



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Thursday, June 18, 2020

File No: ACU-20-006

Proposal: Request for Single Family Dwelling in the Forest Zone – Forest Template Dwelling

Applicant(s): Don Crow
57744 Round Lake Road
Bandon OR 97411

Staff Planner: Jill Rolfe, Planning Director

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Friday, July 03, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria. This proposal is not subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 769300

Map Number: 27S143200-00100

Property Owner: KEISER, MICHAEL L
2450 N LAKEVIEW AVE
CHICAGO, IL 60614-2878

Situs Address: 88822 POLLY CRK LN BANDON, OR 97411

Acreage: 40.00 Acres

Zoning: FOREST (F)

Special Development Considerations and overlays: ARCHAEOLOGICAL SITES (ARC)
FOREST MIXED USE (MU)

This notice shall be posted from June 18, 2020 to July 3, 2020

NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - WILDFIRE (NHWF)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Jill Rolfe, Planning Director and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: *Jill Rolfe* Date: Thursday, June 18, 2020 .
Jill Rolfe, Planning Director

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The Exhibits below are mailed/mailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

Exhibit D: Comments Received (No Comments Received)

Exhibit E: Submitted Application

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all the following conditions have been satisfied.
 - a. A plot plan with the actual structure to ensure all setbacks will be met and maintained.
 - b. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
 - c. The tract of land already contains a dwelling and will need to be deeded into another ownership prior to obtaining a Zoning Compliance Letter.
 - d. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 - i. All uses must comply with applicable development standards and fire siting and safety standards.
 - ii. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
 - iii. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
 - iv. Proof of a long-term road access use permit or agreement for Golf Course Lane or Proof it is a public road shall be provided.
 - e. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with:
 - i. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 - ii. A detailed plot plan shall be submitted indicating the proposed development, including septic and well, and the distance from the development and the property boundary **with the slope drawn to make sure there will not be a required secondary setback as required by SECTION 4.6.110(9)(C)(1)(b)(G), Section 4.6.140.d and in Section 4.11**
 - iii. The applicant shall provide a copy of the building plans or permits showing if a chimney is planned and if so it complies with the spark arrester requirements.
 - iv. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.

EXHIBIT "B"
Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

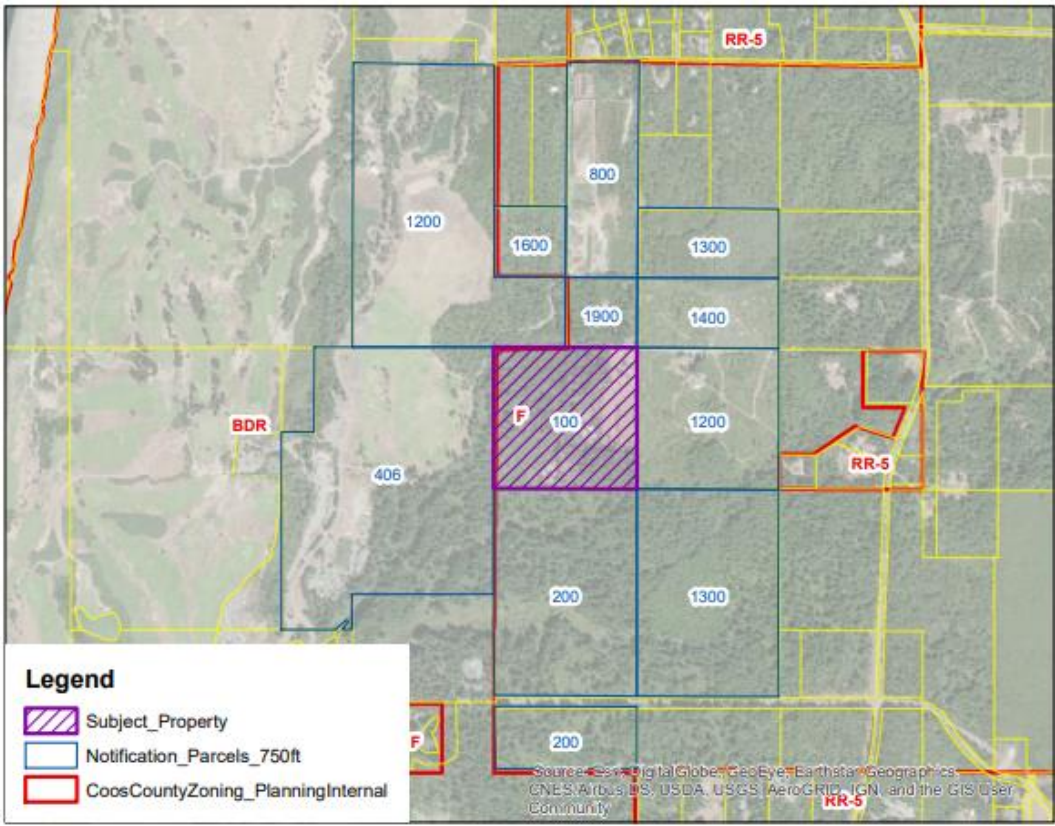
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File:	ACU-20-006
Applicant/ Owner:	Don Crowe/ Michael Keiser
Date:	March 21, 2020
Location:	Township 27S Range 14W Section 32 TL 100
Proposal:	Administrative Conditional Use



Template Map



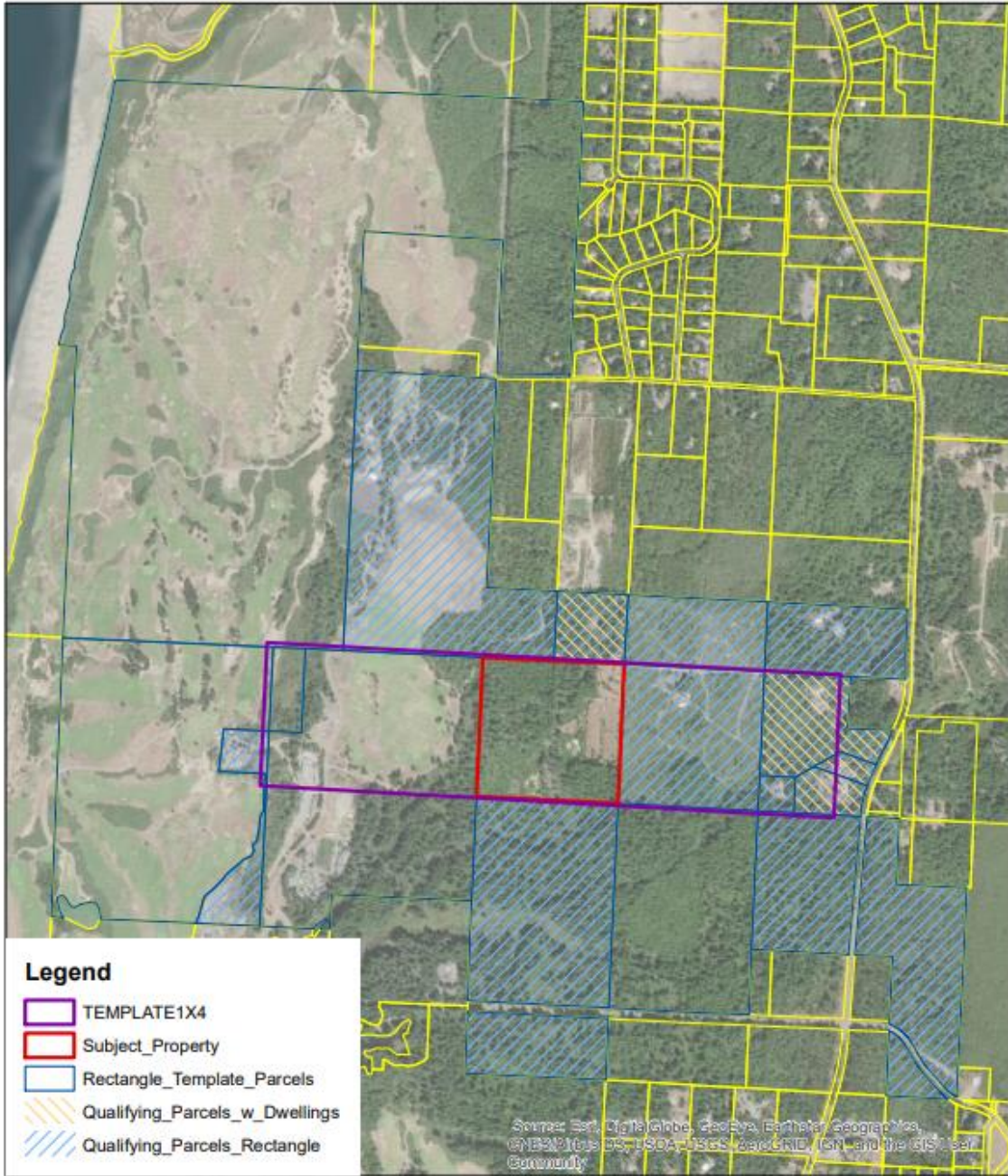
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**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** According to the application the property owner is seeking approval for Single Family Dwelling in the Forest Mixed Use Zone. There is no indication any other development is proposed at this time.
- B. BACKGROUND/PROPERTY HISTORY:** In 1977 a zoning verification letter issued to site a dwelling. Noted that there were several accessory structures/farm related on site. It appears the dwelling was removed sometime between 2013 and 2015 and no permits are on file for replacement. The current property owner requested research on the property to determine the feasibility of a dwelling. Staff found the property would qualify for a Forest Template Dwelling but a conditional use was required.

