



NOTICE OF LAND USE DECISION

Coos County Planning
60 E. Second
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

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: Tuesday, August 31, 2021
File No: ACU-21-017

Proposal: Request for Single Family Dwelling in the Forest Zone.

Applicant(s): Brandon & Amy Wickham
PO Box 1623
Coos Bay, OR 97420

Staff Planner: Amy Dibble, Planner II

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 **Wednesday, September 15, 2021**. Appeals are based on the applicable land use criteria. The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 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. Table 1 of CCZLDO Section 4.6.110 identifies that §(63) as the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). 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. Properties that are 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. 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.**

Subject Property Information

Account Number: 472904
Map Number: 26S121400-00500

Property Owner: WICKHAM, BRANDON & AMY

Situs Address: No Situs Address
Acreage: 14.02 Acres
Zoning: FOREST (F)
Special Development: FOREST MIXED USE (MU)
Considerations and overlays: NATIONAL WETLAND INVENTORY SITE (NWI)

This notice shall be posted from August 31, 2021 to September 15, 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 can 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:** Tuesday, August 31, 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 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. The applicants shall comply with the comments provide by the Oregon Department of State Lands as shown in Exhibit D.
3. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. 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. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(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.
 - c. CCZLDO Section 4.6.130(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
 - d. CCZLDO Section 4.6.130(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. An email from the Assessor's Office that states you have complied is acceptable.

- e. Section 4.6.140(2) Setbacks: All Development, 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. This should be shown on the plot plan.
- f. Section 4.6.140(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.
- g. Section 4.6.140(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. If there are no wetlands, streams, lakes or rives then this is not applicable.
- h. Section 4.6.140(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. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.
- i. Section 4.6.140(9) Fire Siting Standards for New Dwellings: a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free (30 feet) 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.
- j. Section 4.6.140(10) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) 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 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 one is addressed in the staff report based on down slope. This can be shown on a plot plan.

- k. Section 4.6.140(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. If they are not available yet then this will be a condition of approval on the ZCL.
- l. Section 4.6.140(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).
- m. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
- n. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
- o. Section 4.6.140 (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. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991.
- p. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access 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



