**STAFF REPORT**

**Date of Report:** Wednesday, November 26, 2014  
**Appeal Deadline Thursday, December 11, 2014**

**Type of Application:** ADMINISTRATIVE CONDITIONAL USE APPLICATION

**Decision:** APPROVED WITH CONDITIONS

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### II. Property Information

<table>
<thead>
<tr>
<th>Account No.</th>
<th>4356406</th>
<th>4372400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Numbers</td>
<td>25S1312DC-01106</td>
<td>25S1312DC-01300</td>
</tr>
</tbody>
</table>
| Property Owners   | EVERETT A. BACHMAN LIVING TRUST  
                    BACHMAN, EVERETT A.; TRUSTEE  
                    1708 MCPHERSON ST  
                    NORTH BEND, OR 97459-3505  
                    EVERETT A. BACHMAN LIVING TRUST  
                    BACHMAN, EVERETT A.; TRUSTEE  
                    1708 MCPHERSON  
                    NORTH BEND, OR 97459-3505 |
| Situs Address     | No situs address | No situs address |
| Acreage           | 1.84 Acres | 0.14 Acres |
| Zoning            | FOREST (F) | FOREST (F) |
| Development       | ARCHAEOLOGICAL SITES (ARC)  
                    FOREST MIXED USE (MU)  
                    ARCHAEOLOGICAL SITES (ARC)  
                    FOREST MIXED USE (MU) |

**Property Location/Description:** The property is located east of the city of North Bend and is accessed off Pittock Lane. The subject properties contains 1.98 acres. Pursuant to the current Coos County assessment records, there no development on the subject property; However an aerial photo indicates that there is a structure located on this property. Pittock Lane touches the property at the southern border of tax lot 1106. The property has been cleared.

**Proposal:** To site a template dwelling within the Forest Mixed Use (FMU) zone.

**Lawfully Created Parcel/Lot:** The property is located within the Portlawn Addition subdivision; therefore, it meets the criteria pursuant to § 6.1.125(1).

**Prior Application Restrictions:** There are no prior application restrictions.

**Special Districts/Agencies:**

<table>
<thead>
<tr>
<th>North Bay RFPD</th>
<th>Coos Bay - North Bend Waterboard</th>
<th>Board of Commissioners</th>
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<tbody>
<tr>
<td>Planning Commission</td>
<td>Dave Perry, DLCD</td>
<td>Mary Jane Starks, Assessor’s Office</td>
</tr>
<tr>
<td>Oregon International Port of Coos Bay</td>
<td>Southwestern Oregon Community College</td>
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</tr>
<tr>
<td>Confederated Tribes of Coos, Lower Umpqua &amp; Siuslaw Indians</td>
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Staff Report for File No. ACU-14-20  
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III. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.8.525(B)</th>
<th>Forest Dwellings (Template Dwelling)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>§ 4.8.600</td>
<td>Mandatory siting standards for dwellings and structures within the Forest Zone</td>
</tr>
<tr>
<td>CCZLDO</td>
<td>§ 4.8.700</td>
<td>Fire Siting and Safety Standards</td>
</tr>
<tr>
<td>CCZLDO</td>
<td>§ 4.8.750</td>
<td>Development Standards</td>
</tr>
</tbody>
</table>

**DEFINITION**

The purpose of the Forest (F) zone 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 Area**

These 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 tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships 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.

Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.8.525(B)</th>
<th>Forest Dwellings (Template Dwelling)</th>
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</table>

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.

FINDING: The subject property contains 1.98 acres. Current Assessment records and aerial photographs confirm there are no other dwellings on the subject tract; however, there is a structure on the property that was built without a
zoning compliance being issued; therefore, an after the fact zoning compliance letter would have to be issued to bring this structure into compliance as a condition of approval. This criterion has been met.

2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

FINDING: This property has a Declaration of Covenants, Conditions and Restrictions that was recorded on June 6, 2005 (2005-7956) which does not reference any deed restrictions limiting development on the subject property. It does restrict the type of structures allowed and the minimum size of a single family dwelling. However, the deed does not prohibit the dwelling. Therefore, this criterion has been met.

3. The lot or parcel on which the dwelling is to be located is predominately composed of soils that are capable of producing the following cubic feet per acre per year:

<table>
<thead>
<tr>
<th>Cf/Ac/Yr of Growth</th>
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<tr>
<td>0-49</td>
<td>3</td>
<td>7</td>
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<tr>
<td>50-85</td>
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<tr>
<td>+85</td>
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Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, with a 160-acre square centered on the subject tract.

