

**LAND USE PERMIT APPLICATION – BALANCE OF COUNTY  
COOS COUNTY PLANNING DEPARTMENT**

COMPLETED BY STAFF	
Received By: <u>MB</u> Date Submitted: <u>5/15/20</u> Application No.: <u>ACU-20-013</u> Fee: <u>1480<sup>00</sup></u> Fee Paid: <u>1480<sup>00</sup></u> Receipt No.: <u>219244</u>	<input type="checkbox"/> COMP PLAN AMENDMENT <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> TEXT AMENEDMENT  <b>CONDITIONAL USE REVIEW</b> <input type="checkbox"/> HEARINGS BODY <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> VARIANCE <input type="checkbox"/> LAND DIVISION * <input type="checkbox"/> HAZARD REVIEW * <input type="checkbox"/> FARM OR FOREST REVIEW * <input type="checkbox"/> FAMILY/MEDICAL HARDSHIP* <input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY <b>*Supplemental Application required</b>
STAFF NOTES:	

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:  
William & Jenifer Forbes  
 Mailing Address:  
43 E. 5<sup>TH</sup> St.  
 City State Zip  
 Coquille OR 97423  
 Daytime Phone  
541-297-5481  
 Email:

**II. OWNER(S)**

Name:  
William & Jenifer Forbes  
 Mailing Address:  
43 E. 5<sup>TH</sup> St.  
 City State Zip  
 Coquille OR 97423  
 Daytime Phone  
541-297-5481  
 Email:

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

Location or Address:

No. Acreage 22.08 Acres

Tax Acct. 820101

Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:  
 28S 11W 12~~20~~ 0 0 900

Zone: Forest Mixed Use Water Service Type: On site

Sewage Disposal Type: On-site

School District: Myrtle Point

Fire District: DORN-SITKUM  
Choose an item.

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



TEMPLATE DWELLING  
CONTACT  
CLYDE MULKINS  
MULKINS & RAMBSO, LLC  
541-751-8900

- STATE PLANS
- Substantial & other uses required
- HOME OCCUPANT ACCOMMODATION INDUSTRY
- FAMILY MEDICAL RESIDENCE
- FARM OR FOREST REVIEW
- LAND DIVISION
- VARIANCE
- ADMINISTRATIVE
- HEARINGS BODY
- CONDITIONAL USE REVIEW
- TEXT AMENDMENT
- ZONE CHANGE
- COMBINATION AMENDMENT

Please type or clearly print all of the requested information below. Please be sure to include any

OWNER(S)  
Name: William & Jennifer Forbes  
Mailing Address: 43 E. 2nd St.  
City: Coquille OR 97531  
State: OR Zip: 97531  
Daytime Phone: 541-297-2481  
Email:

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

Location of Address:

No. Acres: 2.08 Acres Tax Acct. 820101

Township: Range: Section: 18E Section: 18E Section: Tax lot:

38S 11W 2E 300 0 0

None Forest Mixed Use Water Service Type: On site

See map District: 18E Section: 18E Section: Tax lot:

School District: Madras Fire District: 21844

IV. REQUEST SUMMARY: To establish a template dwelling in the Forest zoning District.



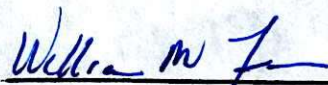
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning 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.

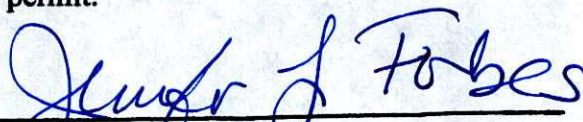
Application Check List: Please make off all steps as you complete them.

- 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.

