

**ARTICLE 4.8 FOREST ZONE (F)**

Note that uses noted with \* are supplemental uses not addressed under OAR 660-06-025.

Sections:

- 4.8.100 Purpose
- 4.8.200 Uses Permitted
- 4.8.300 Administrative Conditional Uses
- 4.8.350 Hearings Body Conditional Uses
- 4.8.400 Review Criteria for Conditional Uses
- 4.8.500 “Lot-of-Record” Dwellings
- 4.8.525 Forest Dwellings
- 4.8.600 Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.
- 4.8.700 Fire Siting and Safety Standards
- 4.8.750 Development Standards
- 4.8.800 Land Divisions in the Forest Zone
- 4.8.900 Declarations of Covenants, Conditions, and Restrictions Form
- 4.8.925 For Purposes of Consolidation, Declarations of Covenants, Conditions and Restrictions

**SECTION 4.8.100. Purpose.** The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

**SECTION 4.8.200. Uses Permitted Outright.** The following uses and activities and their accessory uses shall be permitted outright in the Forest zone, subject to applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.

This is permitted in CREMP F also.

- B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- C. Physical alterations to land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. \* Fish and wildlife habitat management. This use is subject to Policies 14, 17, 23, and 27 in CREMP F segments.
- F. Farm use as defined in ORS 215.203. This use is permitted in CREMP F also.
- G. \* Farm buildings. This use is permitted in CREMP F also.
- H. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes pedestals), or equipment which provides service hookups, including water service hookups.
- I. Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.
- J. Explorations for mineral and aggregate resources as defined in ORS Chapter 517. This use is permitted in CREMP F except for segments 17 and 19.
- K. Private hunting and fishing operations without any lodging accommodations.
- L. Towers and fire stations for forest fire protection.
- M. Notwithstanding Section 3.2.500, widening of roads within existing right-of-way in conformance with the transportation element of the acknowledged Comprehensive Plan including public road and highway projects as described in ORS 215.213 (1) (m) through (p) and ORS 215.283 (1) (k) through (n).
- N. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- O. Reserved.
- P. Uninhabitable structures accessory to fish and wildlife enhancement.
- Q. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- R. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of

compressors, separators and other customary production equipment for an individual well adjacent to the well head.

S. Alteration, restoration or replacement of a lawfully established dwelling.

A lawfully established dwelling is a single-family dwelling that:

1. Has intact exterior walls and roof structure; and
2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and
3. Has interior wiring for interior lights; and
4. Has a heating system; and

In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Coos County does not allow conversion of mobile homes into accessory storage buildings or uses.

These conditions must comply with Coastal Boundary conditional use criteria in CREMP F.

- T. \* Diking (construction and maintenance).
- U. \* Drainage and tide-gating.
- V. \* Dredge material disposal.
- W. \* Fill.
- X. \* Mitigation. This is a conditional use in CREMP F. Policies 14, 17, 23, and 27 may be applicable. This use is not permitted in Segments 35 and 38.
- Y. \* Shoreland stabilization, nonstructural. This activity may be allowed in CREMP F, except for Segment 15.
- Z. \* In the Forest/Mixed Use zone only, farm stands if:
1. The structures are designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm

stands; and

2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

AA. \* Temporary residence. Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal. This is also permitted in CREMP F.

**SECTION 4.8.300 Administrative Conditional Uses.** The following uses and their accessory uses may be allowed as administrative conditional uses in the “Forest” zone subject to applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- A. Log scaling and weigh stations.
- B. Television, microwave and radio communication facilities and transmission towers. This may be permitted in CREMP F. Policies 14, 17, 23, and 27 may be applicable.
- C. Aids to navigation and aviation. In CREMP F, Policies 14, 17, 23 and 27 may be applicable.
- D. Water intake facilities, related treatment facilities, pumping stations, and distribution lines. In CREMP F, Policies 14, 17, 23, and 27 may be applicable.
- E. Cemeteries.
- F. New electrical transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of way 50 feet or less in width.
- G. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- H. Home occupations as defined in ORS 215.448. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of County, a Forest Management Covenant prior to final County approval.
- I. \* Cottage industry. The County shall review a permit allowing a cottage industry every 12 months following the date the permit was issued and

may continue the permit if the use continues to comply with the requirements of the use's definition.

- J. One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a **hardship** suffered by the existing resident or a relative of the resident. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.

In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.

Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.

Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

A temporary residence approved under this Section is not eligible for replacement under Section 4.8.200 (S) criteria. (OR 98-01-002PL 5/4/98)

As used in this Section "manufactured dwelling" means a manufactured home, mobile home, or recreational vehicle.

In order to minimize impacts to forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.

In CREMP F, Policies 14, 17, 23, and 27 may be applicable. Policy 27a also applies in shoreland segment 13.

- K. for the purpose of this Section, public road and highway projects as described in ORS 215.213 (2) (q) through (s) and ORS 215.283 (2) (p) through (r).
- L. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

- M. \* Structural shoreland stabilization. This use is subject only to Natural Hazards Policy #5 in Volume I, Part 1 of the Coos County Comprehensive Plan and not to Section 4.8.400.

