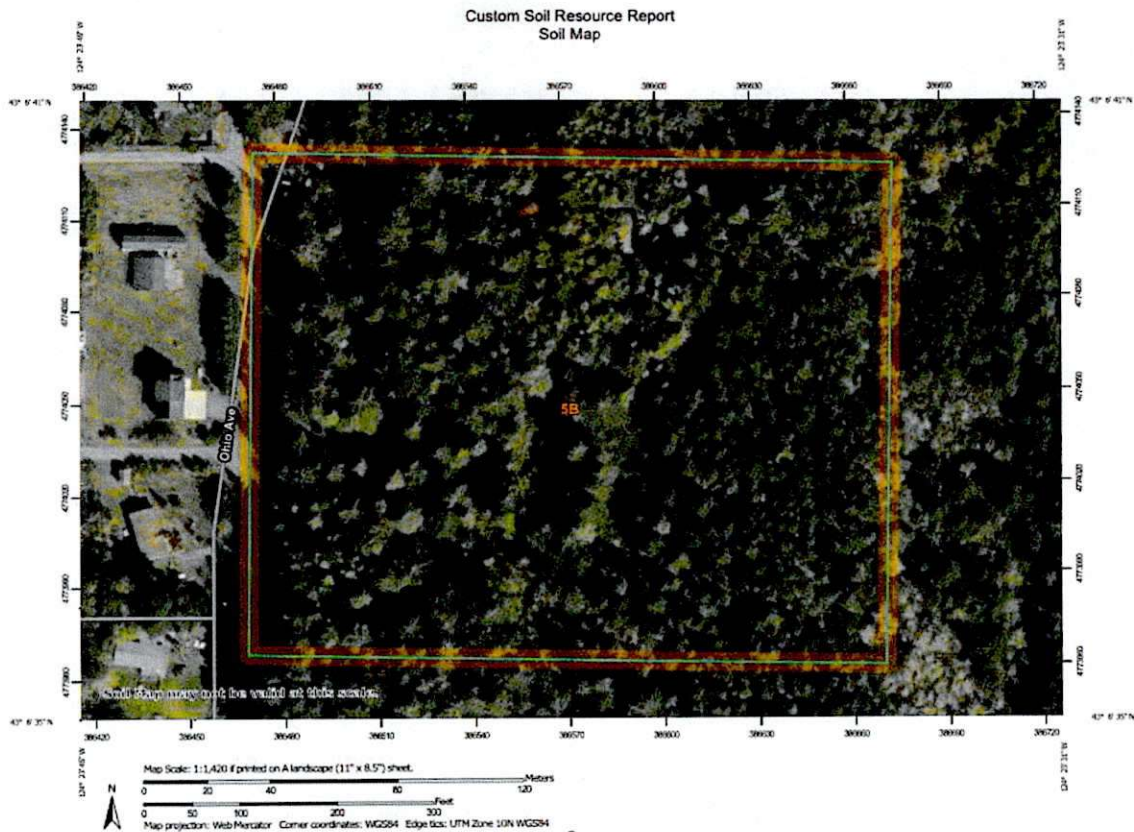
*A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.*

*In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.*

*Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).*

**Applicant's Response: The subject property is identified and mapped as high-value farmland under the definitions of High-Value Farmland in Chapter 2. The soil type of the parcel is 5B.**