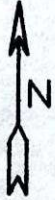
  
WILLIAM M. FORBES

  
JENNIFER L. FORBES



PLOT PLAN - TEMPLATE DWELLING  
 TAX LOT 900, T285, R11W, SEC 12  
 COOS CO, OR

ACCESS FROM MILLER CO. ROAD  
 INST. NO. 2020-0945  
 INST. NO. 2017-1307  
 INST. NO. 2020-4240



MAY 4, 2020  
 SCALE 1" = 200'

- ⊙ RECORD CORNER MONUMENTS
- DEED CORNER POSITION
- H PROPOSED HOUSE
- G PROPOSED GARAGE
- - - SLOPE DIRECTION
- ⌘ TIMBER TYPE BOUNDARY

DF 5YRS OLD D.FIR SEEDLINGS 10'X10' SPACING

HWD, DF 25YRS OLD RED ALDER, OREGON MYRTLE & D.FIR TIMBER W/ AGE

GRASS MEADOW

CN1/16 COR.  
 3/4" I.P.I.PE

N90°00'00"E 1277.38

NE1/16 COR.  
 NO COR.

N 0°03'23"W 772.15

S 0°00'00"E 617.64

BPA TRANSMISSION R/W

N46°51'15"W 386.50

MILLER ROAD  
 S70°12'W 570.12  
 S72°16'W 572.16

288.58  
 579°09'W

175.35  
 569°36'W  
 221.13  
 584°29'W  
 (PRIVATE PORTION)

PROPOSED WELL SITE

PROPOSED SEPTIC TANK & DRAIN FIELD

DF 5YRS OLD

HWD, DF 25YRS OLD

EXISTING PWR VAULT  
 GRASS

BURIED PWR LINE

DRIVE WAY  
 16' SUBGRADE & 12' GRAVEL

PREPARED FOR  
 BILL & JENNY FORBES  
 43 E 5TH ST.  
 COQUILLE, OR 97423

PREPARED BY  
 MULKINS & RAMBO. LLC  
 P.O. BOX 809  
 NORTH BEND, OR. 97459



April 17, 2020

Coos County Planning Dept.

Subject Properties - T.L. 900 - 28S 11W 12

Applicant/Owner:

William M. and Jenifer L. Forbes  
43 E 5<sup>th</sup> Street  
Coquille, OR 97423

RE: Forest Dwelling (Template Dwelling) criteria and applicant's findings

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
<b>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</b>		
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	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)**

- **The attached Soil classification report shows 22.08 acres of the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of Tax Lot 900 in Township 28S Range 11W Section 12 and contains 22.08 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 14 parcels within the 160 acre square ranging from 2.02 acres to 80.00 acres of which are zoned F, EFU, RR-2 and RC. Four of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

**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.
- (b) the dwelling meets the following requirements:
- (A) The dwelling has a fire retardant roof.
- (B) The dwelling will not be sited on a slope of greater than 40 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.
- (D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.



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

- The property is more than 10 acres therefore a stocking survey is required. An area in the West half of the property was logged or cleared of an old Christmas tree plantation left unmanaged. The area has D. Fir seedlings planted at 10 ft. by 10 ft. spacing. The balance of the property is 25 year old timber of alder, myrtle and D. Fir.
  - The dwelling will have a fire retardant roof.
  - The property has 2% to 30% slopes. The center of the property falls along the end of a ridge with 2% to 5% slopes. Steeper area are along the western, southern and eastern boundaries. The proposed home site is on the ridge top.
  - The property is located within the Dora-Sitkum Rural Fire Protection District.
  - The water source for this property will be from well and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
  - If the proposed dwelling has a chimney, a spark arrester will be installed.
  - The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (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)**

- The property is within a fire district and there is no need for alternative fire protections.
- There is no need for an additional water supply.