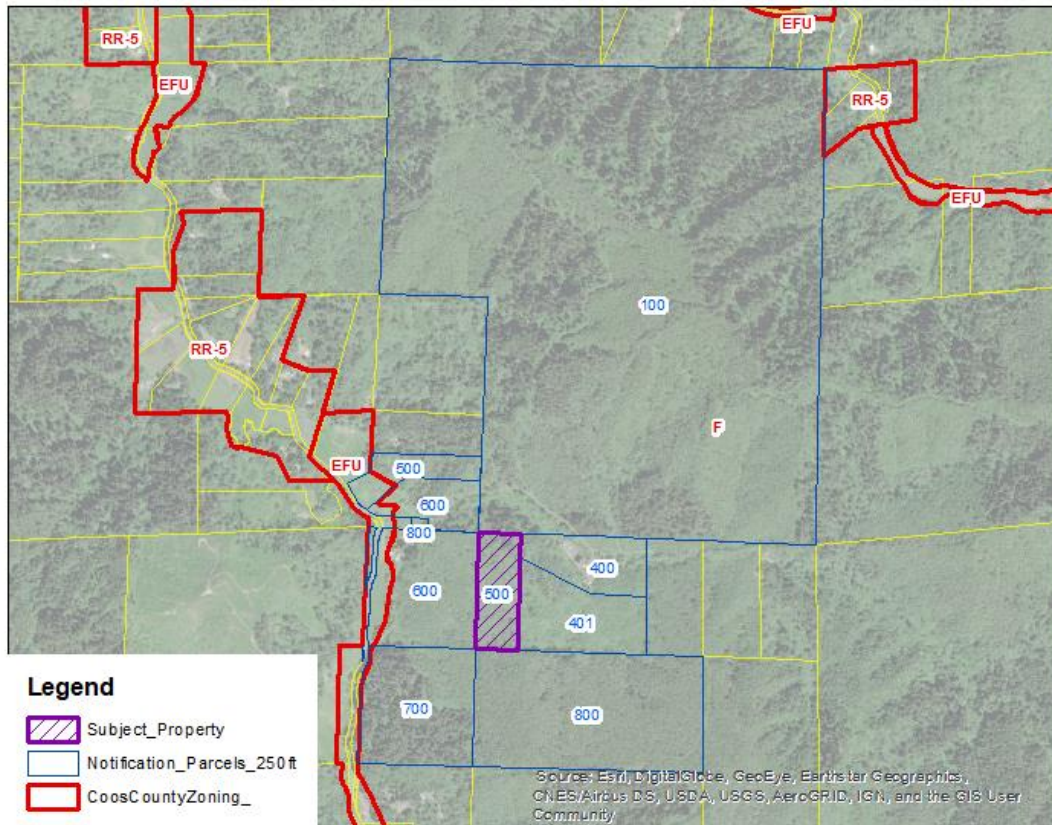
File: ACU-21-015

Applicants/ Owner: Patrick Wright and Angela Boyd
Patrick Wright

Date: August 13, 2021

Location: Township 25S Range 13W
Section 13BB TL 4500

Proposal: Administrative Conditional Use



Template Map



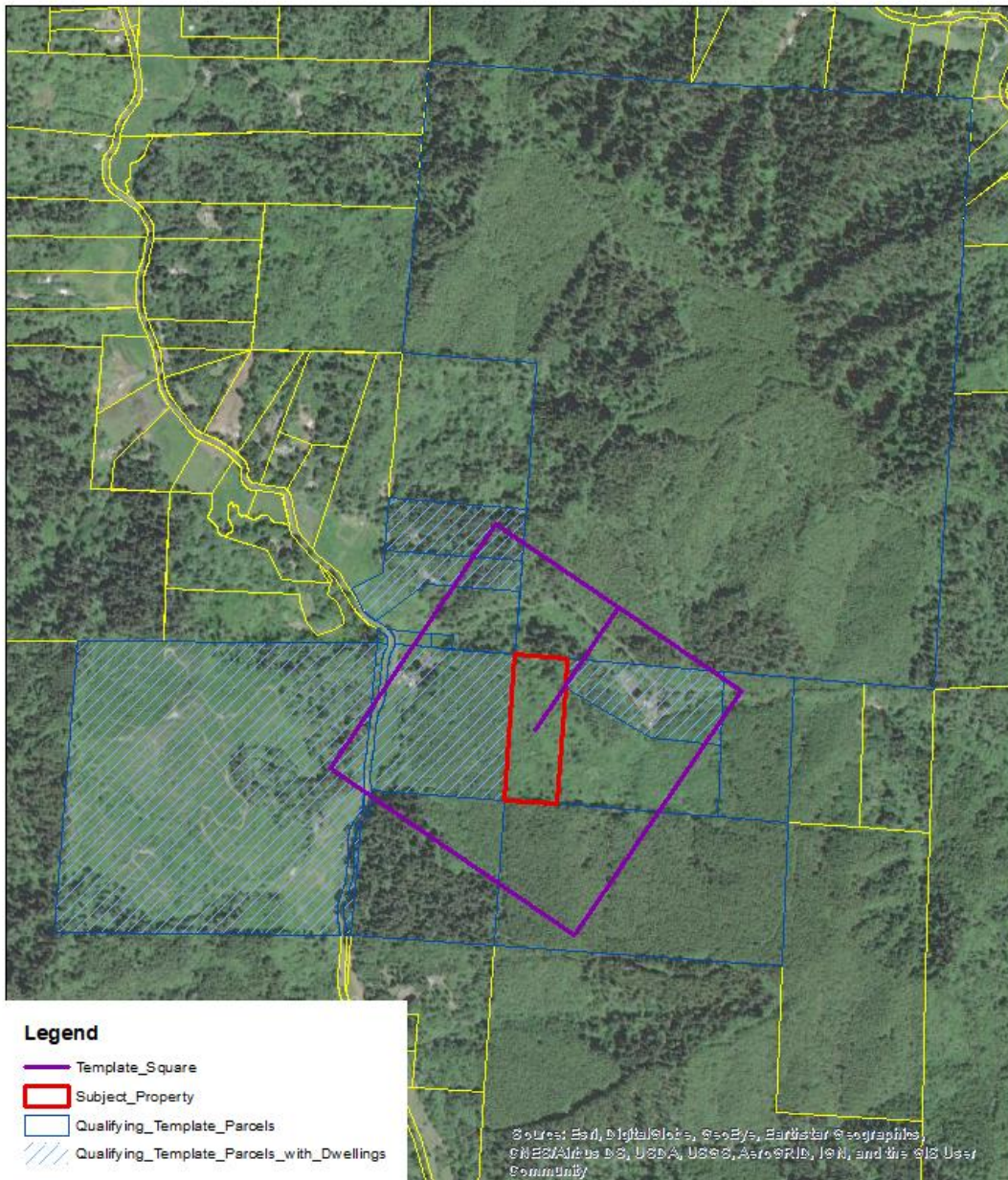
COOS COUNTY PLANNING DEPARTMENT

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TDD (800) 735-2900



**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 new 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:

On October 3, 2003, A Lawfully Created Unit of Land Determination certified that there were three (3) lawfully created units of land within one tax lot and this subject property is one of the lawfully created units of land.

On May 27, 2004, an Administrative Conditional Use (Application No. ACU-04-017) was approval for forest template dwelling based on the reconfiguration of the units of land as approved on October 6, 2004. This application was extended by applicants requestion on June 1, 2008, April 27, 2010, and June 4, 2012. It expired on June 4, 2014.

This property was configured through a Property Line Adjustment on October 6, 2004. The line was adjusted between Township 26S, Range 12W, Section14 Tax Lots 401 and 500.

The current application was received on March 8, 2021 and deemed complete 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 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 the county files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

II. BASIC FINDINGS:

- A. LOCATION:** The subject property is located southeast of the City of Coos Bay on Wren Smith Lane. Wren Smith Lane is located off Daniels Creek Road, which connects to S Coos River Lane to State Highway 101. The property currently does not have an address.
- 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.

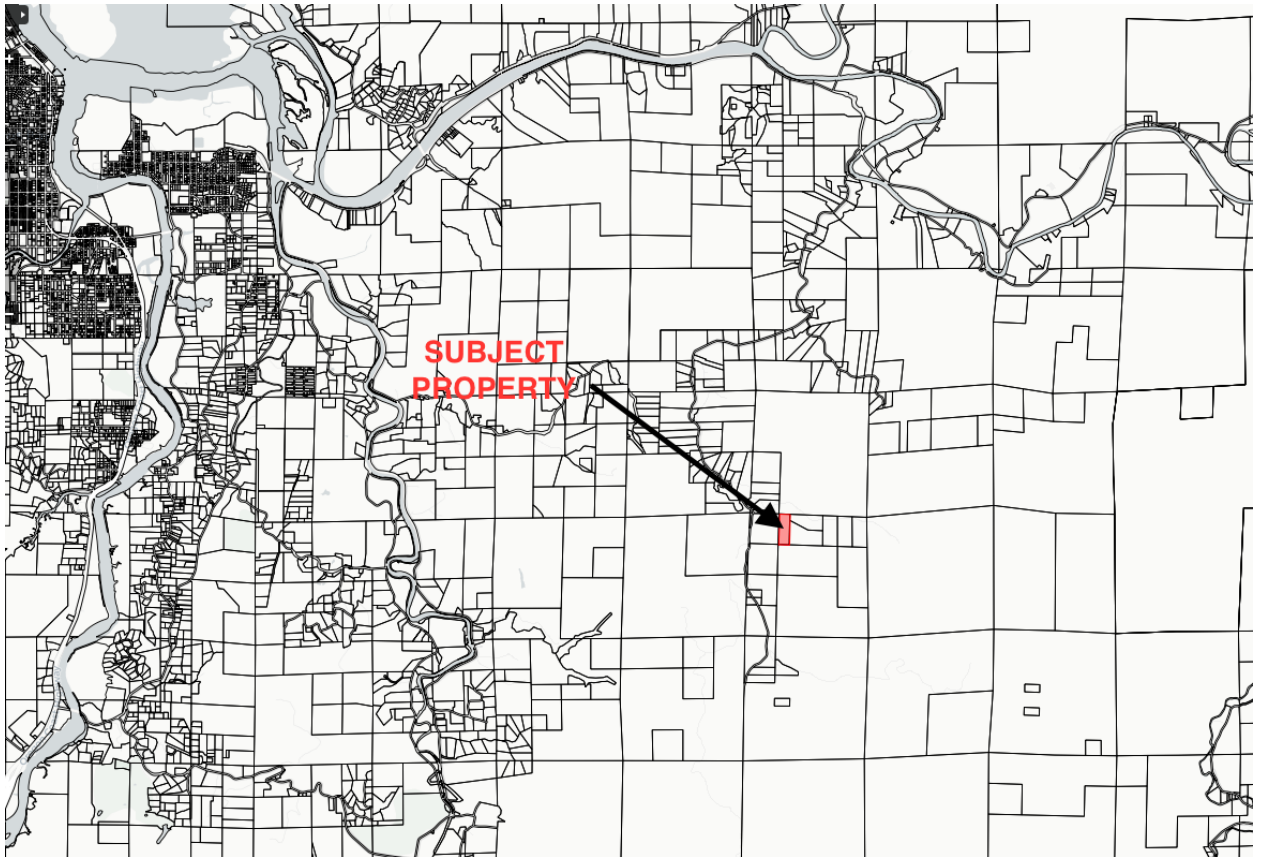
FINDING: During review staff noticed that the access/driveway may be impacting a mapped wetland identified on the National Wetland Inventory Map as a Riverine; therefore, notification was provided to the Department of State Lands on August 30, 2021, they have 30 days to respond. The applicants and/or contractor(s) shall comply with the recommendations once received, this will be made a condition of approval.