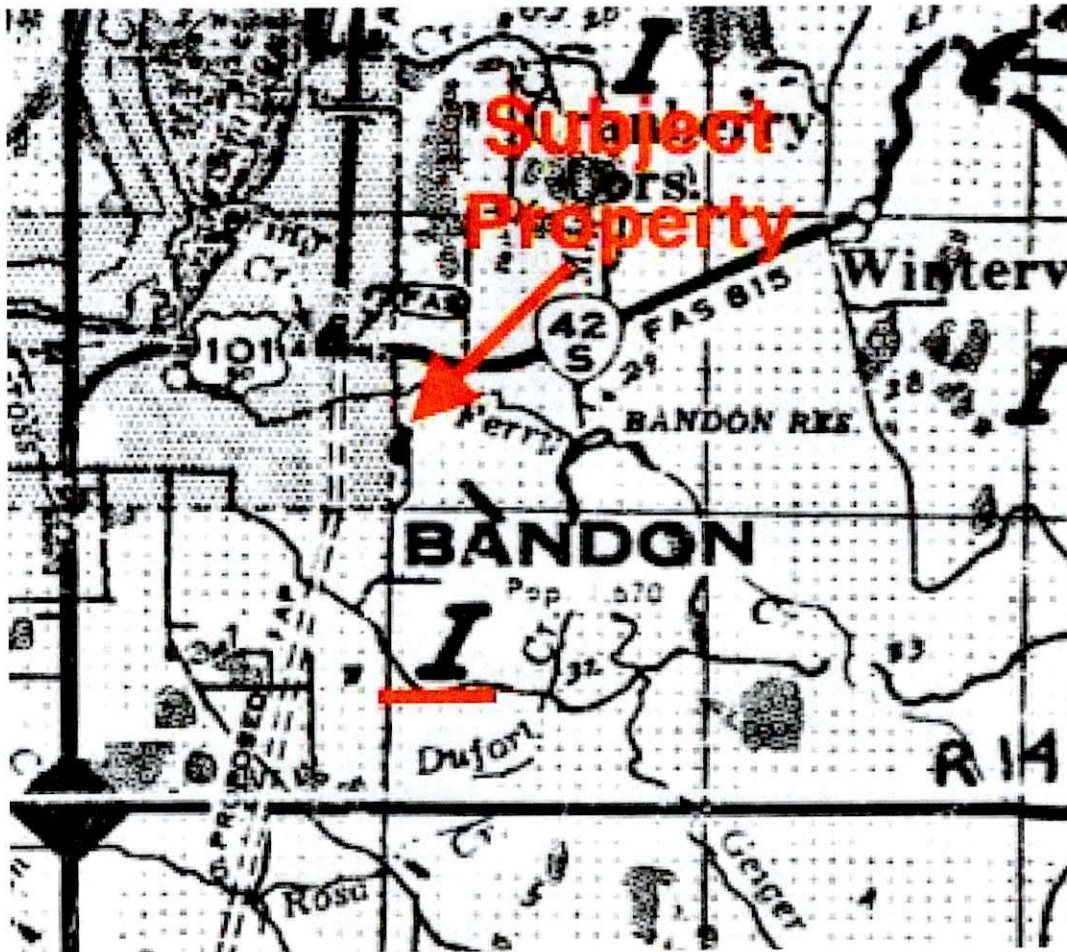


Please further explain below for consistency of subsection (c) and (d) below.

(F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

**Applicant's Response:** The subject property is not within mapped protected big game habitat. The subject property is located within the Impact – Limited or No Habitat Value designation.





### LEGEND

#### BIG GAME RANGE (ELK & DEER)

- I** IMPACTED - LIMITED OR NO HABITAT VALUE
- P** PERIPHERAL - SUPPORTS SUBSTANTIAL POPULATIONS BUT HABITAT VALUE IS LESSENED BY DEVELOPMENT
- S** SENSITIVE - SUPPORTS MAJORITY OF BIG GAME

(b) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

**Applicant's Response:** The parcel is not part of a tract. Therefore, this criterion is not applicable.



(c) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

**Applicant's Response: The parcel meets the other requirements of ORS 215.705, which is the underlying rule authorizing the County to approve a dwelling on high value farmland. Please see the responses above in section 3(a) and (b).**

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);

**Applicant's Response: The subject property's soil type is not classified as high-value farmland under OAR 660-033-0020(8)(a). However, this requirement is not as simple as checking the soil type of the property vs. the OAR.**

One needs to check whether the proposed use is listed by ORS 215.213(1) or (2) or 215.283(1) or (2). ORS 215.283 is the applicable ORS in Coos County. Per *Brentmar v. Jackson County*, 321 Or 481 (1995) & *Lane County v. LCDC*, 325 Or 569 (1997), the County must allow uses allowed by ORS 215.283 and may not exceed the restrictions of OARs.

However, in Coos County, one needs to verify the Comprehensive Plan to verify whether the County criteria may exceed the restrictions of the OARs. The applicable section of the Comprehensive Plan is Volume 1 Part 2, section 3.1.