<p><b>SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST</b></p>
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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<sup>(1)</sup> 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;
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  - (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.
- (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.
- (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.
- (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**

- **The proposed home site is located about 105 feet South of the North property line. The area is cleared and has an existing road that was developed many years ago and rocked. The site has a slight grade, perfect for a new homesite and drainage considerations. The site is located in the northern portion of the property approximately 400 feet North of Miller Road (former G.P. Reload). A power vault was installed on the property by two owners back in time. This vault is approximately 150 feet East of the proposed home site. Given all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the existing cleared area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setback areas will be easily maintained with the gentle topography and are already cleared of heavier fuel tips. This will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will 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 prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access is a private driveway off of Miller Road. Miller Road is a privately maintained road in this area.**
- **This property had some logging a few years ago. At the time of logging the owner cleared additional area that was planted for a Christmas tree farm. These trees planted were pine trees and had been left unmanaged and oversized. These areas were replanted the D. Fir seedlings. These seedlings are now 4 feet tall with a 10 foot by 10 foot spacing and free to grow.**

**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 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.**
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*

Slope	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

- 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**

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **The riparian vegetation will not be disturbed during the development of the site.**
- **The property is within the Dora-Sitkum Rural Fire Protection District. No additional fire protection is required.**
- **The property owner will 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.**
- **The slope on the property is between 2% to 30% and the applicant will meet the primary setback of 30 feet. If necessary the applicant can and shall meet the additional primary safety zone.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is within the Dora-Sitkum RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 12 T28S R11W W.M.  
COOS COUNTY

28S 11W 12

1" = 400'

CANCELLED NO.

- 1501
- 2802
- 2900
- 1401
- 2100
- 702
- 2500
- 1502
- 2200
- 2201
- 2202
- 1503
- 2700
- 2001