Required minimum number of dwellings existing on January 1, 1993 on the lots or parcels

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

FINDING: The Oregon Department of Forestry and the Planning Department estimated the cubic foot per acre per year growth to be greater than 85. Based upon the above criteria the template option requires 11 parcels and 3 dwellings, established prior to January 1, 1993, within a 160-acre square centered on the subject property. The subject property qualifies for a forest template dwelling because there are more than 11 parcels and 3 dwellings within the 160-acre template established prior to January 1, 1993.

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 proposal meets the criteria in Section 4.8.525(B) “Template Dwelling” and is consistent with the acknowledged Comprehensive Plan.

| CCZLDO | § 4.8.600 | Mandatory siting standards for dwellings and structures within the Forest Zone |

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... 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.
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 property will be accessed from Vine Road then Pittock Lane. A driveway confirmation has been issued; however, staff has not received an approved confirmation from the Roadmaster. From the maps it is apparent that property is cleared with a few trees. The map also depicts a structure on the property and it appears to have two accesses, one of which is graveled and the other is dirt. The property has minimal tree coverage and the applicant states that the fire safety setbacks will be met as the property and topography allows.

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. A water use permit issued by the Water Resources Department for the use described in the application; or
2. 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: The applicant has stated that they are yet to obtain a water use permit or established a water source. This will be a condition of approval.

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: As a condition of approval, a driveway permit issued by the Coos County Road Department will be required. If access to the property is through a private easement, a copy of the easement shall be provided to the Planning Department.

| CCZLDO | § 4.8.700 | Fire Siting and Safety Standards |

**Section 4.8.700 - Fire Siting and Safety Standards**

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.

FINDING: This property is located within the North Bay RFPD; therefore, this criterion has been satisfied.
Section 4.8.700(A)(Firebreak) - identifies fire siting and safety standards that are applicable to dwellings approved in the Forest zone. The Ordinance requires a 30-foot primary setback and a 100-foot secondary setback be maintained. 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.

FINDING: The property is of such size and shape that the primary fire safety setback can and will be met.

Section 4.8.700(D) of the CCZLDO identifies that dwellings shall not be sited on a slope greater than 40 percent.

FINDING: There was no indication of the slopes on the submitted site plan. The property consists of Templeton Silt Loam with 30 to 50 percent slopes. The dwelling will be required to be sited on slopes of less than 40 percent.

<table>
<thead>
<tr>
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<th>§ 4.8.750</th>
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Section 4.8.750 – Development Standards

(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 building site is located such that the roadway setbacks will be met.

(I) Riparian Vegetation Protection - Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained***

FINDING: There are no waterways, creeks, streams or acknowledged wetlands on the subject property; therefore, this criterion does not apply.

III. AGENCY COMMENTS

There have been no agency comments received as of the date of this report.

IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 750 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to special districts, agencies and other interested parties. 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 November 26, 2014.

V. NOTICE OF APPEAL RIGHTS

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 Thursday, December 11, 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.
VI. CONCLUSION AND CONDITIONS

The applicant has met the criteria for a template dwelling.

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.

2. A driveway confirmation must be signed off by the County Roadmaster prior to obtaining a zoning compliance letter.

3. An after the fact zoning compliance letter shall be purchased to bring the current structure on the property into compliance prior to obtaining sanitation or building permits.

4. Must comply with the structure requirements as stated in the Declaration of Covenants, Conditions and Restrictions. Including no house or structure shall be built to obstruct another property owner’s view of waterways or city views. No mobile homes, manufactured homes, or similar off-site buildings are permitted, except for the limited purpose of providing a place for the owner to live during construction of the owner’s home and on the lot and must be removed upon receipt of certification that the constructed home is habitable. Homes on lots must contain a habitable floor area, exclusive of open porches and garages of at least 1,800 square feet unless an exception is granted by a majority of the current owners or lots within the subdivision or Home Owners Association, if created.

5. A water use permit issued by the Water Resources Department for the use described in the application; or 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.

6. A 'Waiver of Right to Object Forest and Farm Practices Management Covenant' must be signed and recorded with the Coos County Clerk’s Office and a copy provided to the Planning Department.

Attachments: Applicant’s submittal