



# 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, February 04, 2021

File No: ACU-20-018 / V-20-001

Proposal: Request for Single Family Dwelling in the Forest Zone – Forest Template Dwelling, two (2) Accessory Structures, and a Variance to the Development Setback Requirements for the proposed well and associated well components.

Applicant(s): Daniel & Jennie McFall  
PO Box 1902  
Klamath Falls, OR 97601

Staff Planner: Amy Dibble, Planner II

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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, February 19, 2021**. 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; § 5.3.350 Criteria for Variances. 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.**

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### Subject Property Information

Account Number: 7496600; 7496500; 7496400; 7497400; 7497300; 7497200  
Map Number: 26S1433CB-02000; 26S1433CB-02100; 26S1433CB-02200;  
26S1433CB-02800; 26S1433CB-02900; 26S1433CB-03000

Property Owner: JCE INVESTING INC  
MCFALL, DANIEL C & JENNIE R BUYER  
6620 E COUNTY HWY 30A  
WATERSOUND, FL 32461-3300

Situs Address: No Situs Address

Acreage: 0.22 Acres; 0.22 Acres; 0.22 Acres; 0.22 Acres; 0.22 Acres; 0.22 Acres

This notice shall be posted from February 4, 2021 to February 19, 2021

Zoning: FOREST (F)  
Special Development FOREST MIXED USE (MU)  
Considerations and overlays:

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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-Applications2020.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 Amy Dibble, Planner II 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: Amy Dibble Date: Thursday, February 04, 2021 .

Amy Dibble, Planner II

**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: 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 applicant(s) and that the applicant(s) 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. 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.
  - a. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
    1. All uses must comply with applicable development standards and fire siting and safety standards.
    2. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
    3. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
  - b. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with:
    1. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
    2. The dwelling shall not be sited on a slope of greater than 40 percent.
    3. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
    4. 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.
3. Driveway/ Access Parking/Access permit application DR-20-073 shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
4. Address application will need to be submitted.

**EXHIBIT "B"**  
**Vicinity Map**



**COOS COUNTY PLANNING DEPARTMENT**

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

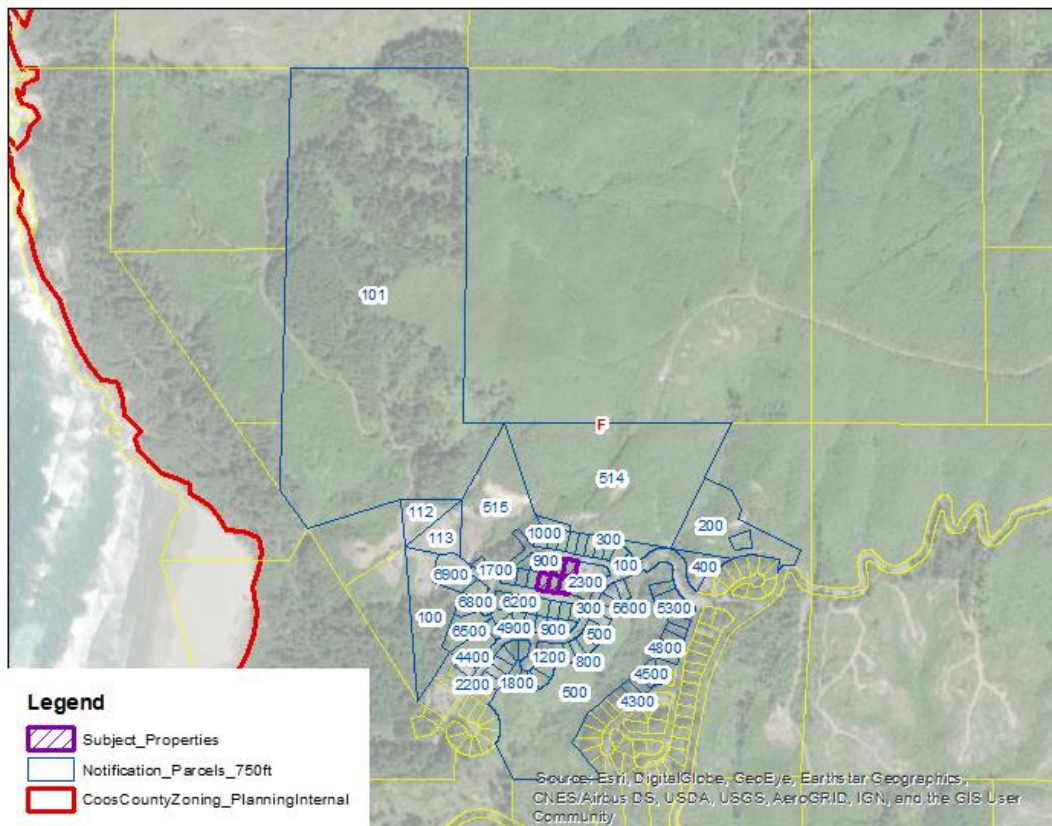
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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



File:	ACU-20-018/V-20-001
Applicant/ Owner:	Daniel & Jennie McFall
Date:	December 2, 2020
Location:	Township 26S Range 14W Section 33CB TL 2000, 2100, 2200, 2800, 2900, 3000
Proposal:	Administrative Conditional Use / Variance



**Legend**

- Subject\_Properties
- Notification\_Parcels\_750ft
- CoosCountyZoning\_PlanningInternal

