

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Amending The Coos County
5 Comprehensive Plan Designation and Zone Map from
6 Agriculture to Forest the Official Zone
7 Map from Exclusive Farm Use (EFU) to Forest Mixed
8 Use (FMU) and approval of a Forest Template Dwelling.
9 File No. AM-20-002/RZ-20-002/ACU-20-011 (Grami)

ORDINANCE No.: 20-03-002PL

10 SECTION 1. TITLE

11 This Ordinance shall be known as the "Coos County Ordinance No. 20-03-002PL".

12 SECTION 2. AUTHORITY

13 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

14 SECTION 3. PURPOSE

15 The purpose of this Ordinance is to amend Ordinance 85-12-020L that adopted Coos County
16 Comprehensive Plan Volume I (Balance of County) Plan Zone Map and Ordinance 85-03-004L that adopted
17 Coos County Zoning & Land Development Ordinance which implements Volume I of the Coos County
18 Comprehensive Plan;

19 SECTION 4. FINDINGS AND ORDER

20 WHEREAS the property owners Mariah Grami submitted an application on property described as
21 Township 30S, Range 15W, Section 12, Tax Lot 1300, located south of the City of Bandon. The property is
22 currently zoned Exclusive Farm Use (EFU). The request was to amend the plan and implementing zone on this
23 property from Agriculture (Exclusive Farm Use) to Forest with a Mixed Use Overlay as presented in the application
24 found at Attachment A;

25 WHEREAS Staff reviewed the proposal and made findings in the April 30, 2020, staff report
26 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)
27 find that the application complied with CCZLDO § 5.1.400.;

28 WHEREAS the Planning Commission, designated as special hearings officers and the hearings body, took
29 testimony at the May 7, 2020 hearing, there was no one else besides the applicant to present and no written
30 testimony in the record on this proposed. The present Hearings Body found that the plan amendment and rezone

1 AND IT APPEARING to the Board of Commissioners that given the definition of compatibility the
2 Board of Commissioners found that the rezone would be compatible without any qualifiers to limit the use of
3 the property. The application and staff findings along with the soil and slope information support the zone
4 change request.

5 The proposal was reviewed by Hui Rodomsky, Department of Land Conservation and
6 Development (DLCD) at the pre-application meeting. She did not find any conflicts with the Statewide Planning
7 Goals, Statues or Rules in regards to the request.

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners
9 reviewed the Hearings Body recommendations and found the proposal met the objectives of the comprehensive
10 plan. The evidence and testimony in the record supported the rezone to Forest Mixed Use. The Board of
11 Commissioners took into consideration the evidence and determined that proposal complied with other polices
12 and ordinances as may be adopted by the Board of Commissioners. The findings in this matter can be found at
13 Attachment B.

14 SECTION 5. SEVERANCE CLAUSE

15 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
16 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
17 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other
18 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or
19 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

20 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

21 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are
22 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and
23 85-03-004L shall remain in full force and effect in all other respects.

24 SECTION 7. EMERGENCY CLAUSE

25 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
26 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County
27 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.


28 ///
29
30

Adopted this Dated this 19th day of May, 2020.

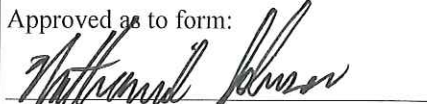
BOARD OF COMMISSIONERS


ATTEST


Recording Secretary



Chair

Approved as to form:


Office of Legal Counsel


Vice Chair

Planning Commission Reading: May 7, 2020
Board of Commissioner Reading: May 19, 2020
Effective Date of Adoption: May 19, 2020


Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Attachment A



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

Official Use Only
FEE: _____
Receipt No. _____
Check No./Cash _____
Date _____
Received By _____
File No. _____

AMENDMENT/REZONE APPLICATION
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: MARIAH GRAMI Telephone: 541-290-7808
 Address: 200 S. 4TH ST., COOS BAY, OR 97420

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

If other than the owner, please give the owner's name and address:

B. DESCRIPTION OF PROPERTY:

Township 30S Range 15W Section 12 Tax Lot 1300
 Account No. 1365001 Lot Size 12.86 AC. Zoning District EFU
 Existing Use VACANT - TREES - BRUSH

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: FMU

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:
Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? SEE ATTACHED
Explain and provide documentation: _____

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan? _____
Explain: _____

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? _____
Explain: _____

c. Will the rezone comply with other adopted plan policies and ordinances? _____
Explain: _____

(3) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledged¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO Article 5.1.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

¹ -"Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is "physically developed" to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is "irrevocably committed" to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A "reasons exception" addressing the following standards is met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 1/2" x 11" paper. If proposed structures are not known then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

J

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

J

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

J

As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

J

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Mark S J
Applicant(s) Original Signature

N/A
Applicant(s) Original Signature

3/10/2020
Date

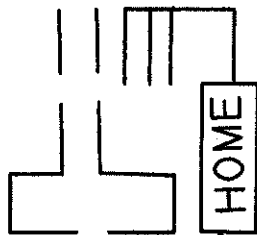
² Property owner² means the owner of record, including a contract purchaser

N90°00'00"E
990.40

MARIAH GRAMI PLOT PLAN

T.L. 1300 - 30-15-12 - ACCT.# 1365001 - 12.86 AC.
PROPOSED DEVELOPMENT

WELL
(W)

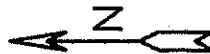


60'

N0°00'00"E
673.40

OLD APPROACH

S15°47'17"W
699.80



Scale 1"=100Feet

SLOPE - LESS THAN 5%
VEGETATION - PROPERTY IS
CURRENTLY COVERED WITH
TREES AND BRUSH

S80°00'00"W
800.00

APPLICANT'S EXHIBIT "A"

MARIAH GRAMI FARM TO FOREST PLAN AMENDMENT AND REZONE Tax Lot 1300 – 30S 15W 12

INTRODUCTION

Overview

The landowner, Mariah Grami, is requesting a rezone of 12.86 acre tract of land located approximately 8.6 miles south of the City of Bandon, Oregon. The subject property is currently zoned EFU.

The landowner wishes to change the zone designation Exclusive Farm Use (EFU) to Forest (F) with a "Mixed Use" (Agriculture) overlay. The subject property borders U.S. Hwy 101 on the East side of the subject property. The subject property is shown in red below. It currently is treed.



Surrounding Properties

The adjacent lands are Zoned EFU.

Land Topography and Soil Type

The subject property can be used for either timberland or farming if adequate water is available. The slopes of the subject property are 3% to 7%. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 100% soil type 5B - Blacklock fine sandy loam. This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days. This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation.

The main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow. Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table. Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer. Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides. The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum. Yields vary greatly depending on

Based on the NRCS soils data the property will support both agricultural, if water is available, and forest production which would comply with the Forest Mixed Use classification. 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.

Current Property Use:

The subject property is vacant and is growing shore pine and brush.

State Wide Planning Goals

Pursuant to State Wide Land Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil type "Blacklock fine sandy loam", the subject property is forestland by both use and definition.

The soil type also is suitable for agricultural uses pursuant to State Wide Planning Goal 3, therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay.

Pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, State Wide Planning Goals 3 and 4, the applicable Oregon Administrative Rule 660-006-0057, the applicant hereby requests a change of the current zone designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed use agricultural overlay. The proposed zone change will better support the predominant forest use and the subordinate agricultural traits of the subject property.