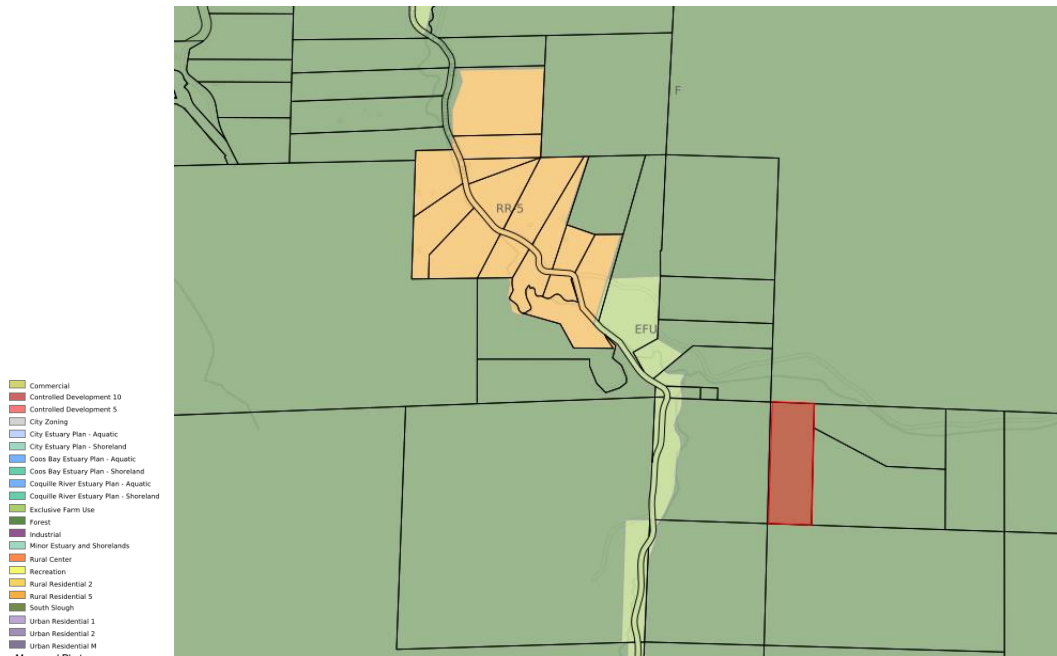
There are no other Special Development Considerations or Overlays that effect development on the subject property.

D. SITE DESCRIPTION AND SURROUNDING USES:

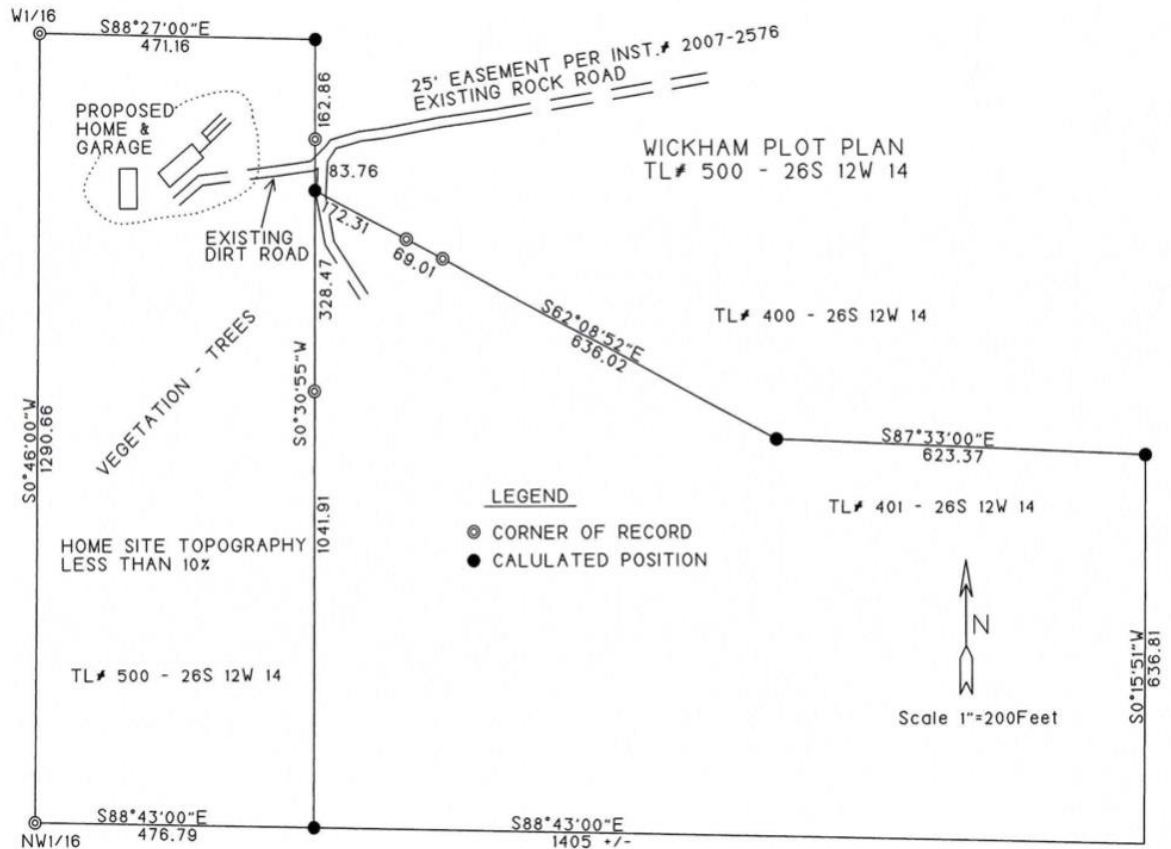
The subject property can be found east of Coos Bay. This property is located off Wren Smith Lane. Wren Smith Lane is a US BLM controlled road. As per the application, the property is currently forested with 17-year-old timber.

The properties nearby include federal BLM lands, and is surrounded by lands in the Forest Zone. The ownerships consist of small tract timberlands with some scattered residential development. Along the banks of Daniels Creek Road there is a narrow strip of bottom land. There is a pocket of Rural Residential-5 zoned properties to the half-mile northwest of the subject property. The subject property is surrounded by similar Forest zoned properties.





SUBJECT PLOT PLAN (S)



Screenshots: Not to Scale

- c. **COMMENTS:**
- PUBLIC AGENCY:** Comments were sent to the Oregon Department of State Lands, these comments were not received prior to the release of the decision; however, the applicants and/or contractors shall comply with their recommendations once received.
 - PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision from the public and none were received.
 - LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the local tribes and none have been received.
 - 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 (Deed #77-12-20749 & adjusted thru a property line adjustment approved on October 6, 2004).

C. STAFF FINDINGS AND CONCLUSIONS:

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

The proposal is for Planning Director Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) and *Accessory Structure* in the Forest Mixed Use Zone pursuant.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 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. Table 1 of CCZLDO Section 4.6.110 identifies that § (63) as the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). 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. Properties that are 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.

• **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.

USES AUTHORIZED IN FOREST ZONES - 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.

- **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.