# Template Map



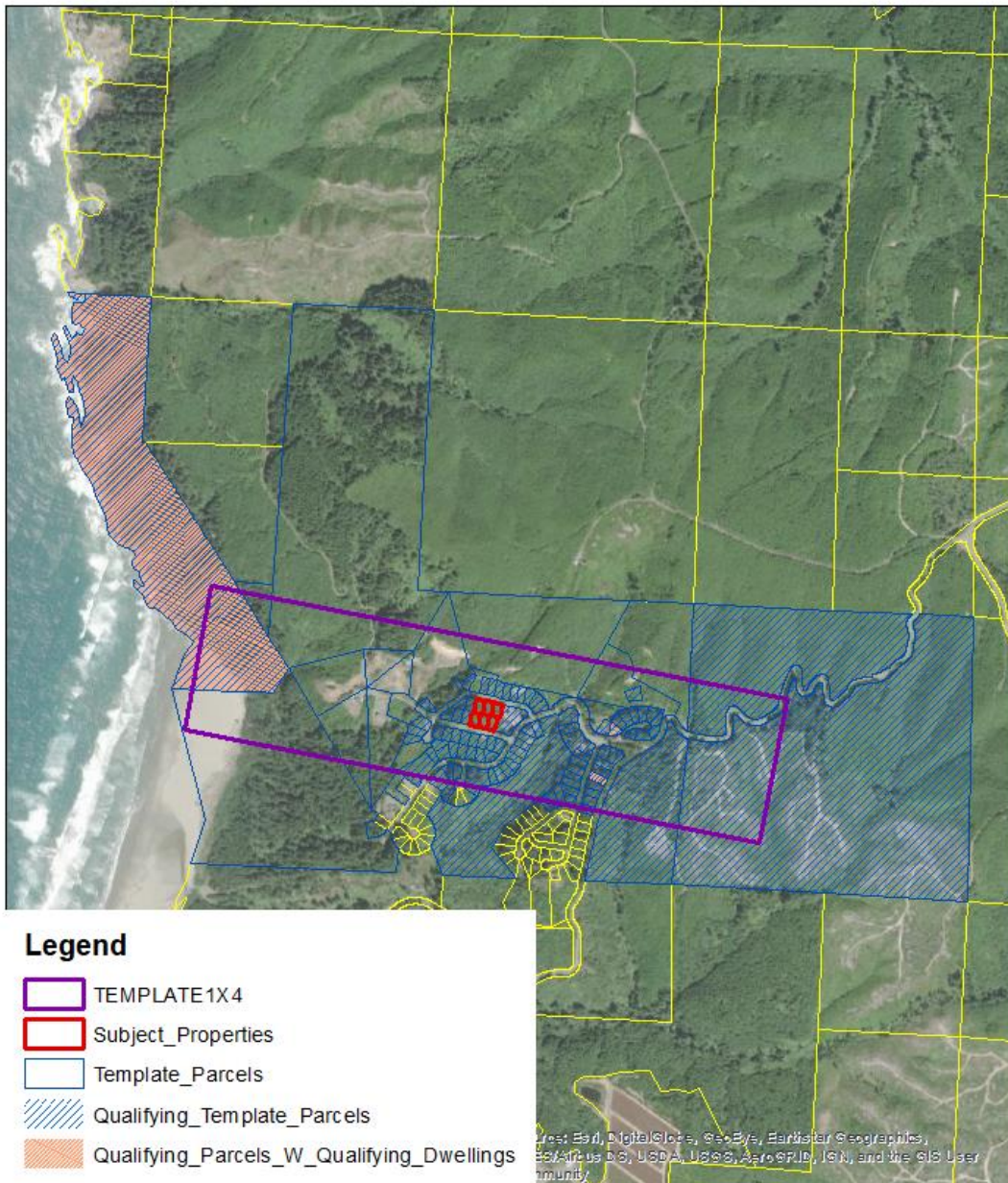
## COOS COUNTY PLANNING DEPARTMENT

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

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:**

**A. PROPOSAL:** According to the application the property owner is seeking approval for a Single Family Dwelling and two (2) Accessory Structures in the Forest Mixed Use Zone and a Variance to the Development Setback for the well and associated well components. There is no indication that any other development is proposed at this time.

**B. COMPLIANCE /BACKGROUND/PROPERTY HISTORY :**

**a. PROPERTY HISTORY AND BACKGROUND:**

- i. January 5, 2004 a Pre-Eligibility (PE-03-32) for a template dwelling was performed.
- ii. August 25, 2020 a Zoning Compliance Letter was issued authorizing a septic site evaluation only.

**b. COMPLIANCE PURSUANT TO SECTION 1.1.300:** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and county files to determine that at this time the property is in compliance. There was an issue with the location of the well that was being drilled on the property but the applicant has stopped development and requested a variance to the property development setbacks to allow the well placement as that is where the source of water is located. Therefore, as of the date of this report staff finds the property to be in compliance.

**II. BASIC FINDINGS:**

**A. LOCATION:** The property is located southwest of the City of Coos Bay and is accessed off of Spindrift Lane.

**B. ZONING:** - These properties are 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.*

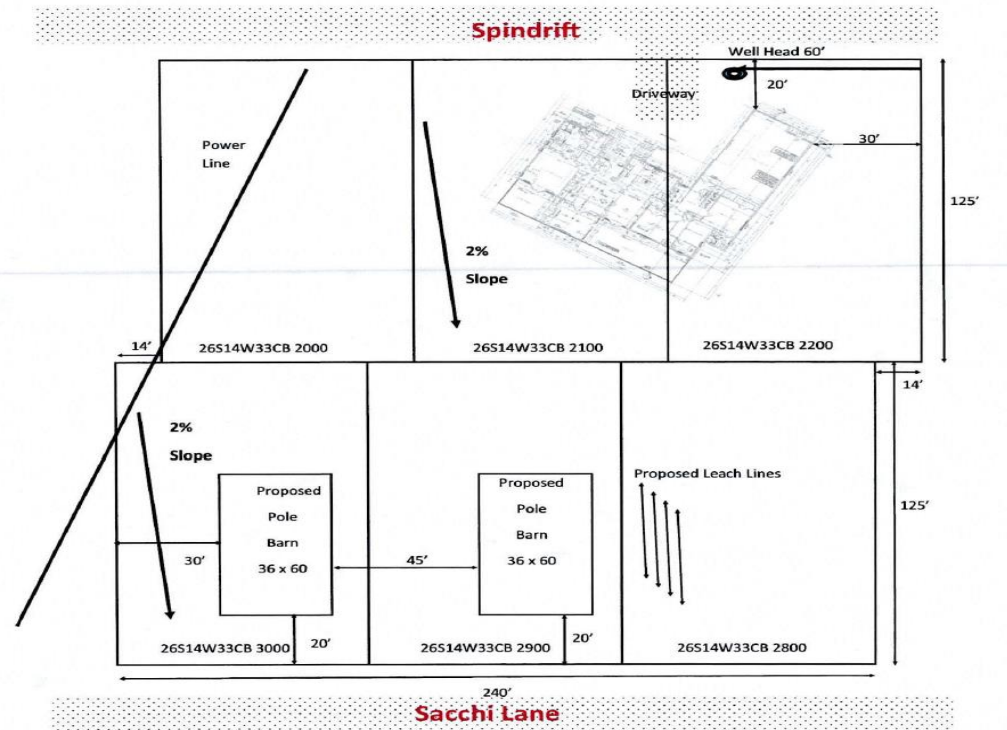
**C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:**

*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.*

These properties do not have any special development considerations that require notification to be sent prior to release of decision.