The current application was submitted on March 11, 2020 but was determined not to be complete on April 8, 2020 due to failure to address the criteria. The applicant’s consultant amended the submittal on April 14, 2020. This is the date the application was found to be complete for the purpose of this review. Although the county has up to 150 days to complete the review of the application it typically takes six to eight weeks to complete an Administrative Review. The decision has been issued within that time frame.

II. BASIC FINDINGS:

- A. LOCATION:** The property is located north of the City of Bandon off of Polly Creek Lane via Seven Devils Road.
- B. ZONING:** - This property is zoned Forest with a Mixed-Use Overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT
SECTION 4.2.500 RESOURCE ZONES

Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

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.

Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to 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 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.

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.

If a use is only allowed in the mixed-use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

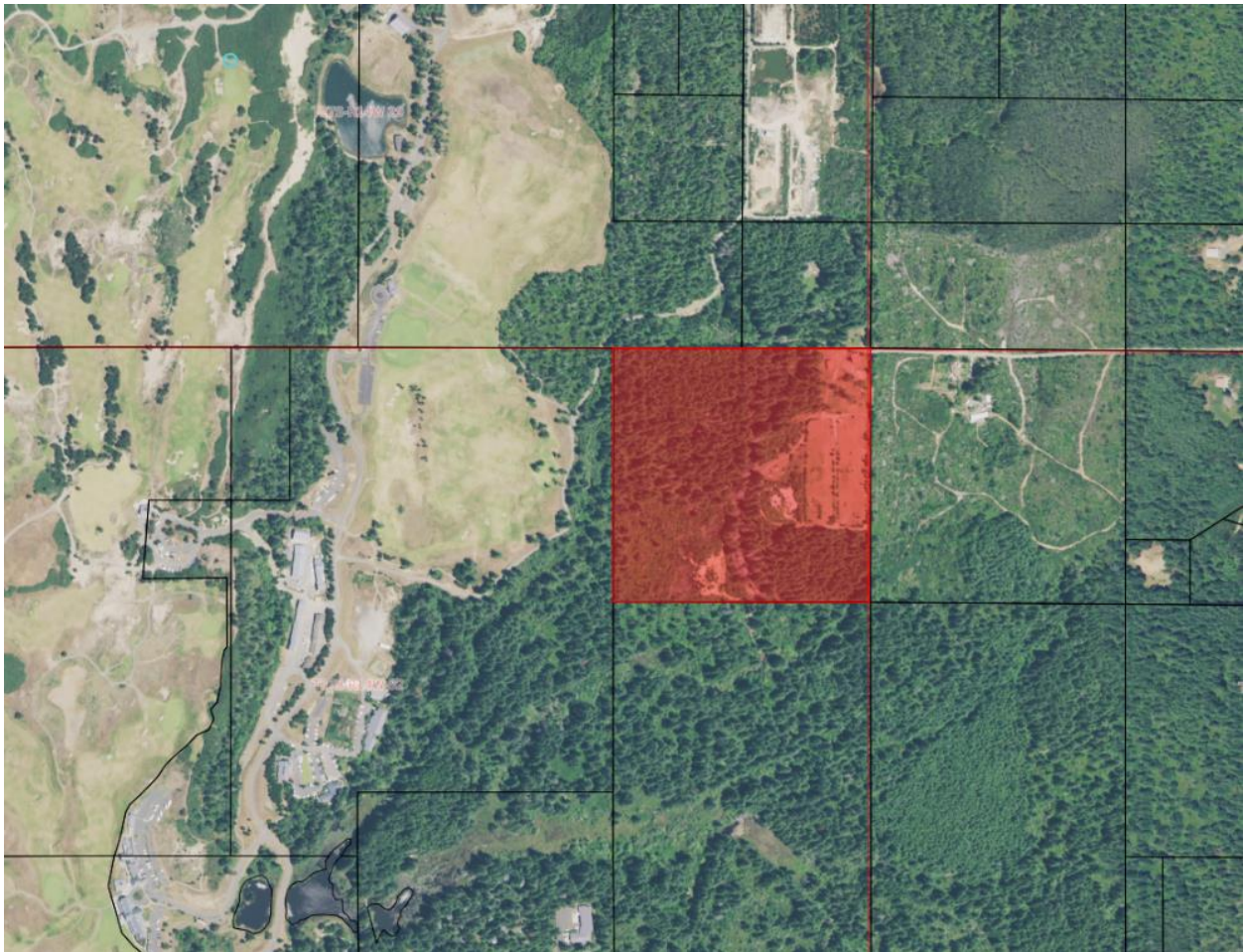
SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property has a special development consideration of potential for wildfire hazard, wetlands, mixed overlay and requires a notice to the Coquille Tribe. This property does not show a historical or Archaeological site but it is in proximity to other sites. A stream is mapped on this property by the National Wetland Inventory. The development is not near the wetland so a notice was not provided to Oregon Department of State Lands. The property owner is replacing the dwelling in the same location as the prior dwelling and there are no anticipated impacts and on any of the inventoried special development considerations or overlays.

D. SITE DESCRIPTION AND SURROUNDING USES: The subject property consists of 40.00 acres (assessment records) with access from Seven Devils County Road, by way of a private easement over Polly Creek Lane. The land is relatively flat and covered with a mix of commercial and non-commercial tree species and natural coastal vegetation.

The property is zoned Forest and is surrounded by Forest on the northern, eastern and southern boundaries of the property and Bandon Dunes Resort on the western side. The property is mostly treed with some cleared areas along the eastern boundary where the development is located.

The proposed dwelling site is in the northeast corner of the property where Polly Creek Lane abuts the property. There are currently accessory structures on the property that were accompanied by a prior residential dwelling that has since been removed. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Water Resources Department. Sanitary sewer will be from an onsite septic system that has yet to be approved.



E. COMMENTS:

- a. **PUBLIC AGENCY :** This property did not require any request for comments prior to the release of the decision.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision.

E. LAWFULLY CREATED UNIT OF LAND: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation. Prior to 1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, *see* Deed Document Book 294 Page 292.

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a template Dwelling in the Forest Mixed Use Zone is subject to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling,

§4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, and § 4.6.140 Development and Siting Criteria.

b. KEY DEFINITIONS:

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

*Forest Template Dwelling Supplemental Application:
Coos County Zoning and Land Development Ordinance (CCZLDO)*

SECTION 4.6.100 FOREST AND FOREST MIXED USE – USE TABLES Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Exceptions to minimum lot and parcel sizes for the purpose of land division may apply as set out in Section 4.6.145 Land Division for Open Space and Special Assessment, and Section 4.6.145 Exceptions to Minimum Parcel Size. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

If a use specifically states Forest Mixed Use only it is not permitted in the Forest Zone. 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 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as

communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>		
63.	<i>Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	ACU (9)(B)(II), (9)(C)

(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
- (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section 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) (a) *If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. 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.*
- (b) *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.*
- (7) *Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]*

Response to SECTION 4.6.110(9)(B)(II): According to the applicant and confirmed by staff the property is composed of soils that are capable of producing more than 85 Cubic Feet, Per Acre, Per Year of Growth.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the majority of the property is made up (1C) Bullards sandy loam Soil with seven to twelve percent slopes. This soil unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. Therefore, the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to show that all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, on the other lots or parcels. Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section 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. The road has been in existence since prior to 1993; therefore, staff applied the rectangle template.

On January 8, 2020, the Coos County Planning Department issued a determination in response to a Research Request by the applicant, showing that the property qualified for a Template Dwelling. More specifically, the Department determined that there are 12 parcels and 4 dwellings that were created prior to January 1, 1993 and are either within or touching the 160 acre rectangular template utilized for the test.

None of the properties used in the template dwelling test were located within the Urban Growth Boundary. The dwelling is not prohibited and will comply with requirements of the acknowledge comprehensive plan and is not prohibited or required to meet any of the exceptions described in subsection (4) of Section 4.6.110(9)(B)(II).

This property is a tract of land and will need to be removed from the tract prior to moving forward with the dwelling. Therefore, staff is able to determine the application meeting the requirement of this section.

9(C) *Additional Criteria for all dwellings allowed in the forest and Forest Mixed Use Zones.*

(1) *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*

(a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*

Response to SECTION 4.6.110(9)(C)(1)(a): The property is more than 10 acres and the criteria does requires a stocking survey, however, there are no removal of trees proposed for this development and a stocking survey may not be required. This will be a condition of approval but it is at the discretion of the Coos County Assessor's Office if one is needed in this case. Therefore, the criterion has been addressed.

(b) *the dwelling meets the following requirements:*

(A) *The dwelling has a fire retardant roof.*

Response to SECTION 4.6.110(9)(C)(1)(b)(A): This was not addressed in the application but will be a condition of approval. A copy of the building plans showing the type of roofing material will satisfy these criteria.

(B) *The dwelling will not be sited on a slope of greater than 40 percent.*

Response to SECTION 4.6.110(9)(C)(1)(b)(B): The soil indicates the slope in where the dwelling is proposed to be between seven to twelve percent.

(C) *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

Response to SECTION 4.6.110(9)(C)(1)(b)(C): The water supply is from a well and not a Class II stream. Therefore, this has been addressed.

(D) *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*

Response to SECTION 4.6.110(9)(C)(1)(b)(D): The property is located within the Bandon RFP. Therefore, this criteria has been addressed.