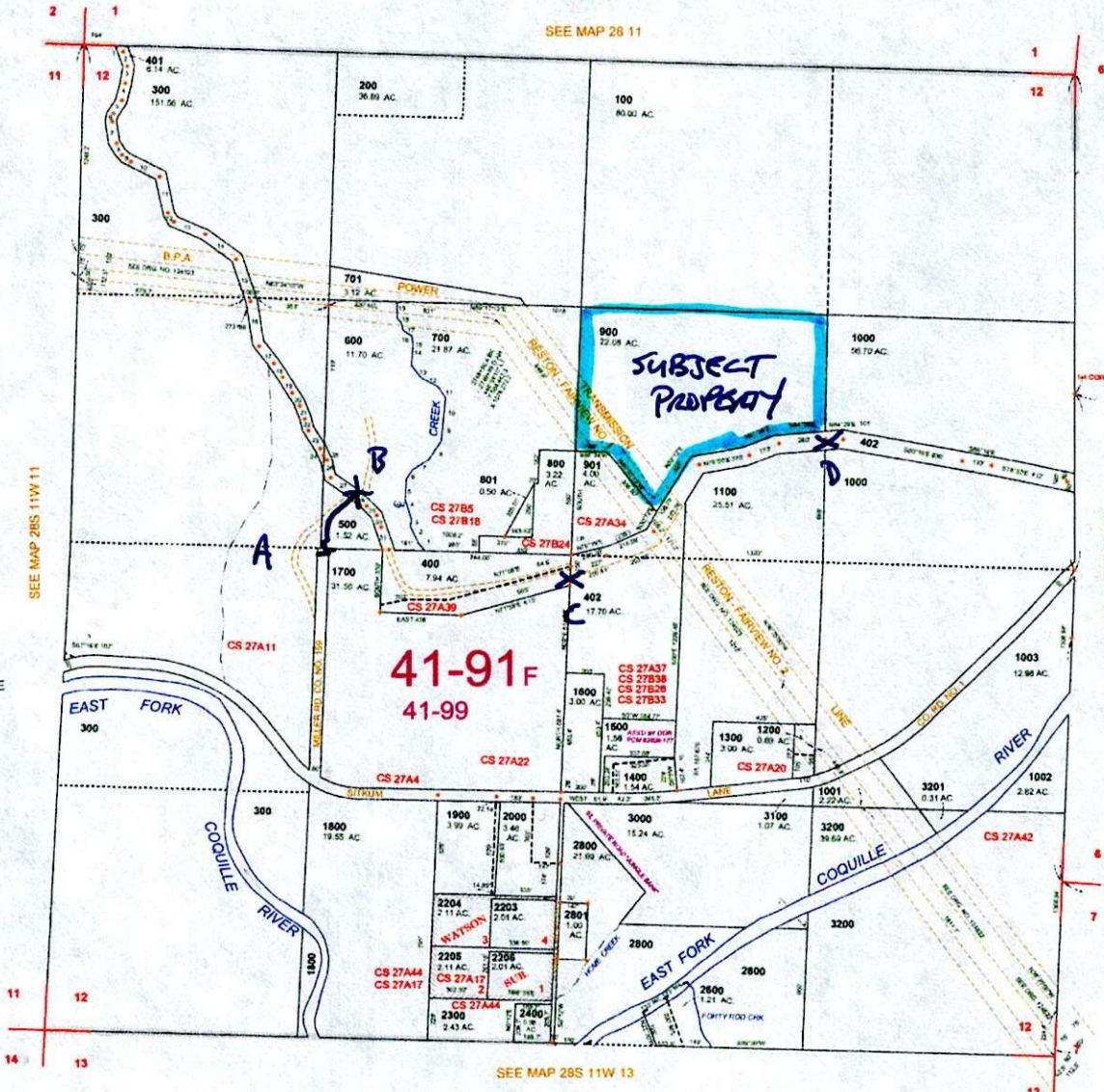
SEE MAP 28 11

PARCEL 401

1. S14°10'E 25'
2. S22°30'E 93'
3. S07°00'W 88'
4. S12°00'W 90'
5. S29°50'W 86'
6. S09°00'W 46'
7. S11°00'E 122'
8. S32°00'E 68'
9. S44°16'3" 55'
10. S65°40'E 200'
11. S14°18'E 200'
12. S31°20'E 61'
13. S69°03'E 104'
14. S55°26'E 199'
15. S20°58'E 230'
16. S11°15'3" 230'
17. S40°33'E 124'
18. S36°41'E 88'
19. S33°46'E 100'
20. S34°41'E 70'
21. S23°33'E 84'
22. S16°31'E 68'
23. S34°02'E 125'
24. S27°19'E 47'
25. S27°19'E 19'
26. S15°10'E 101'
27. S56°43'E 146'
28. S51°01'E 97'
29. S45°14'E 75'
30. S20°38'E 72'
31. S21°09'E 109'

POR. OF TRAVERSE FOR PARCEL 700

1. N42°45'W 53.2'
2. N30°00'W 101'
3. N11°00'E 32'
4. N21°16'2" 118'
5. N02°15'W 110'
6. N20°00'E 60'
7. N52°00'E 102'
8. N28°30'E 118'
9. N01°00'E 113'
10. N00°30'E 122'
11. N39°00'W 71'
12. N66°00'W 96'
13. N43°00'W 86'
14. N01°00'W 111'
15. N10°45'W 45'
16. N57°30'W 59'
17. N17°00'W 36'
18. N45°30'W 33'
19. N08°00'W 76'



SEE MAP 28S 11W 11

SEE MAP 28S 10W

SEE MAP 28S 11W 13

04-09-2019

28S 11W 12

EASEMENTS

- A - B INST NO 2017-0945
- B - C INST NO 2017-1307
- C - D INST NO 2020-4240



**MULKINS & RAMBO, LLC**

P.O. BOX 809 NORTH BEND, OR 97459 Ph. (541)751-8900 Fax (541)751-9000

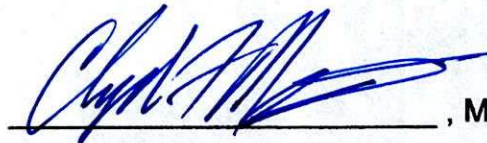
Forest Soils Report – Template Dwelling Application

Tax Lot 900 – Map T28S, R11W, Sec12

The subject property straddles the end of a broad ridgetop. The center of the property contains the ridgetop with slopes of 2 to 5 percent. The eastern, southern and western edges have slopes of 10 to 30 percent.

The majority of the soils are made up of Wintley silt loam by the Coos County Soil Survey prepared by the USDA in 1982. The soils produce a site index of 160 on the 100-year Basis. This soil type will produce 170 cubic feet per acre per year of wood fiber. A small strip of land along the southern boarder is Chismore silt loam type. From field evidence this soil type produces similar growth per acre as Wintley.