FINDING OF FACTS AND CONCLUSIONS

OREGON ADMINISTRATIVE RULES

OAR 660-06-057 - Rezoning Land to an Agricultural/Forest Zone

Any rezoning or plan amendment of lands from an acknowledged zone or plan designation to an Agriculture/Forest zone require a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 or 4 can be applied alone.

According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Blacklock fine sandy loam. For forestry purposes, on the basis of a 100 year site curve, the mean site index for shore pine is 90 and has a growth rate of 79 cu. ft./ac./yr. which is a class IV soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest uses and cranberry farms with homes sited on the EFU portions of the properties.

Based on the predominant forest use and soil characteristics of the subject property and adjacent properties, a conclusion can be made that the area contains a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

Volume I, Part I, Policy 5.4(8) FOREST LANDS

5.4(8) Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice versa, upon findings which establish:

- a. That the proposed rezone would be at least as effective at conserving the resource as the existing zone;

The subject property is forest land by use and definition.

- b. That the proposed rezone would not create a non-conforming use;

The subject property is currently vacant. The properties to the North and South have dwellings that were established or approved in 1908, 1970 and 1989 respectively. If rezoned, the subject property would meet the template dwelling criteria under the Forest designation zoning rules.

- c. That the applicant for the proposed rezone has certified the he/she understands that the rezone, if granted, could have significant tax consequences;

The applicant is aware that if the rezone is granted, there could be significant tax consequences.

MIXED AGRICULTURAL-FOREST USE AREAS

Volume I, Part II, 3.2(5) Implementation Strategies (Appendix 1)

1. Mixed-use areas are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agriculture uses.
2. Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
3. Mixed-use areas are those areas predominantly co-managed for both farm and forest uses.

Response: According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Blacklock fine sandy loam. For forestry purposes, on the basis of a 100 year site curve, the mean site index for shore pine is 90 and has a growth rate of 79 cu. ft./ac./yr. which is a class IV soil

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest uses with homes sited on the EFU portions of the properties.

CONCLUSION

Based on the soil type and topography and the fact that the surrounding area is being managed for farming (cranberries) and forestry uses, a mixed-use overlay is appropriate based on the Coos County Comprehensive Plan.

FINAL CONCLUSION

Based on the submitted evidence addressing the applicable criteria for a rezone from EFU zone to F zone, a conclusion can be made that the criteria has been satisfied and that a Forest (F) zone designation with a Mixed-use overlay is appropriate for the subject property.

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:

Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? NO

Explain and provide documentation:

The purpose of this proposed rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest (F) with a Mixed-use overlay to reflect the suitability and predominant forest characteristics. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation, provided it can be documented that the requested zone designation satisfies the definitions prescribed by the pertaining Goal (See OAR 660-33-030(4)). Furthermore, standard farm practices are allowed outright in the Forest zone districts.

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan? YES

Explain:

Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa, provided adequate findings are made supporting the request. The policy recognizes "That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? NO

Explain:

This request is to rezone the subject property to reflect the existing forest use and subordinate agricultural characteristics. While the lands surrounding the subject property are zoned EFU, they have been managed for both farming and forestry uses. Because agriculture and forestry are closely related, changing the resource designation will not seriously interfere with the permitted uses on nearby parcels.

c. Will the rezone comply with other adopted plan policies and ordinances? YES

The intent of this application is to adopt an appropriate zone designation for the subject property pursuant to Oregon Statewide Planning Goal 4 (Forestry) and those portions of the Coos County Comprehensive Plan and Zoning Ordinance that have been acknowledged to be in compliance with Goal 4. Substantial evidence has been submitted in this application showing compliance with both the Comprehensive Plan and Implemented Ordinance.

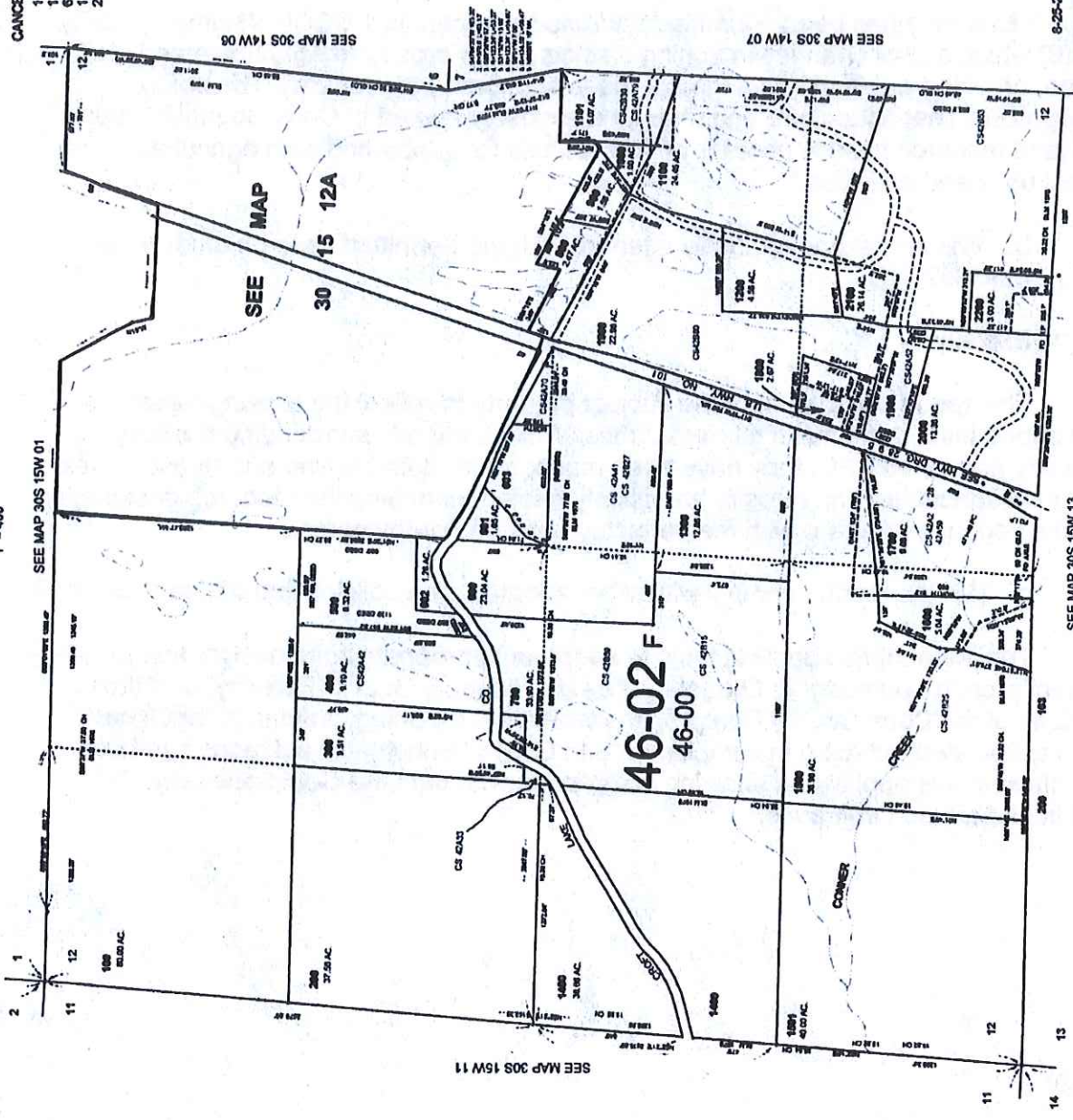
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 12 T30S R15W W.M.
COOS COUNTY