(E) *If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

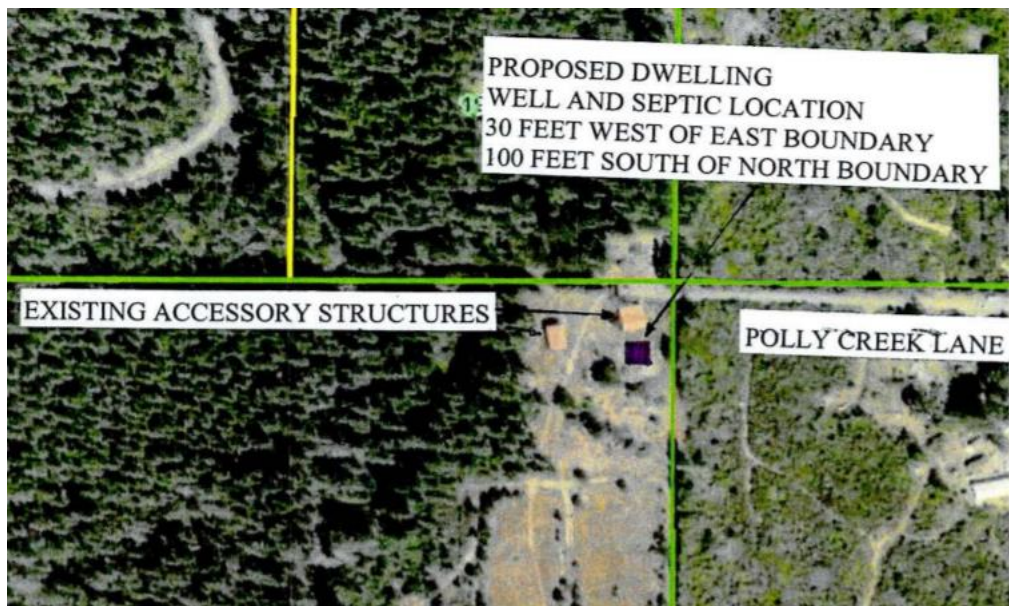
Response to SECTION 4.6.110(9)(C)(1)(b)(E): This is not applicable see prior finding.

(F) *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

Response to SECTION 4.6.110(9)(C)(1)(b)(F): This will be a condition of approval. Therefore, the criteria has been addressed.

(G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

Response to SECTION 4.6.110(9)(C)(1)(b)(G): The application does not directly address this criteria but states on page 10 of the supplemental findings that no portion of the subject property exceeds 10% grade. However, the criteria states the primary fuel-free break is 0% to 9% and an additional 50 feet of down slope setback is required for 10% to 19%. These means if there is any down slope that is 10% or greater than an additional fuel free setback is required. The plot plan states that the dwelling will be 30 feet away from the property boundary and it does not look as there is much for vegetation within the primary and potential secondary setback but the applicant will need to provide the slope and specify if there are any down slope areas that would require additional setbacks. This has been addressed.



(2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.

(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

Response to SECTION 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection was requested. No water supply was shown to exists that would meet the criteria and require a road access. Therefore, this has been addressed.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest

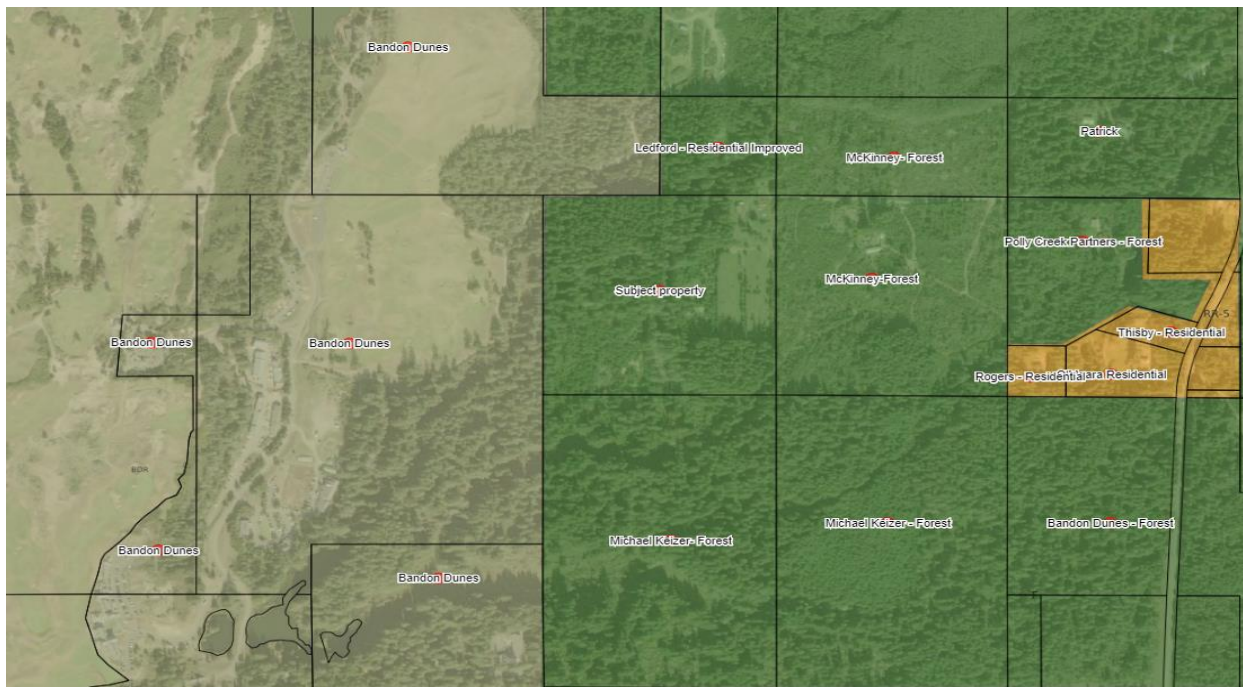
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

(1) *Dwellings and structures shall be sited on the parcel so that:*

- (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
- (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*

Response to SECTION 4.6.130(1)(a) and SECTION 4.6.130(1)(b): The applicant states the proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. There are appropriate buffers from the northerly and easterly property boundaries to assure that there will be no impacts to adjacent forest lands. There are no agricultural uses occurring on nearby or adjoining lands.

Nearby is defined as the property that are within 750 feet of the subject properties.



The map above shows the ownership and if the property is receiving a tax deferral. If it is marked as residential it is not receiving a forest deferral based on tax records. This how staff reviews potential impacts to forest operations. None of the properties are receiving a farm deferral. The plan is to use the already developed area which is clustered with the other development. The dwelling was sited in 1977 and was removed sometime between 2013 and 2015. The other improvements remained. The dwelling existed for about 36 years without impacting any small forest operations. The plan is to site in the same

¹ For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.

location as the prior dwelling to continue the limiting of any impacts to adjacent forest operations. Therefore, staff finds the criteria has been met.

- (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*

Response to SECTION 4.6.130(1)(c) The areas for access roads, service corridors, dwelling and other structures have already been removed from the forestland. Due to the fact of the existing improvements the applicant is not planning to expand past the prior area used for the dwelling this will minimize any to forest operations. The structures are clustered and located near the road. Therefore, this criteria has been addressed.

- (d) *The risks associated with wildfire are minimized.*

- (2) *Siting criteria satisfying section (1) of this section 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.*

Response to SECTION 4.6.130(1)(d) and 4.6.130(2): The applicant responded that setbacks would be met. However, this section may include setbacks from adjoining properties but should explain about clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees. This property is in a mapped wildfire area and the applicant will need to ensure the slope is 9% or less to make sure they are meeting setbacks and provide for nonflammable building material and adequate water supply. These are all conditions of approval. Therefore, this has been addressed.

- (3) *The applicant shall provide evidence to the governing body 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 (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
- (a) *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;*
- (b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
- (c) *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.*

Response to SECTION 4.6.130(3): The property already has a well that is exempt under ORS 537.545. Therefore, this has been addressed.

- (4) *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 U.S. Bureau of Land Management, or the U.S. 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.*

Response to SECTION 4.6.130(4): The applicant states that Polly Creek Road is a private access easement. A description of the easement has been provided to address this criteria.

- (5) *Approval of a dwelling shall be subject to the following requirements:*
- (a) *Approval of a dwelling requires the owner of the tract 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;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, 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;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the 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; and*
 - (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

Response to SECTION 4.6.130(5): This was addressed earlier in the report under required restocking. The property is larger than 10 acres; however, the applicant does not plan on removing trees. The Planning Department will notify the Assessor's Staff. Therefore, this has been addressed.

Section 4.6.140 Development and Siting Criteria:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*
2. *Setbacks: All developemnt 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.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *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.*
6. *Riparian Vegetation Protection. 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 as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - 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; or*
 - g. *The 50 foot 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 estuarine 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".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following 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. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*

- b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

10. *Firebreak:*

- a. *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.*
- b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
<i>0%</i>	<i>30</i>	<i>0</i>
<i>10%</i>	<i>30</i>	<i>50</i>
<i>20%</i>	<i>30</i>	<i>75</i>
<i>25%</i>	<i>30</i>	<i>100</i>
<i>40%</i>	<i>30</i>	<i>150</i>

- 11. *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.*
- 12. *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).*
- 13. *The dwelling shall not be sited on a slope of greater than 40 percent.*
- 14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*
- 15. *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.*
- 16. *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.*

17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Response to Section 4.6.140 Development and Siting Criteria: The applicant has addressed all siting and development criteria as explained in the application. The access was reviewed and a lot of the development criteria will be conditions of approval. The slope issues will need to be addressed.