Prepared by



, May 4, 2020

Clyde F. Mulkins



DEED FOR T1900 288 11W S12  
EASEMENTS FOR ACCESS (?)  
LISTED ON PLOT PLAN

Grantor's:  
Douglas N. & Sharon I. Backman

Coos County, Oregon  
\$101.00

2019-05840  
07/03/2019 01:28 PM  
Pgs=4

Grantee's:  
William M. & Jenifer L. Forbes



After recording return to & Send tax statements to:  
William M. & Jenifer L. Forbes  
43 E 5th  
Coquille, OR 97423

Debbie Heller, CCC, Coos County Clerk

### BARGAIN AND SALE DEED

Douglas N. Backman and Sharon I. Backman, as tenants by the entirety, Grantors, convey and warrant to William M. Forbes and Jenifer L. Forbes, as husband and wife, 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:

See Exhibit "A" attached and by reference made a part hereof.

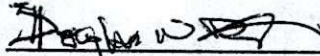
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY SCRIBED IN THIS INSTRUMENT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

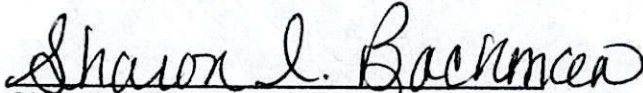
The true consideration for this conveyance is Other.

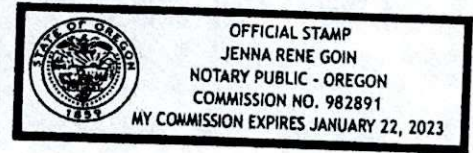


IN WITNESS WHEREOF, the undersigned have executed this document on the date set forth below.

Dated: 7/3/19

  
\_\_\_\_\_  
Douglas N. Backman

  
\_\_\_\_\_  
Sharon I. Backman



State of Oregon  
County of Coos

This instrument was acknowledged before me on July 3 2019 by  
Douglas N. Backman and Sharon I. Backman.

  
\_\_\_\_\_  
Notary Public - State of Oregon

My Commission Expires: 01/22/2023



Exhibit "A"

Legal Description:

All that portion of the Southwest quarter of the Northeast quarter of Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying North of the Georgia Pacific Company's right of way as described in deed to Coos Bay Lumber Company recorded in Volume 201, Page 103, Deed Records of Coos County, Oregon, and lying North and East of a line described as follows: from an iron gate post on the Georgia Pacific Company's right of way located by beginning at the Center quarter corner of Section 12, marked by a ¾ inch pipe post; thence North 75° 14' East 200.20 feet; thence North 55° 44' East 216.54 feet; thence North 30° 12' East 146.79 feet to the iron gate post which begins the described line; thence running North 46° 51' 15" West 386.50 feet; thence South 88° 34' West 165.00 feet to the end of the described line marked by an iron rod post, which is on the West line of the Southwest quarter of the Northeast quarter and 560.00 feet North of the Center quarter corner of said Section 12.

Subject to:

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,  
In favor of: United States Department of the Interior, Bureau of Land  
Management  
For: roads  
Recorded: August 22, 1961  
Book: 287 Page 380  
In Coos County, Oregon

An Easement created by instrument, including the terms and provisions thereof,  
In favor of: United States of America  
For: electric transmission line  
Recorded: December 8, 1955  
Book: 247 Page: 74  
Re-recorded: September 19, 1963, Book 303, Page 696  
In Coos County, Oregon

An Easement created by instrument, including the terms and provisions thereof,  
In favor of: West Coast Telephone Company  
For: utility line  
Recorded: September 7, 1956  
Book: 253 Page: 360



In Coos County, Oregon  
An Easement created by instrument, including the terms and provisions thereof,  
In favor of: United States of America  
For: electric transmission line  
Recorded: November 8, 1963  
Book: 305 Page: 64  
In Coos County, Oregon



