

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

COMPLETED BY STAFF

Received By: <u>A. Dibble</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>10/25/19</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>ACU-19-045</u>	<input type="checkbox"/> TEXT AMENEDMENT
Fee: <u>\$892.50</u>	CONDITIONAL USE REVIEW
Fee Paid: <u>4892.50</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>214401</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	*Supplemental Application required
	STAFF NOTES:

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

I. APPLICANT

Name: Lloyd Humpage
Mailing Address: 88811 Pacific Surf Lane
City State Zip: Bandon, Oregon 97411
Daytime Phone: (541)347-7900
Email:

II. OWNER(S)

Name: Same
Mailing Address:
City State Zip
Daytime Phone
Email:

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

Location or Address:

Kona Plaza Bandon, Ore. 97411

No. Acreage

total .85

Tax Acct.

7498800, 7498700, 7498500

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

265 14w 33CC

6600

265 14w 33CC

6700

265 14w 33CC

6800

Zone:

Forest Mixed Use

Water Service Type:

Well

Sewage Disposal Type:

Monitored

School District:

Coos Bay

Fire District:

Bandon RFPD

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

I request summary,
To establish a template dwelling in the Forest
Zoning District.

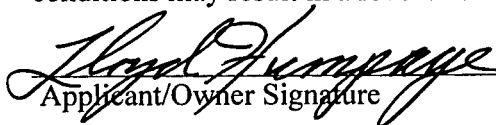
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning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

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

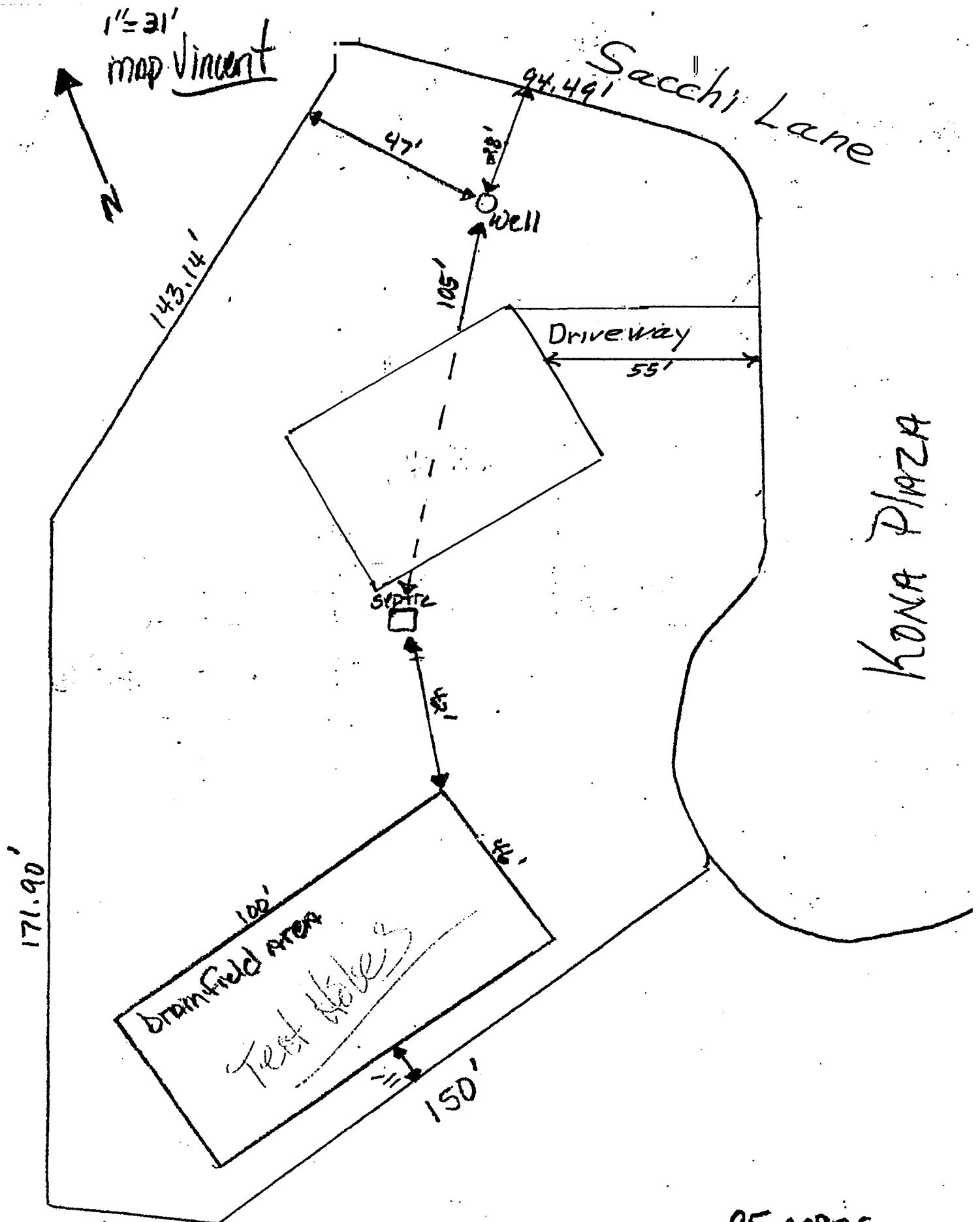
- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which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