SECTION 4.11.125 Special Development Considerations:

The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

*Coos County has inventoried the following hazards:****

- *Wildfire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

*This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m. ****

- f. Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as “High” or “Moderate” risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:*
- 1. 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 or is provided fire protection by contract.*
 - 2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:*
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;*
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a*

stream that has a continuous year round flow of at least one cubic foot per second per dwelling;

- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
- d. Road access shall be provided to within 15 feet of the water’s edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

3. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.*
- b. 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.*
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
<i>0%</i>	<i>30</i>	<i>0</i>
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<i>20%</i>	<i>30</i>	<i>75</i>
<i>25%</i>	<i>30</i>	<i>100</i>
<i>40%</i>	<i>30</i>	<i>150</i>

- e. 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.*
- f. 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).

- g. The structure shall not be sited on a slope of greater than 40 percent.*
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.*
- i. 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. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.*

- 5. Wildfires inside urban growth boundaries. Certain areas inside urban growth boundaries may present special risks and may be made subject to additional or different standards and requirements jointly adopted by a city and the county in the form of code requirements, master plans, annexation plans, or other means.*

Response to SECTION 4.11.132: The wildfire criteria is based on the fire siting standards in the Forest Zone. The applicant is required to provide slope information to show the slope does not exceed 9%. Therefore, this has been addressed.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

- (1) Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*
 - a. Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
 - i. First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.*
 - 1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - 2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - 3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
 - ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - 1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - 2. The applicable residential development statute has not been amended following the approval of the permit; and*
 - 3. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

4. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Wednesday, July 03, 2024

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
Bandon Rural Fire Protection District

Planning Commission
Board of Commissioner

Exhibit "E"
LAND USE PERMIT APPLICATION – BALANCE OF COUNTY
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF	
<p>Received By: <u> L.O.M </u></p> <p>Date Submitted: <u> 3/11/20 </u></p> <p>Application No.: <u> ACU-20-006 </u></p> <p>Fee: <u> 1480⁰⁰ </u></p> <p>Fee Paid: <u> \$1480.00 </u></p> <p>Receipt No.: _____</p>	<p><input type="checkbox"/> COMP PLAN AMENDMENT</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p><input type="checkbox"/> TEXT AMENEDMENT</p> <p>CONDITIONAL USE REVIEW</p> <p><input type="checkbox"/> HEARINGS BODY</p> <p><input checked="" type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> LAND DIVISION *</p> <p><input type="checkbox"/> HAZARD REVIEW *</p> <p><input type="checkbox"/> FARM OR FOREST REVIEW *</p> <p><input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*</p> <p><input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY</p> <p>*Supplemental Application required</p> <p>STAFF NOTES:</p>

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Don Crowe

Mailing Address: 57744 Round Lake Road

City Bandon State OR Zip 97411

Daytime Phone 541-347-5733

Email: lremy@bandondunesgolf.com

II. OWNER(S)

Name: Michael L. Keiser

Mailing Address: 57744 Round Lake Road

City Bandon State OR Zip 97411

Daytime Phone 541-347-5959

Email: lremy@bandondunesgolf.com

III. PROPERTY - If multiple properties are part of this review please check here and attached a separate sheet with property information.

Location or Address: 88822 Polly Creek Lane, Bandon, OR 97411

No. Acreage 40.00

Tax Acct. 769300

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lot:
27S	14W	32	0	0	100

Zone: Forest Mixed Use

Water Service Type: On-Site

Sewage Disposal Type: On-Site

School District: Bandon

Fire District: Bandon

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.")

Exhibit "E"

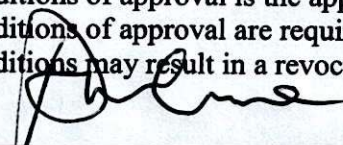
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
 - 1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 - 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 - 3. A complete description of the request, including any new structures proposed.
 - 4. If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
 - 1. Location of all existing and proposed buildings and structures
 - 2. Existing County Road, public right-of-way or other means of legal access
 - 3. Location of any existing septic systems and designated repair areas
 - 4. Limits of 100-year floodplain elevation (if applicable)
 - 5. Vegetation on the property
 - 6. Location of any outstanding physical features
 - 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.


Applicant/Owner Signature

3/3/2020

Applicant/Owner Signature

Exhibit "E"

APPLICANT'S EXHIBIT "A"

KEISER FOREST (TEMPLATE) DWELLING

LOCATED IN TOWNSHIP 27 SOUTH, RANGE 14 WEST W.M.,
SECTION 32, TAX LOT 100

Application Requirements

A. STATEMENT OF INTENT:

The purpose of this application is to request approval for a forest (Template) dwelling in the Forest (F) zone on the property described above. Evidence has been submitted below addressing the required criteria pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO).

The subject property consists of 40.00 acres (assessment records) with access from Seven Devils County Road, by way of a private easement over Polly Creek Lane. The land is relatively flat and covered with a mix of commercial and non-commercial tree species and natural coastal vegetation. The proposed dwelling site is located in the northeast corner of the property where Polly Creek Lane abuts the property. There are currently accessory structures on the property that were accompanied by a prior residential dwelling that has been removed. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Water Resources Department. Sanitary sewer will be from an onsite septic system that has yet to be approved.

B. PLOT PLAN:

A Plot Plan has been submitted showing all of the elements required pursuant the Coos County Land Use Permit Application.

Application Criteria and Evidence

SECTION 4.6.110(3)

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:

- i. There are no other dwellings on the tract on which the dwelling will be sited.

APPLICANT'S RESPONSE: There is currently no residential dwelling on the tract.

Exhibit "E"

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

APPLICANT'S RESPONSE: A copy of the current deed of record has been submitted with the application showing that there are no restrictions prohibiting residential development.

iii. 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:

APPLICANT'S RESPONSE: The property is composed of soils that are capable of producing more than 85 Cubic Feet, Per Acre, Per Year of Growth.

On January 8, 2020, the Coos County Planning Department issued a determination in response to a Research Request by the applicant, showing that the property qualified for a Template Dwelling under the provisions of Section 4.6.110(B)(3)(iii through v.) More specifically, the Department determined that there are 12 parcels and 4 dwellings that were created prior to January 1, 1993 and are either within or touching the 160 acre rectangular template utilized for the test.

iv. 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:

1) 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

2) 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.

v. 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. 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.

APPLICANT'S RESPONSE: The subject property contains 40.00 acres by assessment records and therefore the provisions above (iv, 1, 2, or v) do not apply. With that said, a 160-acre rectangle was utilized by Coos County to qualify the dwelling.

Exhibit "E"

vi. A proposed "template" dwelling under this ordinance is not allowed if:

1) It is prohibited by or will not comply with the requirements of the acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;

APPLICANT'S RESPONSE: It is believed that there are no identified special considerations or natural hazards that preclude residential development on the subject property. Because the property qualifies with the "acknowledged provisions" of the CCZLDO, the proposed use is deemed to be in compliance with all state and local provisions of law.

2) Unless it complies with the requirements of Section 4.6.130.6 through 8 and Section 4.6.140.8 through 16.

APPLICANT'S RESPONSE: Section 4.6.130 (6)(7) have been addressed below. There is no section 4.6.130(8) contained within the CCZLDO.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW:

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. 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.

APPLICANT'S RESPONSE: The evidence submitted throughout this application clearly indicates that the applicant will comply with all provisions intended to alleviate any potential conflicts associated with nearby farm or forest uses. It is therefore reasonable to conclude that the use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest land.

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

APPLICANT'S RESPONSE: The applicant has addressed the statutory development standards and fire siting and safety standards, and also agreed to comply with those standards. Therefore, a reasonable conclusion can be made that the proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel. It should be noted that the proposed dwelling will be sited in the same general location as the prior dwelling that existed for many years.

Exhibit "E"

3. All uses must comply with applicable development standards and fires siting and safety standards.

APPLICANT'S RESPONSE: As a "Requirements of Approval" pursuant to this application, the property owner shall be responsible for implementing and maintaining all development and fire siting standards.

4. A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.

APPLICANT'S RESPONSE: As a "Requirement of Approval" to this application, the applicant will be responsible for recording a deed covenant or written contract with the County Clerk, or its equivalent, that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.

5. 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 home site. 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.

a. Dwellings and structures shall be sited on the parcel so that:

i. They have the least impact on nearby or adjoining forest or agricultural lands.

APPLICANT'S RESPONSE: The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. There are appropriate buffers from the northerly and easterly property boundaries to assure that there will be no impacts to adjacent forest lands. There are no agricultural uses occurring on nearby or adjoining lands.

ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

APPLICANT'S RESPONSE: The subject property contains 40 acres. The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. The proposed dwelling is located near the primary access to the property and as far as possible from forest uses occurring within the tract. There are currently no agricultural uses occurring on the tract.

Exhibit "E"

iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And

APPLICANT'S RESPONSE: The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. The proposed dwelling is located near the primary access to the property and no new access roads will need to be constructed in conjunction with the residential development.

iv. The risks associated with wildfires are minimized.

APPLICANT'S RESPONSE: The applicant will comply with all statutory fire siting and safety requirements to assure that 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:

i. 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.

ii. A water use permit issued by the Water Resources Department for the use described in the application. Or

iii. 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.

APPLICANT'S RESPONSE: The domestic water source will be from an onsite well that is exempt under Oregon Department of Water resources regulations.

6. 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.

APPLICANT'S RESPONSE: Access to the subject property is from Seven Devils County Road, by way of a private easement over Polly Creek Lane. The primary access does not cross a road that is owned or maintained by ODF, BLM, or USFS. Information in the form of an easement agreement has been submitted with this application.

