

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.

X  

X CP study Part 1

COOS COUNTY, OREGON 2019-02266
\$96.00 03/21/2019 01:21:08 PM
DEBBIE HELLER, CCC, COOS COUNTY CLERK Pgs=3

RECORDING REQUESTED BY:



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

AFTER RECORDING RETURN TO:

Order No.: 360619026240-DM
Christopher Pachunka and Sandra Pachunka, as tenants by the
entirety
27447 N 97th Dr
Peoria, AZ 85383

SEND TAX STATEMENTS TO:

Christopher Pachunka and Sandra Pachunka
27447 N 97th Dr
Peoria, AZ 85383

APN: 1007502100

AFTER RECORDING
RETURN TO
Ticor Title Company
300 West Anderson Ave. - Box 1075
Coos Bay, OR 97420-0236

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Tom A. Stone and Diane L. Stone, or their successors in trust, Trustees of the Tom A. Stone Revocable Living Trust uadtd March 5, 1997 and The Diane L. Stone Revocable Living Trust uadtd March 5, 1997 and any amendments thereto, as tenants in common, Grantor, conveys and warrants to Christopher Pachunka and Sandra Pachunka, as tenants by the entirety, 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:

Lots 11, 12 and 13, Block 7, PLAT OF FIRST ADDITION TO SANSARIA, Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$87,000.00). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING 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: March 18, 2019

the Tom A. Stone Revocable Living Trust uatd March 5, 1997

✓ BY: Tom A. Stone
Tom A. Stone
Trustee

✓ BY: Diane L. Stone
Diane L. Stone
Trustee

The Diane L. Stone Revocable Living Trust uatd March 5, 1997

✓ BY: Tom A. Stone
Tom A. Stone
Trustee

✓ BY: Diane L. Stone
Diane L. Stone
Trustee

State of Oregon
County of BENTON

This instrument was acknowledged before me on 03-18-19 by Tom A. Stone and Diane L. Stone,
or their successors in trust, Trustees of the Tom A. Stone Revocable Living Trust uatd March 5, 1997 and The
Diane L. Stone Revocable Living Trust uatd March 5, 1997 and any amendments thereto

✓ Lisa Ammann
Notary Public - State of Oregon

My Commission Expires: 01-04-2020

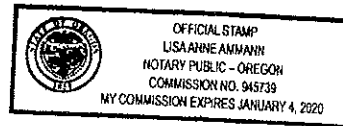


EXHIBIT "A"
Exceptions

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 14, 2000
Recording No: 2000-3615

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005
Recording No: 2005-7673

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005
Recording No: 2005-7674

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005
Recording No: 2005-7675

Waiver of Right To Object Forest and Farm Practices Management Covenant

Recording Date: March 7, 2007
Recording No.: 2007-2950

General Judgment Declaring Easement for Beach Access Roadway and Parking Area

Recording Date: July 18, 2011
Recording No.: 2011-5623

72-C-77300

Pioneer National Title Insurance Company
WASHINGTON TITLE DIVISION
Filed for Record at Request of

TO _____
_____ INVESTMENT COMPANY
_____ BLDG
_____ WASHINGTON 98104

7100
State of Oregon
County of Coos
I hereby certify that the within instrument
was filed for record

SEP 9 2 51 PM '72

and recorded in Book of Records
Microfilm Reel No. _____
of said County
WITNESS my hand and Seal of County
Clerk
By _____
Deputy

14 STAMPS

15021

909

Quit Claim Deed

FORM C 96 B

THE GRANTOR **EVARILLA R. PONTIUS, a widow** -----

for and in consideration of **THREE THOUSAND DOLLARS (\$3,000.00)**

convey and quit claim to **ROBERT W. HOSS and MERRILOU HOSS, husband and wife,**

the following described real estate, situated in the County of **COOS**

Oregon

State of **OREGON** including any interest therein which grantor may hereafter acquire

Lot 12, Block 7, Plat of First Addition to Samsaria, Coos County, Oregon.