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

If this application is referred 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.


Applicant/Owner Signature

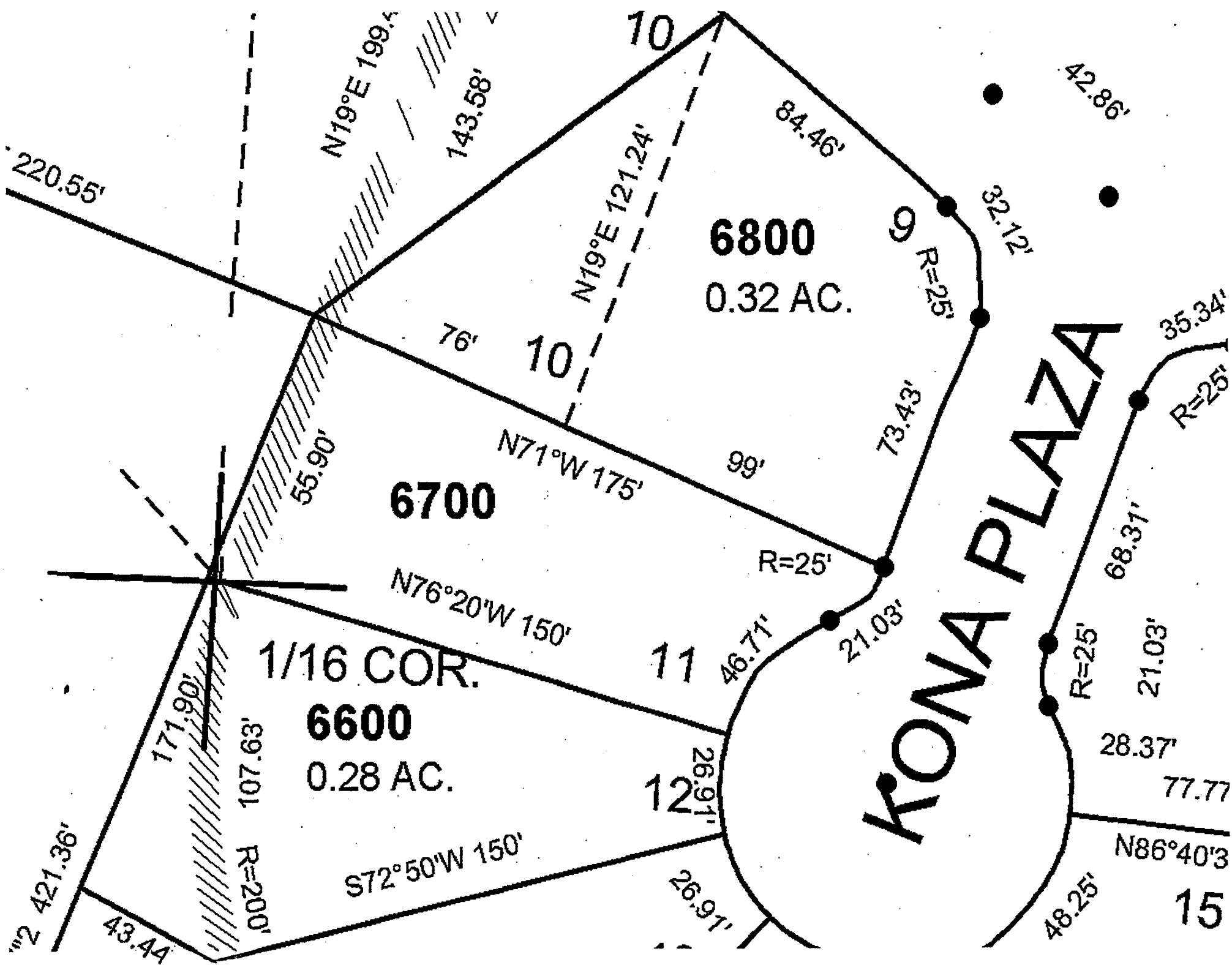
Applicant/Owner Signature



.85 ACRES

T26 R14 S33 CC TL 6600, 6700, 6800

Lloyd
Hampage



220.55'

N19°E 199.4'

143.58'

10

84.46'

6800
0.32 AC.

N19°E 121.24'

76'

10

32.12'

R=25'

42.86'

6700

N71°W 175'

99'

73.43'

R=25'

N76°20'W 150'

11

46.71'

21.03'

68.31'

R=25'

1/16 COR.

6600
0.28 AC.

171.90'

107.63'

R=200'

S72°50'W 150'

12

26.91'

26.91'

28.37'

77.77'

N86°40'3"

48.25'

15

KONA PLAZA

**STATE OF OREGON
WELL LOCATION MAP**

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301
(503)986-0900



This map is supplemental to the WATER SUPPLY WELL REPORT

LOCATION OF WELL

Latitude: Datum: WGS84

Longitude:

Township/Range/Section/Quarter-Quarter Section:

WM 26S 14W 33 NWSW

Address of Well:

0 KONA PLAZA
BANDON, OR 97411

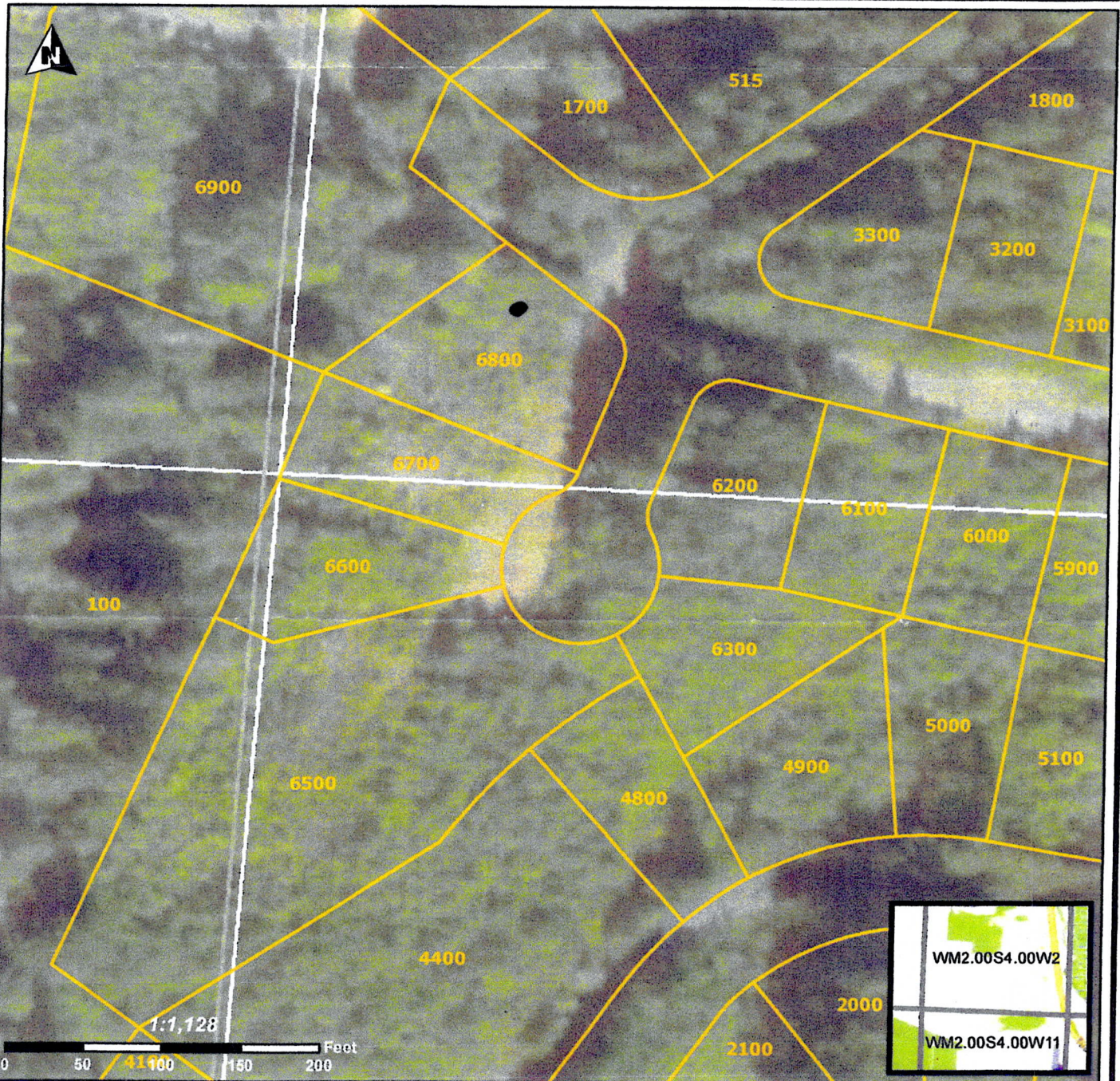
Well Label: L129321

Well Log: COOS 57445

Printed: April 4, 2019

DISCLAIMER: This map is intended to represent the approximate location of the exempt use well provided by the land owner. It is not intended to be construed as survey accurate in any manner.

Please clearly mark the location of the well.



Prepared By:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

MAIL TAX STATEMENTS TO:
After Recording Return To:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

COOS COUNTY, OREGON **2017-07924**
\$56.00 08/18/2017 10:02:01 AM
Pgs=3



00064703201700078240030035

DEBBIE HELLER, CEA, COOS COUNTY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

On August 17, 2017 THE GRANTOR(S),

- Fralen Properties LLC, a single person,

for and in consideration of: One Dollar (\$1.00) and/or other good and valuable consideration conveys, releases and quitclaims to the GRANTEE(S):

- Lloyd A. Humpage, a single person, residing at 88811 Pacific Surf Ln, Bandon, COOS County, Oregon 97411

the following described real estate, situated in an unincorporated area in the County of COOS, State of Oregon:

Legal Description:

26S1433CC- 06600, 06700, 06800

Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

It is a gift

