



Coos County Planning Department
Land Use Application

Official Use Only

FEE: \$1479.00
Receipt No. 58987913
Check No./Cash pd WJCC.
Date 5/22/19
Received By A. Dibble
File No. AZU-19-020

Please place a check mark on the appropriate type of review that has been requested.

- Administrative Review Hearings Body Review
 Final Development Plan (BDR) Variance

An **incomplete** application **will not** be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

A. Applicant:

Name: Mark Barnhart Telephone: 541-888-3032 Home
467 Main Street Telephone: 541-404-5912 Cell
City: Coos Bay State: OR Zip Code: 97420

B. Owner:

Name: Mark Barnhart Telephone: 541-888-3032 Home
467 Main Street Telephone: 541-404-5912 Cell
City: Coos Bay State: OR Zip Code: 97420

C. As applicant, I am (check one): Please provide documentation.

- The owner of the property (shown on deed of record);
 The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached).
 A lessee in possession of the property who has written consent of the owner to make such application (consent form attached).
 The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. Description of Property:

Township 26 Range 14 Section 14 Tax Lot 200
Tax Account 573200 Lot Size 9.76 Zoning District F

E. Information (please check off as you complete)

- 1. Project Proposal. Attach description if needed. Forest Dwelling
- 2. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½" x 11" paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map)Covenants or deed restrictions on the property, if unknown contact title company.
- 3. Existing Use Forest
- 4. Site Address N/A
- 5. Access Road Private Easement - Water
- 6. Is the Property on Farm/Forest Tax Deferral No
- 7. Current Land Use (timber, farming, residential, etc.) Timber
- 8. Major Topography Features (streams, ditches, slopes, etc.) Fronts Coos Bay
- 9. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map. N/A
- 10. Identify any homes or development that exists on properties identified in #9.
- 11. A copy of the current deed of record.

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and **findings (or reasons)** regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

List of Applicable Criteria and Justification:

See Applicant's Exhibit "A"

G. Authorization:

All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application unless the statement is not applicable. If one of the statements, below is not applicable to your request indicated by writing N/A.

MB

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. 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.

MB

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may choose to revoke this permit or send this debt to a collection agency at your expense.

MB

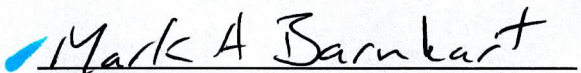
I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the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