Dated this **29th** day of **September, 1972.**

Evarilla R. Pontius (SEAL)
Evarilla R. Pontius

HAWAII
STATE OF **HAWAII**
County of **HAWAII**

On this day personally appeared before me **Evarilla R. Pontius**
to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that she signed the same as her free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this **29th** day of **September, 1972.**

RECORDED BY



Paul M. Uyegaki
Notary Public in and for the State of **HAWAII**
My Commission expires **Feb 12, 1975**

My Commission expires **Feb 12, 1975**

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:

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

No other dwellings

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

No deed restrictions

- 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:

- 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.

Conditional use was done in 2006 and met ~~with~~ the criteria.

- 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.
- 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;
 - 2) Unless it complies with the requirements of Section 4.6.130.6 through 8 Section 4.6.140.8 through 16.
 - 3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under d.iii below for the other lots or parcels that make up the tract are met; or
 - 4) If the tract on which the dwelling will be sited includes a dwelling.
- vii. For single-family dwellings, the landowner shall 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.

I will turn in the Deed Document

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.

Property is in a sub division and Building structures will be on Northwest to west area of Property. Set Backs will be maintained. Nothing on property will influence forest practices.

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

Set Backs will be in place and no Fire Hazard issues.

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

Structures will meet or exceed Building codes and set Backs will be in place.

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.

I accept this as a condition of approval.

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.

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. *conditional use was done in 2006 and met criteria*
- ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. *conditional use was done in 2006 and met criteria*
- iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And *will meet fire set backs and it will be maintained*
- iv. The risks associated with wildfires are minimized.

I ~~agree~~ AGREE to fire set backs and maintain.

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 is in place and permitted.

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.

Road and Driveway have already been inspected
By Dept and approved.

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.

Property is only 3/4 acres. Few trees on property
but it will meet setbacks and approval.

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

Agree

- 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.

ONLY 3/4 OF AN ACRE | Not more than 10 acres

- 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.

Agree

- 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.

AGREE

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.

N/A - not creating new parcels,

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.

All set backs will be maintained

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

Setbacks will be maintained. No plans for fences or walls.

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

Already inspected 2006

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

Already inspected 2006

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

AGREE

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: *DONT HAVE ONE.*
 - 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. *AGREE*
 - 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 Department of Forestry of the proposed development.

It's within the Bandon Fire Dept.

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;

not needed, within Bandon Fire Dept

- 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;

not needed

- 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

not needed

- 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

not needed,

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

Not needed

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.

Agree ~~2500~~ PLAN OR AT LEAST 2500

- 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.

Not needed

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.

Agree

- 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.

Agree

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

AG-lee

- 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.

~~AG-lee~~ *AG-lee*

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.

AG-lee

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).

N/A - NO WATER SUPPLY.

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

Mostly level site. ALL YARD and Building Standards will be on level land.

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

AGREE

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.

