



# NOTICE OF LAND USE DECISION

Coos County Planning  
60 E. Second St.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
Email: [planning@co.coos.or.us](mailto:planning@co.coos.or.us)

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Wednesday, August 11, 2021

File No: ACU-21-009

Proposal: Request for Single Family Dwelling and an Accessory Structure in the Forest Zone.

Applicant(s): Shirley Belloni  
Xavier Reyna  
90956 Libby Lane  
Coos Bay, OR 97420

Staff Planner: Amy Dibble, Planner II

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Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, August 26, 2021**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, and § 4.6.140 Development and Siting Criteria. This proposal is not subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

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### Subject Property Information

Account Number: 757102  
Map Number: 27S140800-00302

Property Owner: BELLONI, SHIRLEY L & REYNA, XAVIER N  
90956 LIBBY LN  
COOS BAY, OR 97420-7646

Situs Address: No Situs Address

Acreage: 5401 1.00 Acres

Zoning: FOREST (F)  
ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

This notice shall be posted from August 11, 2021 to August 26, 2021

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 225 N. Adams, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions may be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

**Reviewed by:** Amy Dibble **Date:** Wednesday, August 11, 2021 .  
Amy Dibble, Planner II

**This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.**

**EXHIBITS**

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map & Template Map

The Exhibits below are mailed/mailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following

Exhibit C: Staff Report -**Findings of Fact and Conclusions**  
Exhibit D: Comments Received  
Exhibit E: Submitted Application

## **EXHIBIT "A"**

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

### **CONDITIONS OF APPROVAL**

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
  - a. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
    1. All uses must comply with applicable development standards and fire siting and safety standards.
    2. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
    3. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
    4. The applicant shall submit the well constructor's report to the county upon completion of the well.
  - b. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with:
    1. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
    2. The dwelling shall not be sited on a slope of greater than 40 percent.
    3. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
    4. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
3. Driveway/ Access Parking/Access (DR-21-021) permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.

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



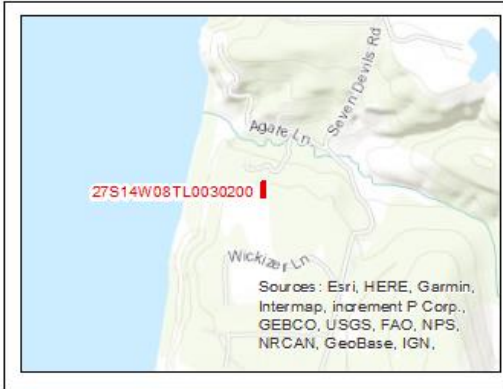
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



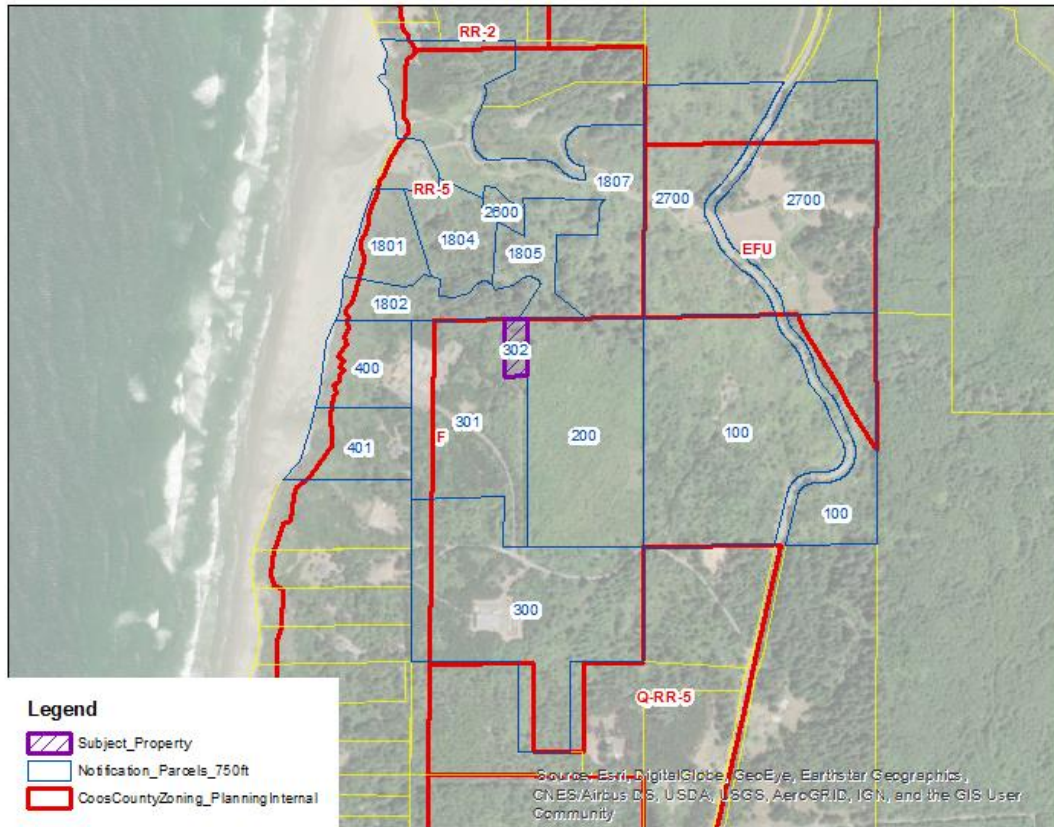
File: ACU-21-009

Applicant/  
Owner: Shirley Belloni & Xavier Reyna

Date: July 14, 2021

Location: Township 27S Range 14W  
Section 08 TL 302

Proposal: Administrative Conditional Use





# Template Map



## COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

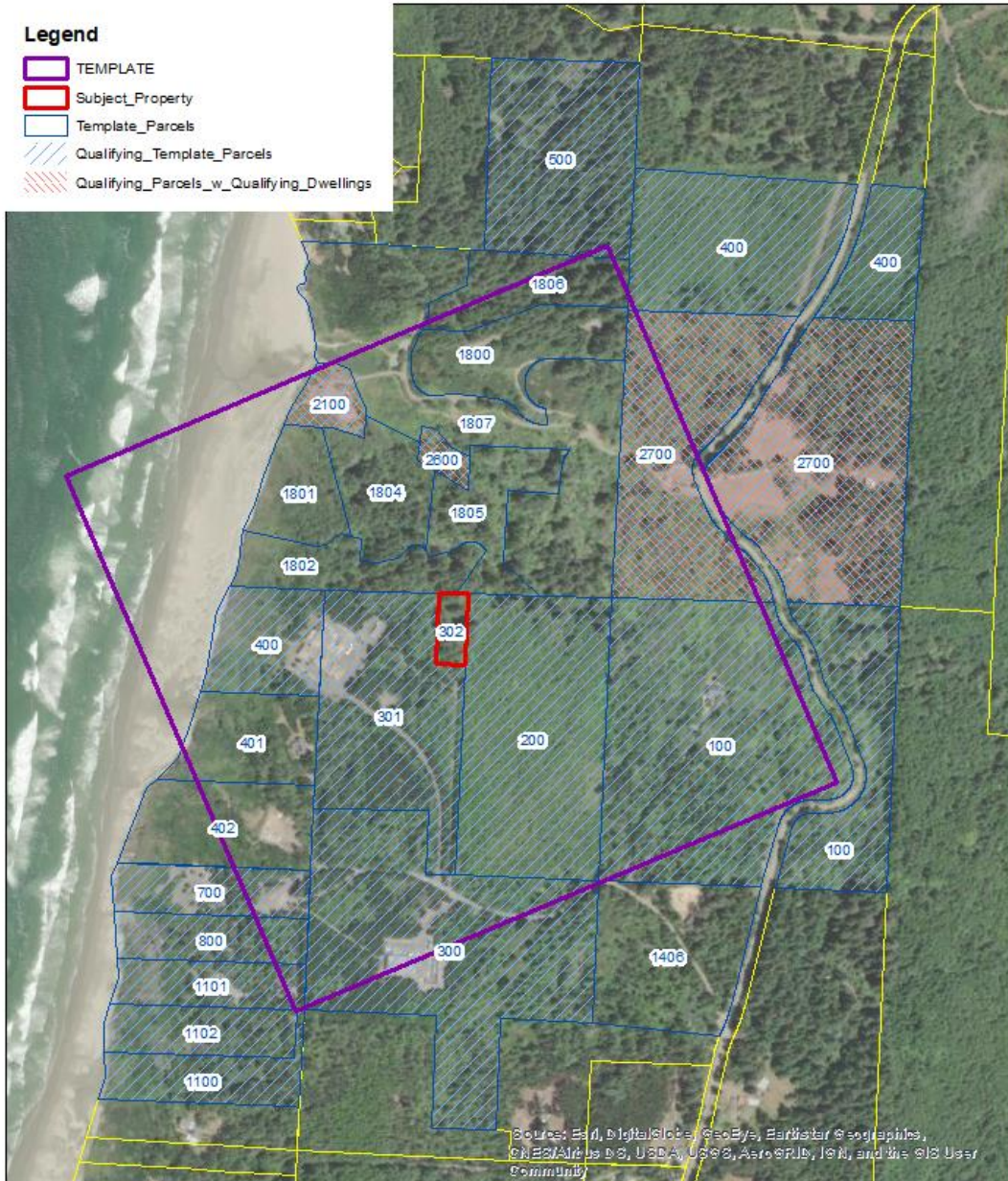
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900

### Legend

-  TEMPLATE
-  Subject\_Property
-  Template\_Parcels
-  Qualifying\_Template\_Parcels
-  Qualifying\_Parcels\_w\_Qualifying\_Dwellings



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

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

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

**A. PROPOSAL:** According to the application the property owner is seeking approval for a Single Family Dwelling and Accessory Structure in the Forest Mixed Use Zone. There is no indication that any other development is proposed at this time.