*1.3 Statewide Planning Goal #3 (Agricultural Lands)*

*In defining "Agricultural Land", Oregon Administrative Rules, Chapter 660, Division 5-Land Conservation and Development Commission has provided the following interpretation:*

*"AGRICULTURAL LAND" as defined in Goal #3 includes:*

- (a) Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I- IV Soils in Western Oregon and I-IV soils in Eastern Oregon;*
- (b) Other lands in different soil classes which are suitable for farm use as defined in ORS 215.203 (2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and*
- (c) land which is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.*

*In addition, counties may designate agricultural land as marginal land and allow those uses and land divisions on the designated marginal land as allowed by ORS 197.247.*



*(ii) Additional criteria are provided by the 'other lands' clause: In Coos County there are extensive areas of grazing land and cranberry growing in lower soil classes which should be identified as agricultural lands on the basis of the following criteria: "Suitability for grazing," "existing land use patterns" and "accepted farming practices."*

**1.5 Criteria used to distinguish Agriculture and Forest Lands designations in Plan Map where overlap occurs.**

*The principal test for deciding which designation a particular area should be placed in, is whether the primary use is agriculture or forestry. The nature of the vegetative ground cover is one key indication of the primary use of the land. There are three basic types of situations to be examined:*

*(ii) Where soils of the Blacklock Series (Class VIIw) occur  
 These soils are naturally suited to cranberry bogs and are separately identified in the agricultural lands inventory. Such areas may or may not be currently used for cranberry bogs. This depends largely on three factors: (i) the availability of irrigation water, (ii) the growth of the market for the product and (iii) availability of capital. Blacklock soils tend to be intermingled with other agricultural soils. However, entire areas within this soil association may be under forest cover. Cranberry bogs tend to occur in localized clusters, due to their heavy dependence upon surface water supplies and the need to protect operators from intrusion or conflicting uses. These localized areas are identified from air photographs and are designated as agricultural lands based on the following factors: irrigation potential, existing land use patterns, technological and energy inputs and accepted farming practices. The Plan recognizes the importance of cranberry growing to the local economy and that it is the predominant farming practice in certain local areas of the County. Other areas in the Blacklock soil series are placed in the forest land designation on the basis of their forest cover.*

Based on a NRCS soil report, the subject property is mapped as 100% 5B – Blacklock fine sandy loam.

**Map Unit Legend**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	8.2	100.0%
<b>Totals for Area of Interest</b>		<b>8.2</b>	<b>100.0%</b>

Therefore, Coos County has the authority to adopt standards above that supersede the OAR and the 5B soil classification is classified as high-value farmland in order to protect



**cranberry farmland. The subject property meets the definition of high-value farmland in Coos County.**

(C) A hearings officer of a county determines that:

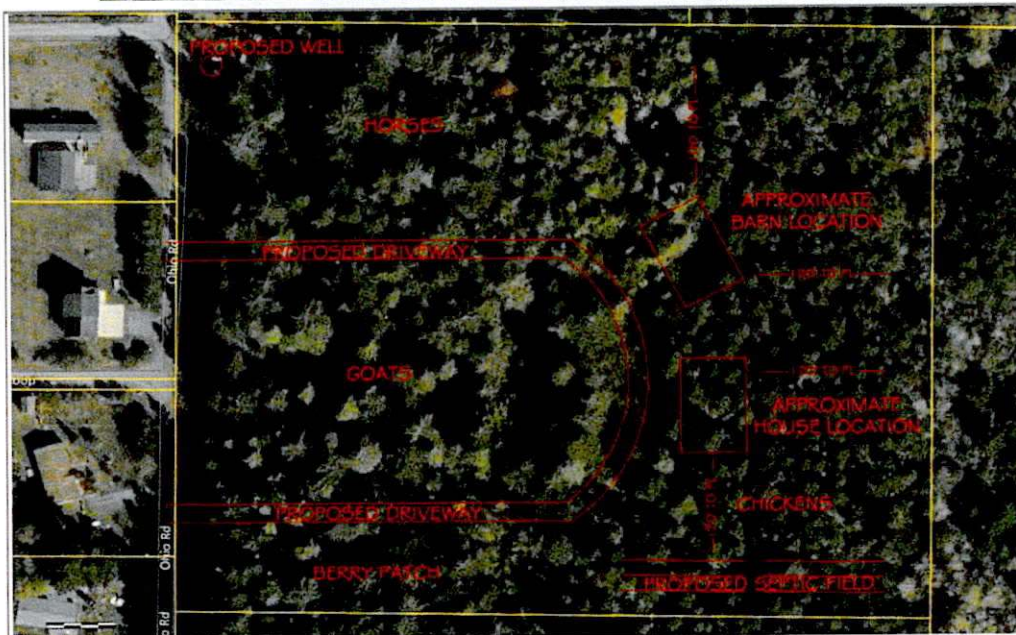
- (i) The lot or parcel cannot practically be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot of parcels cannot be practically managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
- (ii) The dwelling will comply with the provisions of ORS 215.296(1); and
- (iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

