STAFF REPORT

Date of Report: Tuesday, January 20, 2015
Appeal Deadline Wednesday, February 04, 2015

Type of Application: ADMINISTRATIVE CONDITIONAL USE APPLICATION

Decision: APPROVED WITH CONDITIONS

File Number: ACU-14-32
Reviewed by: Amy Dibble, Planner I

II. Property Information

| Account No.    | 69808  |
| Map Numbers   | 23S1335BB-00100 |
| Property Owners | SOUTH COAST TRAIL RIDERS  |
| Situs Address | No Situs Address |
| Acreage       | 13.86 Acres |
| Zoning        | FOREST (F) |
| Development Considerations: | BEACHES/DUNES COMBINATION L/NS (BDC) |
|               | FOREST MIXED USE (MU) |
|               | NAT. HAZARDS WIND EROSION (HZW) |
| Property Location/Description | The property is located southwest of the city of Lakeside and is accessed off Crannog Road. The subject property contains 13.86 acres. According to the current Coos County assessment records, there is no development on the subject property. |
| Proposal: | To site a template dwelling within the Forest Mixed Use (FMU) zone. |
| Lawfully Created Parcel/Lot: | The current configuring of the property was created through a vacation in 2013 and two property line adjustments also in 2013, pursuant to the Coos County 1982 microfiche records; therefore, it meets the criteria pursuant to § 6.1.125(2). |
| Prior Application Restrictions: | There are no prior application restrictions. |

Special Districts/Agencies:

| Hauser RFPD | Coos Bay - North Bend Waterboard | Board of Commissioners |
| Planning Commission | Dave Perry, DLCD | Mary Jane Starks, Assessor’s Office |
| Southwestern Oregon Community College | | |
III. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

APPLICABLE CRITERIA

| Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP) |
|---|---|---|
| **APPLICABLE CRITERIA** |  |
| CCZLDO | § 4.8.525(B) | Forest Dwellings (Template Dwelling) |
| CCZLDO | § 4.8.600 | Mandatory siting standards for dwellings and structures within the Forest Zone |
| CCZLDO | § 4.8.700 | Fire Siting and Safety Standards |
| CCZLDO | § 4.8.750 | Development Standards |
| CCZLDO | Table 4.7a(4)(a) | Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan (Beached & Dunes) |
| CCZLDO | Appendix I | 5.10(2) Dunes, Oceans and Coastal Lake Shorelands, (2) Beaches and Dune Areas with Limited Development Suitability |

**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.

| CCZLDO | § 4.8.525(B) | Forest Dwellings (Template Dwelling) |

**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 13.86 acres. Current Assessment records and aerial photographs confirm there are no other dwellings on the subject tract. 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: There are no deed restrictions prohibiting a dwelling on this property. The 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:

| 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. | Cf/Ac/Yr of Growth |
|---|---|---|
| | 0-49 | 50-85 | +85 |
| 3 | 7 | 11 |

| Required minimum number of dwellings existing on January 1, 1993 on the lots or parcels | 3 | 3 | 3 |

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

FINDING: According to the United States Department of Agriculture Natural Resources Conservation Service's Soil Report the estimated cubic foot per acre per year growth is 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. Therefore, this criterion has been met.

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.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.8.600</th>
<th>Mandatory siting standards for dwellings and structures within the Forest Zone</th>
</tr>
</thead>
</table>

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: According to the plot plan the proposed home site will be 30 feet from the Southerly property line and will maintain the 30 foot fire safety setback. The secondary 100 foot fire safety setback will be maintained, but the clearing of brush and trees will be minimal to help protect the stabilized dune. The criterion has been addressed.

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 purpose 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 states that they will not be exceeding 15,000 gallons per day, thus complying with ORS 537.545. However, the criteria states either a permit is issued by Water Resources or a Verification from Water Resources that a use permit is not required. The applicant will be required to obtain a signed water requirements form from the Watermaster and 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. This will be a condition of approval. This criterion has been satisfied through the imposition of a condition.

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 property will be accessed from Crannog Road and the driveway will not cross another property. Crannog Road is not a private road, a road owned by Oregon Department of Forestry or United States of Bureau of Land Management, therefore, a maintenance agreement is not required. However, all development requires an approved driveway and access from the Coos County Roadmaster. In order to obtain approval a driveway confirmation is required. The fee for this permit is $150.00, and the form can be obtained from the Coos County Planning Department. Once the driveway has been completed to the standards prescribed in the permit or a bond has been completed the Roadmaster will complete the form and provide a copy to the Planning Department (per CCZLDO Chapter VII).