Tax Parcel Number: 26S1433CC - 06600, 06700, 06800

Mail Tax Statements To:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY 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.

[SIGNATURE PAGE FOLLOWS]

Grantor Signatures:

DATED: 8.18.17

Helen C. Pekny

Fralen Properties LLC
331 Camino Del Cielo
South Pasadena, California, 91030

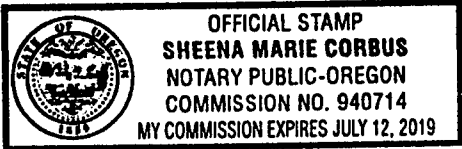
STATE OF OREGON, COUNTY OF COOS, ss:

This instrument was acknowledged before me on this 18th day of August,
2017 by Fralen Properties LLC, Helen C. Pekny

Sheena Marie Corbus
Notary Public

Notary Public
Title (and Rank)

My commission expires 07.12.2019



LEGAL DESCRIPTION

Lots 9, 11 and 12 and that portion of Lot 10, Block 6, PLAT OF FIRST ADDITION TO SANSARIA, Coos County, Oregon, described as follows: Beginning at the Southwest corner of Lot 10, Block 6, Plat of First Addition to Sansaria, Coos County, Oregon, at which a 3/4" iron pipe is set per said Plat; thence North 51° 16' 10" East 143.14 feet to a 1/2" inch iron pipe per said Plat at the Northeast corner of said Lot 10; thence along the common line of said Lot 10 and Lot 9, said Plat, South 19° 00' 00" West 121.24 feet to the Southeast corner of Lot 10; thence along the South line of said Lot 10, North 71° 00' 00" West 76.00 feet to the point of beginning.