7. Approval of a dwelling shall be subject to the following additional requirements:

Exhibit "E"

- a. 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.
- b. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
- c. If the lot or parcel is more than 10 acres, 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.
- d. 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.

APPLICANT'S RESPONSE: The subject property contains 40 acres that are primarily covered with sufficient commercial tree species to meet the Oregon Department of Forestry stocking requirements. The owner will comply with subsection "c" of this requirement.

- e. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

APPLICANT'S RESPONSE: Sub Section 7(e) shall be imposed upon the property owner as "Requirements of Approval" pursuant to this application. The property owner shall be responsible for recording the required non-remonstrative deed restriction.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

Exhibit "E"

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

APPLICANT'S RESPONSE: There is no water diversion proposed for fire suppression other than from the applicant's domestic water source. The domestic water source will be from an on-site well which is exempt from permitting under the Oregon Water Resources Department regulations.

- d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

APPLICANT'S RESPONSE: There is currently no body of water or stream available for fire suppression purposes.

9. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

APPLICANT'S RESPONSE: The property owner at the time of development shall construct and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Exhibit "E"

APPLICANT'S RESPONSE: There is no existing pond, swimming pool, stream or lake available for fire suppression.

10. Firebreak:

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

b. 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.

APPLICANT'S RESPONSE: The owner at the time of development shall establish and maintain a 30 foot primary firebreak as described in subsection (b) around all structures, including decks.

c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

APPLICANT'S RESPONSE: The owner shall maintain a garden hose capable of reaching the perimeter of the primary safety zone at all times.

d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

<i>Table 1 – Minimum Primary Safety Zone</i>	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

APPLICANT'S RESPONSE: No portion of the subject property exceeds a 10% grade, including the area surrounding the dwelling site. The property owner will construct and maintain a 30 foot primary safety zone.

Exhibit "E"

11. 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.

APPLICANT'S RESPONSE: All new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit.

12. 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).

APPLICANT'S RESPONSE: There is currently no water source exceeding 4000 gallons existing on the subject property.

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

APPLICANT'S RESPONSE: No portion of the subject property exceeds a 10% grade, including the area surrounding the dwelling site.

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

APPLICANT'S RESPONSE: If the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

15. 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.

APPLICANT'S RESPONSE: The subject property is located within the Bandon Rural Fire Protection District.

16. 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.

APPLICANT'S RESPONSE: Access to the property is provided from Seven Devils County Road via Polly Creek Lane. Seven Devils county road is paved and Polly Creek Lane is a gravel road that is constructed so as to provide adequate access for fire-fighting equipment.

17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

APPLICANT'S RESPONSE: The applicant will meet driveway standards pursuant to Chapter VII CCZLDO.

Exhibit "E"

Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423
 Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, OR 97423
 Physical Address: 225 N. Adams, Coquille, Oregon 97423
 (541) 396-7770
 FAX (541) 396-1022 / TDD (800) 735-2900
planning@co.coos.or.us
 Jill Rolfe, Planning Director



January 8, 2020

Michael Keiser
 c/o LeeAnn Remy
 57744 Round Lake Road
 Bandon, OR 97411

RE: Research Request on property located at Township 27S, Range 14W, Section 32, Tax Lot 100

Ms. Remy:

Pursuant to your research request, a forest template dwelling test was conducted for the parcel located north of the City of Bandon. The purpose of the test was to determine if the parcel was zoned Forest (F) Mixed Use (MU) if it would qualify for a dwelling based on the relevant Coos County Zoning and Land Development Ordinance ("CCZLDO") provisions.

The applicable CCZLDO criteria for the template test are:

Section 4.6.110(3) – Residential Uses [in the Forest Zone]

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

iii. The lot of 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:

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

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

iv. 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

Exhibit "E"

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:

- 1) 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*
 - 2) 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.*
- v. *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. 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.*

As the property is not 60 acres or larger but does abut a road that existed prior to January 1, 1993 therefore, the rectangle template was used and results are as follows:

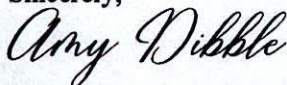
Rectangle Template

Minimum of eleven (11) required pre-1993 parcels within a 160 acre square:	MET (12 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre square:	MET (4 dwellings)

This test shows that CCZLDO Section 4.6.110 (B)(3)(iii through v) **would be satisfied** using the property's current configuration. If the configuration of the subject property were to change, such as through a partition or property line adjustment, if additional discrete parcels are discovered, or any of the qualifying dwellings were replaced within the test area, this test will no longer be valid and a new test will be required.

If there are any questions regarding this test, please contact the Planning Department.

Sincerely,



Amy Dibble, Planner II
Coos County Planning Department

Attachment: Template Test Map – Rectangle Template Test

C: File

BANOVIC DUNES TEMPLATE



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900

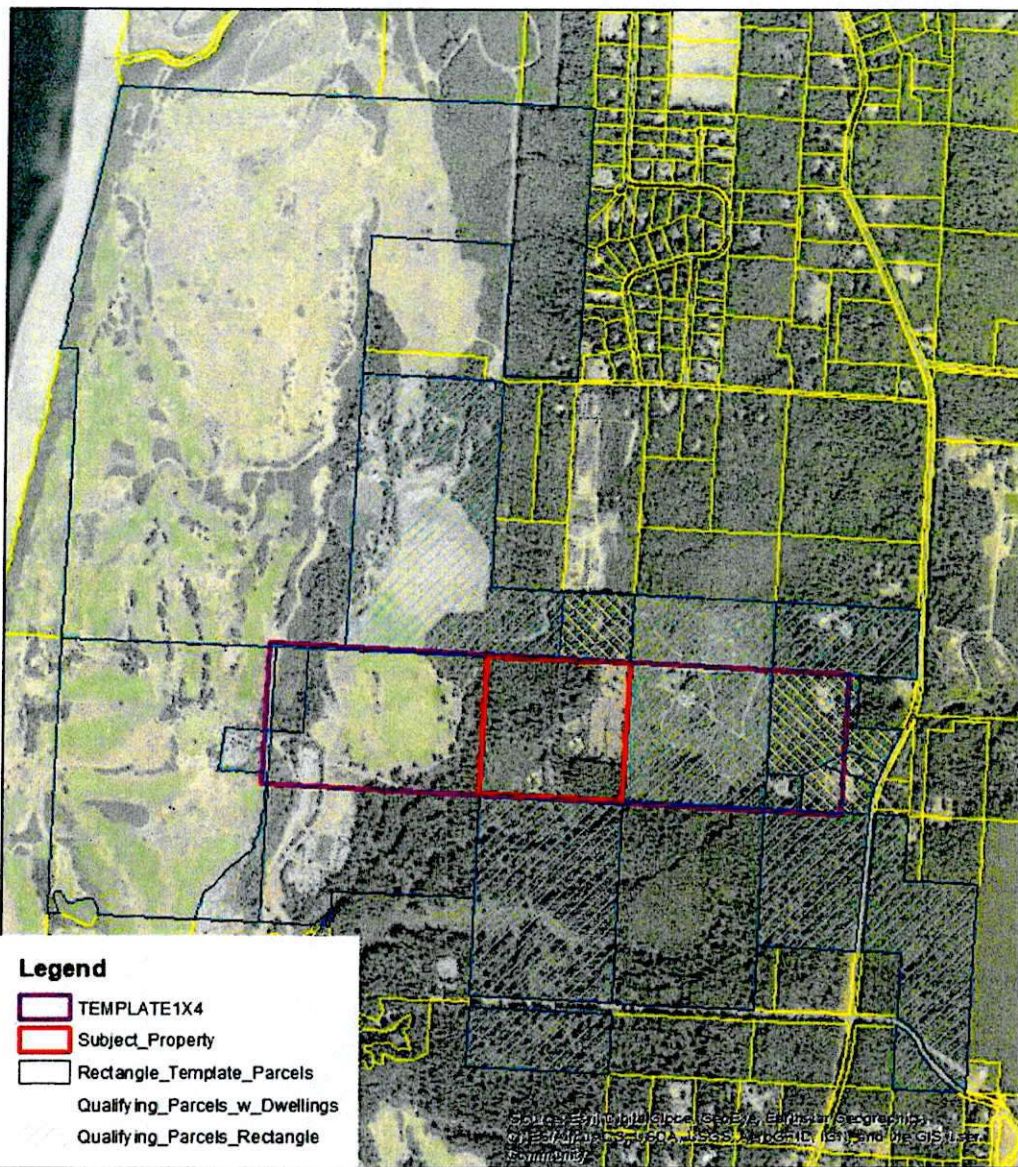
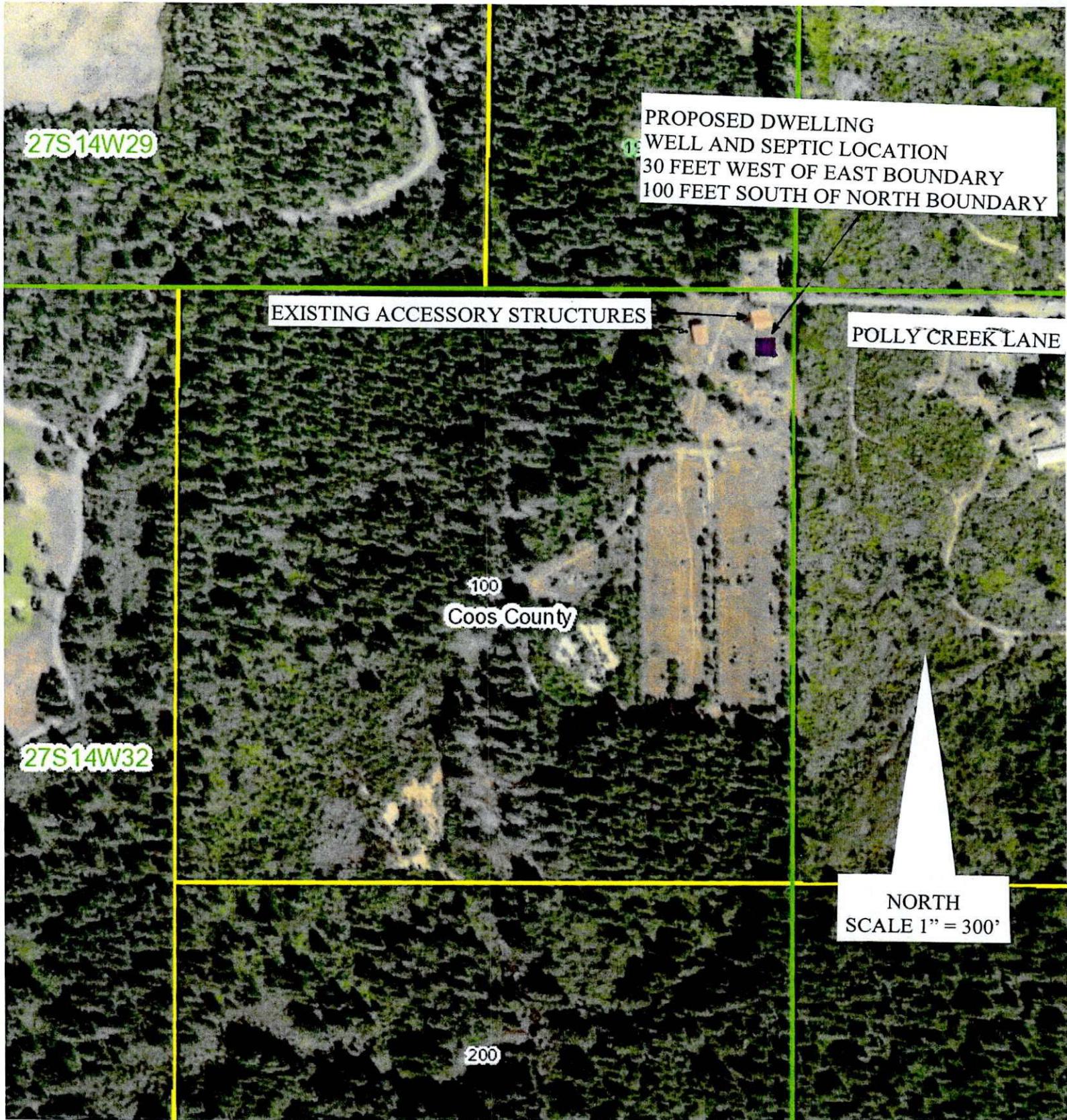