1" = 400'

30S 15W 12
& INDEX

CANCELLED NO.
1102
1103
604
1201
2101



30S 15W 12
& INDEX

8-25-2014

SEE MAP 30S 15W 13

SEE MAP 30S 15W 11

SEE MAP 30S 14W 07

SEE MAP 30S 14W 03

SEE MAP 30S 15W 01

RECORDING REQUESTED BY:



1010 1st Street, Ste 215
Bandon, OR 97411

GRANTOR'S NAME:
Kurt and Susan Voigt Trust dated July 18, 2005, et al

GRANTEE'S NAME:
Mariah S. Graml

AFTER RECORDING RETURN TO:
Order No.: 380819028004-JF
Mariah S. Graml
200 S 4th Street
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:
Mariah S. Graml
200 S 4th Street
Coos Bay, OR 97420

APN: 1385001
Map: 30S-15W-12 1300
0 Highway 101, 30S-15W-12 1300, Bandon, OR 97411

Coos County, Oregon 2019-06883
\$111.00 Pgs=6 08/08/2019 02:09 PM
eRecorded by: TICOR TITLE BANDON
Debbie Heller, CCC, Coos County Clerk

*This document was signed in
counterpart, together with all parts
executed constitute one complete
document

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 18, 2005 and Russell Voigt and Vicky Gomez and Eric Voigt, Grantor, conveys and warrants to Mariah S. Graml, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at a point on the South boundary of the NW 1/4 of the SE 1/4 of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, where the said South boundary intersects the West boundary of the Oregon Coast Highway no. 101, thence running along the South boundary of said NW 1/4 of SE 1/4 West for 800 feet; thence North 873.4 feet; thence East 990.4 feet to a point on said Oregon Coast Highway no. 101 which is 700 feet North of the point of beginning; thence South along said Highway 700 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00). (See ORS 93.030).

Subject to:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets and highways.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

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

Dated: 08/03/2019

Kurt and Susan Voigt Trust dated July 19, 2005

BY: Kurt Gregory Voigt Co-Trustee
Kurt Gregory Voigt
Co-Trustee

BY: Susan Rosenberg Voigt Co-Trustee
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez

Eric Voigt

State of Arizona
County of Yavapai

This instrument was acknowledged before me on Aug. 3, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Vivian J. Ladd
Notary Public - State of AZ

My Commission Expires: 10/03/2021



State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____
My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____
My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____
My Commission Expires: _____

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/2/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee



Russell Voigt

Vicky Gomez

Eric Voigt

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

My Commission Expires: _____

see attached

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Luis Obispo }

On 8-2-19 before me, Gina Pimentel, Notary Public
(Here insert name and title of the officer)

personally appeared Russell Voigt
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he she/they executed the same in (his) her/their authorized capacity(ies), and that by (his) her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Statutory Warranty Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date 8-2-19

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◆ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◆ Indicate title or type of attached document, number of pages and date.
 - ◆ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/2/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez

Eric Voigt

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

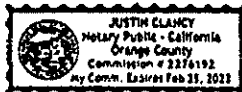
My Commission Expires: _____

State of CA
County of Orange

This instrument was acknowledged before me on August 2, 2019 by Vicky Gomez.

Notary Public - State of CA

My Commission Expires: 2/25/2023



State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____

My Commission Expires: _____

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/3/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez
Eric Voigt
Eric Voigt

State of CALIF
County of LA

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____

My Commission Expires: _____

State of CA
County of Los Angeles

This instrument was acknowledged before me on Aug. 3, 2019 by Eric Voigt.

Notary Public - State of CA

My Commission Expires: 9.23.20



SUSAN M. DUNN, NOTARY PUBLIC

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

COMPLETED BY STAFF	
<p>Received By: <u>UMB</u></p> <p>Date Submitted: <u>3/27/20</u></p> <p>Application No.: _____</p> <p>Fee: <u>3380⁰⁰</u></p> <p>Fee Paid: <u>3380⁰⁰</u></p> <p>Receipt No.: <u>214582</u></p>	<p><input type="checkbox"/> COMP PLAN AMENDMENT</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p><input type="checkbox"/> TEXT AMENEDMENT</p> <p>CONDITIONAL USE REVIEW</p> <p><input type="checkbox"/> HEARINGS BODY</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> LAND DIVISION *</p> <p><input type="checkbox"/> HAZARD REVIEW *</p> <p><input type="checkbox"/> FARM OR FOREST REVIEW *</p> <p><input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*</p> <p><input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY</p> <p>*Supplemental Application required</p> <hr/> <p>STAFF NOTES:</p>

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

I. APPLICANT

Name: Mariah Grami

Mailing Address: 200 S. 4TH St.

City State Zip
Coos Bay, OR 97420
Daytime Phone: 541-290-7808

Email:

II. OWNER(S)

Name: Mariah Grami

Mailing Address: 200 S. 4TH St.

City State Zip
Coos Bay, OR 97420
Daytime Phone: 541-290-7808

Email:

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

Location or Address: 0 Hwy 101, Bandon, Oregon 97411

No. Acreage: 12.86 acres

Tax Acct.: 1365001

Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:

30S 15W 12 0 0 1300

Zone: Forest Mixed Use Water Service Type: On site

Sewage Disposal Type: On-site

School District: Bandon

Fire District: Bandon

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

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

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

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

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

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

Maui Sg

March 6, 2020

Coos County Planning Dept.

Subject Properties - T.L. 1300 - 30S 15W 12

Applicant/Owner:

Mariah Grami
200 S. 4TH Street
Coos Bay, OR 97420

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

If a use specifically states Forest Mixed Use only it is not permitted in the Forest Zone. If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
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.**
- (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 NRCS Soil report, on file, shows the property is capable of producing 79 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(b).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is tax lot 1300 in Township 30S Range 15W Section 12 and consist of 12.86 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre rectangle because it abuts a road. The centered on the center of the subject tract and meets or exceeds the required 7 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 22 parcels within the 160 acre rectangle ranging from 1.15 acres to 36.98 acres of which are zoned F and EFU. Seven of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

9(C) ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES.

- (1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
- (b) the dwelling meets the following requirements:
- (A) The dwelling has a fire retardant roof.
- (B) The dwelling will not be sited on a slope of greater than 40 percent.
- (C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
- (D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.