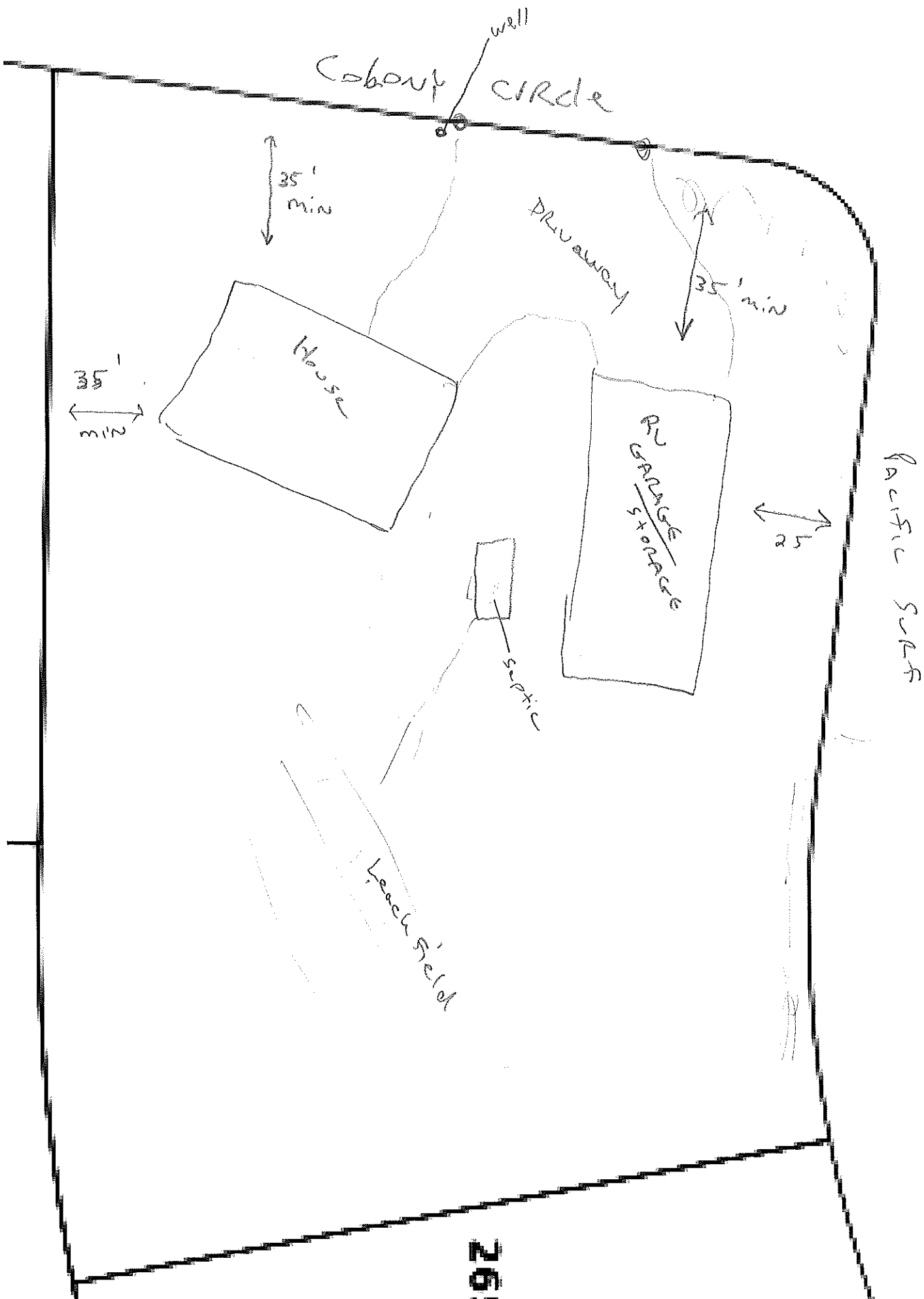
within Bandon Fire Dept.

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.

ALREADY INSPECTED IN 2006

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

ALREADY INSPECTED IN 2006





Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse,
Coquille, Oregon 97423
(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

Staff Report

File #: ACU-06-80

Date: February 1, 2007

**Owner/
Applicant:** Tom & Diane Stone
2852 NW Monterey Place
Corvallis, Oregon 97330

Request: Template dwelling within the Forest Mixed Use (FMU) zone.

Staff Contact: Staci Leep, Planner II

I. APPLICABLE REVIEW CRITERIA: COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

- i. Section 4.8.525(B) - Forest Dwellings (Template dwelling)
- ii. Section 4.8.600 - Mandatory Siting Standards for Dwellings and Structures within the Forest zone
- iii. Section 4.8.700 - Mandatory Fire Siting and Safety Standards
- iv. Section 4.8.750 (B) & (I) - Development Standards (setbacks)

II. BASIC FINDINGS:

- A. Location:** The property is located between the City of Bandon and the City of Coos Bay within the Sansaria Subdivision off of Colony Drive via Pacific Surf Lane and Seven Devils Road. The subject property is identified on the Coos County Assessor's map Township 26, Range 14, Section 33CC, as Tax Lots 1100 & 1200.

- B. Lot of Record:** Pursuant to the CCZLDO Section 3.3.800 (1), Lawfully Created Lots and Parcels, "The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:...Lots or parcels created prior to January 1, 1986;.."

According to assessment information, tax lots 1100 and 1200 (Lots 11 & 12, Block 7) of the Sansaria Subdivision, were created in 1968. Therefore, the subject property is a legal lot of record pursuant to Section 3.3.800(1).

- C. Background:** On January 4, 1978, a verification letter was issued to site a storage building only. On October 9, 2006, a zoning compliance letter (VL-06-646) was issued for septic site evaluation only.

The current application was submitted on December 29, 2006, and deemed complete on January 8, 2007.

- D. Zoning:** The subject property is zoned Forest (F) with a mixed use overlay. Pursuant to Section 4.1.100(A)(2) the purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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."