Exhibit "E"



KEISER FOREST (TEMPLATE) DWELLING PLOT PLAN

LOCATED IN TOWNSHIP 27 SOUTH, RANGE 14 WEST W.M.,
SECTION 32, TAX LOT 100

ACU-20-006

Exhibit "E"

AFTER RECORDING RETURN TO:
Order No.: 360618022604-DM
Michael L. Kelsner
2450 Lakeview Ave
Chicago, IL 60614

COOS COUNTY, OREGON 2018-02054
\$71.00 03/02/2018 02:09:00 PM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Page 6

SEND TAX STATEMENTS TO:
Michael L. Kelsner
2450 Lakeview Ave
Chicago, IL 60614

APN: 769200
771012
771000
769300
Map: 27-14-32 TL 200
27-14-33 TL 1301
27-14-33 TL 1300
27-14-32 TL 100

AFTER RECORDING
RETURN TO
Ticor Title Company
300 West Anderson Ave. - Box 1075
Coos Bay, OR 97420-0233

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Steve Beetham, Grantor, conveys and warrants to Michael L. Kelsner, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

PARCEL 1: T27-14-32 TL# 100

The Northeast quarter of the Northeast quarter of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

TOGETHER WITH an easement for road purposes created by instrument recorded February 26, 1968 in Microfilm Reel Number 68-2-26077, deed records of Coos County, Oregon.

TOGETHER WITH an easement for road created by instruments recorded June 22, 1989 in Microfilm Reel Numbers 89-08-1269, 89-08-1270, 89-06-1271, 89-06-1272, 89-06-1273, 89-06-1274, 89-06-1275 and 89-06-1276, deed records of Coos County, Oregon.

TOGETHER WITH an easement for access and egress created by instrument recorded January 9, 1996 in Microfilm Reel Number 96-01-0287, deed records of Coos County, Oregon.

PARCEL 2: T27-14-32 TL# 200; TT27-14-33 TL# 1300; T27-14-33 TL# 1301

PARCEL I:
The SE 1/4 of the NE 1/4; and the NE 1/4 of the SE 1/4 of Section 32 in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO:
The NW 1/4 of the SW 1/4 of Section 33 in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM that portion conveyed in Property Line Adjustment Deed recorded January 22, 2003 as Microfilm Reel Number 2003-965, deed records of Coos County, Oregon.

PARCEL II:
The SW 1/4 of the NW 1/4 of Section 33 in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; ALSO INCLUDING that portion conveyed in Property Line Adjustment Deed recorded January 22, 2003 as Microfilm Reel Number 2003-965, deed records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$2,500,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING

Exhibit "E"


STATUTORY WARRANTY DEED

(continued)

THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

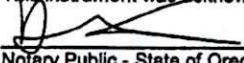
Dated: February 20, 2018



Steve Beetham

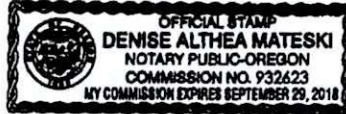
State of Oregon
County of Coos

This instrument was acknowledged before me on 2-28-18 by Steve Beetham.



Notary Public - State of Oregon

My Commission Expires: 9-29-18



RETURN TO KEY TITLE & RECORD

Dan and Karen Fugate
9644 Garden Valley Road
Roseburg OR 97470

96 01 0287

EASEMENT AGREEMENT

24-MIL

KNOW ALL MEN BY THESE PRESENTS, that DANIEL H. & KAREN J. FUGATE, husband & wife of 9644 Garden Valley Rd., Roseburg, OR 97470, & FARRAR LOVING TRUST; ETAL of 306 Wild River Dr., Roseburg, OR 97470; do hereby grant, and convey to MELVIN & BOBBIE MC KINNEY, husband and wife and CURTIS MC KINNEY an exclusive easement and right-of-way for access and egress purposes over and across the following strip of land owned by the said DANIEL H. & KAREN FUGATE, husband & wife and FARRAR LOVING TRUST; ETAL to wit:

A strip of land 35 feet in width along the South boundary line of the following described premises of the SE1/4 of the SE1/4 of SE1/4 of Section 29, Township 27 South of Range 14 West of the Willamette Meridian, T1, 1900, Coos County, Oregon.

MELVIN & BOBBIE MC KINNEY and CURTIS MC KINNEY are aware that DANIEL H. & KAREN FUGATE and FARRAR LOVING TRUST; ETAL are merely granting an exclusive right-of-way easement and are expressly reserving all other rights incident to fee ownership of this real property for themselves, their heirs, assigns and successors. The rights reserved include, but are not limited to, the further granting of non-exclusive right of way easements for access and egress over the strip of land described above.

This easement is not perpetual and is for the benefit of access and egress to the land of MELVIN & BOBBIE MC KINNEY in Coos County, Oregon, described as follows:

The NE1/4 of the NE1/4 of said Section 32, Township 27 South, Range 14 West of the Willamette Meridian, T1100, Coos County, Oregon.

In Consideration for this easement grant, MELVIN & BOBBIE MC KINNEY and CURTIS MC KINNEY shall be obligated to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road, based on their usage.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the dates indicated.

GRANTORS
Daniel H. Fugate
Daniel H. Fugate

Karen J. Fugate
Karen J. Fugate

Farrar Loving Trust; Etal
BY Paul Farrar
Paul Farrar, trustee
Signed this 2nd day of

BY Vicky Farrar
Vicky Farrar, trustee
Jan, 1995.

24-MIL ACCOM

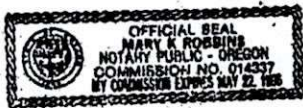
640

96 01 0287

STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared the above-named PAUL FARRAR and VICKY FARRAR, Trustees of FARRAR LOVING TRUST; ETAL, and acknowledge the foregoing instrument to be their voluntary act and deed.

Before me:

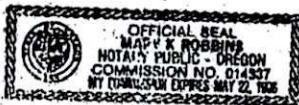


Mary K. Robbins
Notary Public for Oregon
My Commission Expires 5-22-96

STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared the above-named DANIEL H. and KAREN J. FIGATE, and acknowledge the foregoing instrument to be their voluntary act and deed.

Before me:



Mary K. Robbins
Notary Public for Oregon
My Commission Expires 5-22-96

RECORDING# 96010287
I, Mary Ann Wilson,
Cooks County Clerk, certify
the within instrument
was filed for record at



2:18 ON 01/09/1996
By M. BRIGHT Deputy

#pages 2 Fee \$ 38.00

641

68-2-26077

RESUME

FOR VALUE RECEIVED, LEROY MCKINNEY and ESTHER NAOMI MCKINNEY, husband and wife, hereinafter referred to as the grantors, do hereby grant, bargain, sell and convey unto MELVIN J. MCKINNEY and BOBBIE S. MCKINNEY, husband and wife, and unto JOSEPH B. WHEATNALL and EITH S. WHEATNALL, husband and wife, hereinafter referred to as the grantees, their heirs or assigns, a perpetual easement for road purposes over the following described property:

The North 30 East of the Northwest quarter of the Northwest quarter of Section 29, Township 27 South, Range 14 West of Willamette Meridian, in Coos County, Oregon.