- (E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- (F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

Response to SECTION 4.6.110(9)(C)(1)

- The property is larger than 10 acres. If the Assessor's Office requires a stocking survey the applicant will comply.
 - The dwelling will have a fire retardant roof.
 - The property is relatively flat with little to no slope.
 - The property is located within the Bandon Rural Fire Protection District.
 - The water source for this property will be from a well and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
 - If the proposed dwelling has a chimney, a spark arrester will be required.
 - The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

Response to SECTION 4.6.110(9)(C)(2)

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

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⁽¹⁾ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
- (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing

a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Response to SECTION 4.6.130

- **The property owner will develop a new home site. The lands used to site access roads, service corridors, the dwelling and structures will be kept to a minimum. The fuel free setbacks will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access is a private driveway off of U.S. Highway 101.**
- **The subject property is covered with shore pine and brush. It currently will not meet the minimum stocking requirements (at no fault of the current owner).**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. **Minimum Lot Size** for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
2. **Setbacks:** All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. **Fences, Hedges and Walls:** No requirement, except for vision clearance provisions in Section 7.1.525.
4. **Off-Street Parking and Loading:** See Chapter VII.
5. **Minimizing Impacts:** In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. **Riparian Vegetation Protection.** Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
9. Fire Siting Standards for New Dwellings:
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of

firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

10. Firebreak:

- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
13. The dwelling shall not be sited on a slope of greater than 40 percent.
14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.

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

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **There is no riparian vegetation on the site.**
- **The property is within the Bandon Rural Fire Protection District. No additional fire protection is required.**
- **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
- **The slope on the property is between 0% to 7% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is with in Bandon RFP.**
- **The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

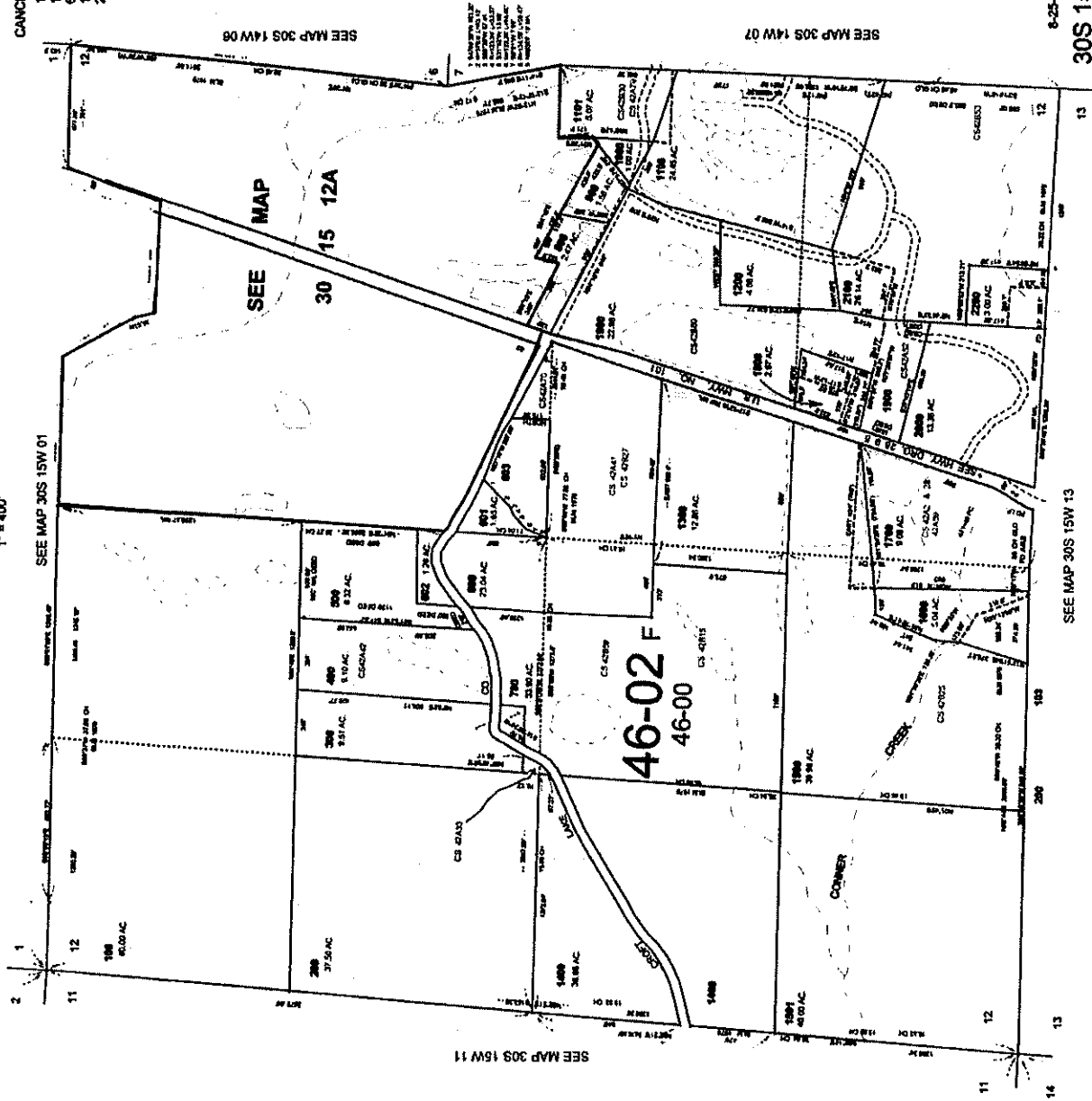
SECTION 12 T30S R15W W.M.
COOS COUNTY

1" = 400'

30S 15W 12
& INDEX

CANCELLED NO.

- 1102
- 1103
- 604
- 1201
- 2101



8-25-2014

30S 15W 12
& INDEX

RECORDING REQUESTED BY:



1010 1st Street, Ste 215
Bandon, OR 97411

Coos County, Oregon 2019-06883
\$111.00 Pgs=6 08/06/2019 02:09 PM
eRecorded by: TICOR TITLE BANDON
Debbie Heiler, CCC, Coos County Clerk

GRANTOR'S NAME:
Kurt and Susan Voigt Trust dated July 19, 2005, et al

GRANTEE'S NAME:
Mariah S. Graml

AFTER RECORDING RETURN TO:
Order No.: 360819028004-JF
Mariah S. Graml
200 S 4th Street
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:
Mariah S. Graml
200 S 4th Street
Coos Bay, OR 97420

APN: 1366001
Map: 30S-15W-12 1300
0 Highway 101, 30S-15W-12 1300, Bandon, OR 97411

*This document was signed in
counterpart, together with all parts
executed constitute one complete
document

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005 and Russell Voigt and Vicky Gomez and Eric Voigt, Grantor, conveys and warrants to Mariah S. Graml, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at a point on the South boundary of the NW 1/4 of the SE 1/4 of Section 12, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, where the said South boundary intersects the West boundary of the Oregon Coast Highway no. 101, thence running along the South boundary of said NW 1/4 of SE 1/4 West for 800 feet; thence North 673.4 feet; thence East 990.4 feet to a point on said Oregon Coast Highway no. 101 which is 700 feet North of the point of beginning; thence South along said Highway 700 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00). (See ORS 93.030).