- D. SITE DESCRIPTION AND SURROUNDING USES:** The subject properties consist of a total of 1.32 acres (assessment records) with access from privately maintained Spindrift. According to the soil types the slopes on the property are between 0 to 30 percent. The property owner chose an area that is relatively flat to site the dwelling.



These properties are zoned Forest and the adjacent properties are also zoned Forest. The subject properties appear to have tree coverage, with road accesses to the north and south, the lots are smaller in size and part of an older subdivision. Spindrift Lane borders the properties to the north and Sacchi Lane borders the property to the south. The adjacent property to the east is zoned Forest and consists of little vegetation, has trees along the boundaries and is developed with a single family dwelling and an accessory structure. The adjacent properties to the west are treed and undeveloped. The properties to the north, on the other side of



Spindrift Lane are treed and undeveloped as well as the properties to the south, on the other side of Sacchi Lane.

The proposed dwelling site is approximately 20 feet from the northern property line and approximately 30 feet from the eastern property line. The proposed accessory structures will be located approximately 20 feet from the southern property line and 30 feet from the western property line with approximately 45 feet in between.



**E. COMMENTS:**

- c. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision.
- d. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- e. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- f. **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 No. 79-44704. These parcels make up Block 5, Lots 4-6 and 12-14 of the Sansaria, 1<sup>st</sup> Addition Subdivision.

**III. STAFF FINDINGS AND CONCLUSIONS:**

- **SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval of a Template Dwelling in the Forest Mixed Use Zone, which 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; § 4.6.140 Development and Siting Criteria; and a Variance to the setback for the existing well and associated well components which is subject to CCZLDO § 5.3.350 Variances.

- **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.*

- **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
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
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 -

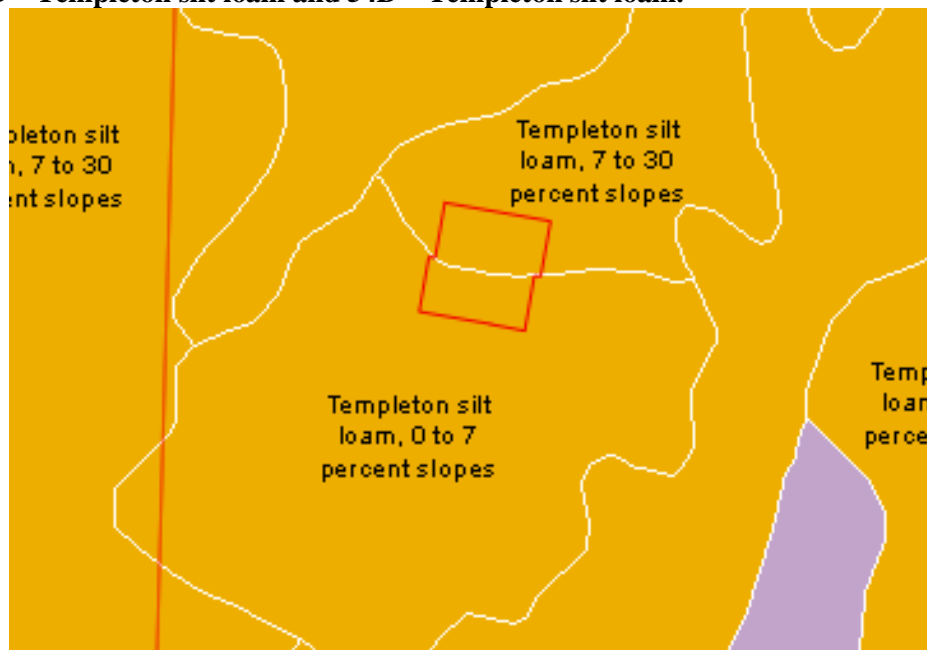
(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

- (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.
- (2) (Reserved)
- (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 property is made up of 54B – Templeton silt loam and 54D – Templeton silt loam.**



The soils are defined as: 54B-Templeton silt loam, 0 to 7 percent slopes. This deep, well drained soil is on ridgetops and benches of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 450 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark brown and dark brown silt loam 16 inches thick. The subsoil is reddish brown, yellowish red, and strong brown silty clay loam 26 inches thick. Soft, weathered and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.

Included in this unit are small areas of Geisel soils and deep gravelly loam. Also included are areas of soils, mainly between Beaver Hill and south slough that are similar to this Templeton soil but formed in marine

*sediment on coastal terraces. In some areas these soils have mottles in the subsoil and have a sandy substratum. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.*

*Permeability of this Templeton soil is moderate. Available water capacity is about 8.0 to 17.5 inches. Effective rooting depth is 40 to 60 inches. Runoff is slow, and the hazard of water erosion is slight.*

*This unit is used mainly for timber production and wildlife habitat. It has potential for homesite development and livestock grazing.*

*This unit is suited to the production of Sitka spruce. Among the other species that grow on this unit are western hemlock, Douglas fir, Port Orford cedar, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, western swordfern, and Oregon oxalis.*

*On the basis of a 100-year site curve, the mean site index for Sitka spruce is 169. At the culmination of the mean annual increment (CMAI), the production of 50-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 255 cubic feet per acre per year. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.*

*The main limitations for the production of timber on this unit are the susceptibility of the surface layer to compaction, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment damages the soil less and helps to maintain productivity.*