**Applicant's Response: The subject property is located off Ohio Road. Based on the zoning map below, the subject property is surrounded by Rural Residential-2 zoned lands to the north, south and west.**





The parcel to the east is zoned for Exclusive Farm Use and approximately 20 acres in size. However, based on aerial imagery, none of this EFU zoned land is being utilized for farming purposes. Based on the plot plan, the proposed dwelling location is located at least 120 ft from the eastern property line and should not cause a significant increase in any farming practices on this EFU parcel.



WALKER FAMILY 1998 TRUST  
 28-14-32B TL 300  
 TAX ACCT 1029700  
 EFU ZONED PROPERTY  
 8 ACRES IN SIZE

PLOT PLAN  
 NOT FOR CONSTRUCTION

MAP PREPARED BY:  
 SHERI MACGRATH  
 AT THE DIRECTION OF OWNER  
 MARCH 29, 2022





**This area has 5B soil types and could be used for cranberry production. Reviewing the steps of cranberry farming is needed to analyze the proposed dwelling and its effects on nearby cranberry farming. Cranberries are grown in a well-drained, sandy, artificial bed called a cranberry bog. Scattered adjacent homesite development typically has little impact on the growth of cranberries.**

**Section 3.2.3 of the Volume 1 Part 2 of the Coos County Comprehensive Plan does identifies the minimum size of land needed as 10 acres for a successful cranberry operation,**

*The average size of a cranberry farm is about 7-10 acres, though more land is needed for a home and out- buildings, and perhaps for buffering against neighboring uses. Single bogs range in size from 1/4 to 4 acres. The County Extension agent estimates that about 10 acres are probably the minimum needed for full-time commercial production.*

**When factored with the dense urban residential development located directly northwest of the subject property. A reasonable conclusion is that the land is inherently difficult, with undue hardships, for either farming or commercial timber production without an onsite dwelling.**

- (D) A local government shall provide notice of all applications for dwellings allowed under subsection (3)(c) of this rule to the Oregon Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (3)(c)(C) of this rule.

**Applicant's Response: This criterion is applicable to Coos County Planning Department.**

(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.

**Applicant's Response: Based on the zoning map and aerial imagery maps below.**







**The subject is surrounded by smaller developed Rural Residential-2 zoned parcels located west and south of the subject property. There are denser urban residential dwellings located northwest of the subject property. There is a 20-acre Exclusive Farm Use zone land directly east of the subject property. However, based on the aerial imagery map, this parcel appears to be utilized for timber production.**