Subject to:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets and highways.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

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

Dated: 08/03/2019

Kurt and Susan Voigt Trust dated July 19, 2005

BY: Kurt Gregory Voigt Co-Trustee
Kurt Gregory Voigt
Co-Trustee

BY: Susan Rosenberg Voigt Co-Trustee
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez

Eric Voigt

State of Arizona
County of Yavapai

This instrument was acknowledged before me on Aug. 3, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Vivian J. Ladd
Notary Public - State of AZ

My Commission Expires: 10/03/2021



State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____

My Commission Expires: _____

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/2/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee



Russell Voigt

Vicky Gomez

Eric Voigt

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

My Commission Expires: _____

see attached

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Luis Obispo }

On 8-2-19 before me, Gina Pimentel, Notary Public
(Here insert name and title of the officer)

personally appeared Russell Voigt
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in his ~~her~~/their authorized capacity(ies), and that by his ~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Statutory Warranty Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date 8-2-19

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, ~~is/are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◆ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◆ Indicate title or type of attached document, number of pages and date.
 - ◆ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/2/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez

Eric Voigt

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____
My Commission Expires: _____

State of _____
County of _____

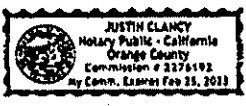
This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____
My Commission Expires: _____

State of CA
County of Orange

This instrument was acknowledged before me on August 2, 2019 by Vicky Gomez.

Notary Public - State of CA
My Commission Expires: 2/25/2023



State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Eric Voigt.

Notary Public - State of _____
My Commission Expires: _____

STATUTORY WARRANTY DEED
(continued)

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

Dated: 8/3/19

Kurt and Susan Voigt Trust dated July 19, 2005

BY: _____
Kurt Gregory Voigt
Co-Trustee

BY: _____
Susan Rosenberg Voigt
Co-Trustee

Russell Voigt

Vicky Gomez
Eric Voigt
Eric Voigt

State of CALIF
County of LA

This instrument was acknowledged before me on _____, 2019 by Kurt Gregory Voigt and Susan Rosenberg Voigt, Co-Trustees of the Kurt and Susan Voigt Trust dated July 19, 2005.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Russell Voigt.

Notary Public - State of _____

My Commission Expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2019 by Vicky Gomez.

Notary Public - State of _____

My Commission Expires: _____

State of CA
County of Los Angeles

This instrument was acknowledged before me on Aug. 3, 2019 by Eric Voigt.

Susan M. Dunn

Notary Public - State of CA

My Commission Expires: 9.23.20



SUSAN M. DUNN, NOTARY PUBLIC

Attachment B



STAFF REPORT

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

MATTER DETAILS – AGENDA ITEM IV. B

FILE NUMBERS: AM-20-002/RZ-20-002

APPLICANT: Mariah Grami
mariah@gramiproperties.com

CONSULTANTS: Troy Rambo
mandrllc@frontier.com

SUMMARY PROPOSAL: Rezone from Exclusive Farm Use (EFU) to Forest / Mixed Use (F/MU)

STAFF CONTACT: Amy Dibble, Planner II
adibble@co.coos.or.us

PUBLIC HEARING DATE: May 19, 2020 at 1:30 P.M.

HEARINGS BODY: Board of Commissioners

THIS MEETING MAY BE ATTENDED THROUGH THE GOTOMEETING PLAT FORM.

BOC -- AM-20-001/RZ-20-001 & AM-20-002/RZ-20-002/ACU-20-011
Tue, May 19, 2020 1:30 PM - 3:30 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/567811485>

You can also dial in using your phone.

United States: [+1 \(312\) 757-3121](tel:+13127573121)

Access Code: 567-811-485

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/567811485>

Submission of Written Evidence

- a. Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- b. Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- c. E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- d. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.

e. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]

Testimony shall be submitted by the deadline provided at the hearing or the close of the record.

**STAFF REPORT
FINDINGS OF FACT AND RECOMMENDATIONS**

I. APPLICABLE CRITERIA:

The proposal is for an Amendment to the Coos County Comprehensive Plan Map from Agriculture to Forest and the Coos County Official Zoning Map by Rezoning the subject property from its current zoning designation of Exclusive Farm Use to Forest with a Mixed Use Overlay Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I - Policy 5.4 - Plan Implementation Strategies; Volume I, Part II, 3.2(5) - Forest Lands - Implementation Strategies; Oregon's Statewide Planning Goals & Guidelines - Goal 3 - Agricultural Lands; and Goal 4 - Forest Lands.

Key definitions:

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.

HIGH-VALUE FARMLAND: "High-value farmland" means land in a tract composed predominantly of soils that are:

- A. Irrigated and classified prime, unique, Class I or Class II; or
- B. Not irrigated and classified prime, unique, Class I or Class II.

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

FOREST LAND: Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide

urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

II. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** According to the application the property owner is seeking approval to rezone the subject property from Exclusive Farm Use (EFU) to Forest with a Mixed Use Overlay (FMU). This requires a Plan Map Amendment.
- B. BACKGROUND/PROPERTY HISTORY:** The property owner is proposing to rezone the subject property which is an unimproved property zoned Exclusive Farm Use (EFU). The property owner would like to site a single family dwelling. With the current zoning the property cannot be utilized in this manner.

On February 12, 2019, A Research Request was submitted for a template test. Staff responded to the request on March 13, 2019 with the results of the request. The test showed that the property passed the template test with 26 parcels and 8 dwellings that existed prior to 1993.

March 19, 2019 - A Pre-Application Meeting Request form was submitted to discuss the possibility of rezoning the property and this meeting was held on June 14, 2019. After the meeting was held the property was sold and the current property submitted the current request to change the plan designation of this property from Agriculture to Forest and the zoning map amendment for Exclusive Farm Use to Forest with a Mixed Use Overlay based on the soils.

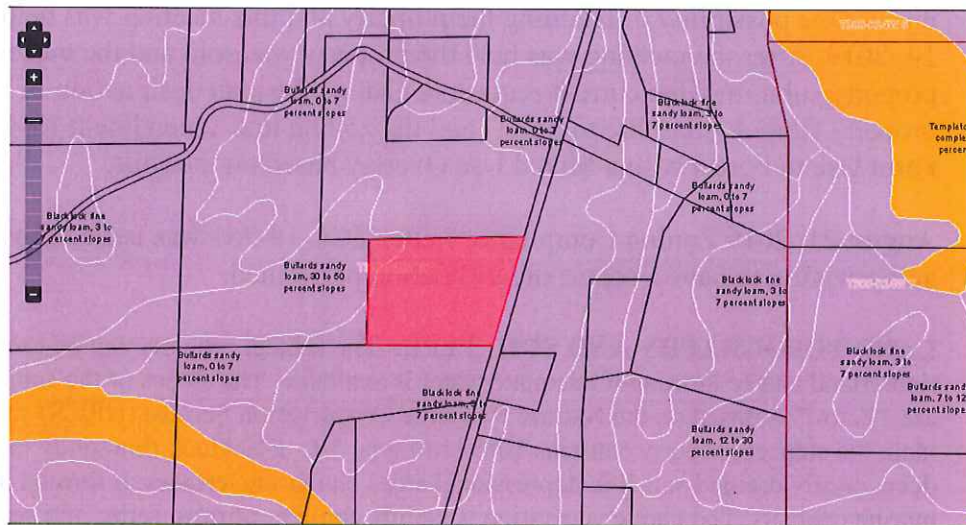
August 21, 2019 Zoning Compliance Letter ZCL-19-261 was issued providing authorization to have a septic site evaluation performed.