*Proper design of road drainage systems and care in the placement of culverts help to control erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Sitka spruce, a shallow rooted species, commonly is subject to windthrow.*

*When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, western hemlock, and Douglas fir seedlings.*

*This unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply.*

*Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates and pasture rotation help to keep the pasture in good condition. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.*

*If this unit is used for homesite development, absorption lines should be installed on the contour. Preserving the existing plant cover during construction helps to control erosion. Topsoil can be stockpiled and used to reclaim areas disturbed during construction. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.*

*This unit is in capability subclass Ille.*

*54D-Templeton silt loam, 7 to 30 percent slopes. This deep, well drained soil is on side slopes of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*Typically, the surface layer is very dark brown and dark brown silt loam 16 inches thick. The subsoil is reddish brown, yellowish red, and strong brown silty clay loam 26 inches thick. Soft, weathered and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.*

*Included in this unit are small areas of Salander soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.*

*Permeability of this Templeton soil is moderate. Available water capacity is about 8.0 to 17.5 inches. Effective rooting depth is 40 to 60 inches. Runoff is medium, and the hazard of water erosion is moderate.*

*This unit is used mainly for timber production and wildlife habitat. It is also used for livestock grazing and homesite development.*

*This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, Sitka spruce, grand fir, and red alder. The understory vegetation is mainly vine maple, thimbleberry, creambush oceanspray, red huckleberry, western swordfern, and Pacific trillium.*

*On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180. At the culmination of the mean annual increment (CMAI), the production of 50-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 270 cubic feet per acre per year. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170.*

*The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.*

*Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Sitka spruce, a shallow rooted species, commonly is subject to windthrow.*

*When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, Douglas fir, and western hemlock seedlings.*

*This unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply.*

*Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition.*

*If this unit is used for homesite development, the main limitations are slope and depth to bedrock. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep.*

*Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.*

*This map unit is in capability subclass Vle.*

**This property is part of tract of land; however, there are no other dwellings or any deed restrictions on the property that would prohibit a dwelling being sited. None of the properties are located within an Urban Growth Boundary. Therefore, staff is able to determine the application request complies with the requirement of this section.**

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

- i. A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
- i. 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 less than 10 acres; therefore, the criteria does not require a stocking survey. Therefore, the criterion does not apply.**

- ii. 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): The applicants states that the dwelling will have a fire retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.**

- 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 applicants states that the property has down slope of 2% at the location of the dwelling and proposed accessory structures. Staff reviewed the topographic map and concurs with the application.**

- 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 RFPD. Therefore, this criterion 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 criterion 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 states that the owner will provide and maintain the primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned and or controlled by the owner consistent with the requirements of Section 4.6.140.9 and 4.6.140.10.10. The application states that the proposed homesite has down slopes of 2%. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.**

- ii. (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 were requested. No water supply was shown to exist that would meet the criteria and require a road access. Therefore, this has been addressed.**

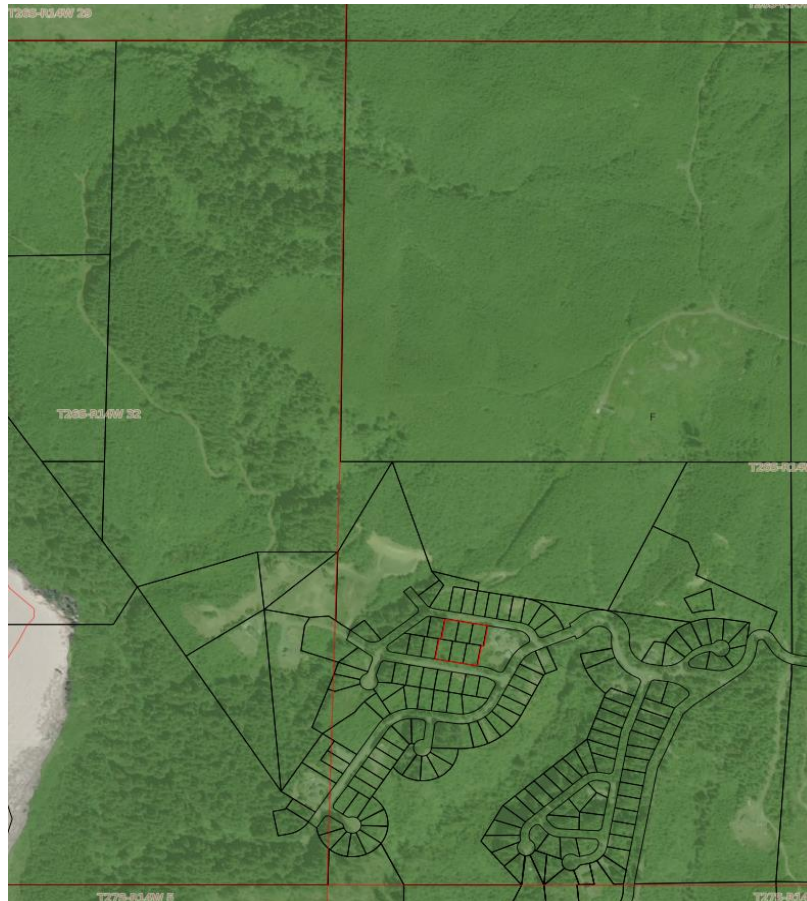
*SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest*

*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:*



- a. *Dwellings and structures shall be sited on the parcel so that:*
- c. *They have the least impact on nearby<sup>1</sup> or adjoining forest or agricultural lands;*
- d. *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 proposed homesite will be located approximately 20 feet from the northern boundary and approximately 30 feet from the eastern boundary. The proposed accessory structures will be located approximately 20 feet from the southern boundary and approximately 30 feet from the western boundary with approximately 45 feet space between the two structures. The property has tree/brush coverage with some cleared areas that appear to be preparing the property for construction. The parcels in which the dwelling will be located are part of a subdivision. These particular lots are surrounded by other lots within the subdivision thus separating these parcels from properties that are being utilized for timber production. The property is made up of six lots that will need to be consolidated prior to issuance of a Zoning Compliance Letter, the applicants submitted a consolidation request with the Coos County Assessor's Office on July 20<sup>th</sup>, 2020. The property's northern and southern boundaries are privately maintained roads which will help minimize the risk of wildfire hazards and risks to surrounding forest lands.**



<sup>1</sup>*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.*

The map above shows the surrounding properties. The majority of the properties are smaller in size and not viable for commercial timber production. Given that the proposed dwelling is to be sited on property that does not abut properties that are being utilized for timber production or agriculture the proposed location will have the least impact on nearby or adjoining forest or agricultural lands.