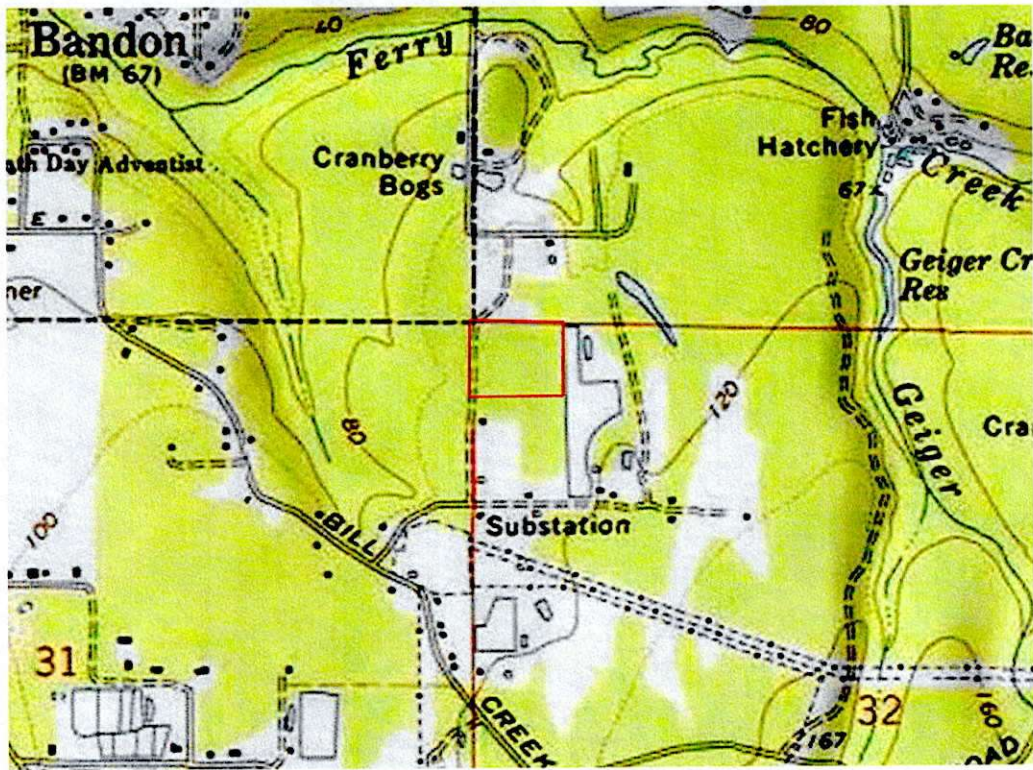
**These criteria require the applicant to demonstrate the proposed dwelling will not force a significant change, or will not significantly increase the cost, in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**Based on everything already discussed, there does not appear to be any substantial farming practices in the surrounding area. However, there are forestry practices, whether commercially viable or not, on the parcel towards the east.**

**When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres. The adjacent parcel is likely to utilize ground-based herbicide vegetation control management techniques.**

**According to the topographic map below, the adjacent EFU parcel appears to have a slope below 35%, so groundside harvesting methods would be preferred. Groundside timber harvests are typically confined to the harvest unit. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels.**





**The applicant believes we have adequately proven a dwelling on the subject property will not cause a significant increase, or force a significant change, in farm and forest practices on adjacent resources lands.**

(30) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under 30.936 or 30.937.

**Applicant's Response: The applicant agrees that as a condition of approval, they, or the future landowner, will record a County approved Waiver of Objection to Farm and Forest Practices on the subject property with the Coos County Clerk.**



03/12/1999 10:00 REC FEE: \$33.00  
COOS COUNTY, OR, TERRI TURI - COUNTY CLERK

PAGE #: 0001 OF 0001  
INST#: 1999 3059 \*\*

WHEN RECORDED RETURN TO:  
HALE LANE PEEK, et. al.  
P.O. Box 3237  
Reno, Nevada 89505

GRANTEE'S ADDRESS:  
Mr. and Mrs. Jerry Walker  
5000 Old Clear Creek Road  
Carson City, NV 89705

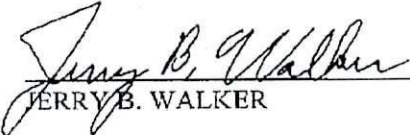
GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That JERRY B. WALKER, in consideration of the sum of \$10.00, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to JERRY B. WALKER and JULIE A. WALKER, TRUSTEES OF THE WALKER FAMILY 1998 TRUST (JBW, S.P.) DATED JUNE 30, 1998, all the real property situate in the County of Coos, State of Oregon, more particularly described as follows:

**The NW 1/4 of the NW 1/4 of the NW 1/4 of Section 32, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, EXCEPT the South 132 feet thereof.  
A.P.N. \_\_\_\_\_**

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

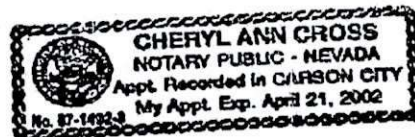
Witness my hand this 3 day of Feb, 1998<sup>9</sup>.