This activity may be permitted in CREMP F. Policies 14, 17, 23, and 27 may be applicable. Policy 9 is applicable. This activity is not permitted in Segment 15.

- N. \* In the Forest/Mixed Use zone, commercial activities in conjunction with farm use.

- O. \* In the Forest/Mixed Use zone, dog kennels.

\* In CREMP F, the use may be subject to CREMP Policies 14, 17, 23 and 27.

- P. \* Modification of an historic structure where:

1. The modification is necessary to preserve, protect or enhance the original historical character of the structure;
2. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
3. A site plan and architectural plans must be submitted for review.

\* This use may also be permitted in CREMP F. In addition to the above, CREMP Policies 14, 17, 23 and 27 may be applicable. CREMP Policy 27a also applies in segment 13.

- Q. Reservoirs and water impoundments not for municipal use. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.

**SECTION 4.8.350. Hearings Body Conditional Uses.** The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- A. Permanent facility for the primary processing of forest products.
- B. Permanent logging equipment repair and storage.

- C. Disposal site for solid waste approved by the governing body of a city or the County or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- D. Parks and Campgrounds. For the purposes of the Section, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, recreational vehicle or yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. This use must also comply with Article 9.2 of the Ordinance.

In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.

As used in this section, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. (OR-00-05-014PL)

- E. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.8.200 (R) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

Any operation that mines less than 1,000 cubic yards of aggregate is permitted outright with the following conditions:

1. The Planning Department must be notified at least 5 working days before commencement of the operation.
2. Sloping after mining must not exceed a 3:1 slope.
3. The disturbed area must be reseeded with a native grass species.
4. No oil or other contaminants must be allowed in the pit.
5. Approval must be obtained from DEQ if there is any backfilling of the pit.

This includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant’s property for the primary

purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.

For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions above must be met.

Any operation that sells greater than 5,000 cubic yards of aggregate must comply with standards established by the Department of Geology and Mineral Industries.

Mining may be allowed in CREMP F. CREMP Policies 14, 17, 23, and 27 may be applicable. This use is not permitted in segments 17 and 19. Processing is not permitted.

- F. Fire stations for rural fire protection.
- G. In the Forest Mixed Use zone, utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660. Division 4. In CREMP F segments, this is an Administrative Conditional Use where CREMP policies 14, 17, 23, and 27 may be applicable.
- H. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - 2. Only minor incidental and accessory retail sales are permitted; and
  - 3. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- I. Expansion of existing airports.
- J. Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:
  - 1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted;
3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
4. Accommodations must be located within ¼ mile of fish bearing Class I waters.

In order to minimize impacts in forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.

- K. Firearms training facility.
- L. \* In the Forest/Mixed Use zone, the following uses may be allowed but shall not be approved if within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
1. Public or private schools, including all buildings essential to the operation of a school.
  2. Churches or cemeteries in conjunction with churches.
- M. \* Community center, grange or lodge.
- N. \* Contaminated Soil Land Farming where the activity is situated less than 1000 feet from any rural-residential zone or urban growth boundary. The activity must be found to be compatible with surrounding uses or made compatible through the imposition of conditions. Contaminated soil land farming is permitted without conditional use review provided the activity is situated not less than 1,000 feet from any rural-residential or urban growth boundary.

Section 4.8.400 is not applicable for this use.

This use may be allowed in CREMP F according to the same standards.

- O. \* Bed and breakfast subject to the following conditions:
1. All “bed and breakfast facilities” shall be established within the primary residence.
  2. Breakfast shall be the only meal served to overnight paying guests.

3. No cooking facilities shall be permitted in any rented room.
4. The maximum number of rooms which may be rented shall not exceed four (4).
5. Off-street parking shall be provided as follows:

Two spaces for the owner/occupant, plus 1 space for each additional bedroom.

A site plan shall be submitted, delineating:

- a. the property boundaries,
- b. access to the property,
- c. location of all structures on the subject property,
- d. required parking spaces.

P. \* In the Forest/Mixed Use zone, personal use airport. See Section 4.9.350 (G).

Q. Reservoirs and Water Impoundments for municipal use. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.

**SECTION 4.8.400. Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350.** A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in , or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.

- D. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J. and Q.

**SECTION 4.8.500. “Lot-of-Record” Dwelling.** A “lot-of-record” single-family dwelling may be allowed as a hearing’s body conditional use if the following criteria are satisfied:

OAR-660-006-0027(1)(a), (b), (c)(A), (d), (4), (5), and ORS 215-720(1)(a), (2), (3), 215.705.  
 [PL-010-005 1/12/2006]

In CREMP F, CREMP Policies 14, 17, 23, and 27 may also be applicable.