- e. *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 applicants is utilizing an existing road and the proposed development are being sited close to the roads. The access is a private driveway off of Spindrift Lane. Spindrift Lane is a public platted non-maintained road. The size of the property is not viable for commercial timber production and is not being utilized as such.**

- f. *The risks associated with wildfire are minimized.*
- b. *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 risks associated with wildfire will be minimized by the continual proper maintenance of the fuel free firebreak setback. The homesite will be located within close proximity to an access road making it easy for fire suppression and adding an additional buffer. The provided plot plan illustrates that the setbacks from the neighboring properties will be more than satisfied.**

- c. *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 applicants 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 for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practice rules (OAR chapter 629). The proposed water supply is to be from a well and is exempt from permitting requirements under ORS 537.545; however, the applicants shall submit the well constructor's report to the county upon completion of the well and verification from the Water Resources Department shall be obtained that a water use permit is not required for the use described in the application. These will be made conditions of approval; therefore, these criteria have been satisfied.**

- d. *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 applicants stated that the access is by way of a private driveway accessed off Spindrift Lane. Spindrift Lane is a public platted non-maintained road. Therefore, this criterion has been addressed.**

- e. Approval of a dwelling shall be subject to the following requirements:*
- 1. 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;*
  - 2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
  - 3. 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;*
  - 4. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If 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*
  - 5. 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) – The property is smaller than 10 acres in size; therefore, a stocking survey is not required; however, Planning Department shall notify the Assessor’s Staff.**

**As a condition of approval, the property owner shall sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing 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. These forms shall be signed in front of a notary and recorded.**

*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.*

- a. 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.*

**Response to SECTION 4.6.140.1: This proposal does not include the creation of a new parcel and the current size of the subject property will not affect the proposal. The parcel was created lawfully as it was created by deed prior to 1986.**

- b. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*

**Response to SECTION 4.6.140.2: The provided plot plan illustrated that all setbacks will be more than satisfied.**

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

**Response to SECTION 4.6.140.3: The proposal does not include any fences, hedges, or wall; therefore, this criterion does not apply.**

- d. Off-Street Parking and Loading: See Chapter VII.*

**Response to SECTION 4.6.140.4: Driveway/Access/Parking Verification Permit DR-20-073 will be required to be approved by the Roadmaster prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.**

- e. 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.*

**Response to SECTION 4.6.140.5: This criterion was addressed above and will be made a condition of approval.**

- f. 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.*

**Response to SECTION 4.6.140.6: The proposed homesite is approximately 295 feet from the nearest mapped wetland and have stated that they will not be disturbing any riparian vegetation during the development of the site.**

- g. 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.*

**Response to SECTION 4.6.140.7: The dwelling will be located within the Bandon Rural Fire Protection District; therefore, this criterion has been satisfied.**

- h. 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.*

**Response to SECTION 4.6.140.8: The applicants shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.**

- i. *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.*

**Response to SECTION 4.6.140.9: The property owner shall provide evidence that a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building set back prior to issuance of a Zoning Compliance Letter. Furthermore, the applicants’ states that they plan to have a 2500 gallon cistern tank thus exceeding the minimum requirement. Therefore, this requirement has been addressed.**

- j. *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>

25%	30	100
40%	30	150

**Response to SECTION 4.6.140.10:** According to the soils on this property is located within an area identified as having soils that are comprised of 54B - Templeton silt loam that typically have 0 to 7 percent slopes and 54D – Templeton silt loam that typically have 7 to 30 percent slopes. The applicants states that the dwelling and accessory structures will be sited on a portion of the property with mild slopes of 2%, thus requiring just the 30 feet of primary safety zone. The plot plan illustrates that the 30 feet of primary safety zone can be adequately maintained. Therefore, this criterion has been addressed.

- k. 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.*

**Response to SECTION 4.6.140.11:** As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

- l. 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).*

**Response to SECTION 4.6.140.12:** The property has no water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression. Therefore, this criterion is not applicable.

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

**Response to SECTION 4.6.140.13:** The plot plan and information from application shows the proposed dwelling and other structures will not be sited on a slope greater than 40%. Therefore, this criterion has been addressed.

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

**Response to SECTION 4.6.140.14:** As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester by providing a copy of the building plans. Therefore, this criterion has been addressed.

- o. 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.*

**Response to SECTION 4.6.140.15:** The subject property is located within the Bandon Rural Fire Protection District. Therefore, this criterion has been satisfied.

- p. 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.*

**Response to SECTION 4.6.140.16:** At the time of road inspection prior to receiving a zoning compliance letter the Roadmaster or his designee will ensure the standards are met to ensure adequate access is provided for firefighting equipment. Therefore, this criterion has been addressed.

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

**Response to SECTION 4.6.140.17:** Road/ Driveway Access Verification Permit DR-20-073 shall be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development. Therefore, this criterion has been met.

- **VARIANCE CRITERIA**

- **SECTION 5.3.350 CRITERIA FOR APPROVAL OF VARIANCES:**

*No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;*

- 1. Both findings "a" and "b" below are made:*
  - a. One of the following circumstances shall apply:*
    - i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;*
    - ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or*
    - iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;*
  - b. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*
- 2. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*
- 3. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made: "the variance will not create a hazard to air navigation".*
- 4. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.227.*
- 5. Variance regulations in CCZLDO Article 5.3 shall not apply to Sections 4.11.400 through 4.11.460, Chapter VII and Chapter VIII.*

**RESPONSE TO SECTION 5.3.350:** The request is a Variance to the Development Setback to allow the well and associated well components to be located closer to road than would be allowed in the current development standards. The required setback is thirty-five (35) feet from any right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. The water source for the property makes meeting this setback impossible thus making the well two feet from the property line.