MB

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


Applicant(s) Original Signature

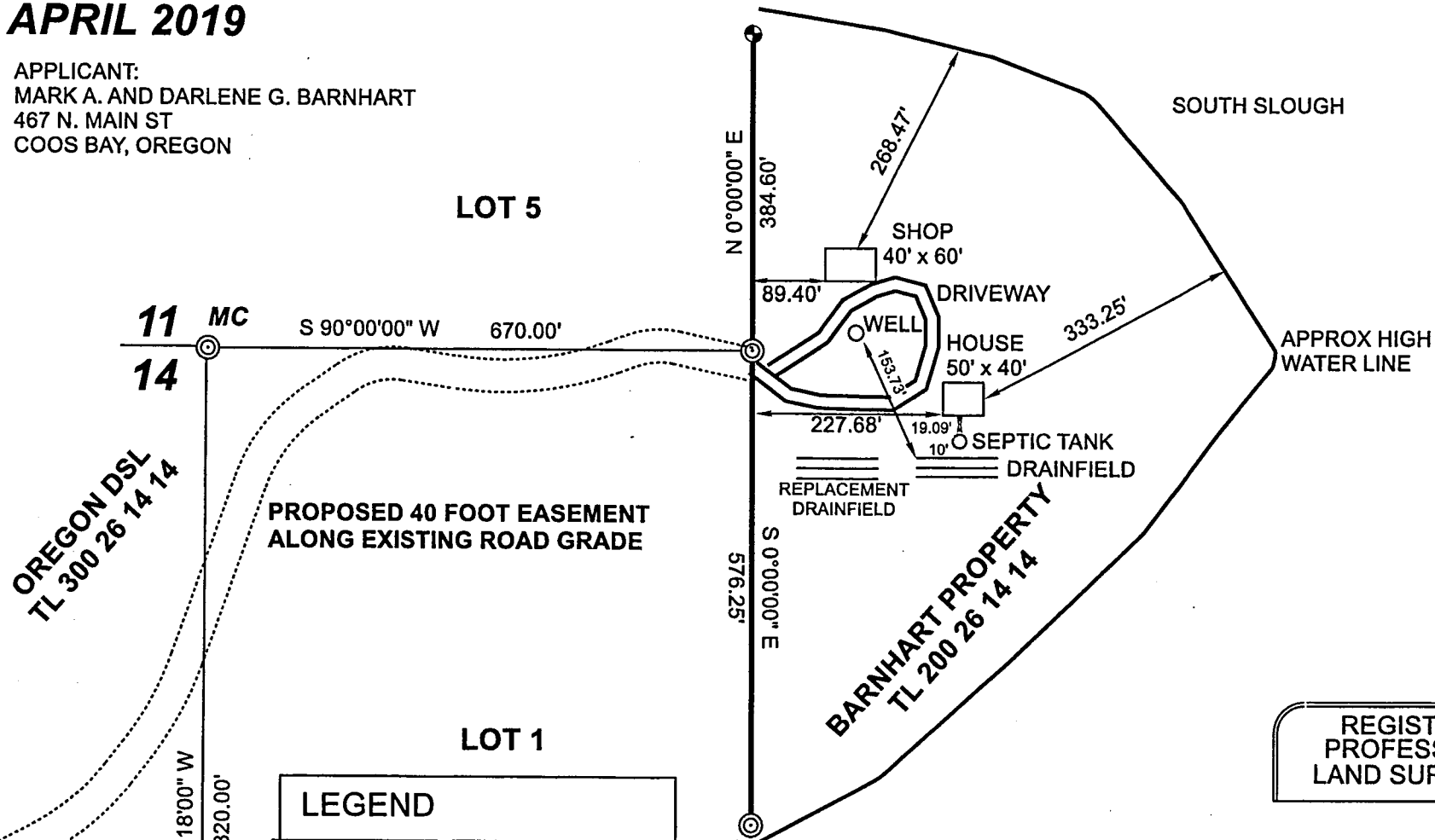
Applicant(s) Original Signature


Print Name

Print Name

BUILDING SITE SURVEY
SECTIONS 11 AND 14, T26S, R14W, W.M.
COOS COUNTY, OREGON
APRIL 2019

APPLICANT:
 MARK A. AND DARLENE G. BARNHART
 467 N. MAIN ST
 COOS BAY, OREGON



** BASIS OF BEARING: SOLAR, FROM COOS COUNTY 21 B 21**

LEGEND	
⊙	POINT NOT FOUND
⊙	CORNER FOUND

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 TONY HOSTETTER
 January 19, 1982
 LICENSE #1975

EXPIRES: 6/30/19

After Recording Return To:
Mark Barnhart
467 N. Main
Coos Bay, Or. 97420

COOS COUNTY, OREGON 2016-06913
\$46.00 08/12/2016 01:00:36 PM
Pgs=1



Terril L. Turi, Coos County Clerk

Until Requested otherwise,
send all tax statements to:
Mark A. and Darlene G. Barnhart
467 N. Main Street
Coos Bay, OR 97420

BARGAIN AND SALE DEED

Mark A. Barnhart, Grantor, conveys, bargains and sells to Mark A. Barnhart and Darlene G. Barnhart, husband and wife, Grantee, the following real property situated in Coos County, Oregon, and more particularly described as follows:

PARCEL I:

That portion of Government Lot 5 in Section 11 and Government Lot 1 in Section 14, all in Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon lying East of the line running North and South from a point 670 feet East of the Meander Corner on the East shore of Haywood Inlet on the Section line common to Sections 11 and 14, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

PARCEL II:

Land described in Volume 65, Page 315, Deed Records of Coos County, Oregon, more particularly described as follows: Begin 84 feet South and 31 feet East of the Meander Corner between Sections 11 and 14, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon on the West bank of South Slough; thence South 45° 45' West 240 feet; thence South 33° 15' West 176 feet; thence South 39° 15' West 94 feet; thence South 51° West 100 feet; thence North 39° West 67 feet to bluff bank; thence North 46° 30' East 86 feet along bluff bank; thence North 36° East 85 feet; thence North 39° 45' East 190 feet; thence North 41° East 241 feet; thence South 44° 30' East 80 feet to point of beginning, located in Section 14, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The true consideration of this conveyance is other than monetary.

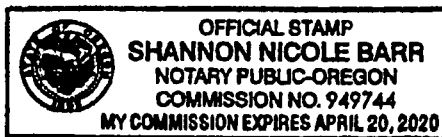
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

DATED this 12 day of August, 2016.