  
\_\_\_\_\_  
JERRY B. WALKER

STATE OF NEVADA                    )  
  ) ss.  
COUNTY OF Carson City        )

On 2/3, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JERRY B. WALKER, personally known to me (or proved to me and the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the foregoing instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC





THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

NW1/4 SEC.32 T28S R14W W.M.  
COOS COUNTY

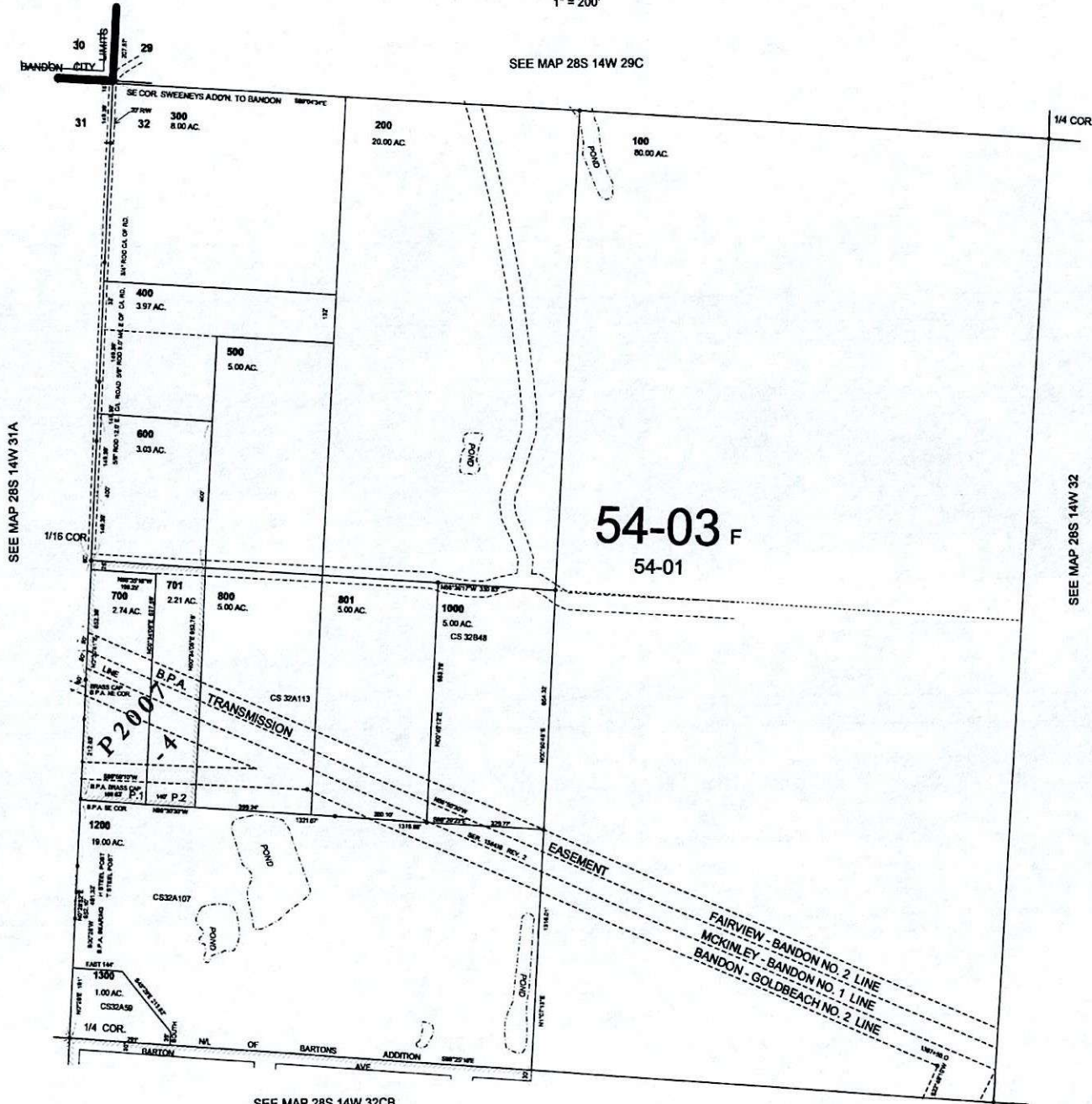
28S 14W 32B

1" = 200'

CANCELLED NO.