**SECTION 4.8.525. Forest Dwellings.** A dwelling in the Forest zone may be allowed as a conditional use.

- A. **160/200 ACRE DWELLING.** A single-family dwelling may be allowed as a hearing’s body conditional use if the following criteria are satisfied:

OAR-660-006-0027 (1)(e)(B), (4), (5), (6), and ORS 215.740(1)(b), (2), (3).  
 [PL-010-005 1/12/2006]

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

1. There are no other dwellings on the tract on which the dwelling will be sited.
2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.
3. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

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

Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3
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NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

4. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
  - a. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
  - b. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
5. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
6. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

**SECTION 4.8.600. Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.** The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

- A. Dwellings and structures shall be sited on the parcel so that:
1. They have the least impact on nearby or adjoining forest or agricultural lands; and
  2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
  3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  4. The risks associated with wildfires are minimized.
- B. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:
1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  2. A water use permit issued by the Water Resources Department for the use described in the application; or
  3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.
- C. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- D. Approval of a dwelling shall be subject to the following additional requirements:
1. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is

reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.

2. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
3. The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.
4. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

**SECTION 4.8.700 Fire Siting and Safety Standards.** All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable.

The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that he has contacted the Department of Forestry of the proposed development.

A. Firebreak:

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

This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and

trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
3. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL)

- B. All **new** and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- C. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- D. The dwelling shall not be sited on a slope of greater than 40 percent.
- E. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- F. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
- G. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for fire fighting equipment.

- H. access to new dwellings shall meet road and driveway standards in Chapter VII.

**SECTION 4.8.750. Development Standards.** All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

- A. Minimum Lot Size: The minimum parcels size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.8.800 (C). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Article 6.1 and 6.5 must be met. [OR96-06-007PL 9/4/96]
- B. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
- C. Structure Height: No requirement.
- D. Lot Coverage: No requirement.
- E. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 3.3.400 and Fire Siting and Safety Standards in Section 4.8.700.
- F. Off-Street Parking and Loading: See Chapter X.
- G. Minimum Road Frontage/Lot Width: 20 feet.
- H. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
- I. Riparian Vegetation Protection.
  - 1. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
    - a. Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posting an erosion or safety hazard may be removed to minimize such hazard; or

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or
- c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
- d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan; or
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or
- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
- g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

**SECTION 4.8.800. Land Divisions in the Forest Zone.** The following standards shall govern the development of new lots and parcels in the Forest zone including the CREMP and CBEMP Forest zone.

- A. Any new lot or parcel shall not be less than 80 acres in size. For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Articles 6.1 and 6.5 must be met.
- B. Notwithstanding "A" above, the land divisions creating new lots or parcels less than 80 acres may be approved if:

The new lot or parcel is for a use listed at Section 4.8.200 P and Q; Section 4.8.300 A, B, C, D, E, M; and Section 4.8.350 A, B, C, D, E, F, G, and K, and provided that the uses referenced above have been found to satisfy applicable standards at Section 4.8.400 and

approved pursuant to the procedural requirements of this Ordinance. Such divisions shall create a parcel that is the minimum size necessary for the use.

- C. To allow the establishment of a parcel for a dwelling on land zoned Forest or Forest Mixed Use the following requirements apply: [OR 215.780]
1. A dwelling existed on the parcel prior to June 1, 1995; and
  2. the parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  3. The remaining parcel not containing the dwelling must be greater than or equal to 40 acres or consolidated with another parcel and together the parcels must be greater than or equal to 40 acres; and
  4. the applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk's office; the restrictions shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel; and
  5. evidence that a "Waiver of Right to Object" forest management covenant ensuring compatibility with neighboring forest uses and practices is recorded at the Coos County Clerk's office; and
  6. all land divisions must meet the standards of Articles 6.1 and 6.5 of the Coos County Zoning and Land Development Ordinance. [OR96-06-007PL 9/4/96]

**SECTION 4.8.900**

**Declaration of Covenants, Conditions and Restrictions Form**

Whereas, the undersigned \_\_\_\_\_ hereinafter referred as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to the covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of \_\_\_\_\_ )

County \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_

Notary Public for Oregon

My commission expires: \_\_\_\_\_

**SECTION 4.8.925 For the Purpose of Consolidation, Declaration of Covenants, Conditions and Restrictions.**

**DECLARATION OF CONVENANTS, CONDITIONS AND RESTRICTIONS**

**Whereas**, the undersigned \_\_\_\_\_, hereinafter referred to as Declarant, is the owner in fee simple of the subject property described in Exhibit "A" attached hereto and incorporated by reference herein; and

**Whereas**, Oregon law required that when a "lot-of-record" dwelling is allowed for a lot or parcel that is contiguous with one or more other lots or parcels under the same ownership comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the time the dwelling is allowed; and

**Whereas**, Declarant desires to consolidate the subject property described in Exhibit "A" in order to effectuate and comply with the requirements of Oregon law and further desires to consent to the execution of this document prepared by the Coos County, Oregon, Planning Department.

**Now, therefore, Declarant hereby declares** that all of the property described in Exhibit "A" shall not be sold or conveyed separate and apart from any and all of the property described in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

By \_\_\_\_\_

Notary Public for \_\_\_\_\_

My Commission expires: \_\_\_\_\_