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

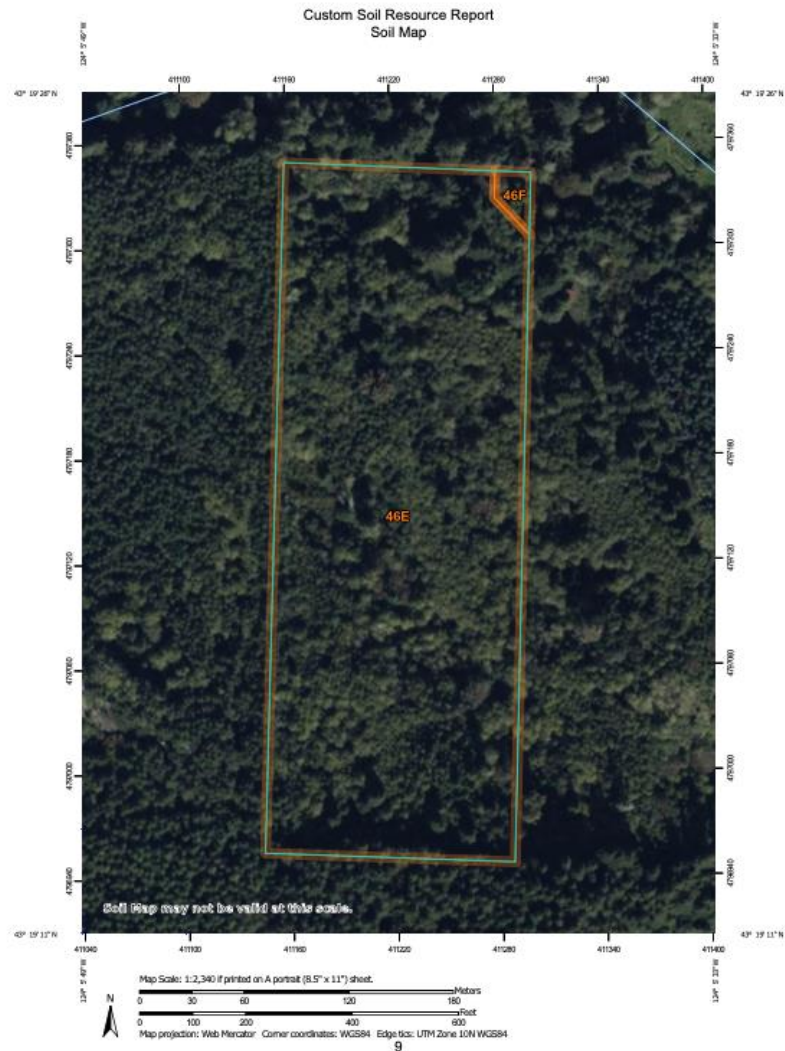
- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.*
 - (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a 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.

Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per acre per year of wood fiber which determines the applicable criteria for the number of parcels.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
46E	Preacher-Bohannon loams, 30 to 60 percent slopes	13.8	99.1%
46F	Preacher-Bohannon loams, 60 to 90 percent slopes	0.1	0.9%
Totals for Area of Interest		13.9	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber <i>Cu ft/ac/yr</i>	
46E—Preacher-Bohannon loams, 30 to 60 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Bohannon	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	117	172.00	
	Red alder	—	—	
	Tanoak	—	—	
	Western hemlock	123	186.00	
	Western redcedar	—	—	
46F—Preacher-Bohannon loams, 60 to 90 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Bohannon	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	117	172.00	
	Red alder	—	—	
	Tanoak	—	—	
	Western hemlock	123	186.00	
	Western redcedar	—	—	

46E-Preacher-Bohannon loams, 30 to 60 percent slopes.

This map unit is on ridgetops and side slopes of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 250 to 3,400 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 40 percent Preacher loam and 30 percent Bohannon loam. The Preacher soil is on concave side slopes, and the Bohannon soil is on ridgetops and convex side slopes.

Included in this unit are small areas of Milbury, Digger, and Blachly soils. Included areas make up about 30 percent of the total acreage. The percentage varies from one area to another.

The Preacher soil is deep and well drained. It formed in colluvium and residuum derived dominantly from arkosic sandstone. Typically, the surface is covered with a mat of organic litter 4 inches thick. The surface layer is very dark grayish brown and dark brown loam 14 inches thick. The subsoil is dark yellowish brown clay loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown clay loam.

Permeability of the Preacher soil is moderate. Available water capacity is about 6.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

The Bohannon soil is moderately deep and well drained. It formed in colluvium derived dominantly from arkosic sandstone and siltstone. Typically, the surface layer is very dark brown and dark brown loam and gravelly loam 11 inches thick. The subsoil is dark yellowish brown gravelly loam 20 inches thick. Weathered, fractured sandstone is at a depth of 31 inches.

Permeability of the Bohannon soil is moderately rapid. Available water capacity is about 2.5 to 6.5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

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

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, red alder, bigleaf maple, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, red huckleberry, salal, western swordfern, Pacific trillium, and vine maple.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher 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 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Bohannon 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 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 115.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, and plant competition. The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help 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 soft 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. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

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 seedlings.

This map unit is in capability subclass Vle.

46F-Preacher-Bohannon loams, 60 to 90 percent slopes.

This map unit is on narrow ridgetops and on side slopes of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 500 to 3,800 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 45 percent Preacher loam and 40 percent Bohannon loam. The Preacher soil is on concave side slopes, and the Bohannon soil is on narrow ridgetops and convex side slopes.

Included in this unit are small areas of Milbury and Digger soils. Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

The Preacher soil is deep and well drained. It formed in colluvium and residuum derived dominantly from arkosic sandstone. Typically, the surface is covered with a mat of organic litter 4 inches thick. The surface layer is very dark grayish brown and dark brown loam 14 inches thick. The subsoil is dark yellowish brown clay loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown clay loam.

Permeability of the Preacher soil is moderate. Available water capacity is about 6.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

The Bohannon soil is moderately deep and well drained. It formed in colluvium derived dominantly from arkosic sandstone and siltstone. Typically, the surface layer is very dark brown and dark brown loam and gravelly loam 11 inches thick. The subsoil is dark yellowish brown gravelly loam 20 inches thick. Weathered, fractured sandstone is at a depth of 31 inches.

Permeability of the Bohannon soil is moderately rapid. Available water capacity is about 2.5 to 6.5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production and wildlife habitat.

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, bigleaf maple, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, red huckleberry, salal, western swordfern, trillium, and vine maple.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher 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 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Bohannon 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 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 115.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, and plant competition. Highlead or other cable logging systems are most suitable.

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 soft 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. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Locating roads on midslopes results in large cuts and fills and thus removes land from production. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

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 seedlings.

This map unit is in capability subclass Vlle.

FINDING: According to the Soil Survey of Coos County, NRCS National Soil Information System, the subject property is made up of 46E – Preacher-Bohannon loams and 46F – Preacher-Bohannon loams soil types. The proposed dwelling site is located on the line soil types 46E. The volume of wood fiber per year for 46E is 186 cubic feet per acre per year for Douglas-fir species. Therefore 4.6.120 Review Standards (9)(B)(II)(1)(b) applies to the template test.

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) through (7). Subsection (2) has been removed:
 - (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]

FINDING: None of the lots or parcels are located within urban growth boundaries; therefore, no urban growth boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.

This type of application or zoning complies with the Coos County Comprehensive Plan that was acknowledged by LCDC. The dwelling will comply with ORS 215.730 as those siting standards have been incorporated in the CCZLDO Section 4.6.130 and 4.6.140 which will be addressed under those sections of the report. There are no other dwellings located on the property. The tract only consists of the subject property. Deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract will be complied with.

In determining which type of template that is applied (square or rectangle) you must consider if the property is larger than 60 acres or abut a road or perennial stream that existed on January 1, 1993. In this case none of these apply; therefore, staff is required to apply the 160-acre square. Staff applied the square template aligned on the center of the subject property for the analysis. The proposed dwelling site is in 46E soil types, which has a productivity of 186 cubic feet per acre per year which requires 11 parcels with 3 dwellings that were created before Jan. 1, 1993 to be located or touching the template. Staff found that 13 qualifying parcels containing 5 dwellings when applying the template which exceeds the minimum required by the criteria. Therefore, the subject property qualifies for a Template Dwelling pursuant to Section 4.6.120(9)(B)(II) Template Dwelling but the additional criteria and siting standards have to be addressed prior to approval.