ALSO that portion described as follows: Beginning at the Southwest corner of lot 12, Block 6, Plat of First Addition to Sansaria, Coos County, Oregon, at which a 3/4" iron pipe is set per said Plat; thence North 69° 28' 38" West 43.44 feet to a 5/8" iron rod set on the West line of that area adjusted to Lot 32 pursuant to boundary adjustment deed 98-03-1126, Records of Coos County, Oregon; thence along said West line North 20° 29' 50" East (North 20° 31' 17" East, record) 171.90 feet to a 3/4" iron pipe at the Southwest corner of Lot 10, said Plat; thence South 19° 00' 00" West 55.90 feet, more or less, along the West line of Lot 11, said Plat, to the beginning of a 200.00 foot radius curve left; thence along said curve, being a portion of the Westerly lines of Lots 11 and 12, 126.25 feet, more or less, the long chord of which bears South 00° 54' 58" West 124.16 feet, more or less, to the point of beginning.

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.

*There are no dwellings on lots
26514w33cc 6600, 6700, 6800.*

- 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 on lots 26514w33cc
6600, 6700, 6800.*

- 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.
- 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.

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.

There will be no significant increase in cost of accepted farming or forest practices on agriculture or forest lands. The lots are located inside Sansaria Subdivision.

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

Fire hazards brush, shrubs, trees, debris will be trimmed or cleared on property to make movement easy for emergency crews.

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

County and State building standards, setbacks and fire siting and safety standards will be followed.

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 will fill out a Forest Management Covenant to be recorded in the deed records for residential use in the Forest and Forest Mixed Use Zones.

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.
 - 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.

- 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.

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.

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.

- 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.
2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of

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

6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

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

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

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

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

 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting

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

9. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ 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.

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.

- 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.

- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall 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.

Table 1 – Minimum Primary Safety Zone

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

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.

- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

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

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

15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

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

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



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-06-32

Date: August 24, 2006

Applicant/:	Steve Stalcup	Fralen Properties
Owner	3682 Tremont	Frank Pekny
	North Bend OR 97459	331 Camino Del Cielo
		S. Pasadena CA 91030

Request: To site a template dwelling within the Forest Mixed Use (FMU) zone.

Staff Contact: Jill Barzee, Administrative Aide

I. APPLICABLE REVIEW CRITERIA:

- i. Coos County Zoning and Land Development Ordinance (CCZLDO) - Section 4.8.525(B) Template Dwelling,
- ii. 4.8.700, Fire Siting and Safety Standards

II. BASIC FINDINGS:

- A. **Location:** The property is located south of the City of Coos Bay west of Seven Devils Road and is accessed via Kona Plaza Road in the Sansaria Subdivision. The subject property (tract) is identified on the Coos County Assessor's map as Township 26, Range 14, Section 33CC, Tax Lot(s) 1700, 6600, 6700, 6800.
- B. **Lot of Record:** Pursuant to the CCZLDO "SECTION 3.3.800. 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: 1. Lots or parcels created prior to January 1, 1986;.."

According to assessment information tax lots 1700, 6600, 6700, and 6800 are lots within the Sansaria Subdivision (created in 1968) which was lawfully

created prior to January 1, 1986; therefore, the subject tract is a legal lot of record pursuant to Section 3.3:800(1).

- C. Background:** According to Planning Department records, on June 12, 2000, tax lot #26-14-33CC-6600 was included in a property line adjustment with tax lot #26-14-33CC-3800 and tax lot #26-14-33CC-6800 was included in a property line adjustment with tax lot #26-14-33CC-6900. On November 3, 2005, a pre-eligibility determination was submitted by Mr. Stalcup. On November 30, 2005, it was determined the property met the criteria set forth in Article 4.8 to site a template dwelling and Mr. Stalcup was advised that he might proceed with the application for a dwelling.

The application requested a template dwelling on three of the four lots in the tract. In an August 14, 2006 memo from Mr. Stalcup he stated that Township 26, Range 14, Section 33CC, Tax Lot(s) 1700 is not part of the sales agreement and will not be sold with the rest of the lots. The sale will take place upon approval of this application and tax lot 1700 will not be part of this tract.

- D. Zoning:** The subject property is zoned Forest (F) with a mixed use overlay. The purpose of the "F" zone 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."