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

**a. PROPERTY HISTORY AND BACKGROUND:**

An application for a Non-Forest Dwelling was reviewed and approved with conditions on March 28, 1991 Staff rendered a decision of approval with conditions of Administrative Conditional Use application ACU-91-14 for a Non-Forest Dwelling. The property owner completed the conditions and requested a Zoning Compliance letter on June 6, 1991. Zoning Compliance Letter File Number ZCL-91-247 was issued providing land use authorization to have a septic site evaluation performed, to install a septic, to site a single-family dwelling and an accessory structure. The improvements approved were not sited on the property and the permit expired.

In 1993 the law changed regarding the type of Forest Dwellings that were allowed. Therefore, on April 6, 1995 Staff rendered a decision of approval with conditions of Administrative Conditional Use application ACU-95-15 at the request of the property owner for a Forest Template Dwelling. The permit was not implemented and expired.

On October 20, 2005 an Administrative Conditional Use Application was submitted to site a dwelling within the Forest Zoning District (Forest Template Dwelling). However, staff returned to the application to Gold Coast Properties due to outstanding balances on their account. Once the account balance was paid the application was resubmitted on October 26, 2005 for a Forest Template Dwelling and File Number ACU-05-65 was assigned. On December 8, 2005 Staff rendered a decision of approval with conditions. On October 6, 2009 a request to extend a prior land use decision (ACU-05-65) was received and processed. A two-year extension was granted making the new expiration date December 8, 2011. This application was not implemented or an additional extension requested; therefore, it expired.

The application was submitted on February 9, 2021 and deemed incomplete within the 30 day time frame explained in the Coos County Zoning and Land Development Ordinance Section 5.0.200 (ORS 215.427) and 5.0.250. The applicants submitted the additional information and the application was found to be complete for the purpose of review on March 16, 2021. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

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

Staff has reviewed the property history and county files to determine that at the time of this report the property is compliant. This determination is based on the information available to Staff during the review period.

**II. BASIC FINDINGS:**

**A. LOCATION:** The property is located north of the City of Bandon.

**B. ZONING:** - This property is zoned Forest with a Mixed-Use Overlay.

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**SECTION 4.2.500 RESOURCE ZONES**

*Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.*

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

*If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.*

*If a use is only allowed in the mixed-use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.*

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

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

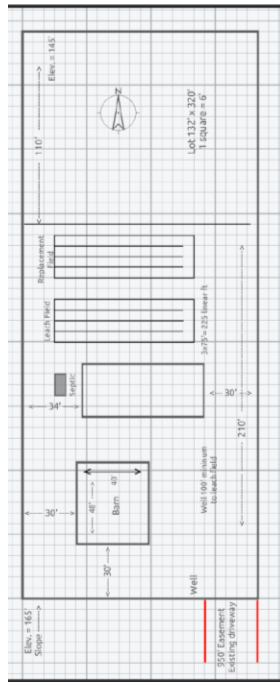
*SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.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

This property required that notification be provided to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe. The comments staff received from these agencies can be found in Exhibit D.

**D. SITE DESCRIPTION AND SURROUNDING USES:** The subject property consist of a total of 1.00 acres (assessment records) with access from a driveway accessed off of a deeded easement via Wickizer Lane. Wickizer Lane is a privately maintained road. According to the soil types the slopes on the property are between 0 to 30 percent. The property owner chose an area that is relatively flat to site the dwelling.







This property is zoned Forest (F). The subject property appears to be covered in vegetation and trees with the driveway the majority of the way constructed. The adjacent properties to the north are zoned Rural Residential – 5 (RR-5) are treed and undeveloped. The adjacent property to the east is zoned F, has no development, and appears to have been logged and has trees and vegetation. The adjacent property to the north and west is zoned F is treed and consists of a commercial facility.





- c. **COMMENTS:**
- d. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none were received.
- e. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- f. **LOCAL TRIBE COMMENTS:** This property required request for comments to local tribes, the response from both tribes can be found in Exhibit D.
- g. **LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.

**C. STAFF FINDINGS AND CONCLUSIONS:**

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

The proposal is for Planning Director Approval of a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, and § 4.6.140 Development and Siting Criteria. This proposal is not subject to review under Natural Hazards

- **KEY DEFINITIONS:**

*ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*

*DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*

*DEVELOPMENT: The act, process or result of developing.*

*USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*

*ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*

*DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

- **TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS**

*Forest Template Dwelling Supplemental Application:  
Coos County Zoning and Land Development Ordinance (CCZLDO)*

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

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

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

<i>Use</i>	<i>TR</i>	<i>Subject to</i>
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>		
<i>63.</i>	<i>Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	<i>ACU (9)(B)(II), (9)(C)</i>

*(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -*

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

*(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:*

*(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:*

*(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*

*(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;*

*(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*

*(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*

*(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or*

*(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:*

*(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*

*(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.*

*(2) (Reserved)*

- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
- (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
  - (b) Unless it complies with the requirements of ORS 215.730.
  - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
  - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
- (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
  - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.
- [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

**Response to SECTION 4.6.110(9)(B)(II): According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 1B – Bandon sandy loam and 55D Templeton-Bullards complex.**



***1B-Bandon sandy loam, 0 to 7 percent slopes.***

*This deep, well drained soil is on dissected marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 25 to 300 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*Typically, the surface is covered with a mat of decomposed organic litter 1 inch thick. The surface layer is dark grayish brown sandy loam 5 inches thick. The upper 25 inches of the subsoil is dark reddish brown sandy loam and loam, and the lower 13 inches is pale brown, cemented, sandy material. The substratum to a depth of 60 inches or more is yellowish brown loam.*

*Included in this unit are areas of Blacklock and Bullards soils. Included areas make up about 20 percent of the total acreage.*

*Permeability of this Bandon soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 2 to 6 inches. Effective rooting depth is 18 to 36 inches. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is severe.*

*This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.*

*The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, western hemlock, and Sitka spruce seedlings.*

*If this unit is used for homesite development, the main limitation is the very slow permeability, which limits use of septic tank absorption fields. Because of the very slow permeability of the cemented layer, onsite sewage disposal systems often fail or do not function properly during periods of high rainfall. The limitation of very slow permeability can be overcome by increasing the size of the absorption field.*

*If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.*

*Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.*

*If this unit is used for recreational development, the main limitation is the very slow permeability. The use of recreational facilities may be restricted during wet periods unless the cemented layer is ripped to permit more rapid internal drainage.*

*This map unit is in capability subclass Ille.*

***55D-Templeton-Bullards complex, 3 to 30 percent slopes.***

*This map unit is on ridgetops and side slopes of mountains and strongly dissected marine terraces. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*This unit is 45 percent Templeton silt loam and 30 percent Bullards sandy loam. The Templeton soil is in convex areas on side slopes where recent marine and eolian deposits have been eroded away, and the Bullards soil is in convex areas on ridgetops and on west-facing side slopes. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.*

*Included in this unit are small areas of deep, well drained, gravelly soils and moderately deep, loamy soils. Also included are small areas of deep, poorly drained, loamy soils. Included areas make up about 25 percent of the total acreage.*

*The Templeton soil is deep and well drained. It formed in colluvium and residuum derived dominantly from sedimentary rock. Typically, the surface layer is very dark brown and dark brown silt loam 16 inches thick. The subsoil is reddish brown, yellowish red, and strong brown silty clay loam 26 inches thick. Soft, weathered and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.*

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

*The Bullards soil is deep and well drained. It formed in mixed eolian and marine deposits. Typically, the surface is covered with a mat of undecomposed organic litter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.*

*Permeability of the Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.*

*This unit is used mainly for timber production and wildlife habitat.*

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

*On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180 on the Templeton soil. At the culmination of the mean annual increment (CMAI), the production of 50-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 255 cubic feet per acre per year. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170.*



*On the basis of a 100-year site curve, the mean site index for Douglas fir is 132 on the Bullards soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.*

*High winds from the Pacific Ocean may seriously limit the growth of trees on this unit unless they are in a protected area.*

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

*Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Road location and maintenance costs are greater in the more steeply sloping areas.*

*Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, western hemlock, and Douglas fir seedlings.*

*This map unit is in capability subclass VIe.*

**This property is not part of a tract. There are no other dwellings or deed restrictions on the property that would prohibit a dwelling being sited. The property is not within the Urban Growth boundary. Therefore, staff is able to determine the application request complies with the requirement of this section.**

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

- i. A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
- i. If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*

**Response to SECTION 4.6.110(9)(C)(1)(a): The property is less than 10 acres; therefore, the criteria does not require a stocking survey. Therefore, the criterion does not apply.**

- ii. the dwelling meets the following requirements:*
  - a. The dwelling has a fire retardant roof.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(A): The applicants states that the dwelling will have a fire retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.**