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

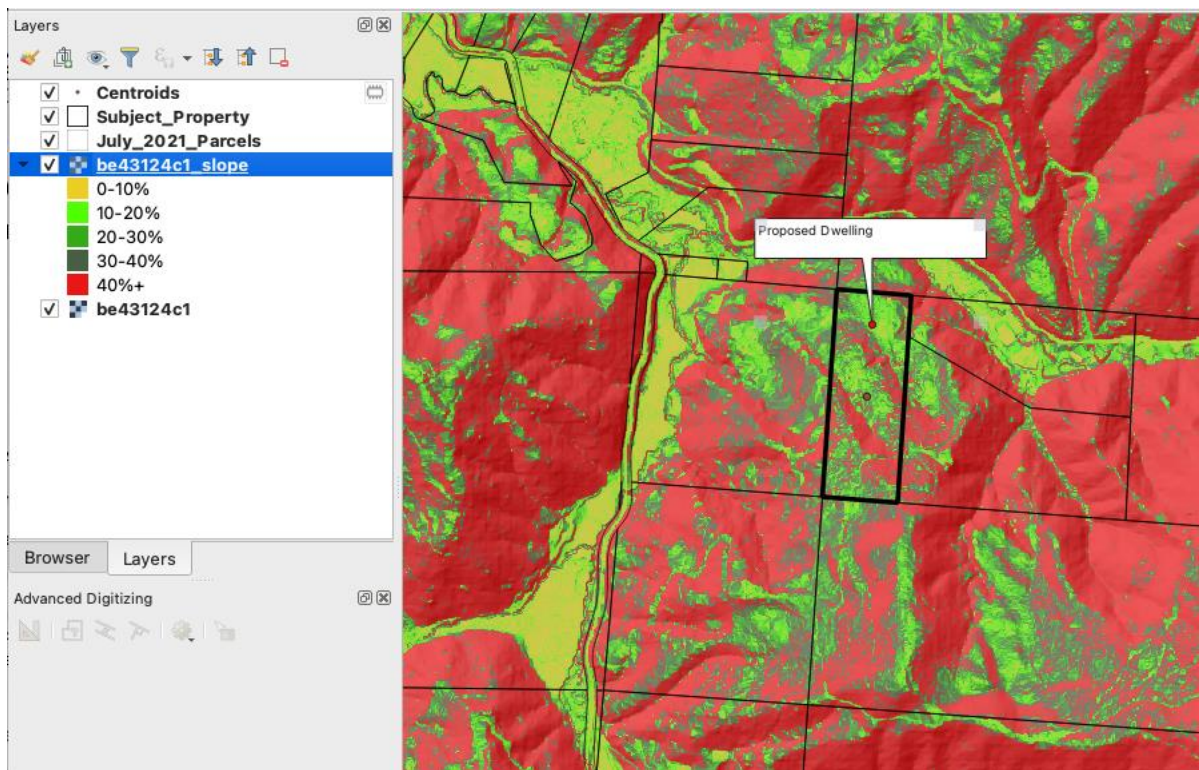
1. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
 - (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor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

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

FINDING: Section 4.6.120(9)(C)(1)(a) requires the property is greater than 10 acres in size; therefore, the criteria does require a stocking survey. Planning Staff relies on the County Assessor’s Office to confirm this has been complied with. This criterion will be a condition of approval.

Section 4.6.120(9)(C)(1)(b)(A) requires the dwelling will have a fire-retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.

Section 4.6.120(9)(C)(1)(b)(B) requires the applicants show the dwelling site does not exceed 40%. The applicants also state that the building site is on an existing flat landing previously used for logging operations. Staff utilized the Oregon DOGAMI LiDAR datasets to get approximate slope of the site area including the fuel-free break zone. The LiDAR analysis estimated the slopes between 10-20% on the downslope side and the slopes to exceed 40% for only 70 feet on the upslope side.



Section 4.6.120(9)(C)(1)(b)(C) requires the applicants to provide evidence that the water supply will be from a spring onsite and not a Class II stream. As a condition of approval, a water supply requirement form shall be submitted and signed off by the State Watermaster. Therefore, this has been addressed.

Section 4.6.120(9)(C)(1)(b)(D) requires that a dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection contract. The property is not within a fire protection district and pursuant to SECTION 4.6.110(9)(C)(1)(b)(E) the application shall request to be included in the nearest fire protection district. The nearest fire protection district is Sumner Rural Fire Protection District. Proof of this has not be submitted and will be a condition of approval. If it is not possible to be annexed into the fire district, then a contract is required with a protection district. As a

conditional of approval, the applicants must provide evidence that applicant has asked to be included in the nearest fire district. Therefore, this criterion has been addressed.

Section 4.6.120(9)(C)(1)(b)(F) requires that any chimney constructed will have a spark arrester installed. The applicants have stated they will comply with this section. This will be a condition of approval. Therefore, the criterion has been addressed.

Section 4.6.120(9)(C)(1)(b)(G) requires that primary and secondary firebreaks to be maintained. The application states that the owner will provide and maintain primary and secondary breaks surrounding the dwelling on land that is owned or controlled by the owner. This will be a condition of approval. Therefore, this criterion has been addressed.

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

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

FINDING: Section 4.6.120(9)(C)(2)(b) provides the County alternative forms of fire protection if it is not possible to comply with requirements that the dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection contract. Under Section 4.6.140(8) the Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical. The alternative standards are defined as follows:

- 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.

While the applicants did not specifically request that alternative forms be addressed, they did explain that they will install two (2) 2500 gallon water storage tanks for fire protection. As a condition of approval, the owner will have to provide and maintain road access to the tanks for fire-fighting equipment. If the property owners cannot be annexed into a fire district or contract for fire services, this is an acceptable alternative. 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:

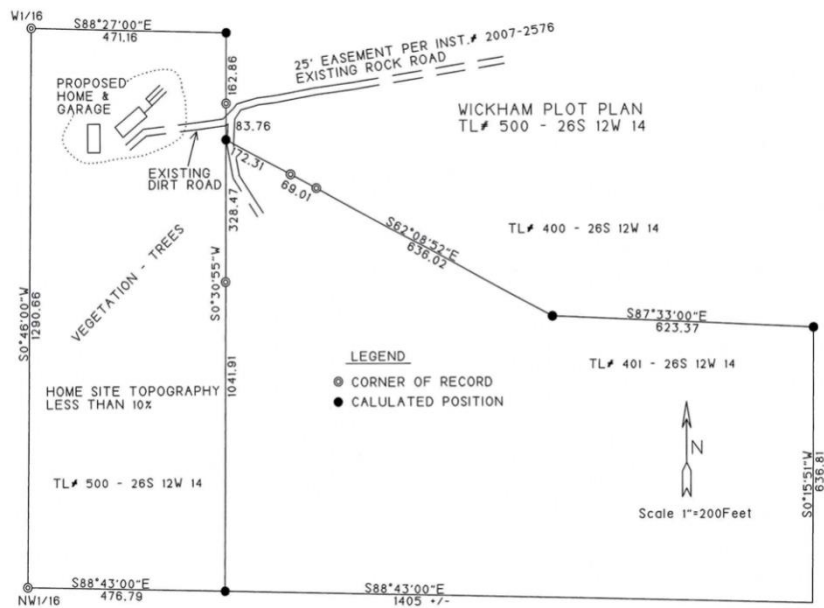
1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*

