STAFF REPORT FOR ADMINISTRATIVE REVIEW

APPLICANT: Residential Engineering
PO Box 1548
Bandon OR 97411

OWNER: Bascom Shoaf
88681 Tokyo Road
Bandon OR 97411

REQUEST: Site a first dwelling (Template) in Forest Zone

STAFF CONTACT: Debby Darling, Planner II

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 30S  Range 15W  Section 02  Tax Lot 110

PROPERTY LOCATION

The subject property is located off Lower Fourmile Lane, via Highway 101 and is south of the city of Bandon.

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

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<td>Template Dwelling</td>
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<td>§4.8.600</td>
<td>Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone</td>
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<td>§4.8.700</td>
<td>Fire Siting and Safety Standards</td>
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<td>Off Street Parking, Number of spaces per type of use</td>
</tr>
</tbody>
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1. BASIC FINDINGS

A. **Lawfully Created Parcel:** The subject property was lawfully created as required by LDO §3.3.800, Lawfully Created Lots and Parcels. In 2007 a 2-parcel land division (P-07-24) was submitted and approved by the Planning Department. The final plats were received in the Planning Department on May 5, 2008, creating the current configuration. Therefore, this is a lawfully created parcel pursuant to LDO §3.3.800.

B. **Zoning:** The zoning is Forest/Mixed Use
The purpose of the “F” zone is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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.

Mixed farm-Forest Areas “MU” areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tent to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

C. **Site Description:** The property contains approximately 9.95 acres and from the aerial photograph appears to be mainly covered in scrub. There is a wetland in the south and eastern portions of the property; however, the proposed dwelling site does not lie within the wetlands. Fourmile Creek lies south of the neighboring tax lot. Lower Fourmile Lane abuts the property to the north.

D. **Surrounding Properties:** Properties to the south are zoned MES (Minor Estuary Shorelands). Properties to the west are zoned MES and F. Properties to the north beyond Lower Fourmile Lane are zoned Forest. Properties to the east are zoned forest. Beyond the MES zoned properties to the south are others zoned MES, F and EFU (Exclusive Farm Use). There is some residential development on properties to the northeast and to the west of the subject property.

E. **Background:** The property is zoned F/MU and there is currently no development on the property, other than a driveway that has already been completed.

- April 11, 2001, an application for a template dwelling (First dwelling in a forest zone) was submitted (ACU-01-17)
- August 1, 2001, ACU-01-17 was withdrawn and no final decision was made.
- November 21, 2001, a zoning compliance letter (ZCL-01-486) was issued for a septic site evaluation only.
- April 1, 2003, a Pre eligibility Determination request for a Template dwelling was submitted.
- May 20, 2003, it was determined that the subject property did qualify for a template dwelling, by meeting the requirements that there were more than 11 parcels and 3 dwellings within the 160 acre template. It was determined there were 17 parcels and 9 dwellings within the template.
- August 27, 2002, wetland delineation was approved by Oregon Division of State Lands and notice sent to the Planning Department.
- July 9, 2007, an access permit is issued by the Coos County Road Department (#155) and notice received in the Planning Department on July 11, 2007.
- July 25, 2007, an application for a 2 parcel land division is received in the Planning Department (P-07-24). Tentative approval was given by the Planning Department on November 15, 2007 and the final plats were recorded and received in the Planning Department on May 5, 2008.
- August 9, 2007, notice was sent to the Coquille Indian Tribe (CIT) concerning the proposed land division. There was no response from the CIT within the required 30 days.
- May 30, 2008, verification from Oregon Water Resources Department that a water use permit is not
required was received in the Planning Department, granting the property domestic water use, but restricting the use to 15,000 gallons per day and up to ½ acre of lawn and garden use per well. One exempt well was allowed for this lot.

♦ July 31, 2008 a property line adjustment (PLA-08-38) was submitted to reconfigure the approved two parcel land division. This PLA was not authorized because they did not meet the current requirements of HB 3629.

♦ August 11, 2008, a request from Stuntzner Engineering was received requesting a reconsideration of the ministerial decision not to authorize the PLA.

♦ August 29, 2008, Planning Director Evernden replied to Stuntzner Engineering request explaining that the decision was ministerial and therefore does not qualify for a reconsideration, but offered the option of the property owner submitting a conditional use permit. There was no follow through.

♦ September 12, 2013, a driveway confirmation form was sent to the Road Department requesting a driveway permit. This was returned signed by the Road Master on October 30, 2013.

♦ October 11, 2013 a phone call from Oregon Department of State Lands (DSL) to inform the Planning Department that the wetland delineation from 2002 has expired and the new property owners must reapply for this with DSL.

♦ October 22, 2013, a violation complaint was filed with the Planning Department because a driveway was being constructed allegedly without permits.

♦ November 7, 2013, County Road Master approves all driveway construction on subject property.

♦ The current application was submitted on February 25, 2014 and deemed complete on March 18, 2014.