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

**Response to SECTION 4.6.110(9)(C)(1)(b)(B): The applicants states that the dwelling site will not be sited on a slope of greater than 40 percent. Staff reviewed the topographic map and concurs with the applicant.**

c. *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(C): The water supply is from a well and not a Class II stream. Therefore, this has been addressed.**

d. *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(D): The property is located within the Bandon RFPD. Therefore, this criterion has been addressed.**

e. *If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(E): This is not applicable see prior finding.**

f. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(F): The applicants state that they will have spark arresters on any chimney. This will be a condition of approval. Therefore, the criterion has been addressed.**

g. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

**Response to SECTION 4.6.110(9)(C)(1)(b)(G): The application states that the owner will provide and maintain the primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned and or controlled by the owner consistent with the requirements of Section 4.6.140.9 and 4.6.140.10.10. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.**

ii. *(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*

*(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]*

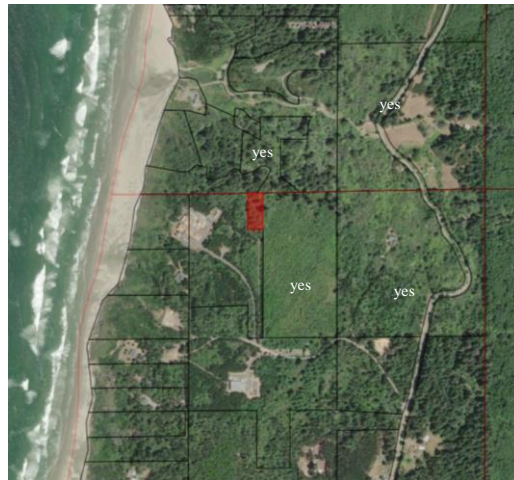
**Response to SECTION 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection were requested. No water supply was shown to exists that would meet the criteria and require a road access. Therefore, this has been addressed.**

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

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

- a. Dwellings and structures shall be sited on the parcel so that:*
- c. They have the least impact on nearby<sup>1</sup> or adjoining forest or agricultural lands;*
- d. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*

**Response to SECTION 4.6.130(1)(a) and SECTION 4.6.130(1)(b): The proposed homesite will be located approximately 34 feet from the west, 30 feet from the east, approximately 186 feet from the northern and approximately 102 feet from the southern property line. The proposed accessory structure will be located approximately 30 feet from the southern boundary, 30 feet from the western boundary, approximately 60 feet from the eastern boundary, and approximately 240 feet from the northern boundary. The applicant states that the dwelling and structures will be clustered on the southwest corner of the property to have the least impact on nearby or adjoining forest or agricultural lands.**



**The map above shows the surrounding properties. The majority of the properties are smaller in size and not viable for commercial timber production. There are four (4) parcels within the notification area (750 feet) that are receiving forest/ farm tax deferrals (indicated above), two of which have residential development, these are the parcels staff considers when determining whether the proposal of a dwelling will have the least impact on farm or forest practices. The dwelling and accessory structure are proposed to be sited toward the southeast corner of the property near a property not being utilized for timber production or as agricultural lands, and can be accessed using an existing road and easement. The applicant has stated that they will meet all firebreaks and that the dwelling is proposed to be built to have the least impact on surrounding properties.**

<sup>1</sup>*For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

*The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*

**Response to SECTION 4.6.130(1)(c) – The applicants is utilizing an existing road (Wickizer Lane) and a deeded easement. The proposed development are being sited close to the access. The access is a private driveway off of a deeded easement. The easement accesses Wickizer Lane which is a private non-maintained road. The size of the property is not viable for commercial timber production and is not being utilized as such.**

- e. The risks associated with wildfire are minimized.*
- b. Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

**Response to SECTION 4.6.130(1)(d) and 4.6.130(2) – The risks associated with wildfire will be minimized by the continual proper maintenance of the fuel free firebreak setback. The homesite will be located within close proximity to the driveway making it easy for fire suppression and adding an additional buffer. The provided plot plan illustrates that the setbacks from the neighboring properties will be more than satisfied.**

- c. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
  - a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
  - b) A water use permit issued by the Water Resources Department for the use described in the application; or*
  - c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**

**Response to SECTION 4.6.130(3) – The applicants stated that the water source will be from a private well to be installed by Bandon Well & Pump. The applicant shall submit the well contractor's report upon completion of the well. Verification from the Water Resources Department shall be obtained that a water use permit is not required for the use described within the application. This will be made a condition of approval.**

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

**Response to SECTION 4.6.130(4) –The applicants stated that the access is by way of a private via recorded road and utility easements. According to the deed provided with the application there are recorded road maintenance agreements in place. Therefore, this criterion has been addressed.**

- e. *Approval of a dwelling shall be subject to the following requirements:*
1. *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
  2. *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
  3. *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
  4. *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
  5. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

**Response to SECTION 4.6.130(5) – The property is smaller than 10 acres in size; therefore, a stocking survey is not required; however, Planning Department shall notify the Assessor’s Staff.**

**As a condition of approval, the property owner shall sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These forms shall be signed in front of a notary and recorded.**

*Section 4.6.140 Development and Siting Criteria:*

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

- a. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

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

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



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

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

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

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

**Response to SECTION 4.6.140.4: Driveway/Access/Parking Verification Permit application (DR-21-021) must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.**

- e. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*

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

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

- addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
  - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

**Response to SECTION 4.6.140.6: The proposed homesite based on submitted plot plan is not within any mapped wetlands. The applicant stated that they will not be disturbing any riparian vegetation during the development of the site.**

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

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

- h. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
  - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
  - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
  - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
  - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.**

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

- i. Fire Siting Standards for New Dwellings:*

- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

**Response to SECTION 4.6.140.9: The applicants state that they will provide and maintain a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building set back. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.**

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

*Table 1 – Minimum Primary Safety Zone*

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

**Response to SECTION 4.6.140.10: According to the plot plan the dwelling and accessory structure will be located within an area identified as having soils that are comprised of 1B-Bandon sandy loam that typically have 0 to 7 percent slopes. The applicant state that the building sites are flat and that the property has slopes of between 2 to 4 percent, in reviewing the topography maps, staff concurs with the**

applicants assessment that the majority of the property appears flat, with approximately the northern 116 feet appearing to have slopes. The dwelling would be the closest structure to this point and it will be approximately 70 feet away. The plot plan illustrates that the 30 feet of primary safety zone can be adequately maintained. Therefore, this criterion has been addressed.

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

**Response to SECTION 4.6.140.11: The applicants state that the roofing materials used will be made of non-combustible or fire resistant roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.**

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

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

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

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

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

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

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

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

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

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

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

**Response to SECTION 4.6.140.17: Road/ Driveway Access Verification Permit (DR-21-021) shall be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development. Therefore, this criterion has been met.**

**VI. DECISION:**

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit “A”.

**VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:**

- *Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*
  - *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
    - *First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
      - *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
      - *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
      - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
    - *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
      - *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
      - *The applicable residential development statute has not been amended following the approval of the permit; and*
      - *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
      - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Tuesday, July 01, 2025.

**VIII. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD  
Bandon Rural Fire Protection District

Planning Commission  
Board of Commissioner

**EXHIBIT "D"**  
**Comments**



**COQUILLE INDIAN TRIBE**

3050 Tremont Ave. North Bend, OR 97459  
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847  
[www.coquilletribe.org](http://www.coquilletribe.org)

February 22, 2021

Coos County Planning Department  
250 N Baxter  
Coquille, Oregon 97429

Re: ACU-21-009

Project location: Township 27S, Range 14W, Section 8, TL 302

Thank you for the opportunity to comment on the proposal to construct a new forest dwelling at the above referenced location. Our records show known cultural resources within extremely close proximity to the project area.

Due to the close proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a **minimum of 72 hours** in advance of anticipated project start time.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or *private lands*. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me if you have any questions.

Masi (thank you),

Todd Martin  
Tribal Historic Preservation Specialist

CRT21072

**EXHIBIT "E"**  
**Submitted Application**



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

DR-21-021

FILE NUMBER: ACU-21-009

Date Received: 2/9/2021 Receipt #: 224215 Received by: C.O.M

This application shall be filled out electronically. If you need assistance please contact staff.  
 If the fee is not included the application will not be processed.  
 (If payment is received on line a file number is required prior to submittal)

**LAND INFORMATION**

**A. Land Owner(s)** Shirley Belloni, Xavier Reyna  
 Mailing address: 90956 Libby Ln, Coos Bay, OR 97420  
 Phone: 541-808-2840 Email: shirleybelloni@gmail.com

Township: 27S Range: 14W Section: 8 ¼ Section: Select 1/16 Section: Select Tax lots: 302

Select Select Select Select Select

Tax Account Number(s): 7571.02 Zone: Select Zone Forest Mixed Use (FMU)  
 Tax Account Number(s): \_\_\_\_\_ Please Select

**B. Applicant(s)** Shirley Belloni, Xavier Reyna  
 Mailing address: 90956 Libby Ln, Coos Bay, OR 97402  
 Phone: 541-808-2840

**C. Consultant or Agent:** na  
 Mailing Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Type of Application Requested**

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

**Special Districts and Services**

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

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

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



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

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

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

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

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

Bellevue 2/8/21  
Xavier N. Puy 2/8-21

Coos County Land Use Application - Page 2

**ACCESS INFORMATION**

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

Property Address: Lot 00302, ) Wickizer Lane, Bandon OR 97411

Type of Access: Private Easement - Provide Easement Name of Access: \_\_\_\_\_

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

**Coos County Road Department Use Only**

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

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

File Number: DR-20-

Please see the attached 2005 Notice of Planning Director's Decision. Since the application expired and we are the new owners of the property we are resubmitting the application for the Forest Template Dwelling.

IA. Intent is to build a single family dwelling on the one acre with the Forest Mixed Use (FMU) zone.

1. Please see 2005 Notice of Planning Director's Decision-attached.
2. Property is primarily flat 1 acre, forest land with easement road, no buildings/structures.
3. Intent is to build single family home with pole barn and possible solar array.
4. Please see 1991 Oregon Department of Environmental Quality Report of Evaluation-attached. Our intent is to put in an initial Closed Loop system per the recommendations proved by the Oregon Department of Environmental Quality. We intend to have well for water, following Environmental Quality requirements.