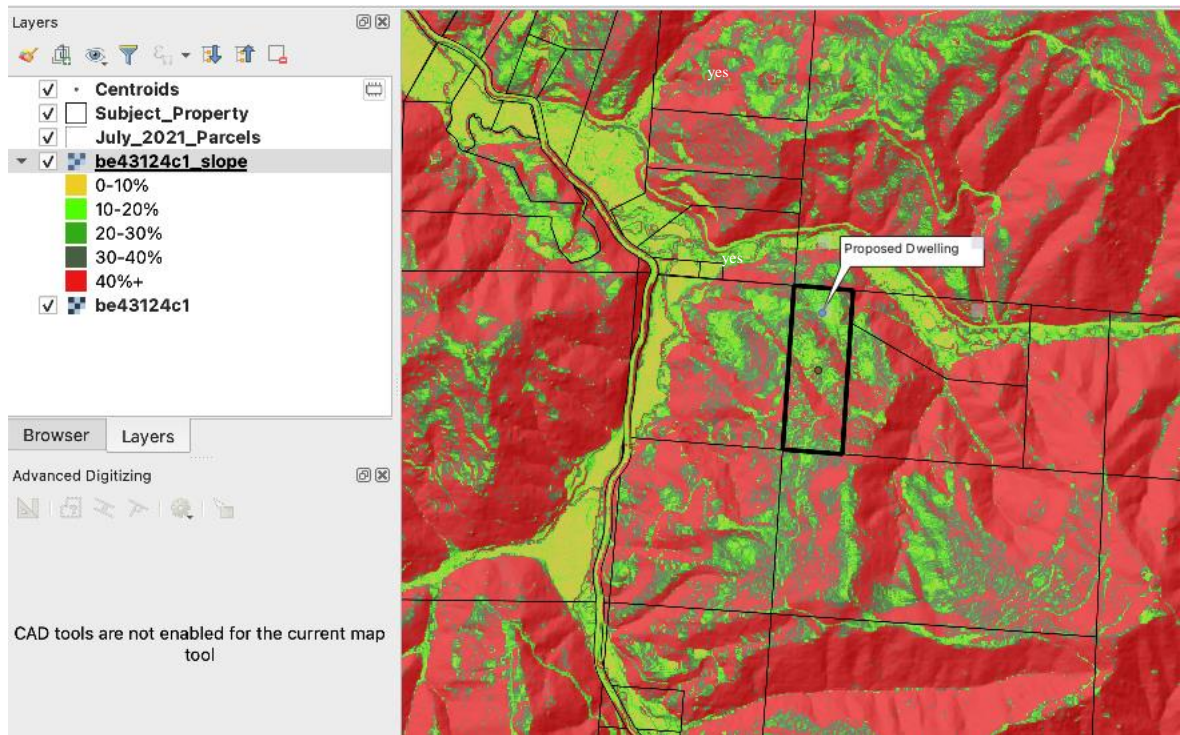
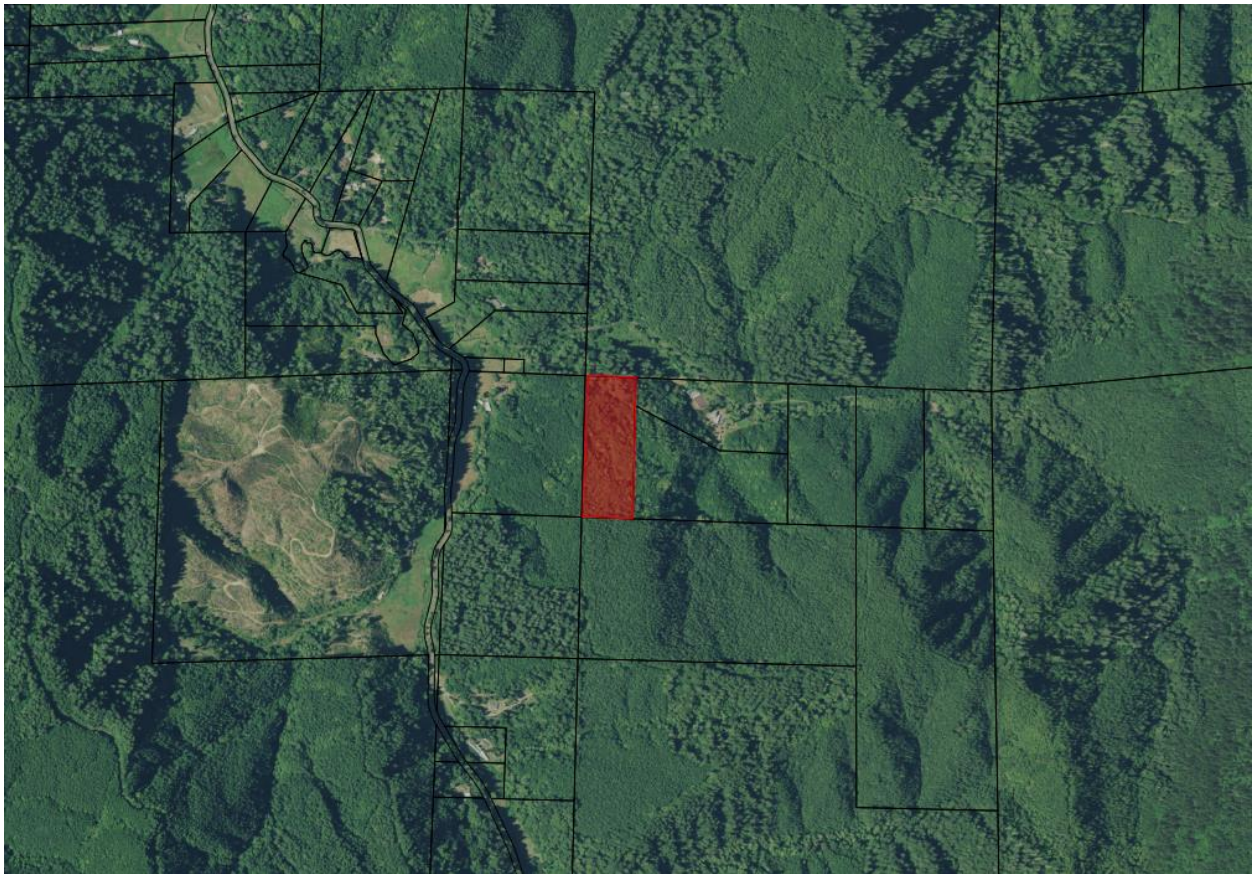
¹*For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

(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.

Sections 4.6.130(1)(a) and 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The subject property is located off Wren Smith Lane. There are large parcels of federal land to the north and southwest of the subject property, which are managed by the US Bureau of Land Management. To the south of the subject property are industrial timberlands. Approximately half a mile to the northwest of the subject property, there are a few Rural Residential-5 properties. The parcels directly towards the west and east of the subject property are small non-industrial timberlands.