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.

- E. **Site Description:** The subject property is 0.45 of an acre. The 2005 ortho photo shows tax lot 1200 to have forested vegetation in the central area of the property to the west boundary. Tax lot 1100 currently has grass vegetation. The property lies south of Pacific Surf Lane and east of Colony Drive.

The subject property consists of Templeton silt loam (54B) with a 6e class capability, which has severe limitations that make them generally unsuitable for cultivation. The Templeton silt loam has slopes of 0%-7%.

- F. **Special Considerations:** There are no acknowledged special considerations on the subject property.

The property has a mixed use overlay.

- G. **Surrounding Land Uses:** Pacific Surf Lane borders along the northern property boundary in a north-south direction. The subject property is surrounded by Forest zoned parcels with sparse tree vegetation. The 2005 ortho photo shows the adjacent parcels appear to have been cleared of most tree vegetation. There is an existing dwelling located at the beginning of Pacific Surf Lane which is approximately east 1200± feet from the subject property.

The parcels within the 500 foot notification area of the subject property range in size from 0.20 to 24.52 acres.

III. DECISION:

The submitted application is hereby **approved** subject to requirements and conditions of approval set forth below.

IV. CCZLDO Review Criteria

ii. *Section 4.8.525(B) "Template Dwelling"*

- 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:*

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

FINDING: Pursuant to the 2006 assessment records, the subject tract consists of 0.45 of an acre. 2007 Assessment records shows no evidence there is a dwelling on the subject property.

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

FINDING: The deed for the subject property, recorded in 2006 (2006-16286) does not reference any deed restrictions limiting development on the subject property.

3. *The lot or parcel on which the dwelling is to be located is predominately 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
<i>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, with 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.*

FINDING: The Oregon Department of Forestry and the Planning Department estimated the cubic foot per acre per year growth to be greater than 85. Based upon the above criteria the template option requires 11 parcels and 3 dwellings, established prior to January 1, 1993, within a 160-acre square centered on the subject property. The subject property qualifies for a forest template dwelling because there are 168 parcels and 3 dwellings within the 160-acre template established prior to January 1, 1993.

6. *The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.*

FINDING: The proposal meets the criteria in Section 4.8.525(B) "Template Dwelling" and the acknowledged Comprehensive Plan.

iii. Section 4.8.600 - Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use 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. Dwellings and structures shall be sited on the parcel so that:*
- 1. They have the least impact on nearby or adjoining forest or agricultural lands; and*
 - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and*
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - 4. The risks associated with wildfires are minimized.*

FINDING: The eastern portion of tax lot 1200 is the proposed dwelling site, gaining accessed from Colony Drive consisting of a single driveway. The dwelling will be sited to comply with the fire safety standards as much as is possible due to the parcels shape and size. This will minimize adverse impacts on forest operations, as well as have the least impact on agricultural and forest operations. By maintaining the fire safety corridor, risks associated with wildfires will be minimized.

- B. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:*
- 2. A water use permit issued by the Water Resources Department for the use described in the application; or*
 - 3. 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.*

FINDING: There is no evidence of verification from the Water Resources Department. As a condition of approval, this evidence must be supplied.

- C. *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.*

FINDING: The property is accessed from North Way Lane, which is a Coos County roadway. The Coos County Road Department must issue access permits and driveway confirmation.

iv. **Section 4.8.700 - Fire Siting and Safety 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.

FINDING: The applicants submitted documentation from the Bandon RFPD stating they have requested to be included within the Bandon RFPD area.

Section 4.8.700(A)(Firebreak) - identifies fire siting and safety standards that are applicable to dwellings approved in the Forest zone. The Ordinance requires a 30-foot primary setback and a 100-foot secondary setback be maintained. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met

FINDING: The size and shape of the property preclude the primary and secondary firebreaks to be met on all sides of the proposed dwelling. The submitted plot plan shows the dwelling meeting the firebreak setbacks from the east property boundary. However, the shape and size of the property prohibits the proposed dwelling to meet the firebreak requirements on the remaining sides; therefore, no variance application is necessary.

Section 4.8.700(D) of the CCZLDO identifies that dwellings shall not be sited on a slope greater than 40 percent.