COOS COUNTY, OREGON 2017-001307  
\$51.00 02/13/2017 09:44:01 AM  
Terri L. Turf, Coos County Clerk Pgs=2

AFTER RECORDING  
RETURN TO  
Ticor Title Insurance  
300 West Anderson Ave - Box 1176  
Coos Bay, OR 97420-0276

18481

AFTER RECORDING RETURN TO:  
Douglas N. Backman  
43 E. 5TH  
Coquille, OR 97423

Tax Statements: No Change

#### PERPETUAL EASEMENT

Know All Men By These Presents, that Joe A. Peterson, owner of that parcel of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, more particularly described in Instrument No. 88-11-1531 Deed Records of Coos County, Oregon, Grantor, hereby grants to Douglas N. Backman and Sharon I. Backman, as tenants by the entirety, their heirs, successors or assigns, owner of properties located in the E1/2 of Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, more particularly described in Instrument No. 2000 - 7924 and Instrument No. 2000 - 7925 Deed Records of Coos County, Oregon, Grantee's, a Perpetual nonexclusive easement for ingress and egress over and across the existing road commonly known as "Miller Road".

Maintenance and repairs shall made as needed and shall be paid for according to Oregon Revised Statute 105.175.

Dated 2-9 2017

OFFICIAL STAMP  
EMY YOUNG HONOR  
RY PUBLIC - OREGON  
MISSION NO. 928471  
ION EXPIRES APRIL 03, 2018



GRANTOR:

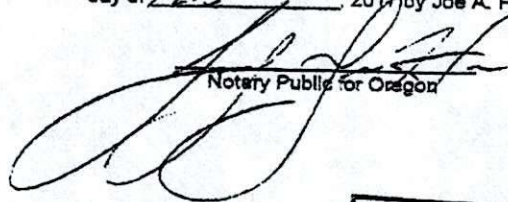
  
Joe A. Peterson

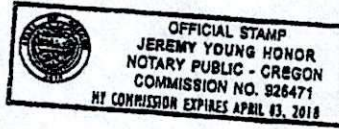
STATE OF OREGON)

County of COOS )

ss. *J. Young*

The foregoing instrument was acknowledged before me this 9th  
day of FEB 2017 by Joe A. Peterson.

  
Notary Public for Oregon



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AFTER RECORDING  
RETURN TO  
Ticor Title Insurance  
300 West Anderson Ave - Box 1076  
Coos Bay, OR 97420-0233

18487

COOS COUNTY, OREGON 2017-000945  
\$51.00 02/01/2017 10:38:01 AM  
Terri L. Turi, Coos County Clerk Pgs=2

AFTER RECORDING RETURN TO:  
Douglas N. Backman  
43 E. 5TH  
Coquille, OR 97423

Tax Statements: No Change

### PERPETUAL EASEMENT

Know All Men By These Presents, that James A. Rickman, owner of that parcel of land located in the SE1/4 of the NW1/4 of Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon and further described in Instrument No. 2017 - 000152 Deed Records of Coos County, Oregon, Grantor, hereby grants to Douglas N. Backman and Sharon I. Backman, as tenants by the entirety, their heirs, successor's or assigns, owner of properties located in the E1/2 of Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, more particularly described in Instrument No. 2000 - 7924 and Instrument No. 2000 - 7925 Deed Records of Coos County, Oregon, Grantee's, a Perpetual nonexclusive 30 foot easement, 15 feet either side of the existing centerline, for ingress and egress over and across the existing road commonly known as "Miller Road" more particularly described as follows:

Beginning at a point on the existing road centerline that bears N89°18'53"E a distance of 6.21 feet from the 5/8" rebar at the CW1/16 corner of said Section 12; thence N1°29'18"W a distance of 88.55 feet to a point; thence along a 100.00 foot radius curve right through a central angle of 53°10'13" an arc distance of 92.80 feet; thence N51°40'36"E a distance of 105.5 feet +/- to the Southerly boundary of that parcel described in Book 201, Page 88, Deed Records of Coos County, Oregon.