E. Site Description: The subject property, which contains three tax lots, consists of 0.85 of an acre. The tract consists of the three noted tax lots plus an additional tax lot which lies across Paradise Drive from the subject tract. Pursuant to Section 3.3.800, Lawfully Created Lots and Parcels (5), parcels under the same ownership, which are contiguous, are considered to be a tract. Section 3.3.800(7) indicates that roads do not divide property. Pursuant to Section 4.8.525(B), the entire tract of land must be considered when applying for a template dwelling. There is currently no development on the property, as substantiated by the Coos County Assessment records and aerial photographs. There appears to be little established forested vegetation scattered throughout the property. The property consists of Templeton silt loam soil with 0 to 7 percent slopes (54B), 7 to 30 percent slopes (54D), and 30 to 50 percent slopes (54E).

- F. **Special Considerations:** The subject property does not lie within an acknowledged Special Consideration area.
- G. **Surrounding Land Uses:** The subject property lies within the boundaries of the Sansaria subdivision. The area surrounding the subject property is a mix of forested areas with residential development within the subdivision.

The parcels surrounding the subject property are zoned forest and range in size from 0.19 acre to 8.3 acres.

III. **DECISION:** Approved with conditions.

IV. CCZLDO Review Criteria

i. **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 assessment records the subject tract consist of 1.14 acres (Tax lot 6600 contains 0.280 of an acre, Tax lot 6700 contains 0.250 of an acres, Tax lot 6800 contains 0.320 of an acre and Tax lot 1700 contains 0.290 of an acre). Assessment records and aerial photos confirm there are no other dwellings on the subject tract.

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 2000 (2000-2860), does not reference any deed restrictions limiting development on the subject property. The Protective Covenants for the Sansaria Subdivision, recorded June 24, 1968 (60-6-29491) allow for residential development.

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 133 parcels and 4 dwellings within the 160-acre template established prior to January 1, 1993.

4. *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.

ii. *Section 4.8.700 - Fire Siting and Safety Standards*

5. *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.*

FINDINGS: There is no evidence that the subject property is located within a rural fire protection district (RFPD) or that the applicants have requested to be included in the nearest such district. The property is located within the Bandon RFPD area.

6. *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: Pursuant to the submitted site plan, the size and the shape of the property does not allow for the 100 foot secondary setback to be met, therefore, a variance to the secondary fire safety setback will not be required. The site plan indicates the primary fire safety setback will be maintained.

7. 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. Pursuant to the submitted soil report prepared by Coos Soil and Water Conservation District, the property consists of soils found on slopes of 0 to 50 percent.

V. ANALYSIS:

The proposed dwelling meets the applicable review criteria of the CCZLDO subject to requirements and conditions of approval.

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 **September 8, 2006** 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.

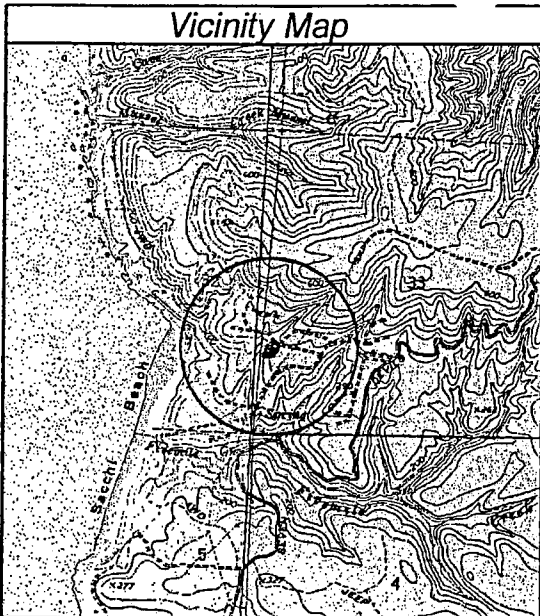
- ✓ 4. Pursuant to Table 7.2 of the CCZLDO there is a maximum allowed grade of 12% for any newly created road. The applicant must provide evidence from the County Roadmaster stating the road providing access to the subject property is in compliance with these requirements. If the property owner is unable to bring the existing forest road into compliance with these requirements a variance application will be required addressing Section 7.1.550 (Section 14).
- ✓ 5. The applicant shall provide evidence that they have requested to be included or are already included within a rural fire protection district by submitting a written notice from the Bandon RFPD to that effect.
6. Once the applicant has complied with items 1 through 5 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.
7. 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.