FINDING: There was no indication of the slopes on the submitted site plan. The property consists of soils found on slopes of 0% to 7%. The dwelling must be sited to comply with this requirement.

v. **Section 4.8.750 – Development Standards**

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

FINDING: The building site is located such that the roadway setbacks will be met.

*(I) **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...***

FINDING: There is no known riparian area located on this property; therefore, this criteria does not apply to this request.

V. ANALYSIS:

The proposed dwelling meets the applicable review criteria of the CCZLDO subject to requirements and conditions of approval. Currently there are no roads or driveways located on the property. Any new roads or driveways proposed must comply with Chapter 7 and Section 4.8.600(C).

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (CCZLDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

Pursuant to Section 5.2.900 all conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension pursuant to ORS 215.417.

VI. NOTICE OF APPEAL RIGHTS:

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals filed after February 16, 2007, are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information may be provided by the Planning Department upon request.

VII. Requirements and Conditions of approval:

1. The applicant shall provide evidence that the dwelling's 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 Forestry.
2. Evidence must be provided that a "Forest Management Covenant" which recognizes the right of adjacent and nearby property owners to conduct forest operations consistent with the Forest Practices Act and Rules has been recorded in the Deed Records of Coos County.
3. A road/driveway confirmation form must be signed by the Coos County Roadmaster that the road/driveway has been improved in accordance with Chapter VII of the CCZLDO.

All driveways are considered new if a dwelling does not currently exist on the subject property or a second dwelling requires the creation of a new driveway.

4. Once the applicant has complied with items 1 through 3 above, a Zoning Compliance Letter (ZCL) can be obtained from the Planning Department in order to continue with any required development permits from the Department of Environmental Quality (DEQ) or State Building Codes Agency.
5. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" shall by acting upon this permit agree to notify the "buyer" or "grantee" of the terms and conditions of the permit.
6. The proposed dwelling must be located as shown on the applicant's submitted plot plan; however the dwelling must not be located on slopes of more than 40%.

7. Pursuant to the CCZLDO, Section 4.8.700 requires the following:
 - a. All dwellings to maintain a 130-foot fuel free firebreak setback,
 - b. New structures shall use a non-combustible or fire resistant roofing material,
 - c. A water supply exceeding 4,000 gallons available for fire suppression,
 - d. The dwelling shall not be sited on a slope of greater than 40 percent,
 - e. If a chimney is proposed it shall have a spark arrester,
 - f. Adequate road access for fire personnel

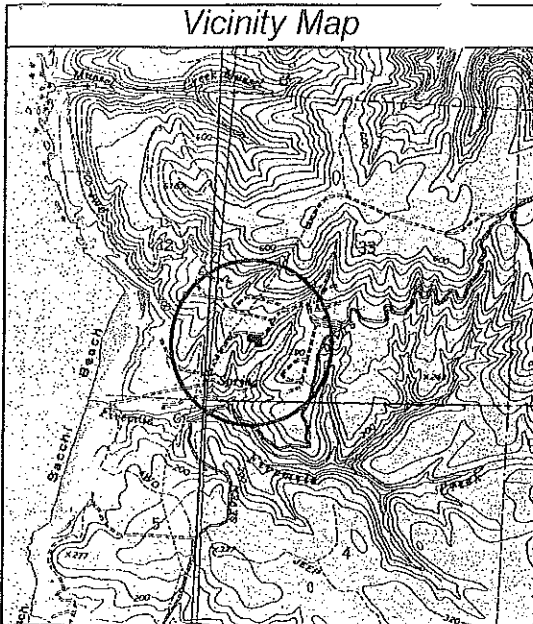
8. Construction activities that disturb one or more acres of land are subject to Department of Environmental Quality (DEQ) review. Less than one acre may be subject to review if part of a larger common plan. Please direct all questions to DEQ.