The applicants are required to show they have the least impact on nearby or adjoining forest or agricultural lands and siting ensures that the adverse impacts on forest operation and accepted farming practices on the tract will be minimized. The tract only consists of 14.02 acres and staff is unable to tell if there are any forest operation or farming practices on the tract. Based on the plot plan, it appears that the proposed residence will be built roughly 175 feet away from the north boundary and 200 feet away from the eastern boundary. The proposed accessory structure will be built roughly 175 from the northern boundary and 150 feet from the western boundary. There are no other structures on adjacent land to cluster with but this area seems to be reasonable to site the two structures which will be about approximately 50 feet apart. The area of the property chosen is close to the road access and is sited on the northern portion of the property that has some cleared area already.





To the north and southwest of the subject property are units of land in Federal ownership and limited to certain type of forest practice for harvest and herbicide use. There are industrial timberlands to the south of the subject property. SB 1602 increased the distance from the dwelling for aerial spraying to 300 feet from inhabited dwellings. The only property large enough in private forest operation is to the south boundary (Tax lot 800 Lone Rock Timber Land) which is at least 800 feet from the proposed development and will likely not restrict any type of aerial spraying or timber operation.

According to the topographic map above, it appears that the area is only suitable for cable yarding timber harvesting. As stated in Oregon Department of Forestry's land use note ², a minimum of 500 feet should separate cable yard harvesting from any dwelling. Due to the distance between the proposed dwelling and these adjacent parcels, staff determines that the dwelling will not interfere with nearby forestry activities on industrial timberlands.

The applicants stated in their application that the proposed structures will be located on an older landing in the northern portion of the subject property. The applicants indicated this area will minimize the effects on adjacent farm and forest operations. There is sufficient land for commercial timber harvesting on both tax lot 401 and 600, which are the directly adjacent non-industrial timberlands to the east and west. Both parcels may require cable harvesting systems and are under 40 acres in size. Based on the topography, it is logically to assume that the landing and access roads will be placed in the northwest portion of tax lot 401, which will minimize the effects for cable harvesting the rest of the portion of tax lot 401. The southern portion of tax lot 600 appears to be suitable for cable harvesting methods. By placing the proposed dwelling on the northern portion of the parcel. The dwelling will have minimal effect on adjacent non-industrial forest harvesting practices. For timberlands under 40 acres in size, the preferred vegetation management treatments would be ground applied herbicide treatments. There is no buffer distance for ground apply herbicide treatments from the property line.

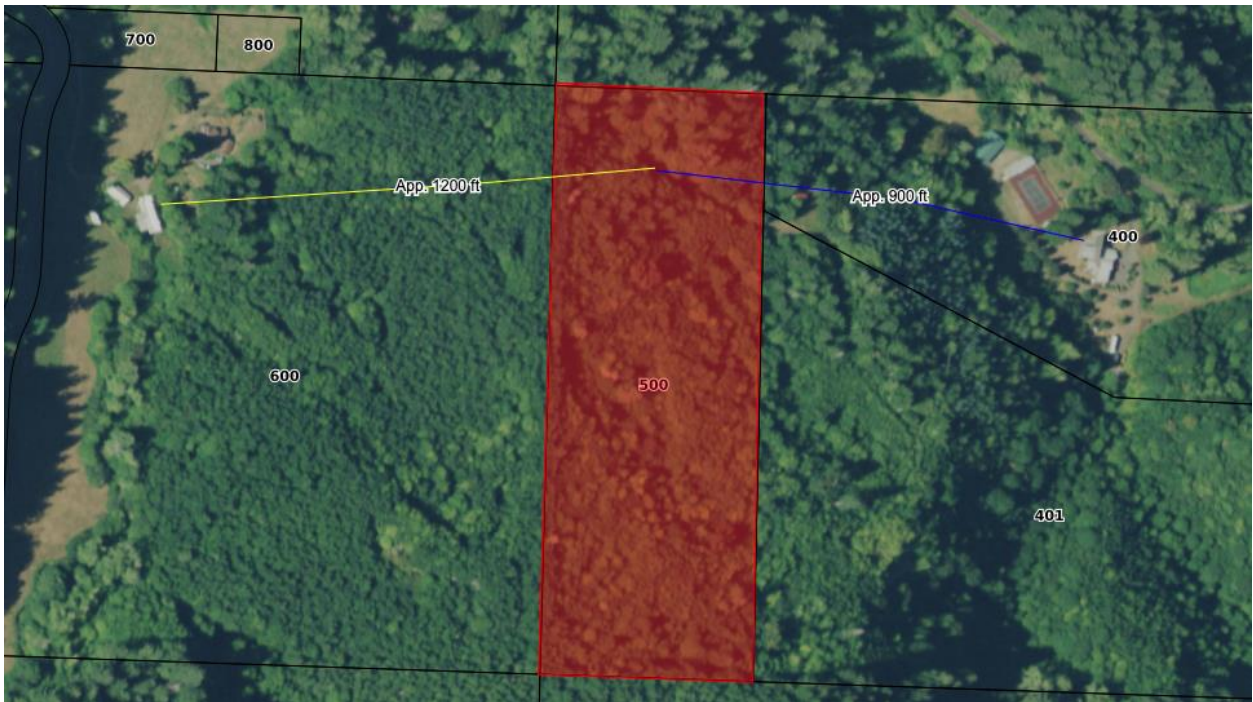
The Dwelling will have direct access to Wren Smith Lane not via a private easements and BLM access agreements. Therefore, staff determines that the proposed dwelling will not adversely impact nearby farm and forest operations or any operations on the subject property.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicants are proposing to utilize an existing forest management road to the proposed dwelling location. The applicants state that no additional acreage/land will need to be removed and modified. These roads will need to be improved to County development standards and possible fire standards.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. The applicants have addressed the access, fuel fire break and water on site to minimize wildfire risk. According to the Oregon Wildfire Risk Explorer this area is in low overall wildfire risk to assets, people, and property.

The subject property is moderately sloped on the northern portion while the southern half of the parcel is steep and rugged. The subject property has established west timber stands that were harvested approximately 15 years ago. The plot plan indicates the proposed dwelling site will be located approximately 900 feet from the nearest developed residential properties. Based on the map below, the location of the proposed dwelling is the nearest location to the adjacent current dwellings.

² <https://www.oregon.gov/odf/Documents/aboutodf/LandUsePlanningNote2DwellingSiting.pdf>



There is a distance of at least 175 feet between the proposed dwelling and the northern property line. Based on the soil map above, much of the subject property is the same soil type. Based on these setback distance, these criteria have been addressed.

Section 4.6.130(3) requires the applicants to 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). The applicants stated that the water source will be from a spring. It is necessary to have the Water Resources Department verify that no water use permit is required for these proposed uses. This will be a condition of approval of the project.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. Access to the subject property is directly from Wren Smith Lane, which is BLM controlled road. The applicants plot plan indicated they will need to use this access road, in addition to private easement. The BLM road access easement is recorded and may be found in Volume 369, Page 694. The grantor (Karl and Abbie Clinkinbeard) authorized the grantees (USA) to be able to build, maintain, and repair said roadway.