900  
1100

SEE MAP 28S 14W 29C

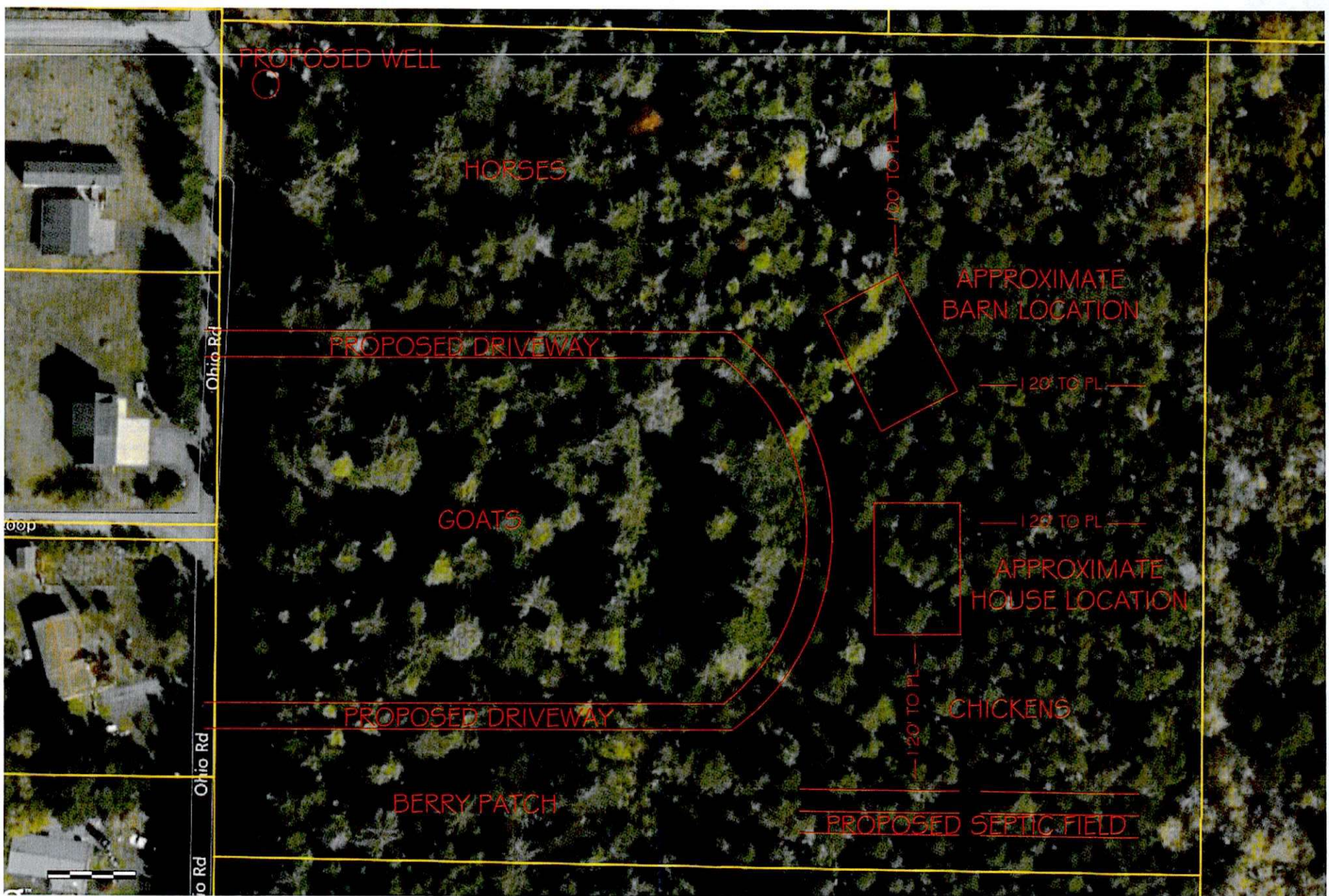


SEE MAP 28S 14W 32CB

SEE MAP 28S 14W 32

08-28-2018  
28S 14W 32B





WALKER FAMILY 1998 TRUST  
 28-14-32B TL 300  
 TAX ACCT 1029700  
 EFU ZONED PROPERTY  
 8 ACRES IN SIZE


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