Attachments: To the applicants only
Template Map
"Waiver of Right to Object Forest and Farm Practices Management
Covenant"
Fire District request form
Domestic Water Rights form
Driveway Confirmation Form

C: David Perry, DLCD
Larry Van Elsberg, Coos County Roadmaster
Mitch Lewis, Watermaster
Del Cline, DEQ
Ruben Kretschmar, DEQ
Coos Bay School District #9
Coos Bay/North Bend Water Board
Bandon RFPD
Southern Coos General Hospital District
File

COOS COUNTY PLANNING DEPARTMENT

Coos County Court House Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

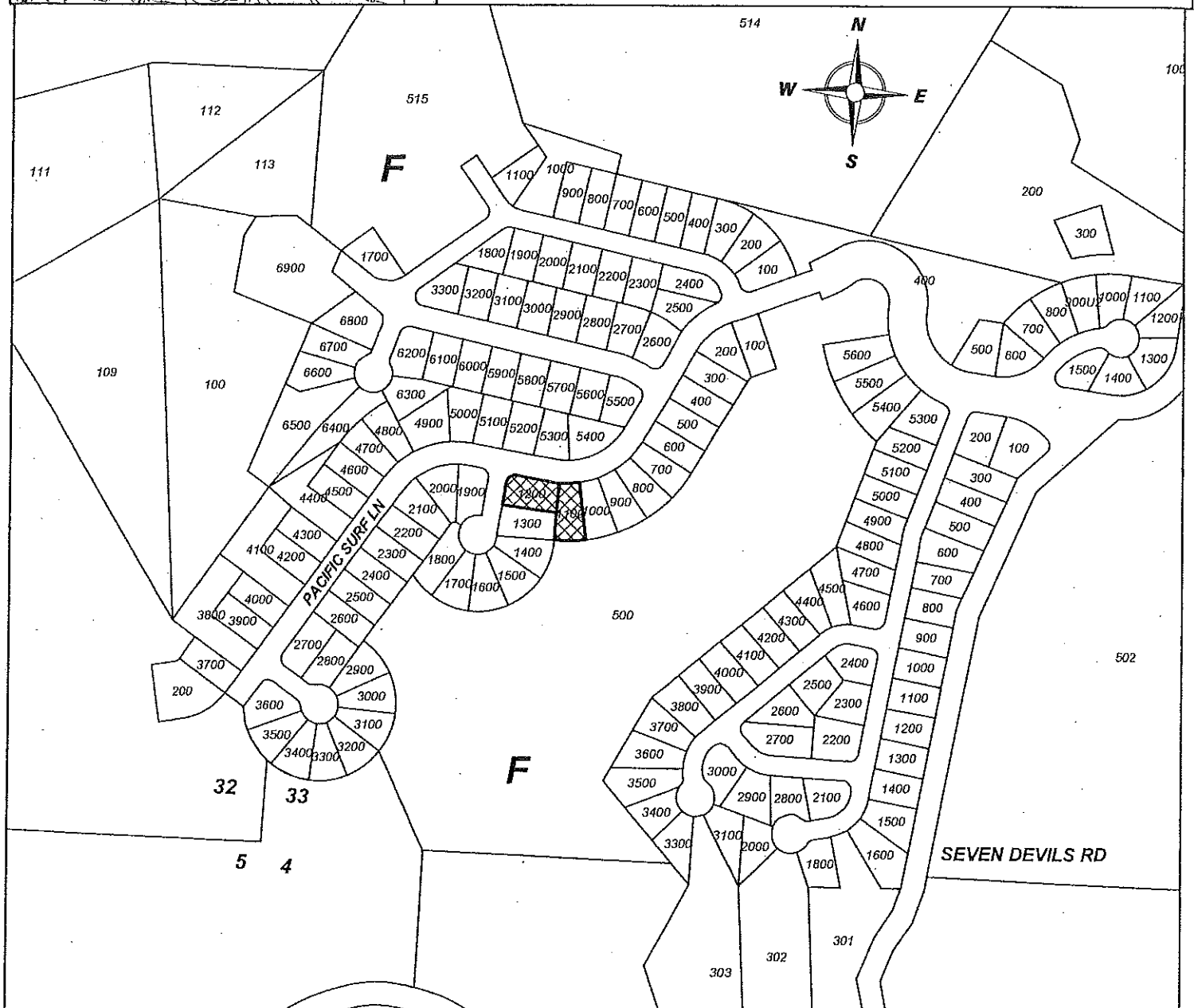


File Number: ACU-06-80

Applicant: Tom & Diane Stone
2852 NW Monterey PL
Corvallis, OR 97330

Location: T26 R14 Sec.33CC TL 1100, 1200

Proposal: Template Dwelling



Scale one Inch = 400'

Subject Property =