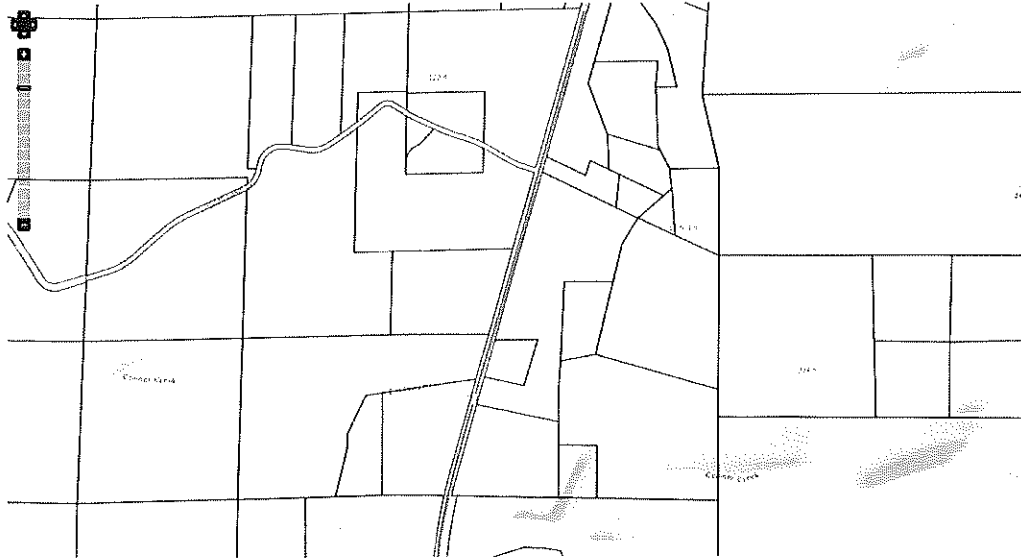
- C. LAND TOPOGRAPHY AND SOIL TYPE:** The subject property can be used for either timberland and or farming if adequate water is available. The slopes of the subject property are 3% to 7%. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 100% soil type 5B - Blacklock fine sandy loam. This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days. This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation.

The main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow. Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table. Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed

around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer. Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides. The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum.

Based on the NRCS soils data the property will support both agricultural, if water is available, and forest production which would comply with the Forest Mixed Use classification. The purpose of the Forest Mixed Farm-Forest Areas (MMUW 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.





III. BASIC FINDINGS:

A. SUBJECT PROPERTY INFORMATION:

Account Number:	1365001
Map Number:	30S151200-01300
Property Owner:	GRAMI, MARIAH S 200 S 4TH ST COOS BAY, OR 97420-1608
Situs Address:	No Situs Address
Acreage:	12.86 Acres
Zoning:	EXCLUSIVE FARM USE (EFU)
Special Development Considerations and overlays:	ARCHAEOLOGICAL SITES (ARC) NATIONAL WETLAND INVENTORY SITE (NWI) WETLAND IN CRANBERRY BOGS (WC)

B. LOCATION: The subject property is located south of the City of Bandon accessed off Oregon State Highway 101. At this time there is no situs address established for this unit of land.

C. 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 75-121009.

D. ZONING: - This property is zoned Exclusive Farm Use (EFU).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

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.

EXCLUSIVE FARM USE (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*

6. *Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

The secondary criterion for establishing the "Agricultural Lands Inventory" was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.

E. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

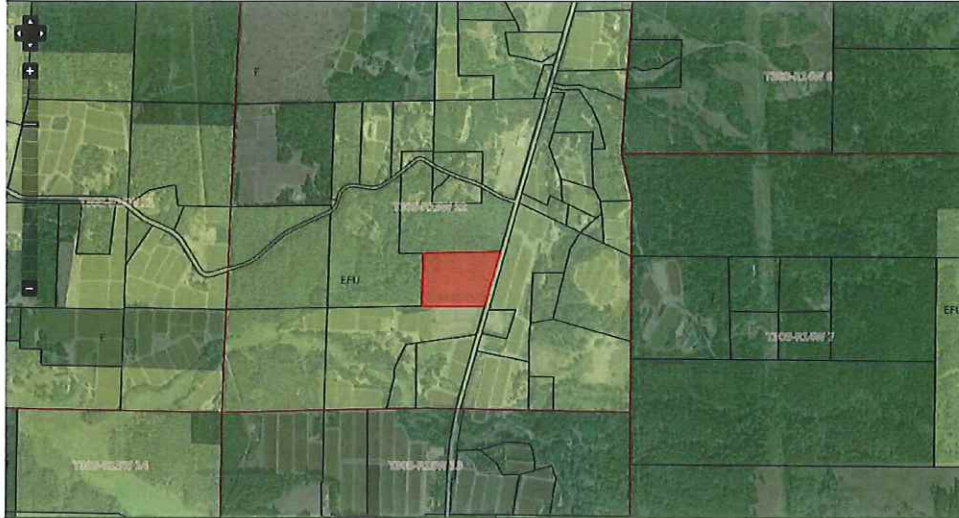
SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should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

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

This property does include inventoried Special Development Consideration and/or Overlay. Request for comments has been submitted to the Coquille Indian Tribe and a wetland notice has been submitted to the Oregon Department of State Lands; however as of the date of this report no comments have been received. The property owner and/or contractor(s) shall comply with the recommendations made once received.

- F. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is zoned Exclusive Farm Use (EFU) contains approximately 12.86 acres and is undeveloped.

The adjacent properties to the north, south, east, and west are zoned EFU. The properties to the north and west contain residential development and consist of tree coverage with cleared areas around the structures. Oregon State Highway 101 runs along the western property boundary and the property beyond that contains agricultural structures and consists of cranberry bogs. The property to the south contains agricultural structures and residential development and consists of mainly cranberry bogs with some tree coverage.



G. COMMENTS:

Staff was required to provide notice to property owners within 500 feet of the subject property, notice was mailed on April 9, 2020 and published in The World Newspaper on April 27, 2020 and May 9, 2020.

- a. PUBLIC AGENCY :** A wetland notification was submitted to the Oregon Department of State Lands (DSL); However, response was not received as of the date of this report. The applicant and/or contractor(s) shall comply with the recommendations made by DSL once received.

Staff provided a 35-day post acknowledgment plan amendment (PAPA) notice to Department of Land Conservation and Development (DLCD). This notice is required 35 days prior to the first evidentiary hearing. DLCD has not responded. Notice of the hearing was provided to in accordance with Chapter V and there have been no public agency comments received.

- b. PUBLIC COMMENTS:** The notice of hearing was provided to surrounding property owners within required notification range. There have been no public comments received.

- c. LOCAL TRIBE COMMENTS:** Notification was provided to the Coquille Indian Tribe (Tribe). The comment letter is attached to this report.

- H. NOTICE REQUIREMENT:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

- I. REVIEW PERIOD:** This application was submitted on March 27, 2020. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

IV. FINDINGS AND CONCLUSIONS:

AMENDMENT / REZONE CRITERIA

Coos County Zoning and Land Development Ordinance (Ordinance)

- **ARTICLE 5.1 REZONES**

- **SECTION 5.1.200 REZONES:**

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

- **SECTION 5.1.220 PROCESS FOR REZONES:**

- 1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
- 2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
- 3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
- 4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
- 5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
- 6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

- **SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:**

The Hearings Body shall, after a public hearing on any rezone application, either:

- 1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*
- 2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;*

- b. *The development of the site must conform to certain specified standards; or*
- c. *Any combination of the above.*

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
 - ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
 - iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
 - iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*
3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

- **SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**
The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

RECOMMENDED FINDING: Staff has followed the procedures and has reviewed the proposal. This is the investigation report referred to as the Staff Report. Staff recommends that the Hearings Body finds that the proposed rezone will conform to the comprehensive plan as the soils support Forest Mixed Use. The rezone will have no effect on the conformity of the parcel. The majority of the soils support forest production. However, prime forestland in Coos County is usually reserved for large track lands and all others contain the Mixed Use overlay to allow for both farm and forest. It would be consistent to apply the Mixed Use Overlay. The applicant has submitted findings to address these criteria.