♦ A wetland notification was sent to Oregon DSL on March 18, 2014. Response from DSL was received in the Planning Department March 19, 2014, stating a site visit had been performed by Mr. Bob Lobdell on January 8, 2014 and stating that the fill pad indicated as the build site will be allowed; however, if any work is outside this area, a new delineation must be submitted for DSL review.

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.8.525 (B)</th>
<th>Forest Dwellings Template Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Template Dwelling.  A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:</td>
</tr>
<tr>
<td>1.</td>
<td>There are no other dwellings on the tract on which the dwelling will be sited.</td>
<td></td>
</tr>
<tr>
<td>FINDING:</td>
<td>There are no other dwellings on the tract.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.</td>
<td></td>
</tr>
<tr>
<td>FINDING:</td>
<td>There are no deed restrictions established on the tract which restrict establishing a dwelling.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>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:</td>
<td></td>
</tr>
</tbody>
</table>
### Table: Required Minimum Number of Lots or Parcels

<table>
<thead>
<tr>
<th>Cf/Ac/Yr of Growth</th>
<th>0-49</th>
<th>50-85</th>
<th>+85</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>3</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

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

**FINDING:** The soils in the vicinity of the proposed home site consist of Walport fine sand, Walport-Dune complex, and Walport Heceta fine sands. The trees that will grow in these soils are shore pine, Sitka spruce, and western hemlock. The 2003 pre-eligibility report shows that the productivity of these soils is 67 cubic feet per acre per year. As noted above this requires a minimum of 7 parcels with 3 dwellings which were in existence on January 1, 1993. The historical assessment data shows there were 9 dwellings and 17 parcels existing on January 1, 1993 within the template; thereby qualifying the property for a dwelling. This criterion has been met.

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.**

**FINDING:** The subject property is not 60 acres or larger; therefore, option 5 was applied to this review. Option 5 is allowed because the property abuts Lower four Mile Road, which existed prior to January 1, 1993. The measurement was 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 aligned to the maximum extent possible with the road. The template map has been attached to the application.

6. **The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.**

**FINDING:** The proposed dwelling is not prohibited by the Coos County Comprehensive Plan (CCCP). Once the conditions have been met, the property will comply with the CCCP and its implementing measures.
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.

FINDING: The plot plan shows the subject property as an oddly shaped rectangle. There are wetlands surrounding the building site; however, in 2002 a wetland delineation was approved by Oregon DSL and at that time, it appears fill was brought in to the proposed building site. The current proposal utilizes this same elevated home site. In order to avoid the wetlands, the dwelling will be only 74 feet from the western property line; however, the neighbor’s driveway borders the property on that side of the subject property providing a fire break. The siting of the dwelling will not have any impact on forest or farming practices in the vicinity. The driveway, as well as all structures will be placed on this elevated site in order to avoid impact to any wetlands. There does not appear to be any nearby agricultural or forest uses. Risks associated with wildfires will be minimized, as the home site is almost completely surrounded by wetlands. The applicants will establish a 30 foot primary firebreak around the proposed dwelling and establish the 100 foot secondary fire break where available.

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 purposes 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.

FINDING: There is no permit required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day. The State Watermaster has signed off on this and the record is in the permanent file.

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.

FINDING: The subject property abuts Lower Fourmile Lane, which is County road. The property will be accessed from Lower Fourmile Lane. A road access permit and a driveway confirmation have both been signed by the County Roadmaster and are in the permanent file.

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.

FINDING: The applicant states that the property has been in wetland use. It does not appear this property is receiving a tax deferral for forest; however, the Assessor’s office will be notified of the application approval.

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.8.700</th>
<th>Fire Siting and Safety Standards</th>
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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).

FINDING: The property contains 9.95 acres, most of which is wetlands. The applicants will create and maintain the 30 foot primary fire break. The secondary firebreak will be maintained on all sides, except for the western boundary, where it will be approximately 74 feet. The neighbor’s driveway borders the subject property on the western boundary and helps create a fire break. These criteria have been satisfied.

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).

FINDING: The dwelling shall use non-combustible or fire resistant roofing materials and must obtain Oregon State Building Codes Division approval for any buildings. The applicant should provide enough space for fire suppression equipment to access the development. These will be conditions of approval.

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

FINDING: The property, in the area of the proposed development, consists of Walport fine sand soils, found on slopes of 0-30%. Therefore, the dwelling will not be sited on a slope of greater than 40%. This will be a condition of approval. This criterion has been met.

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

FINDING: When the proposed dwelling is built, it must have spark arresters if there are to be chimneys. It is the jurisdiction of Oregon State Building Codes Division to assure this. It will be a condition of approval.

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.

FINDING: The subject property lies within the Bandon Rural Fire Protection 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 firefighting equipment.

FINDING: The driveway has been approved by the Coos County Road Department. It will be a condition of approval that it is adequately constructed to provide access for fire suppression equipment.
H. Access to new dwellings shall meet road and driveway standards in Chapter VII.

FINDING: Before issuance of a zoning compliance letter to site the proposed dwelling, the driveway shall meet standards in Chapter VII. A driveway confirmation from the Coos County Road Department has already been issued and the County Roadmaster has approved the driveway construction as meeting County standards.