8. 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%.
9. 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 suitable and 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
10. 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.

C: David Perry, DLCD
Larry Van Elsberg, Roadmaster
Watermaster
Del Cline, DEQ
Ruben Kretzschmar, DEQ
Bandon RFPD
Coos Bay/North Bend Water Board
Coos Bay School District #9
File

COOS COUNTY PLANNING DEPARTMENT

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

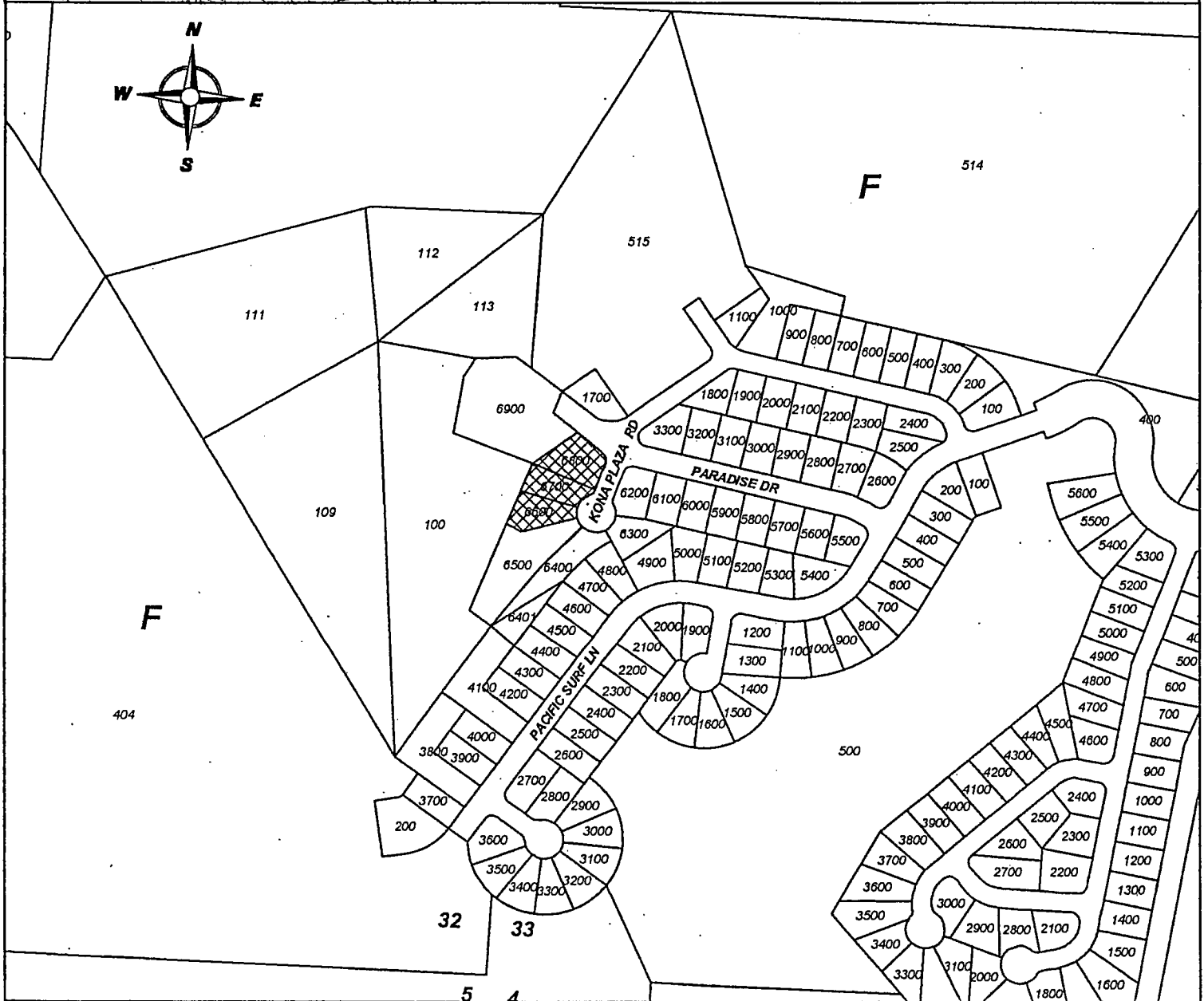


File Number: ACU-06-32

Applicant: Steve Stalcup
Owner: Fralen Properties
3682 Tremont
North Bend, OR 97459