II. Please see attachment for plat plan.

III. Please see attachment for deed.





**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  
 e-mail: PlanSec@co.coos.or.us

**PATTY EVERNDEN PLANNING DIRECTOR**

**NOTICE OF PLANNING DIRECTOR'S DECISION**

December 8, 2005

Mel Garrett  
 125 Chicago  
 Bandon Oregon 97411

William Barry & Kyong Harkins  
 William B. Kyong Harkins Family Trust  
 36 Hua Nui Way  
 Lahaina, Hawaii 96761

State of Oregon  
 Department of Environmental Quality  
**RECEIVED**  
 DEC - 9 2005

**COOS COUNTY OFFICE**

**REQUEST(S)** : To site a template dwelling within the Forest Mixed Use (FMU) zone

**FILE** : ACU-05-65

**APPLICANT/ OWNER(S)** : Mel Garrett

**LEGAL DESCRIPTION(S)** : T.27, R.14, S.08, Tax Lot 302/1571.02

**LOCATION(S)** : The subject property is located north of the City of Bandon off of a private roadway via Seven Devils Road

**ZONE(S)** : Forest Mixed Use (FMU)

**ACREAGE** : 1.00 acre

Notice is hereby given that the Planning Director has approved the above referenced application request, subject to reasons stated in the staff report attached\*.

**REVIEW CRITERIA:** The subject application must meet criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.525(B)"template dwelling".

**REVIEW OF APPLICATION MATERIALS/STAFF REPORT:** A copy of the application, all documents and evidence relied upon by the applicant(s), staff report and the applicable criteria are available for review at the Planning Department. You may purchase these documents for a fee of \$.25 per page.

The decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Ordinance within 15 days of the date notice of decision is mailed by filing a written "NOTICE OF INTENT TO APPEAL" and the required filing fee with the Planning Director. Therefore, appeals filed after **December 23, 2005** are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. This decision cannot be appealed directly to the Land Use Board of Appeals under ORS.197.830.

Detailed information about the appeal process, filing fees and additional information may be obtained by contacting Staci Leep, Planner II, at (541) 396-3121 or 756-2020, Extension 210.

Sincerely,

**COOS COUNTY PLANNING DEPARTMENT**



Judy Norris, Administrative Aide  
JN/js

\*Attachment-Staff Report

- c:
- \*David Perry, DLCD
  - \*Del Cline, DEQ
  - \*Ruben Kretzchmar, Department of Environmental Quality
  - \*Bandon RFPD
  - \*Oregon International Port of Coos Bay
  - \*Coos Bay School District #9
  - \*Assessor's Office
  - \*Road Department
  - \*Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians  
Adjacent property owners within 750' required notification  
Planning Commission
  - \*File

**Staff Report**

**File #:** ACU-05-65

**Date:** December 8, 2005

**Staff:** Staci Leep, Planner II

**Applicant:** Mel Garrett  
125 Chicago  
Bandon, Oregon 97411

**Owner:** William Barry & Kyong Harkins  
William B. Kyong Harkins Family Trust  
36 Hua Nui Way  
Lahaina, Hawaii 96761

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

**Legal Description:** T.27, R.14, S.08, Tax Lot #302

**Legal Lot of Record:** Pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.800(1) if lots or parcels were created prior to January 1, 1986 the lots or parcels are legal lots or parcels. According to assessment records tax lot 302 was created with Volume 299, Page 26; therefore, the subject tax lot is a legal lot of record.

**Acreage:** 1.00 acre

**Zone:** Forest Mixed Use (FMU)

**Location:** The subject property is located north of the City of Bandon off of a private roadway via Seven Devils Road.

**Background:** On March 28, 1991 the Planning Department approved a conditional use for non-forest dwelling within the Forest zone. The property owner was required to submit an additional conditional use application to site a template dwelling in the forest zone because the property owner did not implement the original application request. Because none of the applications approved for forest dwellings were implemented the property owner and applicant were required to submit a new conditional use application to site a dwelling on the subject property.

**Decision:** Approved with conditions

**CCZLDO Review Criteria:** Section 4.8.525(B) "template dwelling".

Section 4.8.525(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:

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

**Finding:** The subject tract consists of 1.00 acre. The assessment records and aerial photo confirm no development exists 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 subject tract, recorded in 2005 (2005-5581), does not reference any deed restrictions limiting development on the subject property.

- 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
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.	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.

**Finding:** A letter from the Oregon Department of Forestry dated September 26, 2005 states the cubic feet growth estimates for the subject property are 159.

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 tract. The subject property qualifies for a forest template dwelling because there are 14 parcels and 6 dwellings within the 160-acre template established prior to January 1, 1993.

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

**Finding:** The proposed application meets the criteria in Section 4.8.525(B) "Template Dwelling" and the acknowledged Comprehensive Plan.

**Analysis:**

The applicant is seeking approval of a template dwelling in the Forest Mixed Use zone on the subject property. Based upon the above review criteria, Planning Staff has determined the submitted conditional use application meets the applicable review criteria of the CCZLDO subject to 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 applicable land use regulations.

**Conditions of Approval:**

- Road/Driveway Confirmation form must be signed by the 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.

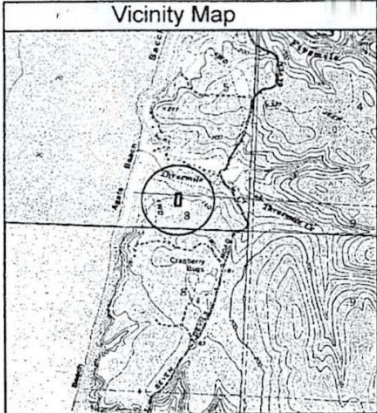


2. Once the applicant has complied with item 1 above, a Zoning Compliance Letter (ZCL) can be obtained from the Planning Department in order to continue with any required development permits from the Department of Environmental Quality (DEQ) or State Building Codes Agency.
3. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" by acting upon this permit agrees to notify the "buyer" or "grantee" of the terms and conditions of the permit.
4. The dwelling shall be located as shown on the applicants submitted plot plan, subject to applicable setbacks of the zoning district.
5. 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  
Assessor's Office  
Road Department  
Del Cline, DEQ  
Ruben Kretzschmar, DEQ  
Bandon RFPD  
Coos Bay School District #9  
Oregon International Port of Coos Bay  
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians  
File

# COOS COUNTY PLANNING DEPARTMENT

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

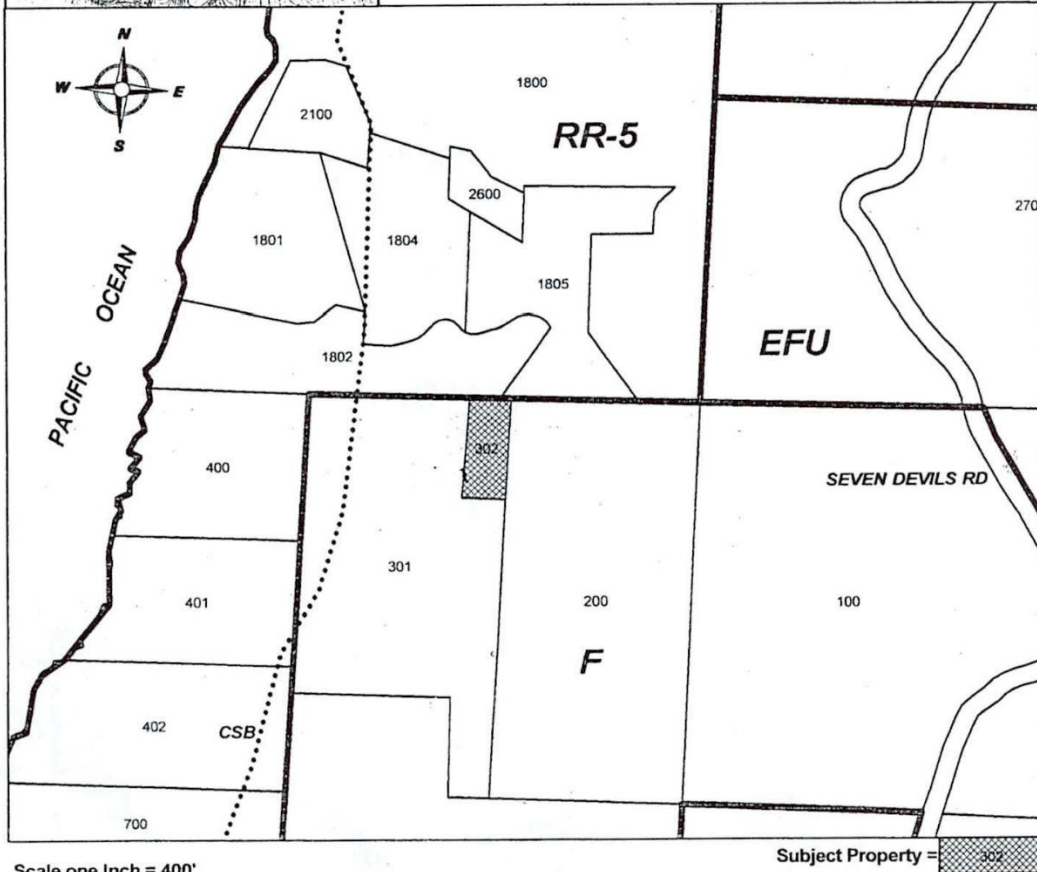


File Number: ACU-05-65


Applicant: Mel Garrett  
Owner: William & Kyong Harkins  
125 Chicago  
Bandon, OR 97411

Location: T27 R14 Sec.08 TL 302

Proposal: Template Dwelling



Scale one Inch = 400'

Subject Property = 

July 10, 1991

Gary Woodall  
6029 Bridgeview  
Ventura, CA. 93003

RE: WQ-SS-Coos County  
27-14-08-302/7571.02  
Site Evaluation

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

Southwest Region  
Coos Bay Branch Office

Enclosed is a Report of Evaluation for one lot, together with a field drawing showing the area approved for the following type of on-site sewage disposal system:

Initial to be Closed Loop system in approved area only. Place well 100 ft. plus from approved area. Repair to be Serial system in approved area. Keep approved area free of all modification.