Mark A. Barnhart

STATE OF OREGON, County of Coos

This instrument was acknowledged before me on August 12, 2016, by Mark A. Barnhart.



Notary Public for Oregon
My Commission Expires: April 20, 2020

APPLICANT'S EXHIBIT "A"

BARNHART TEMPLATE DWELING LOCATED IN TOWNSHIP 26 SOUTH, RANGE 14 WEST W.W., SECTION 14, TAX LOT 200;

SECTION 4.6.110(3)

(b) Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

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

RESPONSE: The property is currently vacant with no residential development.

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

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

- xii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year

RESPONSE: The property is composed of soils that are capable of producing 85 Cubic Feet, Per Acre, Per Year of Growth. When a 160 acre square template is centered on the center of the subject property, there must be a minimum of 11 parcels that existed prior to January 1 1993, either within or touching the template and a minimum of three dwellings that existed prior to January 1, 1993 contained within the 11 parcels.

In a Research Request (R-10-001) completed by the Coos County Planning Department on July 28, of 2016 (see attached), it was determined that when a 160 acre square template was centered on the center of the subject property, there was a sufficient number of parcels and dwellings (pre1993) either touching or within the template. The subject property therefore meets the requirements of the template test.

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

- xiii. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed

dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

3) 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

4) 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.

xiv. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

RESPONSE: The provisions above (xiii, 3, 4, or xiv) do not apply.

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

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

RESPONSE: This application is only intended to address the provisions for a forest template dwelling pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO). The applicant will also be responsible for compliance with other special consideration or natural hazard overlays that apply to the property, to assure compliance with the acknowledged comprehensive plan and zoning ordinance.

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

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

6. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

RESPONSE: The applicant is the process of requesting an access easement across State of Oregon land that abuts the property to the east. However, for the purpose of this application the property fronts a navigable waterway (Coos Bay) that provided water access to the property.

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

a. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.

b. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.

c. If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.

d. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

RESPONSE: The subject property is currently managed for forest use and currently exceeds ODF stocking requirements. Because the property contains less than 10 acres of land, the owner will not be required to submit a stocking report to the Coos County Assessor.

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: As a requirement of approval the applicant will be responsible for recording a forest management covenant prohibiting the owner 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.

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.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

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

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

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

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

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

RESPONSE: If the Planning Director requires alternative forms of fire protection cited above, the property owner at the time of development will comply with those standards.

9. Fire Siting Standards for New Dwellings:

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

RESPONSE: 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 $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.

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

RESPONSE: The subject property is adjacent to Coos Bay, however due to required riparian setback and slope issues; access within 15 feet is not feasible. It is also worth noting that Coos Bay is tidally influenced and that water would only be available at the shoreline for short durations during high tide events.

10. Firebreak:

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

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

b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low

(less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

RESPONSE: The owner at the time of development will maintain 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 will be removed from beneath trees.

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

RESPONSE: A sufficient garden hose to reach the perimeter of the primary safety zone will be available at all times.

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

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

RESPONSE: The proposed dwelling will be sited on a relatively flat bench area as shown on the submitted plot plan. The average slope in the general vicinity of the home site is generally less than 5 percent and never exceeds 9 percent. An additional primary fire break is not necessary.

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.

RESPONSE: All new and replacement structures will 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).

RESPONSE: There is no water supply proposed that exceeds 4000 gallons. The subject property is adjacent to Coos Bay, however due to required riparian setback and slope issues; access within 15 feet is not feasible. It is also worth noting that Coos Bay is tidally influenced and that water would only be available at the shoreline for short durations during high tide events.

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

RESPONSE: The dwelling will be sited on a relatively flat bench area as shown on the submitted plot plan. The average slope in the general vicinity of the home site is 5 percent and never exceeds 9 percent.

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

RESPONSE: If the dwelling has a chimney or chimneys, each chimney will 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.

RESPONSE: The subject property is not located within a fire protection district. The applicant has asked to be included within the Charleston Fire Protection District.

16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.

RESPONSE: Access to the Dwelling will comply with the driveway standards of Chapter VII.

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

RESPONSE: Access to the Dwelling will comply with the driveway standards of Chapter VII (CCZLDO).

Section 4.6.110(3)(b)

b. Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

FINDING

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

The subject property contains over 9 acres. there are no other dwellings within the tract. therefore, this criterion has been met.

FINDING

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

there are no deed restrictions on this parcel which do not allow a dwelling.