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 portion of the tract located beyond the dwelling is dune land and has soils identified as 16 - Dune Land which according to the Soil Survey of Coos County does not support vegetation. The Coos County Planning Department will provide a copy of this staff report and application to the Coos County Assessor’s Office in order to fulfill the notification requirement of this section. If the applicant cannot comply with the Oregon Department of Forestry Rules for minimum stocking requirements it will notify the owner and Assessor that the land is not being managed as forestland. The Assessor will then remove the forestland designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372. As a condition of approval the applicant shall submit the stocking survey report to the County Assessor or some type of exemption from Oregon Department of Forestry. These criteria will be satisfied with the imposition of a condition of approval.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 4.8.700</th>
<th>Fire Siting and Safety Standards</th>
</tr>
</thead>
</table>

**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)

**FINDING:** The primary setback will be met by clearing a minimum of 30 feet from all new structures and the secondary firebreak will be maintained as required by this section. A garden hose will be available to reach the perimeter if the primary firebreak. Therefore, this criterion has been met.

**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.**

**FINDING:** The applicant states that the new structures shall be constructed with non-combustible or fire resistant roofing materials. This criterion has been addressed.

**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 exiting pond on the property exceeds 4,000 gallons and road access and turning space will need to be provided for fire protection and pumping units to the source during fire season. This criterion has been met.

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

**FINDING:** There was no indication of the slopes on the submitted site plan. The property of the property where the dwelling will be located consists of 43D Netarts loamy fine sand with 2 to 30 percent slopes. The applicant states that the proposed home site has a grade of less than 5%; therefore, this criterion has been satisfied.

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

**FINDING:** The applicant states that the chimney or chimneys will each have a spark arrester as required. This criterion has been addressed.

**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:** This property is located within the Hauser RFPD; therefore, this criterion has been satisfied.

**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.**
FINDING: The proposed home site will have adequate access for firefighting equipment, there is a 16’ sand access road to the property and the driveway will be accessed off of a paved road (Crannog Road). This criterion has been addressed.

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

FINDING: The applicant will comply with section 7.1.425 access connection and driveway design. This will be a condition of approval.

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

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: The proposed site for the dwelling is more than 100 feet from the freshwater pond that is located on the property. Therefore, this criterion has been met.

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>Table 4.7a(4)(a)</th>
<th>Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan (Beached &amp; Dunes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>Appendix I</td>
<td>5.10(2) Dunes, Oceans and Coastal Lake Shorelands, (2) Beaches and Dune Areas with Limited Development Suitability</td>
</tr>
</tbody>
</table>

5.10 DUNES, OCEAN AND COASTAL LAKE SHORELANDS

Plan Implementation Strategies

2. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:

a. the type of use proposed and the adverse effects it might have on the site and adjacent areas;

b. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;

c. the need for methods for protecting the surrounding area from any adverse effects of the development; and

d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.
Further Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.

This policy recognizes that:

a. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.

FINDING: The applicant is proposing to construct a single family dwelling that will have no adverse effects other than short-term erosion during construction. The property has trees aging from 5 to 20 years in age surrounding the location of the dwelling. The applicant will be seeding the disturbed area once the dwelling is completed with drought tolerant grasses and shrubs. The drainage will be directed down the driveway, or placed in a dry pit at least 10 feet away from sloped exceeding 20%. A buffer of 5 feet from tops of slopes exceeding 20% for the home pad and parking should be maintained or planted after initial development. Vegetative stabilization shall be maintained and monitored where slopes exceed 3 feet in height. The proposed home site is surrounded by a vegetation buffer of trees and shrubs, thus not to impact surrounding properties. The access will be off of Crannog Road on an existing dune access road. New utilities will be placed underground on site; this will limit the visual impact. They plan to minimize additional erosion/drifting of fine sands by minimizing the removal of existing vegetation, by utilizing the roadway that is in place, and by leaving a buffer of a minimum of 50 feet in width made up of the current vegetation between the existing open dune land, as well as planting and maintaining any newly constructed slopes or open areas. They propose to mitigate the potential for contamination of wells due to the new septic by increasing the standard spacing between septic and well systems by a minimum of 200 feet, and care in both siting and method used for onsite waste treatment. They will use other methods such as sand or bio filters if it is determined that a drain field is considered a hazard.

The soils for the portion of the property where the applicant is proposing to site the single family dwelling is 43D - Netarts loamy fine sand, 2 to 30 percent slopes. This soil is described as being deep, well drained soil on old stabilized sand dunes. Therefore, this criterion has been addressed.

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 January 20, 2015.
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 Wednesday, February 04, 2015**, 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. All necessary federal, state, and local permits must be obtained prior to commencement of construction.
3. A driveway confirmation must be signed off by the County Roadmaster prior to obtaining a zoning compliance letter.
4. 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.
5. 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.
6. The applicant shall submit the stocking survey report to the County Assessor or some type of exemption from Oregon Department of Forestry.

Attachments: Applicant’s submittal