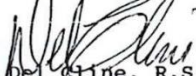
This approval runs with the land and will benefit subsequent owners as long as the lots or parcels described thereon will not be further partitioned or subdivided, and that conditions on the subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with Oregon Administrative Rules of the Environmental Commission. Any such subdivision, partitioning, or alteration may void this report.

Please note this document is a technical report only, not a permit to install the system. Such permit will be issued upon receipt of an application, site plan, and the appropriate fee. A new zoning compliance letter may also be required. Installation permits are issued to individuals and are not transferable.

The Report of Evaluation for this lot is valid until an on-site sewage disposal system is installed pursuant to an installation permit obtained from the Coos Bay Branch office of this Department, or until earlier cancellation pursuant to Commission rules, with written notice thereof by the Department to the owners according to Department records or County tax records.

If you have questions, please give us a call.

Sincerely,



Delaine, R.S.  
Environmental Specialist

DC:gs

Enclosure



340 NORTH FRONT ST.

Coos Bay, OR 97420  
(503) 269-2721

DEQ/SWR-101



STATE OF OREGON  
DEPARTMENT OF ENVIRONMENTAL QUALITY

For Office Use Only

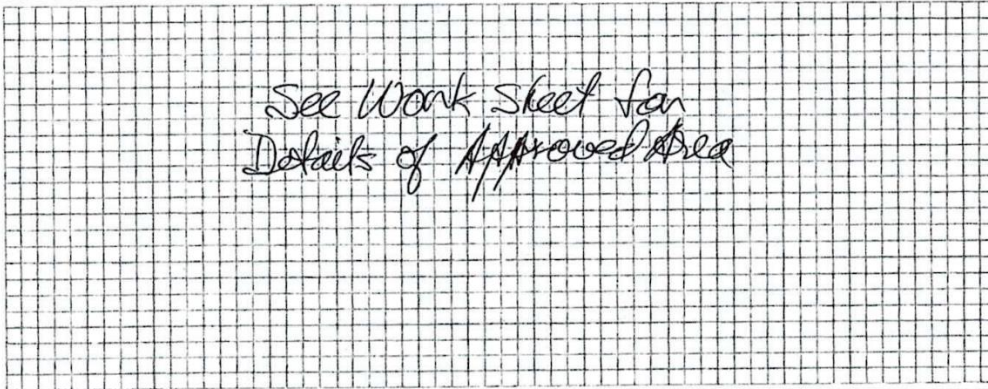
REPORT OF EVALUATION FOR ONE LOT  
ON-SITE SEWAGE SYSTEMS  
(Technical Report - Not a Permit)

*Wassfall*

27      14      08      307/7571.02      Coos  
(Township)      (Range)      (Section)      (Tax Lot/Acct. No.)      (County)  
\_\_\_\_\_  
(Subdivision Name)      (Lot No.)      (Block No.)      1.00 ±  
(Lot Size)

The Entire Property  Has  Has Not Been Evaluated

PLOT PLAN OF APPROVABLE AREA:



Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.755 and Administrative Rules of the Environmental Quality Commission. Any such subdivision, partitioning or alteration may void this report.

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated:

*In septic System - standard closed loop*  
*Refrigerator System - standard septic*  
*absorbent 10 ft from approved area*  
*place well 100 ft from approved area*

**WARNING:** This document is a technical report for on-site sewage disposal only. It may be converted to a permit **only** if, at the time of application, the parcel has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures or the Statewide Planning Goals. The Statement of Compatibility may be made on the attached form or its equivalent. Authorized Agent approval is required before a construction permit can be issued.

This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from DBP Coos Bay, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records or the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

*William R.S.*  
(Signature of Authorized Agent)

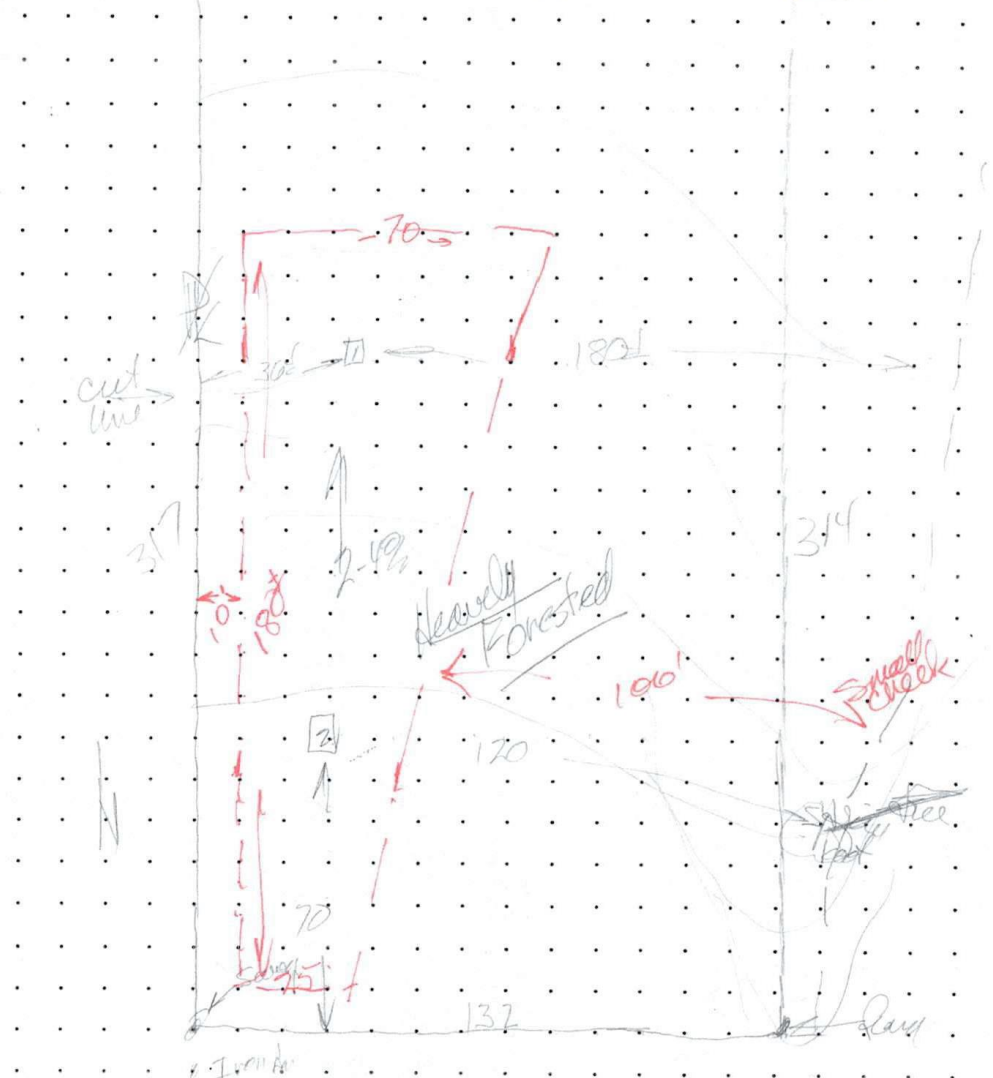
*Environment 7-8-91*  
(Title)      (Date)

*5002-088*  
(Office)

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

Woodall

Tax Reference: Township 27 Range 14 Section 08 Tax Lot/Tax Acct #302/7511.02



DATE

7-8-91

*[Handwritten Signature]*

Signature of Evaluator

Tax Reference 27-14-08 307 757102 Evaluator: DeP. Cline  
 Applicant Woodal Date: 6-27-91 1000  
12-30

Depth	Texture	Soil Matrix Color and Mottling (Notation), %Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.
0-10"	buff/s.l	
10-20"	Solo	7.5YR 4/6 3C 5R 4M M-CHK
24-30"	gn Solo	Iron concretions 75-80% hard nodules NOT H <sub>2</sub> O
30-60"	Sand	single grain
lt 1		
lt 2		
lt 3		
lt 4		

Landscape Notes Nearly Forested  
 Slope 0-2% 2-8% Aspect \_\_\_\_\_ Groundwater Non Applicable  
 Other Site Notes Spring creek to East - NE

SYSTEM SPECIFICATIONS

Type System: \_\_\_\_\_ Design Flow 450 gpd  
 Initial loop System Sizing 75 / 150 g. Max. Depth Absorption Facility (in) 36  
 Replacement Serial System Sizing 75 / 150 g. Max. Depth Absorption Facility (in) 36  
 Special Conditions Softback 100ft to Spring-creek

PLOT PLAN ON REVERSE SIDE



STATE OF OREGON  
Department of Environmental Quality  
490 North Second Street  
Coos Bay, Oregon 97420  
(503) 269-2721

FOR OFFICE USE ONLY  
Date Received 6/19/91  
Date Completed \_\_\_\_\_  
Required Fee 175.00  
Receipt No. 48836  
Control No. \_\_\_\_\_

APPLICATION FOR:

- Site Evaluation Report
- Permit to Construct On-Site Sewage Disposal System
- Permit to Repair On-Site Sewage Disposal System
- Permit for Alteration of System
- Permit Renewal, Type \_\_\_\_\_
- Existing System Report
- Plan Review
- Other (specify) \_\_\_\_\_

- Authorization Notice for:
- Connect to existing system not currently in use
  - Replace one mobile home with another or with a house
  - Replace or rebuild a house
  - Addition of bedroom(s)
  - Personal hardship
  - Temporary housing
  - Other (specify) \_\_\_\_\_

This application will be returned if it is not filled out completely and accompanied by appropriate fee and attachments required on the guidance sheet. Your site must be prepared according to instructions on guidance sheet before action can be taken on this application.