- **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission held a public hearing on May 7, 2020 and made the recommendation to the Board of Commissioners to adopt the Amendment / Rezone with the conditions outlined in this report along with requiring a deed declaration stating that the property owner shall not object to normal farm or forest practices.

COOS COUNTY COMPREHENSIVE PLAN

Volume I Part I

- **Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states:**
Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:
 - a. *That the proposed rezone would be at least as effective at conserving the resource as the existing zone,*
 - b. *That the proposed rezone would not create a non-conforming use,*
 - c. *That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences. Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land": Comprehensive Plan Map designation so as to correspond to the new zone, as approved.*

Implementation of this policy shall include conducting a "rezone public hearing".

This strategy recognizes:

- a. That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;*
- b. That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.*

RECOMMENDED FINDING: **The rezone will still preserve the resource but will allow for both farm and forest uses which are consistent with the soils. The subject property is forest land by use and definition and is currently vacant. The properties to the north and south have dwellings that were established or approved 1908, 1970, and 1989 respectively. The applicant has acknowledged that they are aware the approval of a rezone could have significant tax consequences.**

The application request complies with these criteria.

Volume I Part II

• 3.2 Forest Lands, Implementation Strategies - 5

There are basically two different types of forest areas in Coos County. These are (i) prime forest areas, and (ii) mixed farm-forest areas. Certain non-farm uses not allowed in the former may be allowed as conditional uses in the latter. The two types of forest land are described in greater detail, as follows:

(i) "Prime Forest Area". These areas or parcels are typically large contiguous blocks of undeveloped land which are managed exclusively for timber production with some ancillary forest uses. Intensive forest management is practiced within this classification. A parcel or area subject to this classification will be preserved primarily for forest uses.

(ii) "Mixed Farm-Forest Area". These areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these "mixed use" areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in "prime forest areas", and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The mixed use areas are identified at a scale of 1"=2 miles on the "Mixed Agricultural-Forest Use Areas" Comprehensive Plan inventory map. A change in the boundary of the "mixed use" inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

- 1) *Mixed use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.*
- 2) *Mixed use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.*
- 3) *Mixed use areas are those areas predominantly co-managed for both farm and forest uses.*

RECOMMENDED FINDING: According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Blacklock fine sandy loam. For forestry purposes, on the basis of a 100 year site curve, the mean site index for shore pine is 90 and has a growth rate of 79 cubic feet per acre per year which is a class IV soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with Statewide Planning Goal 3. Based on the soil type and the fact that the surrounding area is being managed for farming (cranberries) and forestry uses, a mixed-use overlay is appropriate based on the Coos County Comprehensive Plan.

- **Oregon Administrative Rule 660-006-0057 Rezoning Land to an Agriculture/Forest Zone**

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

RECOMMENDED FINDING: According to the Natural Resource Conservation Service (NRCS) survey map, the soil type for the subject property is Blacklock fine sandy loam. For forestry purposes, on the basis of a 100 year site curve, the mean site index for shore pine is 90 and has a growth rate of 79 cubic feet per acre per year which is a class IV soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have been managed for forest uses and cranberry farms with homes sited on the EFU portions of the properties.

Pursuant to State Wide Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil type "Blacklock fine sandy loam", the subject property is forestland by both use and definition.

The soil type is also suitable for agricultural uses pursuant to Statewide Planning Goal 3 (Agricultural Lands) Statewide Planning Goal 4 (Forest), therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay. The proposed zone change will better support the predominant forest use and the subordinate agricultural traits of the subject property.

ADMINISTRATIVE CONDITIONAL USE - FOREST TEMPLATE CRITERIA

SECTION 4.6.120 Review Standards

- **(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.**
(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]

RECOMMENDED FINDING: According to the applicants findings the property yields 79 cubic feet per acre per year; therefore requiring seven (7) lots or parcels and three (3) dwellings that existed prior to January 1, 1993. Staff applied the 160 acre rectangle template with the subject

property located in the center. The template results yielded that twenty six (26) parcels and eight (8) dwellings satisfied the requirements.

The proposed template dwelling will only be permitted if the rezone is approved, that being said, there are no other dwellings located on this property and there are no deed restrictions that would prohibit a dwelling to be sited. By allowing a dwelling to be sited on this property the property would conform with the development that exists in the area.

- ***(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.

RECOMMENDED FINDING: The property is 12.86 acres in size, therefore, a stocking survey report is required to be submitted to the Coos County Assessor's Office.

(b) The dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

RECOMMENDED FINDING: The applicant states that the dwelling will have a fire retardant roof. 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.

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

RECOMMENDED FINDING: The applicant states that the property is relatively flat with little to no slope.

Therefore, this criterion has been addressed.

(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.

RECOMMENDED FINDING: The applicant states that the water source for the property will be from a well and not a Class II stream. As a condition of approval the applicant shall receive a sign off from Oregon Water Resources to verify the water source.

Therefore, this criterion 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.

(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.

RECOMMENDED FINDING: The applicant states that the property is located within the Bandon Rural Fire Protection District.

Therefore, this criterion is satisfied.

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

RECOMMENDED FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this 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.

RECOMMENDED FINDING: The applicant states that the primary fuel-free break and secondary break areas will be maintained surrounding the single family dwelling.

Therefore, this criterion has been addressed.

(2)(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

RECOMMENDED FINDING: The applicant states that the property is within a fire district and there is no need for alternative fire protections or additional water supply.

These criteria have been addressed.

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

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

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;**

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

- (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
- (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
- (d) *The risks associated with wildfire are minimized.*

RECOMMENDED FINDING: The property owner will develop a new home site. The lands used to site access roads, service corridors, the dwelling and structures will be kept to a minimum. The fuel free setbacks will insure risks associated with wildfire are minimized. The property is located off of Oregon State Highway 101 which is a well travelled highway; therefore, this property obtaining an access and siting a single family dwelling will not cause any additional impacts or increased fire hazard to the adjoining forest or agricultural lands.

- (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.*

RECOMMENDED FINDING: According to the plot plan provided it appears that the proposed single family dwelling will be sited towards the western property boundary and in the center between the north and south boundaries.

- (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.**

RECOMMENDED FINDING: The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to construct the single family dwelling. Under ORS 537.545(b)&(d) no permit is required to take water from

- (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.*

RECOMMENDED FINDING: Access to the subject property is via a private driveway accessed off of Oregon State Highway 101. Highway 101 is a State maintained road. Therefore, proof of a long-term road access use permit or agreement will not be required.

Therefore, this criterion has been addressed.

- (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.*

RECOMMENDED FINDING: the subject property is 12.86 acres; therefore, stocking surveys will be required.