Said easement is for the benefit of the following described real property and is to be used in common with the grantors, their heirs or assigns:

1. The Northeast quarter of the Northeast quarter of Section 29, Township 27 South, Range 14 West of Willamette Meridian, in Coos County, Oregon (owned by Melvin J. McKinney and Bobbie S. McKinney, husband and wife).

2. The Southeast quarter of the Southeast quarter of the Southeast quarter of Section 29, Township 27 South, Range 14 West of Willamette Meridian, in Coos County, Oregon (owned by Melvin J. McKinney and Bobbie S. McKinney, husband and wife; being sold under contract to Joseph B. Wheatnall and Eith S. Wheatnall, husband and wife).

IN WITNESS WHEREOF, the grantors have hereunto set their hands this 22nd day of February, 1968.

Leroy McKinney
Leroy McKinney
Esther Naomi McKinney
Esther Naomi McKinney

STATE OF OREGON) ss.
County of Lane)

Personally appeared the above named Leroy McKinney and Esther Naomi McKinney and acknowledged the foregoing instrument to be their voluntary act and deed, before me:

Dated: February 22, 1968
My commission expires Dec. 13, 1971.

Melvin J. McKinney
Melvin J. McKinney
Notary Public for Oregon



Reseament -1-

626
626
4163
State 68-2-26077
County of Coos
and recorded in 203 of records
Microfilm: Read Vol. 211
of said County
WITNESS: Subscribed and sworn to before me
By *Melvin J. McKinney*
Return to *Esther Naomi McKinney*
993 East Highway 10, Eureka, Oregon
Feb 26 8 39 AM '68

ROAD MAINTENANCE AGREEMENT

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: June 12, 1989. Rosemary W. Siple (SEAL) ROSEMARY W. SIPLE (SEAL)

STATE OF OREGON, County of Coos, June 12, 1989. Personally appeared the above named Rosemary W. Siple and acknowledged the foregoing instrument to be voluntary act and deed.

Before me: Leona Roberts, Notary Public for Oregon, My commission expires: 12-28-90



STATE OF OREGON, County of Coos, 1989. Personally appeared... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of... a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

State of Oregon, County of Coos 89-06-1269. I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 PM June 23, 89. By [Signature] Deputy #pages 1

RECORDED BY TICOR TITLE INSURANCE Coos County Branch

89 06 1270

ROAD MAINTENANCE AGREEMENT

Rosemary W. Sipie, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: June 9th, 19 89

I. Gene Schrader (SEAL)
HELEN ANN SCHRADER (SEAL)

If executed by a corporation, affix corporate seal

If the signer of the above is a corporation, use the form of acknowledgment opposite.

(ORS 93.490)

STATE OF OREGON, County of Jackson, June 9th, 19 89

STATE OF OREGON, County of Coos, 19 89

I, Gene Schrader & Helen Ann Schrader and acknowledged the foregoing instrument to be their voluntary act and deed.

Personally appeared... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of... a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon, My commission expires: 07-08-92

Notary Public for Oregon, My commission expires:

RECORDED BY TICOR TITLE INSURANCE Coos County Branch

State of Oregon, County of Coos 89-06-1270, I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 P.M. June 22, 89

ROAD MAINTENANCE AGREEMENT

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereto by order of its Board of Directors.

DATED: 6/5, 1989

LeRoy McKinney (SEAL)
Esther McKinney (SEAL)
Leora F. McKinney (SEAL)

If executed by a corporation, affix corporate seal.
If the signer of the above is a corporation, use the form of acknowledgment opposite.

STATE OF OREGON, County of Coos, 1989

STATE OF OREGON, County of Coos, 1989

Personally appeared the above named LeRoy McKinney, Esther McKinney & Leora F. McKinney and acknowledged the foregoing instrument to be their voluntary act and deed.

Personally appeared... and each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of... a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
Christina Monair
My Commission Expires 4-24-90

Notary Public for Oregon
My commission expires:

RECORDED BY
TICOR TITLE INSURANCE
Coos County Branch

State of Oregon
County of Coos 89-06-1271
I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 PM June 23, 89
By [Signature] Deputy
Pages 1-2

ROAD MAINTENANCE AGREEMENT

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: 6/9, 1989 (SEAL)

(If executed by a corporation, affix corporate seal) (SEAL)

(If the signer of the above is a corporation, use the form of acknowledgment opposite.) (SEAL)

STATE OF OREGON, County of Washington } ss. June 9, 1989. Personally appeared the above named Laurel Klein Wilson and acknowledged the foregoing instrument to be her voluntary act and deed.

STATE OF OREGON, County of ... ss. Personally appeared ... and ... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ...

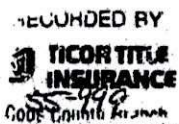
Before me: Cheryl W. Brant Notary Public for Washington My commission expires 1991

Before me: Notary Public for Oregon My commission expires: (OFFICIAL SEAL)



Laurel Klein Wilson Laurel Klein WBK # WLSOLA 43857

State of Oregon County of Coos 89-06-1272 I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:10 P.M. June 23, 89



RECORDED BY #page 1 Fee \$5.25

ROAD MAINTENANCE AGREEMENT

89 06 1273

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

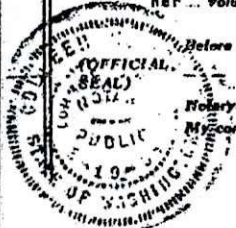
In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: 6/9/89, 1989 (SEAL)

(If executed by a corporation, affix corporate seal) (SEAL)

(If the signer of the above is a corporation, use the form of acknowledgment opposite.) (SEAL)

STATE OF WASHINGTON } Washington } Co. }
County of Thurston }
June 9, 1989
Personally appeared the above named
Linda Klein
and acknowledged the foregoing instrument to be
her voluntary act and deed.



Before me
Callie [Signature]
Notary Public for Washington
My commission expires: 2/19/93

Washington }
STATE OF OREGON } County of Thurston } Co. }
June 9, 1989
Personally appeared _____ and
_____, who, being duly sworn,
each for himself and not one for the other, did say that the former is the
_____, president and that the latter is the
_____, secretary of
_____, a corporation, and that the seal affixed to the
foregoing instrument is the corporate seal of said corporation and that said
instrument was signed and sealed in behalf of said corporation by author-
ity of its board of directors; and each of them acknowledged said instrument
to be voluntary act and deed.
Before me:
Notary Public for Oregon
My commission expires: _____
(OFFICIAL SEAL)

State of Oregon 89-06-1273
County of Coos

I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 PM June 23, 89

By *[Signature]* Deputy

[Signature: Linda Klein]

Linda Klein RECORDED BY



ROAD MAINTENANCE AGREEMENT

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: June 3, 1989

Jack Klein, Sr. (SEAL)
Ruth M. Klein (SEAL)

If executed by a corporation, affix corporate seal.
If the signer of the above is a corporation, use the form of acknowledgment opposite.

STATE OF OREGON, County of Coos, June 3, 1989. Personally appeared the above named JACK KLEIN, SR. & RUTH M. KLEIN and acknowledged the foregoing instrument to be THEIR voluntary act and deed.

STATE OF OREGON, County of Coos, 1989. Personally appeared... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of... a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon, Beverly J. Harrington, My commission expires: 2/14/93

Notary Public for Oregon, My commission expires:

RECORDED BY TICOR TITLE INSURANCE Coos County Branch

State of Oregon, County of Coos, 89-06-1274. I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 PM June 23, 89. By Deputy. #page 13 OF OREGON 5-2

89 06 1275

ROAD MAINTENANCE AGREEMENT

Rosemary W. Siple, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: June 5, 19 89

(If executed by a corporation, affix corporate seal)

(If the signer of the above is a corporation, use the name of acknowledgment apposite.)

Melvin J. McKinney (SEAL)
Bobbie Sue McKinney (SEAL)
Curtis J. McKinney (SEAL)

STATE OF OREGON, County of Coos, Personally appeared the above named

and acknowledged the foregoing instrument to be voluntary act and deed.

Before me: (OFFICIAL SEAL)

Notary Public for Oregon My commission expires:

STATE OF OREGON, County of Coos, June 05 19 89

Personally appeared Melvin J. and Bobbie Sue McKinney and Curtis J. McKinney who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and used in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Laura A. Craig (OFFICIAL SEAL) Notary Public for Oregon My commission expires:

LAURA A. CRAIG
NOTARY PUBLIC - OREGON
My Commission Expires 3/29/1992

RECORDED BY

TICOR TITLE INSURANCE

Coos County Branch

I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at

2:00 PM June 22, 89

By G. Whelan Deputy

#page 1 of 2

ROAD MAINTENANCE AGREEMENT

Rosemary W. Sipia, I. Gene Schrader, Helen Ann Schrader, LeRoy McKinney, Esther McKinney, Jack Klein, Sr., Jack Klein, Jr., Ruth M. Klein, Laurel Klein, Linda Klein, Samuel E. McKinney, Leora F. McKinney, Melvin J. McKinney, Bobbie Sue McKinney and Curtis J. McKinney, who are the landowners or have an interest in or use the road over the following described property hereby agree to maintain the said road they share described below:

That roadway now in existence over and along the following portions of property, as follows: The South line of the SE 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, the Northwest corner of the NE 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the North line of the NW 1/4 of the NW 1/4 of Section 33, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; the Northeast corner of the NE 1/4 of the NE 1/4 of Section 32, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

The landowners agree to maintain only the portion of road they use to gain access to their property, and are not obligated to maintain portions of the road they do not normally use.