Property Owner's Name GARY S. WOODALL FRANCES E. WOODALL Applicant's Name (if different) JEAN O'DONNELL

Legal Description of Property T7 14 08 #302 7571.02  
Township Range Section Tax Lot # and Tax Account #

County COOS Size of Lot 1.00 For parcels in platted subdivisions, indicate the subdivision name \_\_\_\_\_ Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Proposed Facility (X) Single Family Dwelling Existing Facility \_\_\_\_\_  
No. of Bedrooms 3 No. of Bedrooms \_\_\_\_\_  
(X) Other OUT BUILDING (Specify) \_\_\_\_\_ (Specify) \_\_\_\_\_

Water Supply: \_\_\_\_\_  
Public (Community System) Private (specify well, spring, etc.)

Directions to Property: SEVEN DEVILS ROAD TO AGATE BEACH AREA  
WICKIZER WAY - MILE POST 5 - ON GRAVEL ROAD - LOCKED GATE (WILL BRING KEY)  
FOLLOW EASEMENT FLAGS - PROPERTY - DUE NORTH - ALL CORNERS MARKED

By my signature I certify that the information I have furnished is correct, and hereby grant the Department of Environmental Quality and its authorized agent permission to enter onto the above described property for the purpose of this application.

Signature Jean O'Donnell Date 6-19-91  
Mailing Address: \_\_\_\_\_ ( ) Owner  
\_\_\_\_\_ ( ) Authorized Representative  
\_\_\_\_\_ ( ) Licensed Installer, License Number \_\_\_\_\_

Applicant's mailing address (if different):  
Rt 2 - Box # 2239  
BANDON, OR. 97411

Phone Number \_\_\_\_\_  
Property will be ready for inspection: JUNE 19, 1991  
Phone Number 503-347-9551

DEQ WQ 7/87 (WH 2131 modified)

DEQ

### COOS COUNTY ZONING COMPLIANCE LETTER

COOS COUNTY PLANNING DEPARTMENT  
COURTHOUSE ANNEX  
COQUILLE, OR 97423  
396-3121 EXT. 210

DATE: June 6, 1991  
FILE: 91-247

APPLICANT: Gary & Frances Woodall PHONE: O'Donnell, agent  
OWNER: " " "

ADDRESS: 6029 Bridgeway  
CITY: Ventura STATE: ca ZIP: 93003

LEGAL DESCRIPTION T: 27 R: 14 S: 08 TL#: 302  
ACCOUNT #: 7571.02 ZONE: F/MIXED PARCEL SIZE: 1.00

EXISTING STRUCTURES/IMPROVEMENTS							
DWELLING	: <input checked="" type="checkbox"/>	FARM	: <input type="checkbox"/>	WELL	: <input checked="" type="checkbox"/>	PUBLIC WATER	: <input type="checkbox"/>
COMMERCIAL	: <input type="checkbox"/>	OTHER	: <input checked="" type="checkbox"/>	SPRING	: <input type="checkbox"/>	PUBLIC SEWER	: <input type="checkbox"/>
INDUSTRIAL	: <input type="checkbox"/>	NONE	: <input type="checkbox"/>	SEPTIC	: <input type="checkbox"/>		

ZONING DISTRICT REQUIREMENTS: SETBACKS

FRONT: ✓ SIDE: 0 REAR: 0

ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS GREATER.

STRUCTURE HEIGHT: no restriction  AIRPORT OVERLAY ZONE  UGB

RIPARIAN VEGETATION

ALL STRUCTURES SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL STREAMS, LAKES AND RIVERS IDENTIFIED ON THE DEPARTMENT OF REVENUE MAPS.

FIREBREAK

CONSTRUCT AND MAINTAIN A FIREBREAK OF AT LEAST 30 FT. RADIUS AROUND THE PROPOSED STRUCTURE.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES

I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

APPLICANT'S SIGNATURE:

SPECIAL CONSIDERATIONS

: <input checked="" type="checkbox"/>	SPECIAL FLOOD HAZARD AREA	FIRM #:	
: <input type="checkbox"/>	ARCHAEOLOGICAL/HISTORICAL	: <input checked="" type="checkbox"/>	MINERAL RESOURCES
: <input type="checkbox"/>	COASTAL SHORELANDS	: <input type="checkbox"/>	BEACHES AND DUNES
: <input type="checkbox"/>	NATURAL HAZARDS	: <input type="checkbox"/>	OTHER



COOS COUNTY AUTHORIZES CLEARANCE FOR THE FOLLOWING STATE PERMITS

DEPARTMENT OF ENVIRONMENTAL QUALITY

<input checked="" type="checkbox"/>	SITE EVALUATION	<input type="checkbox"/>	REPAIR EXISTING SYSTEM
<input checked="" type="checkbox"/>	INSTALL NEW SEPTIC SYSTEM	<input type="checkbox"/>	RECONNECT EXISTING SEPTIC
<input type="checkbox"/>	OTHER		

BUILDING CODES AGENCY

<input checked="" type="checkbox"/>	CONSTRUCT SINGLE FAMILY DWELLING	<input type="checkbox"/>	REPAIR OR ALTER EXISTING DWELLING
<input type="checkbox"/>	SITE MANUFACTURED DWELLING	<input type="checkbox"/>	CONSTRUCT ACCESSORY STRUCTURE
<input type="checkbox"/>	CONSTRUCT FARM BUILDING	<input type="checkbox"/>	OTHER

AUTHORIZATION BASED ON APPLICATION FILE #:

EXPLANATORY NOTES AND/OR CONDITIONS: Site evaluation & septic system. Construct single family dwelling and storage.

**APPLICANT'S STATEMENT**

PERTAINING TO THE SUBJECT PROPERTY DESCRIBED ABOVE, I HEREBY DECLARE THAT I AM THE LEGAL OWNER OF RECORD OR AN AGENT HAVING CONSENT OF THE LEGAL OWNER OF RECORD AND AM AUTHORIZED TO OBTAIN THIS ZONING COMPLIANCE LETTER SO AS TO OBTAIN NECESSARY PERMITS FOR DEVELOPMENT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND/OR THE BUILDING CODES AGENCY. THE STATEMENTS WITHIN THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I VERIFY THAT THIS IS A LEGALLY CREATED TRACT, PARCEL OR LOT AND THAT LEGAL ACCESS TO THE SUBJECT PROPERTY EXISTS. I UNDERSTAND THAT ANY PERMITS AND/OR AUTHORIZATION FOR DEVELOPMENT ISSUED BY THE PLANNING DEPARTMENT MAY BE REVOKED IF IT IS DETERMINED THAT IT WAS ISSUED BASED ON FALSE STATEMENTS, MISREPRESENTATIONS OR IN ERROR. AS A CONDITION FOR ISSUING THIS ZONING COMPLIANCE LETTER THE UNDERSIGNED HEREBY AGREES TO HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGE WHICH MAY OCCUR AS A RESULT OF THE FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS WHICH SERVE AS ACCESS TO THE SUBJECT PROPERTY.

APPLICANT'S SIGNATURE: [Signature] agent

**COOS COUNTY COMPLIANCE**

THE COOS COUNTY PLANNING DEPARTMENT FINDS THAT THE PROPOSED USES COMPLY WITH APPLICABLE PROVISIONS OF THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE. THE INFORMATION CONTAINED ON THIS FORM REFLECTS THE STATUS OF THE SUBJECT PROPERTY AND LAND USE REGULATIONS THAT EXIST AT THE TIME OF ISSUANCE.