Therefore, this criterion is not applicable.

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.*

RECOMMENDED FINDING: There is no new parcels created through this request; therefore, this criterion is not applicable.

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.*

RECOMMENDED FINDING: Based on the submitted Plot Plan the proposed structures will meet the minimum road setback.

Therefore, this criterion has been met.

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

RECOMMENDED FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

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

RECOMMENDED FINDING: A Road/ Driveway Access Verification Permit shall be submitted. This will need to be signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

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.

RECOMMENDED FINDING: This requirement has been addressed.

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.*

RECOMMENDED FINDING: According to the National Wetland Inventory this entire property is located within an inventoried wetland identified as Freshwater Forested/Shrub Wetland. However, the applicant states that there are no riparian vegetation on the site. A wetland notice has been provided to the Oregon Department of State Lands (DSL), comments were not received by the date of this report. The applicant and/or contractor(s) shall comply with the suggestions provided by DSL once received.

Therefore, this criterion has been met.

- 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.*

RECOMMENDED FINDING: The subject property is located within the boundaries of the Bandon Rural Fire Protection District.

Therefore, this criterion has been met.

- 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.*

RECOMMENDED FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criterion has been addressed.

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.*

RECOMMENDED FINDING: The property owner shall provide proof 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 prior to the issuance of a zoning clearance letter.

Therefore, this requirement has been addressed.

10. *Firebreak:*

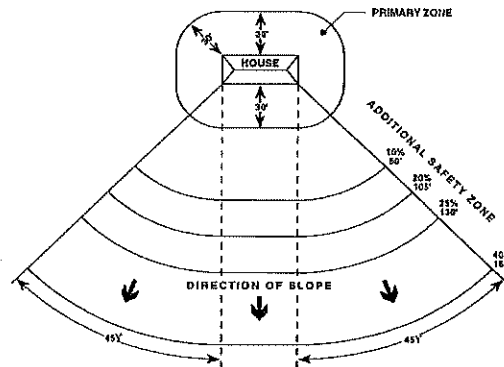
- a. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
- b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary</i>
--------------	------------------------------------	-----------------------------------

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

EXAMPLE OF SAFETY ZONE SHAPE



RECOMMENDED FINDING: According to the soils on this property the proposed location of the dwelling will be located within an area identified as having soils that are comprised of 5B – Blacklock fine sandy loam association that typically have percent 5 to 7 percent slopes. However, given this is a general slope staff has concurred with the applicants' assessment that property is fairly flat. Thus requiring 30 feet of primary safety zone. According to the provided plot plan the dwelling will be site in a location that will allow for this safety zone to be met.

Therefore, this criterion has been addressed.

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.

RECOMMENDED FINDING: 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.

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).

RECOMMENDED FINDING: 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.

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

RECOMMENDED FINDING: The dwelling shall not be sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

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

RECOMMENDED FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this criterion has been addressed.

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.

RECOMMENDED FINDING: The subject property is located within the Bandon Rural Fire Protection District.

Therefore, this criterion has been met.

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.

RECOMMENDED FINDING: A Road/ Driveway Access Verification Permit shall be submitted. This must be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development.

Therefore, staff finds that the road and driveway will provide adequate access for firefighting equipment.

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

RECOMMENDED FINDING: A Road/ Driveway Access Verification Permit shall be submitted. This must be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development.

Therefore, this criterion has been met.

RECOMMENDED CONDITIONS OF APPROVAL FOR THE APPROVAL OF THE TEMPLATE DWELLING

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

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.

2. 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.
3. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 - a. All uses must comply with applicable development standards and fire siting and safety standards.
 - b. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones.
 - c. A “Farm Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct farm operations consistent with the normal farm practice, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Exclusive Farm Use Zones.
 - d. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
4. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with prior to issuance of a zoning compliance letter:
 - a. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 - b. Evidence shall be provided illustrating that the down slope is 9 percent or less so that the correct additional primary safety zone can be determined.
 - c. The dwelling shall not be sited on a slope of greater than 40 percent.
 - d. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
 - e. 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.
5. Shall comply with comments/recommendations once they are received from the Coquille Indian Tribe and Oregon Department of State Lands.
6. A Driveway/ Access / Parking Verification Permit shall be submitted and will need to be signed off prior to receiving a Zoning Clearance Letter.
7. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all conditions have been satisfied.

to allow the Planning Commission and the parties an opportunity to respond, will preclude an appeal to LUBA on that issue.

5. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application.
- **ITEM A – File # AM-20-001/RZ-20-001** – The applicant is Hailey Sheldon and the property owner is listed as Coastal Utility & Excavating C/O Scott Johnson. The applicant has applied to rezone the subject property from an Urban Residential - 2 (UR-2) to Industrial (IND). The property is identified as Township 26S, Range 13W, Section 02AD, Tax Lot 5800. This property is located south of the City of Coos Bay in within the urban unincorporated community of Bunker Hill

Motion: I move to approve Ordinance No. 20-03-001PL as presented by Staff.

- **ITEM B – File # AM-20-002/RZ-20-002/ACU-20-008** – The applicant/property owner is listed as Mariah Grami. The applicant has applied to rezone the subject property from Exclusive Farm Use (EFU) to Forest Mixed Use (FMU) and an Administrative Conditional Use for a forest template dwelling. The property is identified as Township 30S, Range 15W, Section 12, Tax Lot 1300. This property is located south of the City of Bandon.

Motion: I move to approve Ordinance No. 20-03-002PL as presented by Staff.

Coos County Board of Commissioners Hearing Procedures

Introductions

I hereby call this May 19, 2020 Land Use Hearings to order. This is the time and place for a public hearing in the matter of two Rezone Applications.

Oral presentation should begin by stating your name, address, and identifying the criteria you will be addressing. All testimony shall be directed toward the decision makers. The staff will present the merits of the matter and the relevant criteria for the Board of Commissioners to consider.

Those wishing to testify shall focus the substance of the testimony toward the criteria; endorse rather than repeat testimony of others; and clearly and accurately state your issues when testifying. Please turn off all cell phones and be aware that these hearing are being recorded and all other discussion should take place outside the hearing room to allow for clear recording.

The applicant in the case will receive 15 minutes for their presentation and all other parties will have 5 minutes to testify.

I will ask the Board members the following questions:

1. Has each Board member received their staff reports?
2. Do any of the Board members need to disclose conflicts or bias?
3. Does any Board member need to abstain from participating in the hearings?

Does anyone present wish to challenge any member of the Board of Commissioners from participation in today's public hearings?

Staff please review the legal procedures and present the matter.

LAND USE PROCEDURE Pursuant to CCZLDO § 5.7.300 and ORS 197.763

1. A party may either represent themselves or be represented by an attorney. Consultants and other non-attorney professionals may appear as fact witnesses, but may not legally represent a party. Witnesses testifying on behalf of an organization must provide written documentation that they are authorized by the organization to appear and testify.
2. Testimony and evidence must be directed toward the identified criteria relating to the application, or other criteria in the Comprehensive Plan or Zoning Ordinance which you believe applies to the application.
3. The applicant has the burden of proof which means demonstration that all of the applicable criteria can be met.
4. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised no later than the close of the record at the final evidentiary hearing on the proposal. Failure to raise an issue and present statements or evidence clearly in a manner sufficient