<table>
<thead>
<tr>
<th>LDO</th>
<th>§4.8.750</th>
<th>Development Standards</th>
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</table>

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]

FINDING: The subject property is less than 80 acres; however, this parcel was approved as part of a 2007 land zone boundary land division. The property owners are not requesting a further land division. This criterion does not apply.

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.

FINDING: The submitted plot plan shows the proposed dwelling will be set back well beyond the required 35 feet from any road right-of-way and therefore, this criterion has been met.

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.

FINDING: The vision triangle in LDO § 3.3.400 and off street parking will be assessed by the County Roadmaster. The driveway confirmation has been approved by the County Roadmaster.

G. **Minimum Road Frontage/Lot Width:** 20 feet.

FINDING: The submitted plot plan shows the subject property meets or exceeds the required 20 feet of road frontage.

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.

FINDING: As a condition of approval, the applicants will be required to sign a Forest Management Covenant and record it at the County Clerk’s office prior to issuance of a zoning compliance letter to site the proposed dwelling.
I. Riparian Vegetation Protection.

1. Riparian vegetation within 50 feet of an estuarine 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”.

FINDING: There are wetlands on the subject property. The proposed home site has been previously approved. The dwelling will be required to maintain the 50 foot riparian vegetation protection setback. This will be a condition of approval. If there is to be any building outside of the approved home site, a new wetland delineation must be submitted to Oregon DSL.

LDO Chapter 7, Table 7.2. Minimum Standards for New Roads, Streets, and Driveways

DRIVEWAYS

<table>
<thead>
<tr>
<th>Typical Cross-Section Figure</th>
<th>Average Daily Traffic</th>
<th>Subgrade Width</th>
<th>All-Weather Travel Surface</th>
<th>Right-of-Way Width</th>
<th>Compacted Rock Depth</th>
<th>Maximum Grade</th>
<th>Centerline Maximum Degree of Curvature</th>
<th>Vertical Unobstructed Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>--</td>
<td>--</td>
<td>--</td>
<td>12'</td>
<td>--</td>
<td>--</td>
<td>12%</td>
<td>--</td>
<td>13.5’</td>
</tr>
</tbody>
</table>

FINDING: The County Roadmaster has reviewed the criteria and approved the driveway by signing a driveway confirmation.

10 “Driveway”, pursuant to Section 2.1.200, means "a private vehicular travel surface accessing a single residence."
LDO  Chapter 10 §10.1.400  Required number of parking spaces for type of use

<table>
<thead>
<tr>
<th>USE</th>
<th>STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Residential</td>
<td></td>
</tr>
<tr>
<td>a. single-family dwelling.</td>
<td>2 spaces per dwelling unit.</td>
</tr>
</tbody>
</table>

**FINDING:** As a condition of approval, the property owners must provide two parking spaces.

### III. NOTIFICATION AND APPEAL RIGHTS

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 250 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s), Surveyor, and Dave Perry, DLCD. Notice of Decision will be provided to Coos County Assessor, Coos County Roadmaster, Oregon Department of Water Resources, Oregon Department of State Lands, Bandon RFPD, Southern Coos Health District, Coquille Indian Tribe, Coos County Board of Commissioners and the Coos County Planning Commission. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on April 23, 2014.

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on May 8, 2014, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

### IV. SUMMARY

The request is to site a first dwelling in a Forest zone. The property has met the template test, with 9 properties and 17 dwellings lying within the 160 acre template. Pursuant to the applicant’s plot plan, all development standards will be met. The primary and secondary fire safety setbacks will be met on all sides, with the exception of the western side of the property, where the abutting property driveway provides a firebreak. The plot plan shows the proposed dwelling site is the only possible place to place a dwelling because of the surrounding wetlands. Staff finds this proposal meets the requirements for a first dwelling in a forest zone.

### VI. CONDITIONS OF APPROVAL

1. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the average cost, then the applicant shall be responsible for paying the full amount. If such an amount is due, it must be paid before a zoning compliance letter can be issued.

2. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the “seller” or “grantor” shall, by acting upon this permit, agree to notify the “buyer” or “grantee” of the terms and conditions of the permit. Pursuant to CCZLDO Section 5.0.700, this permit shall remain valid for the period set forth in ORS 215.417.

3. The proposed dwelling must be sited as shown on the proposed plot plan.
4. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
5. 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.
6. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
7. Applicant must provide adequate access for fire suppression equipment.
8. The applicant must comply with all requirements in Chapter 10, as noted above and provide two parking spaces.
9. Obtain a zoning compliance letter (ZCL) from the Planning Department in order to obtain State DEQ and Building Code permits.
10. If any development does occur outside of the approved area, a new wetland delineation must be submitted to and approved by Oregon DSL.

If you have any questions please contact staff.

COOS COUNTY PLANNING DEPARTMENT

Dobbie Darling, Planner II

C: File

EC: Dave Perry, DLCD

Attachments: Applicants’ Submittal
Template Map
Decision Notice
Vicinity Map