AUTHORIZED SIGNATURE: Sheila Wilson

TITLE: Planning Technician DATE: 6-6-91

FOR OFFICE USE ONLY

FEE RECEIVED: 0 RECEIPT #: 0 CHECK #: 0

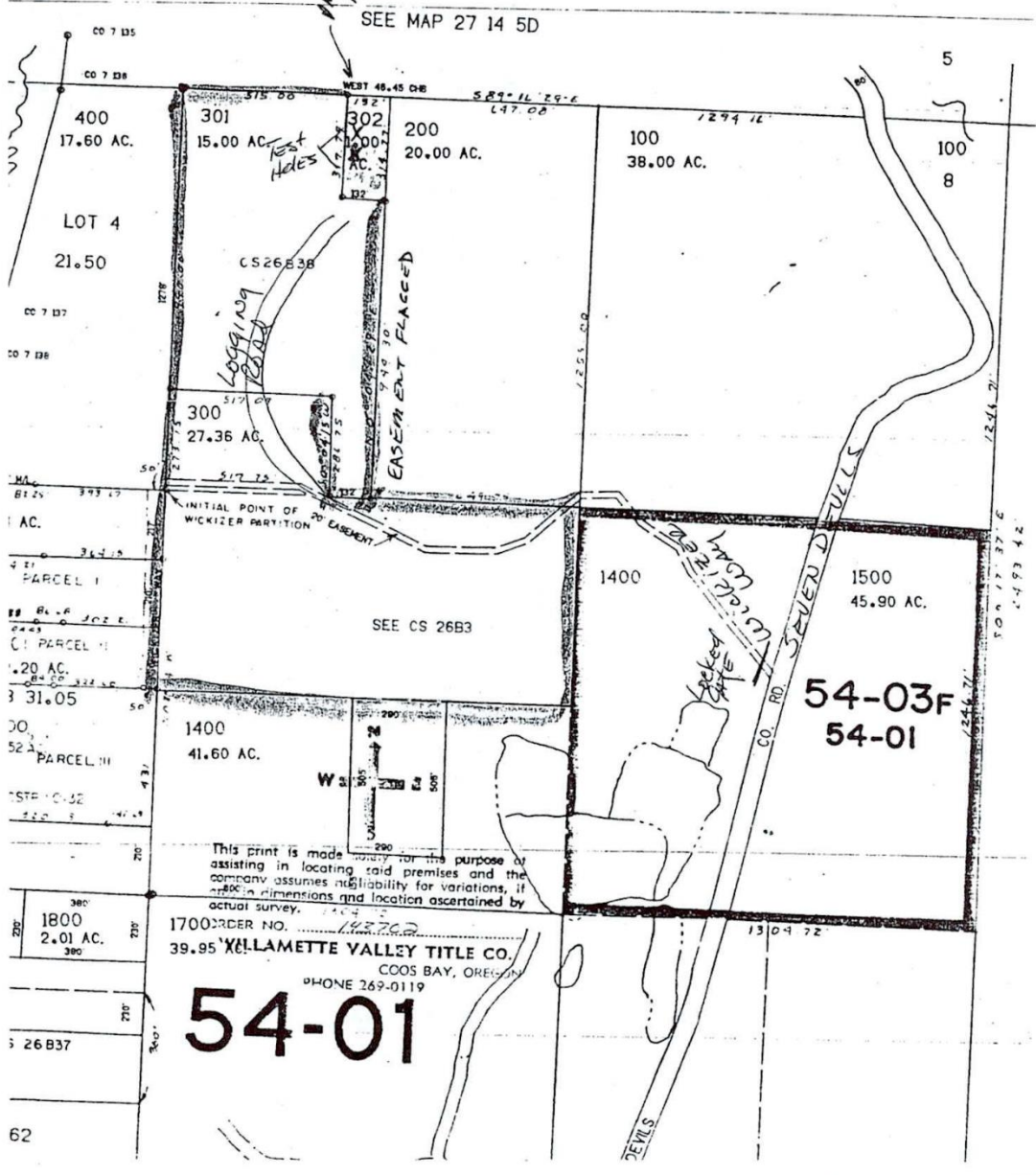
NO CHARGE, BASED ON APPLICATION #: REV-91-14 STAFF: [Signature]

OTHER:

ZCL: REVISED 1/10/91

1"=400'

SEE MAP 27 14 5D



**54-01**



**LOS COUNTY PLANNING DEPARTMENT**

**Administrative Review**

ACU 91-14

**applicant:**

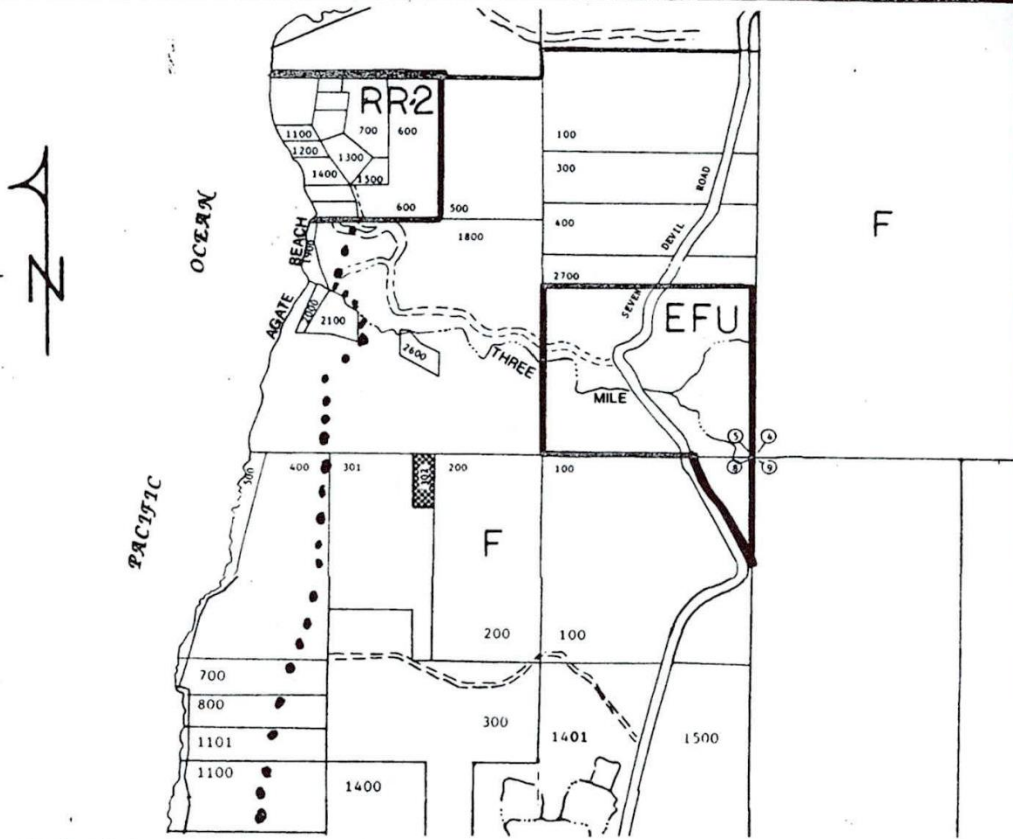
Gary S. & Frances Woodall  
6029 Bridgeview  
Ventura, Ca. 93003

**location:**

Township 27; Range 14; Section 08  
Tax lot #302

**proposal:**

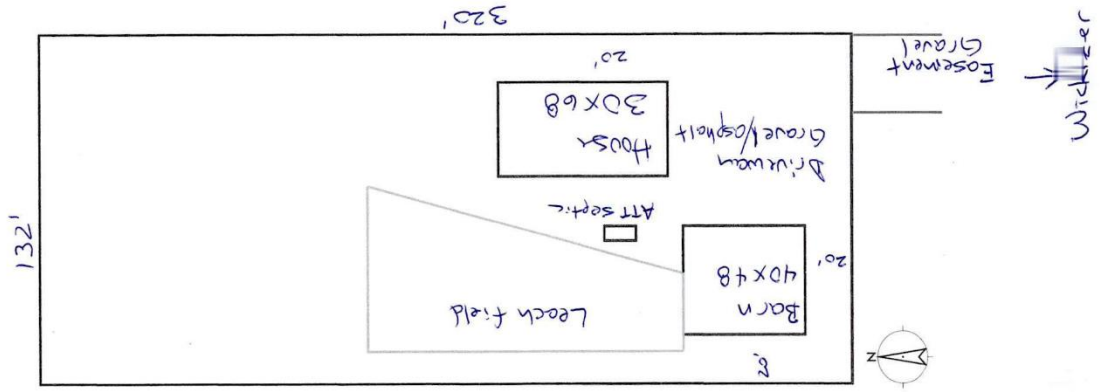
Nonforest dwelling



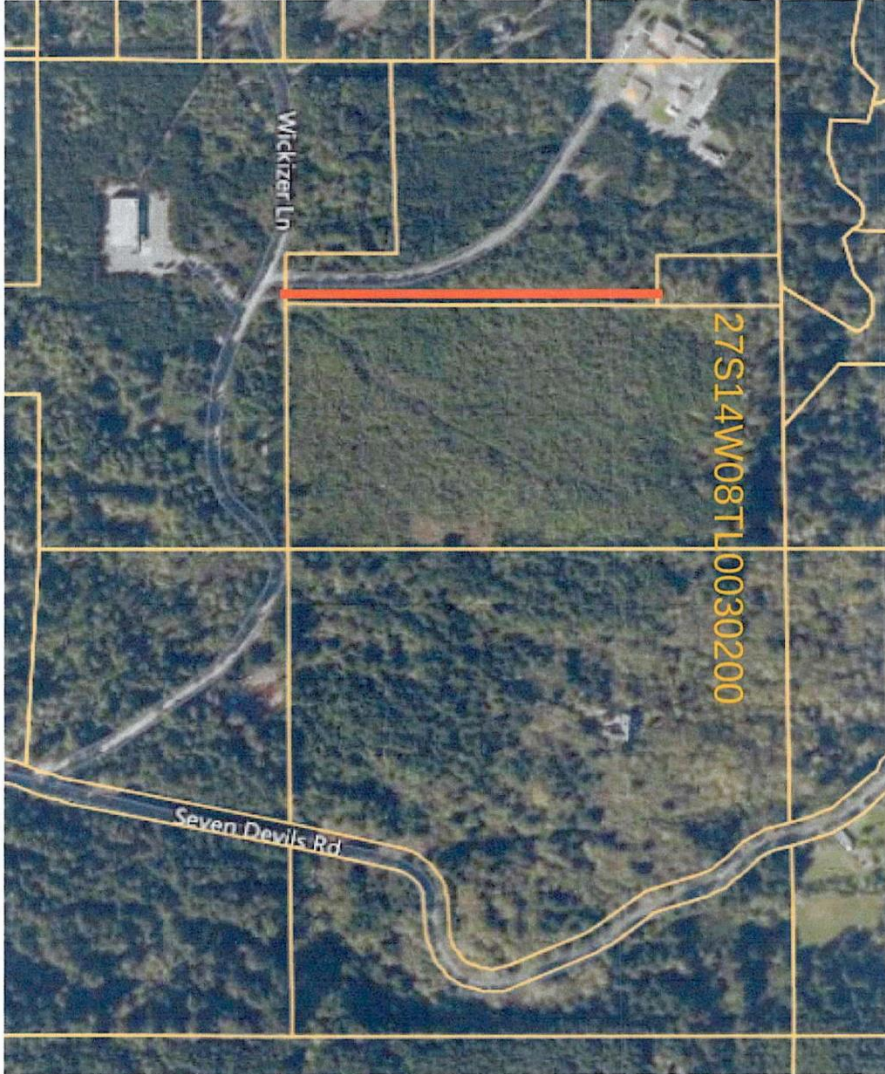
Scale 1 inch = 800ft.