Maintenance and repairs shall made as needed and shall be paid for according to Oregon Revised Statute 105.175.

Dated 1-26, 2017

GRANTOR:



*James A. Rickman*  
James A. Rickman

STATE OF OREGON )  
County of COOS ) ss.

The foregoing instrument was acknowledged before me this 26  
day of Jan, 2017 by James A. Rickman.

*Tonya Leanne Tucker*  
Notary Public for Oregon





Grantors:  
Douglas N. & Sharon I. Backman

After recording return to:  
William M. & Jenifer L. Forbes  
43 E 5<sup>th</sup>  
Coquille, OR 97423



Debbie Heller, CCC, Coos County Clerk

Consideration: Part of consideration per Inst. No. 2019-05840, Coos County Deed Records

Road Easement

Douglas N. Backman and Sharon I. Backman, as tenants by the entirety, Grantors, convey to William M Forbes and Jenifer L. Forbes, as husband and wife, Grantees, a road easement 100 feet wide located in the Southwest quarter of the Northeast quarter, Section 12, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, being fifty feet either side of the following described center line:

Beginning at a point on the North and South quarter line of said Section 12 which lies 64.6 feet South of the Center quarter corner of said Section 12; thence N 71° 58' E a distance of 227 feet; thence N 55° 44' E a distance of 235 feet; thence N 30° 12' E a distance of 457 feet; thence N 79° 09' E a distance of 270 feet; thence N 69° 36' E a distance of 173 feet; thence N 84° 29' E a distance of 260 feet, to a point on the East boundary of the Southwest quarter of the Northeast quarter of said Section 12.

Dated this 28 day of April, 2020.

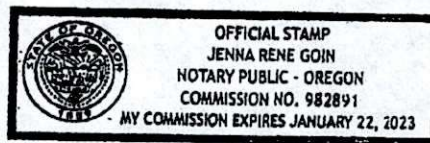
Douglas N. Backman

Sharon I. Backman

State of Oregon  
County of Coos

This instrument was acknowledged before me on 04/28/2020 by Douglas N. Backman and Sharon I. Backman.

Notary Public - State of Oregon







## COOS COUNTY PLANNING DEPARTMENT

COOS COUNTY COURTHOUSE ANNEX, 290 N. CENTRAL, COQUILLE, OREGON 97423  
(541) 396-3121 EXT. 210 FAX (541) 396-2690 TDD 1-800-735-2900

Patty Evernden Planning Director

November 18, 1999

Grant Combs  
HC 86 Box 118  
Myrtle Point, Oregon 97458

RE: Template Dwelling  
Pre-Eligibility Application  
(PE-99-20) T.28, R.11, S.12, TL#900

Dear Mr. Combs:

The Planning Department has reviewed your submitted pre-eligibility application to determine if the subject property meets the criteria set forth in Article 4.8 of the Coos County Zoning and Land Development Ordinance (CCZLDO) for a template dwelling.

Based on this review the Planning Department has determined:

The subject property meets the criteria in Article 4.8 of the CCZLDO.

COMMENTS: Should you choose to complete the application process, the \$50.00 submittal fee for this application will be deducted from the application fee for a template dwelling.

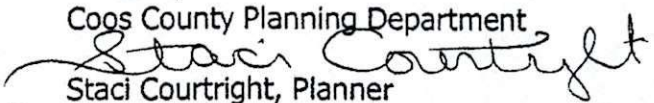
In order to complete the application process, the Dora-Sitkum Fire District must sign off on the application. If the dwelling is not located within a fire district, evidence must be provided that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide.

Any approval will be subject to the conditions as outlined in item 6 (page10) of the application. Approval is also subject to Mandatory Siting Standards required for Dwelling and Structures, Fire Siting and Safety Standards and Roadway/Driveway Standards.

If you have any questions please contact the department at (541) 396-3121 or 756-2020, extension 210.

Sincerely

Coos County Planning Department

  
Staci Courtright, Planner

c: Shirley Easton  
File