Location: T26 R14 Sec.33CC TL 6600, 6700, 6800

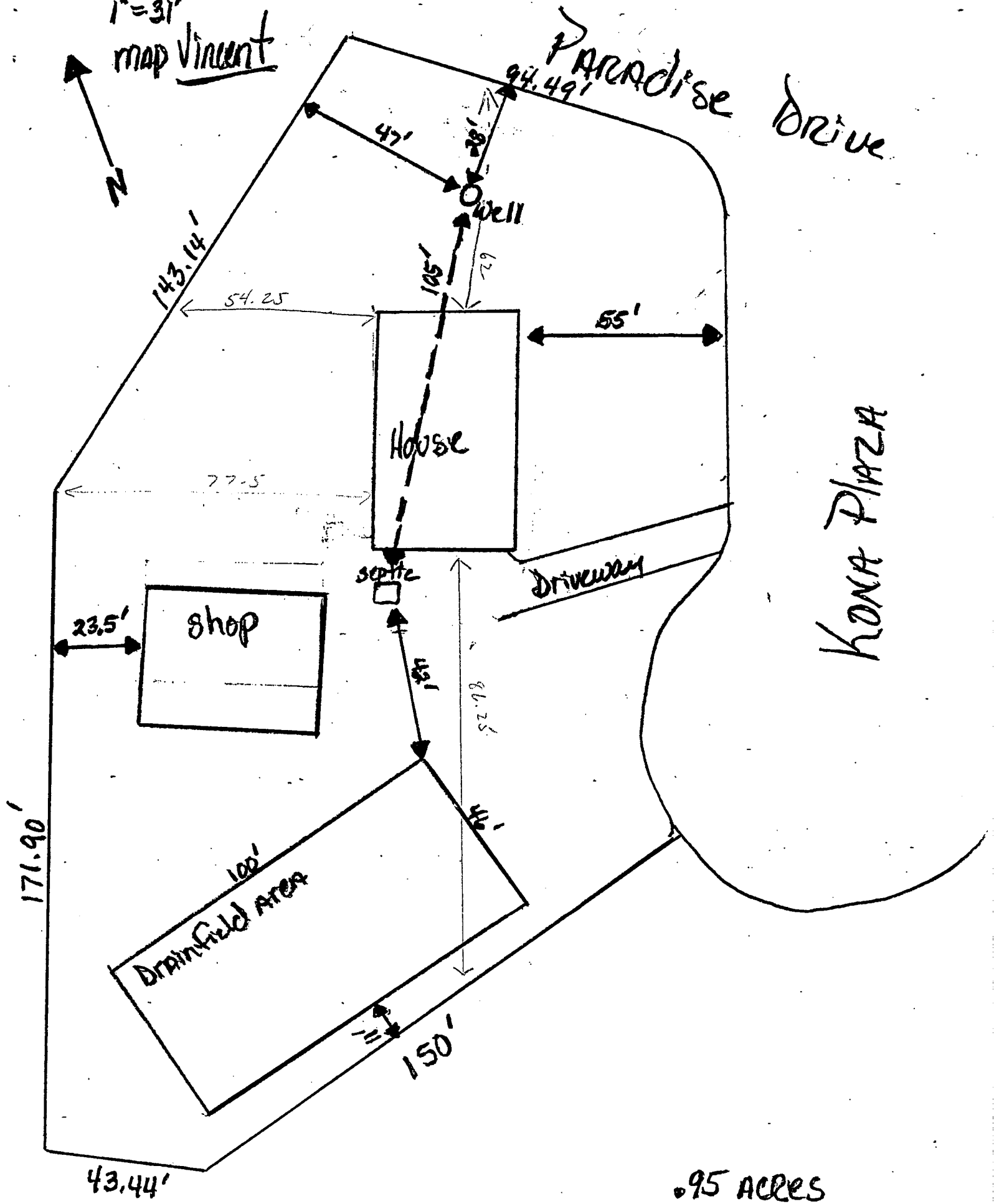
Proposal: Template Dwelling



Scale one Inch = 400'

Subject Property = 

1" = 31'
map Vincent



.95 ACRES

T26 R14 S33 CC TL 6600, 6700, 6800