**Subject Property**







RECORDING REQUESTED BY:



300 Anderson Ave  
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360621034240-DM  
Shirley L. Belloni and Xavier N. Reyna, as tenants by the entirety  
90956 Libby Lane  
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:

Shirley L. Belloni and Xavier N. Reyna  
90956 Libby Lane  
Coos Bay, OR 97420

APN: 757102

Coos County, Oregon **2021-01312**  
**\$96.00** Pgs=3 02/03/2021 09:21 AM  
eRecorded by: TICOR TITLE COOS BAY  
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Highway 101 Farm, LLC, a limited liability company, Grantor, conveys and warrants to Shirley L. Belloni and Xavier N. Reyna, 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:

The following described parcel of land lying in Section 8, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows:

Beginning at a point on the North line of Section 8 and said point being South 89° 16' 29" East a distance of 515.00 feet from the North quarter corner of said Section 8; thence South 0° 04' 19" East a distance of 320 feet; thence South 89° 21' 50" East a distance of 132 feet to the East line of the West half of the Northwest quarter of the Northeast quarter of said Section 8; thence North 0° 04' 29" East a distance of 320 feet; thence North 89° 16' 29" West a distance of 132 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00). (See ORS 93.030).

Subject to:

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement

Recording Date: May 2, 1978  
Recording No.: 78-7-7055

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement

Recording Date: February 25, 1980  
Recording No.: 80-1-1261

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Memorandum of Contract

Recording Date: October 14, 1980  
Recording No.: 80-4-6891

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement Agreement

Recording Date: November 10, 1992  
Recording No.: 92-11-0343

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Utilities Easement

Recording Date: June 27, 2008  
Recording No.: 2008-6925

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

Deed (Statutory Warranty) Legist  
C:\O\1358.doc / Updated: 04.26.19

Page 1

OR-TT-FNOO-02743.473506-360621034240

STATUTORY WARRANTY DEED  
(continued)

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.

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

Dated: 1-29-21  
*BB*

Highway 101 Farm, LLC, a limited liability company

BY: *Bruce Bearer*  
Bruce Bearer  
Member

State of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by Bruce Bearer, as Member of Highway 101 Farm, LLC, a limited liability company

*see attached*  
Notary Public - State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**California All-Purpose Certificate of Acknowledgment**

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

State of California }  
County of Orange } s.s.

On January 29, 2021 before me, M. KNUTSON NOTARY PUBLIC  
Name of Notary Public, Title

personally appeared Bruce Bearer as MEMBER OF  
Name of Signer (1)

Highway 101 Farm LLC A Limited Liability Co.  
Name of Signer (2)

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

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

WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public



Seal

**OPTIONAL INFORMATION**

*Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.*

**Description of Attached Document**

The preceding Certificate of Acknowledgment is attached to a document titled for the purpose of Notary Warranty Deed containing \_\_\_\_\_ pages, and dated \_\_\_\_\_.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) \_\_\_\_\_  
Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Principal(s) Entity(ies) Signer(s) Representing

**Additional Information**

**Method of Signer Identification**

Proved to me on the basis of satisfactory evidence:  
 form(s) of identification  credible witness(es)

Notarial event is detailed in notary journal on:  
Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

**Other**

Additional Signer  Signer(s) Thumbprints(s)

## Supplemental Submittal

Forest Template Dwelling Supplemental Application: ACU-21-009  
Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU (9)(B)(II), (9)(C)

(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

- 1 In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
  - a Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
    - a.A All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - a.B At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;

- b Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
  - b.A All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
  - b.B At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
- c Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
  - c.A All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
  - c.B At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- 3 Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- 4 A proposed dwelling under this section is not allowed:
  - a If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
  - b Unless it complies with the requirements of ORS 215.730.
  - c Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
  - d If the tract on which the dwelling will be sited includes a dwelling.
- 5 Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- 6 (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
  - A Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
  - B Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- b If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- 7 Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]



**Response to SECTION 4.6.110(9)(B)(II)**

- (a) (A) All or part of at least 3 other lots existed on January 1, 1993, are within a 160-acre square; and  
(B) At least 3 dwellings existed on January 1, 1993, on the other lots or parcels continue to exist.

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

- 1 A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- a If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

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

1a, lot is one acre

- b the dwelling meets the following requirements:
  - b.A The dwelling has a fire retardant roof.

**Response to SECTION 4.6.110(9)(C)(1)(b)(A)**

b, the dwelling will be new construction and will have a fire retardant roof

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

**Response to SECTION 4.6.110(9)(C)(1)(b)(B)**

The dwelling will not be sited on a slope of greater than 40 percent

b.C Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.

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

Domestic water supply will be via approved well. Evidence to be provided after completion by Bandon Well & Pump. Estimated completion, September 2021.

b.D The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.

**Response to SECTION 4.6.110(9)(C)(1)(b)(D)**

The dwelling will be located within the Bandon Rural Fire Protection District

b.E If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.

**Response to SECTION 4.6.110(9)(C)(1)(b)(E)**

Dwelling will be within a fire protection district

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

**Response to SECTION 4.6.110(9)(C)(1)(b)(F)**

Dwelling will have spark arresters installed on any chimney.

b.G The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

**Response to SECTION 4.6.110(9)(C)(1)(b)(G)**

The owner will provide and maintain a primary and secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner.

2 (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.

(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

**Response to SECTION 4.6.110(9)(C)(2)(a) & (b) – If you are requesting alternative forms of fire protection because you are outside of a Fire District and or provided with residential fire protection by contract, please provide additional solutions to fire protection. If you are within a fire district you do not need to respond to these criteria.**

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

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

- 1 Dwellings and structures shall be sited on the parcel so that:
  - a They have the least impact on nearby<sup>1</sup> or adjoining forest or agricultural lands;

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

Dwellings and structures will be clustered on the southwest corner of the parcel, to have the least impact on nearby or adjoining forest or agricultural lands.

- b The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

**Response to SECTION 4.6.130(1)(b) – Describe any forest or farming practices that are occurring on the subject tract. “Tract means land within the same ownership that is contiguous”. Describe how the placement of the dwelling will ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.**

There are no current forest or farming practices occurring on the subject tract.  
Dwellings and structures will be clustered on the southwest corner of the parcel, to have the least impact on nearby or adjoining forest or agricultural lands.

- c The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

**Response to SECTION 4.6.130(1)(c) – How much acreage will be removed for site access roads, service corridors, dwelling and other structures. Could less property be removed from forest lands to support the proposed development. Please make sure plot plan matches any of the proposed development. Minimizing may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.**

Approximately ¼ acre will be removed for site access roads, service corridors, dwelling and other structures.

Development footprint is minimized via clustering.

---

<sup>1</sup> For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.

- d The risks associated with wildfire are minimized.

**Response to SECTION 4.6.130(1)(d) – Describe how the risks associated with wildfire are minimized. This section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.**

Risk associated with wildfire will be minimized by maximizing setbacks, clustering structures, maintaining a fuel-free firebreak and utilizing fire resistant building materials, hardieplank, metal siding, etc.

- 2 Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

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

- 3 The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
  - a Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - b A water use permit issued by the Water Resources Department for the use described in the application; or
  - c Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

**Response to SECTION 4.6.130(3) – Please describe water source if need assistance you may contact Oregon Water Resource Department:**

Approved well to be installed by Bandon Well & Pump, September 2021

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

**Response to SECTION 4.6.130(4) – Please explain if the road that is accessing the property is private or public. If it is private, ODF, BLM or US Forest Service a long-term road access use permit or agreement shall be provided with the application or acknowledgment by the applicant that this will be a condition of approval.**

Road accessing property is private via recorded road and utility easements.

- 5 Approval of a dwelling shall be subject to the following requirements:
- a Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - b The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - c If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - d Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
  - e The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

**Response to SECTION 4.6.130(5) – The Planning Department will request comments from the Assessor's Office regarding restocking. Please acknowledge that you will follow the restocking requirements.**

We will follow restocking requirements.



**SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

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

- 1 Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
- 2 Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
- 3 Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
- 4 Off-Street Parking and Loading: See Chapter VII.
- 5 Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
- 6 Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
  - 6.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.
  - 6.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;
  - 6.c Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
  - 6.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;
  - 6.e Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
  - 6.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
  - 6.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".
  - 6.h Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

- 6.i The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
- 7 All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
- 8 The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
  - 8.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;
  - 8.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;
  - 8.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
  - 8.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:
  - 9.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.
  - 9.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:
  - 10.a This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
  - 10.b Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
  - 10.c The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design

Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

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

**Response to SECTION 4.6.140**

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

Yes, the property is a legal unit of land.

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

Yes, since there is no right-of-way to address.

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

No, fence, hedge or wall will be developed at this time

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

No driveway permit has been requested at this time. We've made contact with the Coos County Roadmaster to address this issue.

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

We will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.

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

Yes, spring creek to the east. Setback will be met.

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

Bandon Rural Fire Protection District

**The applicant acknowledges that they will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**

The applicant will provide and maintain a water supply of at least 500 gallons with an operating pressure of 50 PSI and sufficient ¾ inch garden hose

**Additional Primary Safety Zone Down Slope will be required based on the slope of the property.**

**What is the slope of the property? If the slope differs from the soil report please explain.**

Slope of the property is 2-4%

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

The proposed dwelling will use non-combustible or fire resistant roofing.

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

There will be water supply exceeding 4,000 gallons within our ownership.

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

The dwelling will not be sited on a slope greater than 40%

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

The proposed dwelling will have spark arresters on every installed chimney.