Staff finds that the adjustment can be approved pursuant to 5.3.350.1.a.i, "*that a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance.*" The granting of this variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity. The area identified to site the well and above ground well components is very small and would not have impact on current or future development of the road or adjacent properties.



## **VI. DECISION:**

There is evidence to adequately address the criteria for a Forest Template Dwelling and variance to the setback criteria, 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:**

- *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.*
  - *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:*
    - *First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.*
      - *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.*
      - *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.*
      - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
    - *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
      - *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
      - *The applicable residential development statute has not been amended following the approval of the permit; and*
      - *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.*
      - *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, February 19, 2025. Variance approvals do not expire.

## **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 "D"**  
**Submitted Application**



**Coos County Land Use Permit Application**  
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO:  
 COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL  
 PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: ACU-20-018/

Date Received: 7/20/20 Receipt #: 219345 Received by: A. Dibble V-20-001

This application shall be filled out electronically. If you need assistance please contact staff.

If the fee is not included the application will not be processed.  
 (If payment is received on line a file number is required prior to submittal) DR-20-073

**LAND INFORMATION**

**A. Land Owner(s)** Daniel C McFall & Jennie R McFall

Mailing address: PO Box 1902 Klamath Falls, OR 97601

Phone: 5418922659 Email: rbw20111@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>26S</u>	<u>14W</u>	<u>33</u>	<u>C</u>	<u>B</u>	<u>3000 2900 2800 2000 2100 2200</u>
Select	Select	Select	Select	Select	

Tax Account Number(s): \_\_\_\_\_ Zone: Select Zone Forest (F)  
 Tax Account Number(s) \_\_\_\_\_ Please Select \_\_\_\_\_

**B. Applicant(s)** Daniel C McFall & Jennie R McFall

Mailing address: PO Box 1902 Klamath Falls, OR 97601

Phone: 5418922659 rbw20111@gmail.com

**C. Consultant or Agent:** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Type of Application Requested**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU | <input type="checkbox"/> Land Division - P, SUB or PUD    |
| <input type="checkbox"/> Text Amendment      | <input type="checkbox"/> Hearings Body Conditional Use Review - HBCU            | <input type="checkbox"/> Family/Medical Hardship Dwelling |
| <input type="checkbox"/> Map - Rezone        | <input checked="" type="checkbox"/> Variance - V                                | <input type="checkbox"/> Home Occupation/Cottage Industry |

**Special Districts and Services**

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic  
 School District: Bandon Fire District: Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

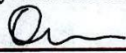
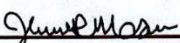
- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County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

- I.  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.
- II.  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
- III.  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.

\_\_\_\_\_  \_\_\_\_\_ 

**ACCESS INFORMATION**

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: Planning on requesting address in the near future.

Type of Access: County Road Name of Access: Spindrift

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

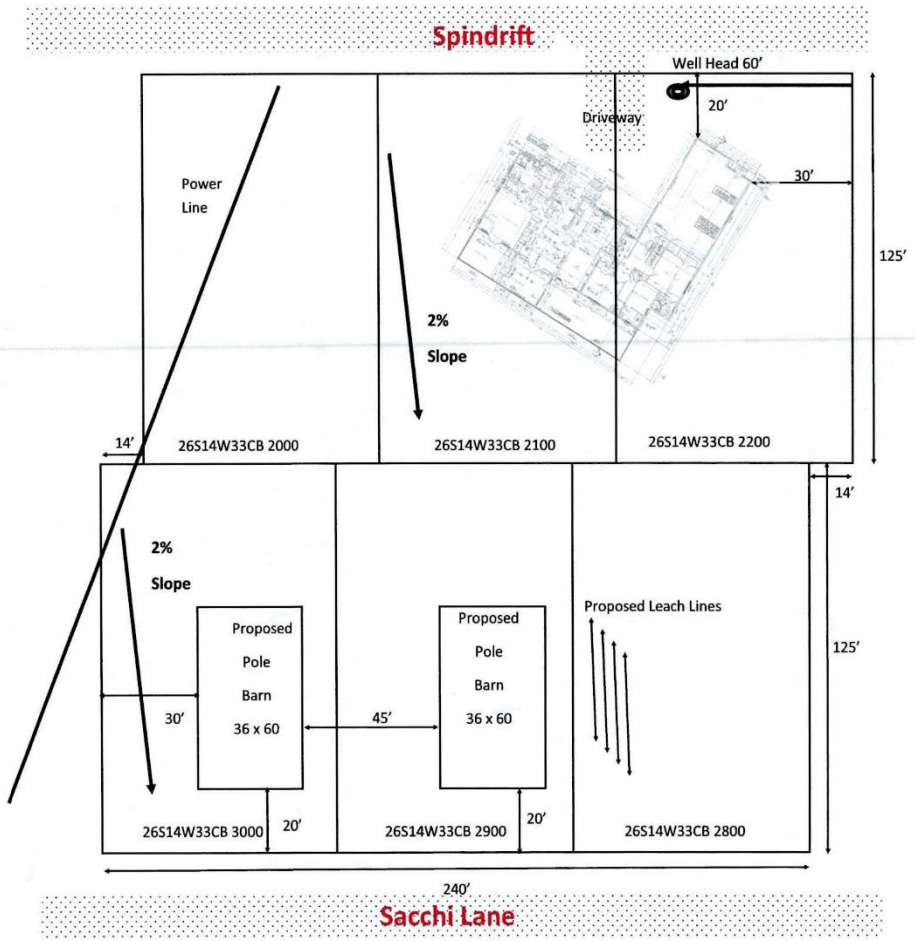
By signing the application I am authorizing Coos County Roadmaster or his designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. I understand that I shall contact the Road Department to let them know when the improvements are ready to be inspected or Bonded. Contact by phone at 541-396-7600

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway    Parking    Access    Bonded   Date: \_\_\_\_\_   Receipt # \_\_\_\_\_