Therefore, this criterion has been met.

iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3

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

iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

4.6.140 # (1-7)

- 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.

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.

NA

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.

setbacks for buildings will be met or exceeded.

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

no fence planned at this time. If installed at a later date they will meet the vision clearance requirements in Section 7.1.525

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

will provide when easement is complete

5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of

Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

Applicant will record a "Forest Management Covenant"

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.

Buildings are sighted in the center of property.

Riparian vegetation shall be maintained, with little impact. Note: there is some English Ivy in the Riparian zone that needs to be removed.

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 Department of Forestry of the proposed development.

Included is a letter from Charleston Fire District.
stating the property ~~is included~~ in Charleston RFPD,
can be protected under contract by ^{it}

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

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

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

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

The adjoining property is owned by Ore. DSL and managed by SSNERR for conservation. A single family dwelling will not force a significant change in, or increase the cost of, accepted farming or forest practices. Setbacks are met or exceeded

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

A single family dwelling sited with ample setbacks and recommended fire breaks will not significantly increase a fire hazard. A good driveway with turnaround will be provided, improving existing conditions

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

Recommended setbacks and firebreaks will be met or exceeded. Owner will keep and maintain a 500 gallon water tank with pump and hose to the perimeter of firebreak, therefore the proposed use will not significantly increase fire hazard or increase suppression costs

4. A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and 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. There may be other criteria listed that applies to individual uses.

Owner will record a "Forest Management Covenant."

5. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

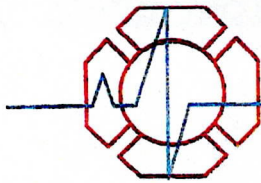
existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

- a. Dwellings and structures shall be sited on the parcel so that:
 - i. They have the least impact on nearby or adjoining forest or agricultural lands.
 - ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And
 - iv. The risks associated with wildfires are minimized.

Dwelling is near center of property with over 200 ft. from boundary. No impact with adjoining forest land. Plenty of room for fire break & setback.

- b. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposes of this Section, evidence of a domestic water supply means:
 - i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water.
 - ii. A water use permit issued by the Water Resources Department for the use described in the application. Or
 - iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

*A well will be on site.
Applicant will submit well constructor's report
To the county upon completion of the well.*



Charleston Fire District

92342 Cape Arago Hwy., Coos Bay, OR. 97420-8745

May 14, 2019

Mark Barnhart
Salal Ln.
Coos Bay, OR 97420

This letter is to confirm that Charleston RFPD can extend service to properties on Sala Lane, Coos Bay, OR through a Fire Protection agreement at a rate based on the current District millage rate at the time of agreement.

Sincerely,

Chief Michael Sneddon
Charleston Fire District
92342 Cape Arago Hwy
Coos Bay, OR 97420
Office: 541-435-7071
Cell: 541-297-8245
Main: 541-888-3268
Fax: 541-435-7075
Chief.mick@charlestonfire.net
www.charlestonfire.net



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

July 28, 2016

Mark Barnhart
 467 N. Main
 Coos Bay, OR 97420

RE: Research Request R-16-008 on property located at T. 26S, R. 14W, Sec. 14, TL 200

Mr. Barnhart:

Pursuant to your research request, a second forest template dwelling test was conducted for the parcel located south of the unincorporated city of Charleston. The purpose of the test was to determine if the parcel would qualify for a dwelling based on the relevant Coos County Zoning and Land Development Ordinance ("CCZLDO") provisions.

The applicable CCZLDO criteria for the template test are:

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

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

iii. The lot of parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

	<i>Cf/Ac/Yr of Growth</i>		
	<u>0-49</u>	<u>50-85</u>	<u>85+</u>
<i>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.</i>	3	7	11
<i>Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels.</i>	3	3	3

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

iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings

shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- 1) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- v. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

A soil report generated by the NRCS Web Soil Survey indicates the vegetative production capacity of the lot is 114-257 cubic feet per acre per year, which requires a minimum of 11 parcels and 3 dwellings be in existence as of January 1, 1993 within a 160-acre square or rectangle to qualify for a Forest Template Dwelling.

As the property is not greater in size than 60 acres and does not appear to abut a road or perennial stream meeting the requirements listed in subsection v. above, the square template was used to complete the test. The test results are as follows:

Square Template

Minimum of eleven (11) required pre-1993 parcels within a 160 acre square:	MET (14 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre square:	MET (3 dwellings)

This test shows that, in an application for an Administrative Conditional Use Permit for a Forest Template Dwelling, CCZLDO Section 4.6.110 (B)(3)(iii through v) **would be satisfied** using the property's current configuration. If the configuration were to change, such as through a partition or property line adjustment, or if additional discrete parcels are discovered within the test area, this test will no longer be valid and a new test will be required.