The undersigned landowners, their heirs, successors and assigns who may someday own property and seek and wish to gain a road easement across the above described road shall be obliged to contribute to the road's maintenance in a manner that is reasonable and in agreement with others who share the road. The obligations of road maintenance shall be undertaken when all who use the road feel it is necessary.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular number includes the plural. IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned in a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: 6-14, 1989

(If executed by a corporation, affix corporate seal)

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

STATE OF OREGON }
County of Coos }
6-14, 1989

Personally appeared the above named Jack Klein Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.



Jack Klein Jr.

RECORDED BY
TICOR TITLE INSURANCE
55-909
Coos County

FORM 93.410

STATE OF OREGON, County of Coos) ss.

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

State of Oregon
County of Coos 89-06-1276

I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:00 P.M. June 22, 89

By _____ Deputy



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APPLICANT'S EXHIBIT "A"

KEISER FOREST (TEMPLATE) DWELLING

LOCATED IN TOWNSHIP 27 SOUTH, RANGE 14 WEST W.M.,
SECTION 32, TAX LOT 100

Application Requirements

A. STATEMENT OF INTENT:

The purpose of this application is to request approval for a forest (Template) dwelling in the Forest (F) zone on the property described above. Evidence has been submitted below addressing the required criteria pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO).

The subject property consists of 40.00 acres (assessment records) with access from Seven Devils County Road, by way of a private easement over Polly Creek Lane. The land is relatively flat and covered with a mix of commercial and non-commercial tree species and natural coastal vegetation. The proposed dwelling site is located in the northeast corner of the property where Polly Creek Lane abuts the property. There are currently accessory structures on the property that were accompanied by a prior residential dwelling that has been removed. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Water Resources Department. Sanitary sewer will be from an onsite septic system that has yet to be approved.

B. PLOT PLAN:

A Plot Plan has been submitted showing all of the elements required pursuant the Coos County Land Use Permit Application.

Application Criteria and Evidence

(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

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(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;

(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

APPLICANT'S RESPONSE: The property is composed of soils that are capable of producing more than 85 Cubic Feet, Per Acre, Per Year of Growth.

On January 8, 2020, the Coos County Planning Department issued a determination in response to a Research Request by the applicant, showing that the property qualified for a Template Dwelling. More specifically, the Department determined that there are 12 parcels and 4 dwellings that were created prior to January 1, 1993 and are either within or touching the 160 acre rectangular template utilized for the test.

(3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.

(4) A proposed dwelling under this section is not allowed:

(a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.

APPLICANT'S RESPONSE: It is believed that there are no identified special considerations or natural hazards that preclude residential development on the subject property. Because the property qualifies with the "acknowledged provisions" of the CCZLDO, the proposed use is deemed to be in compliance with all state and local provisions of law.

(b) Unless it complies with the requirements of ORS 215.730.

APPLICANT'S RESPONSE: This criterion is redundant and unnecessary as the provisions of ORS 215.730 are specifically addressed under CCZLDO 4.6.130 and 4.6.140 below.

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(c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.

APPLICANT'S RESPONSE: The subject tract consists of one parcel of land. A copy of the current deed of record has been submitted with the application showing that there are no restrictions prohibiting residential development. More specifically, the parcel has not been utilized to qualify a dwelling under the large tract standards and therefore no development restrictions have been imposed pursuant to ORS 215.750(3).

(d) If the tract on which the dwelling will be sited includes a dwelling.

APPLICANT'S RESPONSE: There is currently no residential dwelling on the tract (parcel).

(5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section 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.

APPLICANT'S RESPONSE: It was determined by Planning Department staff that the subject parcel fronted an existing road and therefore a rectangle was used in the county determination.

(6) (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. 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.

(b) 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.

APPLICANT'S RESPONSE: The subject property contains 40.00 acres by assessment records and therefore the provisions above do not apply. With that said, a 160-acre rectangle was utilized by Coos County to qualify the dwelling.

(7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre

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square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

APPLICANT'S RESPONSE: Not applicable.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest 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 governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

APPLICANT'S RESPONSE: The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. There are appropriate buffers from the northerly and easterly property boundaries to assure that there will be no impacts to adjacent forest lands. There are no agricultural uses occurring on nearby or adjoining lands.

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

APPLICANT'S RESPONSE: The subject property contains 40 acres. The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. The proposed dwelling is located near the primary access to the property and as far as possible from forest uses occurring within the tract. There are currently no agricultural uses occurring on the tract.

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

APPLICANT'S RESPONSE: The proposed dwelling will be located in the northeast corner of the property in the same general location as the prior dwelling. The proposed dwelling is located near the primary access to the property and no new access roads will need to be constructed in conjunction with the residential development.

(d) The risks associated with wildfire are minimized.

APPLICANT'S RESPONSE: The applicant will comply with all statutory fire siting and safety requirements to assure that risks associated with wildfires are minimized.

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3 For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.

(2) Siting criteria satisfying section (1) of this section 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.

APPLICANT'S RESPONSE: All of this information has been addressed above or within the "Applicant's Response" elsewhere in this application.

(3) The applicant shall provide evidence to the governing body 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 (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:

- (a) 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;
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or
- (c) Verification from the Water Resources Department that a water use permit is not required for
- (d) 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.

APPLICANT'S RESPONSE: The domestic water source will be from an onsite well that is exempt under Oregon Department of Water resources regulations. A contractors report will be provided upon completion of the well.

(4) 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 U.S. Bureau of Land Management, or the U.S. 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.

APPLICANT'S RESPONSE: Access to the subject property is from Seven Devils County Road, by way of a private easement over Polly Creek Lane. The primary access does not cross a road that is owned or maintained by ODF, BLM, or USFS. Information in the form of an easement agreement has been submitted with this application.

(5) Approval of a dwelling shall be subject to the following requirements:

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- (a) Approval of a dwelling requires the owner of the tract 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;
- (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
- (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, 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;
- (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the 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; and
- (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

APPLICANT'S RESPONSE: The subject property contains 40 acres that are primarily covered with sufficient commercial tree species to meet the Oregon Department of Forestry stocking requirements. The owner will comply with subsection "c" of this requirement.

Section 4.6.140 Development and Siting Criteria:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

APPLICANT'S RESPONSE: There is no partition or subdivision proposed. This is not applicable.

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2. 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.

APPLICANT'S RESPONSE: The site clearly show that the dwelling meets the road setback.

3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.

APPLICANT'S RESPONSE: There are no fences, hedges or walls proposed.

4. Off-Street Parking and Loading: See Chapter VII.

APPLICANT'S RESPONSE: There are no requirements for off-street parking or loading zones and therefore this criterion is not applicable.

5. 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.

APPLICANT'S RESPONSE: As a "Requirement of Approval" to this application, the applicant will be responsible for recording a deed covenant or written contract with the County Clerk, or its equivalent, that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.

6. Riparian Vegetation Protection. 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 as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
- b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
- c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;

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- 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; or
- g. The 50 foot 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 estuarine 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".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

APPLICANT'S RESPONSE: There are no wetlands, streams, lakes or rivers located within 50 feet of proposed dwelling.

7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following 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. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.

APPLICANT'S RESPONSE: The subject property is located within the Bandon Rural Fire Protection District.

8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:

- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

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APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

APPLICANT'S RESPONSE: There is no water diversion proposed for fire suppression other than from the applicant's domestic water source. The domestic water source will be from an on-site well which is exempt from permitting under the Oregon Water Resources Department regulations.

- d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

APPLICANT'S RESPONSE: There is currently no body of water or stream available for fire suppression purposes.

9. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

APPLICANT'S RESPONSE: The property owner at the time of development shall construct and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

APPLICANT'S RESPONSE: There is no existing pond, swimming pool, stream or lake available for fire suppression.

10. Firebreak:

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

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b. 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.

APPLICANT'S RESPONSE: The owner at the time of development shall establish and maintain a 30 foot primary firebreak as described in subsection (b) around all structures, including decks.

c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

APPLICANT'S RESPONSE: The owner shall maintain a garden hose capable of reaching the perimeter of the primary safety zone at all times.

d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

<i>Table 1 – Minimum Primary Safety Zone</i>	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

APPLICANT'S RESPONSE: No portion of the subject property exceeds a 10% grade, including the area surrounding the dwelling site. The property owner will construct and maintain a 30 foot primary safety zone.

11. 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.

APPLICANT'S RESPONSE: All new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit.

12. 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

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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).

APPLICANT'S RESPONSE: There is currently no water source exceeding 4000 gallons existing on the subject property.

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

APPLICANT'S RESPONSE: No portion of the subject property exceeds a 10% grade, including the area surrounding the dwelling site.

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

APPLICANT'S RESPONSE: If the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

16. 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.

APPLICANT'S RESPONSE: Access to the property is provided from Seven Devils County Road via Polly Creek Lane. Seven Devils county road is paved and Polly Creek Lane is a gravel road that is constructed so as to provide adequate access for fire-fighting equipment.

17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

APPLICANT'S RESPONSE: The applicant will meet driveway standards pursuant to Chapter VII CCZLDO.