File Number: DR-20-



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

NW1/4 SW1/4 SEC. 33 T.26S. R.14W. W.M.  
COOS COUNTY

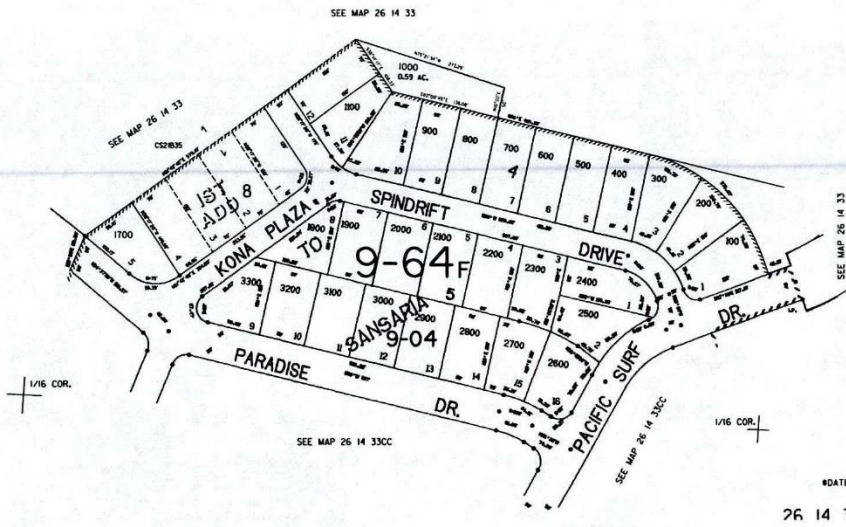
26 14 33CB

1" = 100'

CANCELLED  
1600  
1500  
1400  
1300  
1200

1/4 COR.

1/16 COR.



DATE

26 14 33CB

**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
<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 property is located in the Subdivision of Sansaria, we have 6 lots that we will be combining into 1 lot in the future. Each lot is 80 x 125= 1.32 Acres. The criteria was met when they built the subdivision.

**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 total acres is 1.32

- (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)**

We will.

- (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 slop is not greater than 40%

- (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 for the property will be a well.

- (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)**

We are located in the Bandon fire district.

(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)**

All ready in Bandon Fire District.

(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)**

I agree with having a spark arrester installed on chimney.

(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)**

I agree with having fire breaks and will maintain fire breaks.

(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) – If you are requesting alternative forms of fire protection because you are outside of a Fire District and or provided with residential fire protection by contract, please provide additional solutions to fire protection. If you are within a fire district you do not need to respond to these criteria.**

N/A

**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<sup>1</sup> or adjoining forest or agricultural lands;

**Response to SECTION 4.6.130(1)(a) – Describe how the placement of the dwelling will have the least impact on nearby or adjoining forest or agricultural lands:**

We are surrounded by trees with no farm agricultural per say. All proposed buildings will follow set backs for fire breaks.

- (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)(b) – Describe any forest or farming practices that are occurring on the subject tract. “Tract means land within the same ownership that is contiguous”. Describe how the placement of the dwelling will ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.**

We are surrounded by trees with no farm agricultural per say. All proposed buildings will follow set backs for fire breaks.

- (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) – How much acreage will be removed for site access roads, service corridors, dwelling and other structures. Could less property be removed from forest lands to support the proposed development. Please make sure plot plan matches any of the proposed development. Minimizing 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.**

Our parcel was of land was harvested many years ago and we have almost no large growth at all. The land is mostly all brush. There are 2 county roads that are adjacent to the property. We will follow all set backs. Plot map is attached to application.

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

**Response to SECTION 4.6.130(1)(d) – Describe how the risks associated with wildfire are minimized. This section may include setbacks from adjoining properties, clustering near or among**

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<sup>1</sup> 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.

**existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.**

The property will have a fire line around it to minimize risk. House and other structures are near road ways.

- (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.

**If you would like to provide addition explanation of Section (1) please use this space:**

N/A

- (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) – Please describe water source if need assistance you may contact Oregon Water Resource Department:**

We will be having a well put on the property, which will need a variance for. Due to having the well head within 5 feet of the roadway.

- (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) – Please explain if the road that is accessing the property is private or public. If it is private, ODF, BLM or US Forest Service a long-term road access use permit or agreement shall be provided with the application or acknowledgment by the applicant that this will be a condition of approval.**

The 2 roads are Spindrifft and Sacchi which are both county roads.

- (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) – The Planning Department will request comments from the Assessor’s Office regarding restocking. Please acknowledge that you will follow the restocking requirements.**

We will follow restocking requirements.

**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**

**Is the property a legal unit of land?**

yes

**Will the applicant meet the road setback (should be shown on plot plan)?**

I will be more then 5 feet back on the property for any structures. I will need a variance for the well head that is 2 feet over the property line.

**Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?**

A fence or a hedge will be planted in the future.

**Has a driveway/access/parking permit been requested at the time of the application?**

We will be submitting application for driveway at time of conditional use permit.

**Has the applicant acknowledge and file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**

Clerks office notified and was sent transfer of sale contract.

**Has the applicant shown any waterways that require a 50 feet setback and if so will the setback be met?**

No waterways set on property.



**Is the property within a Fire Protection District, if so which one?**

**Bandon Fire district**

**The applicant acknowledges that they 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.**

**We are planning on having a cistern tank of 2500 gallons.**

**Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report please explain.**

**Where the dwellings will be located a 2% down grade will be placed for drainage of water.**

**Please acknowledge that the proposed dwelling use non-combustible or fire resistant roofing materials.**

**We are planning on using metal roofing for all structures.**

**Is there a water supply exceeding 4,000 gallons available to the site within your ownership?**

**We are planning on having a cistern tank of 2500 gallons.**

**The applicant acknowledges dwelling will not be sited on a slope of greater than 40 percent.**

**No structures will be built on slopes greater than 40%**

**Does the proposed dwelling have a chimney and if so will a spark arrester be installed?**

**There are no wood stoves planned for house. But if we do have one, we will install a spark arrester.**

Date Received: \_\_\_\_\_  
Receipt # \_\_\_\_\_

**COOS COUNTY ROAD DEPARTMENT**



**ACCESS/DRIVEWAY/ROAD/  
PARKING VERIFICATION PERMIT**

*THIS FORM NEEDS TO BE SUBMITTED TO COOS COUNTY PLANNING DEPARTMENT  
225 N. ADAMS STREET OR MAILED TO: 250 N. BAXTER, COQUILLE OR 97423*