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

Sincerely,

Amy Dibble

Amy Dibble, Planner I
Coos County Planning Department

Encl: Template Test Map – Square Template

C: File



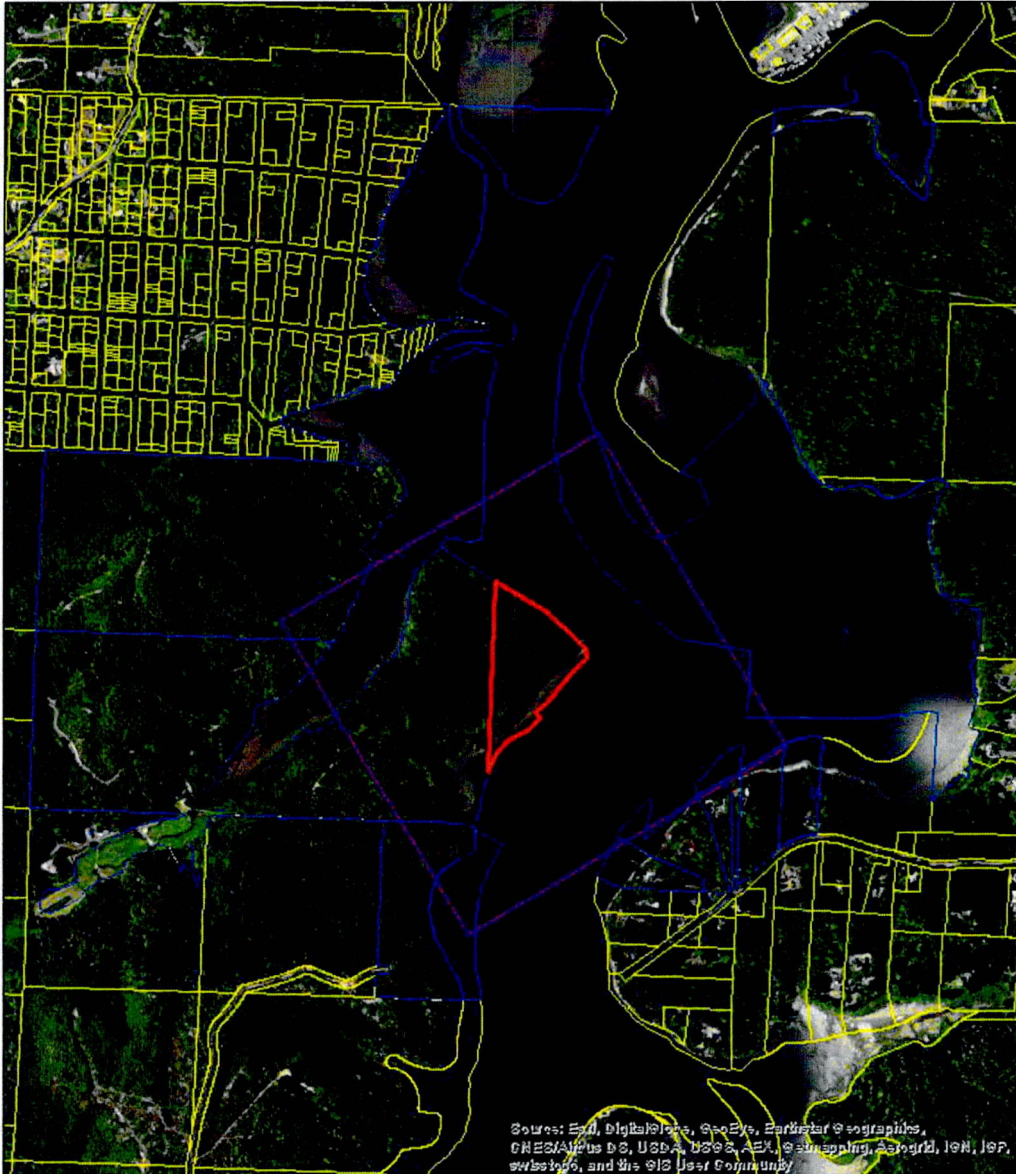
COOS COUNTY PLANNING DEPARTMENT

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

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Phone: (541) 396-7770

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



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community