*All new and replacement dwellings, commercial or industrial development requires this form.  
Other development may require verification of access.*

Payment for this permit can be submitted to the Cos County Planning Department in the form of cash or check

For Office Use Only: FILE # \_\_\_\_\_ FEE: \_\_\_\_\_

**Applicant/Agent** (print name): Daniel and Jennie McFall \_\_\_\_\_

Mailing address: PO Box 1902, Klamath Falls, OR 97601 \_\_\_\_\_

Phone: 5418922659 \_\_\_\_\_ Email: rbw20111@gmail.com \_\_\_\_\_

**Land Owner** (print name): Daniel and Jennie McFall \_\_\_\_\_

Mailing address: PO Box 1902, Klamath Falls, OR 97601 \_\_\_\_\_

Phone: 5418922659 \_\_\_\_\_ Email: rbw20111@gmail.com \_\_\_\_\_

**LOCATION**

26 S 14 W 33 CB 2000 2100 2200 3000 2900 2800  
Township Range Section Tax Lot

Site address: No address yet, we are looking at Spindrifft to be the main entrance to the house. \_\_\_\_\_

Zone (s) \_\_\_\_\_ Acreage 1.32 \_\_\_\_\_

**EXISTING IMPROVEMENTS** Describe any improvements to the property such as any roads, structures, etc.

We have removed brush to see what the land looks like. \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

*Through applying for this application I authorize the Coos County Roadmaster or designee to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. The applicant shall contact the Coos County Road Department to arrange for the site visit once the access, driveway, road and/or parking requirements have been met. If you would like to schedule a visit or inquire further about requirements including bonding please contact 541-396-7660. This signed form must be returned to the Planning Department prior to the issuance of a zoning compliance letter.*

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway  Parking  Access

Bonded Date: \_\_\_\_\_ Receipt # \_\_\_\_\_

Comments and Requirements

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*ersion 10/2016*

<b>NOTICE:</b> The Applicant is responsible for providing enough information in this application for staff to make reasonable findings.
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<b>REQUIRED SUBMITTALS</b>
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1. All permits shall contain the following:

Daniel and Jennie McFall  
PO Box 1902  
Klamath Falls, OR 97601  
541 8922659

RE: Notice of Completeness  
ACU—20—018

Question that was missed was how does are parcel of land affect the forestry or farming.

Our 1.32 acres parcel consisting of 6 lots that is going to be 1 lot is in the middle of this subdivision. We are surrounded by lots that have not been harvested or use for any reason due to inactive owners. We still have a few large timbers left that was not harvested over 20 years ago. We roughly have about 100 trees left on the property and will be planting more trees in the future. We also don't have any farming in our subdivision.

So in conclusion the only affect we will have on the forest that we are asking to have the conditional use permit is to be good stewards of the land and take care of it.

If you have any other questions or comments please call or email at [rbw20111@gmail.com](mailto:rbw20111@gmail.com)

Daniel

RECORDING REQUESTED BY:



300 W Anderson, PO Box 1075  
Coos Bay, OR 97420

COOS COUNTY, OREGON 2018-09478  
\$91.00 10/02/2018 01:24:00 PM  
DEBBIE HELLER, CCC, COOS COUNTY CLERK Pgs=2

**VENDEE'S NAME AND ADDRESS:**

Daniel Cleveland McFall and Jennie Rebecca McFall, as tenants by the entirety  
8333 Highway 140E  
Klamath Falls, OR 97603

**VENDOR'S NAME AND ADDRESS:**

JCE investing, Inc.  
6620 E. County Highway 30A  
Watersound, FL 32461

**AFTER RECORDING RETURN TO:**

Sanlam Escrow, Inc.  
216 E. Virginia Street  
Slayton, OR 97383

**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

**UNTIL REQUESTED OTHERWISE, SEND ALL TAX STATEMENTS TO:**

6620 E County Highway 30A  
Watersound, FL 32461

**MEMORANDUM OF LAND SALE CONTRACT**

KNOW ALL MEN BY THESE PRESENTS that on 10/1/2018, \*a Florida Corporation JCE Investing, Inc. as vendor(s), and Daniel Cleveland McFall and Jennie Rebecca McFall, as tenants by the entirety, as the vendee(s), made and entered into a certain land sale contract, wherein the vendor(s) agreed to sell to the vendee(s), and vendee(s) agreed to purchase from vendor(s), the A Fee title in and to the following described real property in Coos County, State of Oregon, to wit:

Lots 4, 5, 6, 12, 13 and 14, Block 5, PLAT OF FIRST ADDITION TO SANSARIA, Coos County, Oregon.

The true and actual consideration paid for this transfer, set forth in the contract, is Fifty-Five Thousand And No/100 Dollars (\$55,000.00), payable Eleven Thousand And No/100 Dollars (\$11,000.00) down on the signing of the contract and the balance payable in monthly installments (indicate which) of not less than Four Hundred Twenty And No/100 Dollars (\$420.00) each. All deferred payments shall bear interest at the rate of Eight Percent (8.000%) per annum from the date of the contract until paid.

IN WITNESS WHEREOF, the vendor(s) executed this memorandum on 10/1/2018. If the vendor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

**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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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.**

NOTE: ORS 93.835 requires the foregoing memorandum to "be recorded by the conveyor not later than fifteen (15) days after the instrument is executed and the parties are bound thereby."

MEMORANDUM OF LAND SALE CONTRACT  
(continued)

Jeffrey C. Ellis  
Signature

JEFFREY C. ELLIS  
Print Name

Heldi M Ellis  
Signature

HEIDI M ELLIS  
Print Name

State of FLORIDA  
County of BAY

This instrument was acknowledged before me on 10/1/2018 by Jeffrey C. Ellis, President, and Heldi M. Ellis, Vice President of JCE Investing, Inc., a Florida Corporation.

[Signature]  
Notary Public - State of FLORIDA

My Commission Expires: 9/26/20