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$ ~~6750.00~~, receipt of which is hereby acknowledged,

KARL CLINKINBEARD, also known as KARL S. CLINKINBEARD
and ABBIE CLINKINBEARD, husband and wife,

do hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, a perpetual easement and right-of-way, including but not limited to the right and privilege to locate, construct, relocate, maintain, control, and repair a roadway over and across the following described real property situated in the County of Coos, State of Oregon, to wit:

As part of this easement agreement, the grantors reserved a right to use said roadway.

2. Grantors and their successors reserve the right of ingress and egress over and across the right-of-way described above for all lawful purposes, said right to be exercised in a manner which will not interfere with the rights granted herein; provided, however, that if Grantors should transport forest products over the right-of-way Grantee shall be entitled to charge a reasonable road use fee and establish reasonable road use rules in accordance with the provisions of 43 CFR 115.154-179.

The subject parcel has an access easement across tax lot 400. That access easement can be found in the warranty deed 2007-2576. That easement is listed as a 25 foot easement for access and utilities following the center line of the existing road.

Reserving unto the grantors a 25 foot easement for access and utilities following the center line of an existing road for parcels described in Exhibit "B" and Exhibit "C". Together with an Easement for ingress and egress as reserved in instrument recorded May 26, 1964 in Book 309, Page 694, Deed Records of Coos County, Orego

Therefore, this criterion has been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. The property is greater than 10 acres in size; therefore, the criteria does require a stocking survey. The applicants will need to submit a stocking survey to the Assessor's department prior to requesting a Zoning Compliance Letter.

Section 4.6.140 Development and Siting Criteria:

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

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

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

10. Firebreak:

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

Table 1 – Minimum Primary Safety Zone

<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>

- 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.*

FINDING: Section 4.6.140(1) is only applicable in the creation of new parcels and that is not part of this request so it is not applicable.

Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling have been met.

Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any fences, hedges, or wall; therefore, this criterion does not apply.

Sections 4.6.140(4) 4.6.140(17) require parking, loading, access and road standards be addressed. A Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.

Section 4.6.140(5) requires that the property owners 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. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. The subject property is not crossed by any protected streams requiring riparian vegetation protection. Therefore, this criterion has been satisfied.

Section 4.6.140(7) and Section 4.6.140(15) requires 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. The subject property is not within a fire protection district. The applicants did not submit any evidence that the nearest fire department was contacted. As a conditional of approval, the applicants must provide evidence that the applicants have asked to be included in the nearest fire district (Sumner Rural Fire Protection District). If this property does not qualify to be included within a fire district or contract to provide fire protection Section 4.6.140(8) allows the Planning Director to accept the applicants plan to install two (2) 2500-gallon water holding tanks on property development. As a condition of approval, the landowner shall provide road access to the tanks with adequate turnaround for any firefighting equipment that may respond. Therefore, this criterion has been addressed.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. 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 applicants indicated they will install two (2) additional 2500-gallon water holding tank for fire protection. The applicants did not indicate the pressure or signage. The applicants will be required to provide proof of signage and the PSI as a condition of approval.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicants stated that the slope of the proposed dwelling site is less than 10%. Staff utilized the Oregon DOGAMI LiDAR data to get approximate slope of the site area including the fuel-free break zone. The analysis indicated the slope of the area is over 10-20%. The slope primary safety zone for 20% is 105 feet, in addition to the 100 feet of secondary breaks. These criteria will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. 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.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. The applicants indicated they are planning on installing two (2) 2500 gallon water holding tanks. The applicant will be required to install adequate turnaround for firefighting equipment. This criterion was discussed and conditioned above. Therefore, this criterion has been addressed.

Section 4.6.140(13) requires that a dwelling not be located on slope of greater than 40%. The plot plan and application information did indicate slope as less than 10%. Staff analyzed Oregon DOGAMI LiDAR data and found slope to be between 10-20%. Therefore, this criterion has been addressed.

Section 4.6.140(14) states that if a dwelling has a chimney it shall have a spark arrester. 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.

Section 4.6.140(16) requires adequate access for firefighting equipment. The applicant shall show the access has been provided to comply with “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991.

Staff finds that the applicant has address the majority of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Monday, September 15, 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
Coos Forest Protective Association
Coos Bay School District #9

Planning Commission
Board of Commissioner
Oregon International Port of Coos Bay

**EXHIBIT “D”
Comments**

No comments were received prior to the release of this land use application.

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



ACU-21-017
FILE NUMBER:

Date Received: 3/8/2021 Receipt #: 224273 Received by: A. Dibble

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) Mike Mast

Mailing address: 19678 Lower Smith River Road, Reedsport, OR 97467

Phone: 541-271-4940 Email: _____

Township: Range: Section: ¼ Section: 1/16 Section: Tax lots:
26S 12W 14 Select Select 500

Select Select Select Select Select

Tax Account Number(s): 472904 Zone: Select Zone Forest Mixed Use (FMU)

Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Brandon & Amy Wickham (Buyers)

Mailing address: P.O. Box 527, Oak Creek, CO 80467

Phone: 970-846-1748 brandonamy@hotmail.com

C. Consultant or Agent: Troy Rambo

Mailing Address P.O. Box 809, North Bend, OR 97459

Phone #: 541-751-8900 Email: mandrllc@frontier.com

Type of Application Requested

<input type="checkbox"/> Comp Plan Amendment	<input checked="" 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 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: Coos Bay Fire District: Select Fire District

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](#)

*NO Comments
Required*

- 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
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- 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.



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: 0 Wren Smith Road

Type of Access: Private Easement - Provide Easement Name of Access: Wren Smith Road

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-

March 5, 2021

Coos County Planning Dept.

Subject Properties - T.L. 500 - 26S 12W 14

Owner:

Mike Mast
19678 Lower Smith River Road
Reedsport, OR 97467

Applicants/Buyers

Brandon & Amy Wickham
P.O. Box 527
Oak Creek, CO 80467

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

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

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6) (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section.

- (B) The dwelling will not be sited on a slope of greater than 40 percent.
- (C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
- (D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
- (E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- (F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

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

- **The property is more than 10 acres therefore a stocking survey is required. The subject property was logged in 2004 and replanted.**
- **The dwelling will have a fire retardant roof.**
- **The property has steep slopes along the North portion of the property. The proposed home site is located on a bench that is relatively flat.**
- **The property is not located within a Rural Fire Protection District.**
- **The water source for this property will be from a spring and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.**
- **If the proposed dwelling has a chimney, a spark arrester will be installed.**
- **The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consistent with the requirements of Section 4.6.140.9 and 4.6.140.10.**

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

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

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

- **The property is within a fire district and there is no need for alternative fire protections. The applicants are proposing to install two 2500 gallon water storage tanks for fire protection.**
- **There is no additional water supply.**

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

- (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

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

- **The attached Soil Classification letter shows the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of tax lot 500 in Township 26S Range 12W Section 14 and consist of 14.02 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 14 parcels within the 160 acre square ranging from 0.56 acres to 516 acres of which are zoned F and EFU. Six of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

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

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

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 nearby¹¹ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the

- assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
- (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Response to SECTION 4.6.130

- **The applicants will be creating a new home site. The home site will be located in the Northern portion of the subject property. The site will be cleared to the extent to meet the required fire break setbacks. The site is part of an old landing which is accessed directly from an existing road. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access is a private driveway off of Wren Smith Road. Wren Smith Road is a Government (BLM) maintained road. A recorded access easement is in place.**
- **The subject property was logged in 2004 and will meet the minimum stocking requirements.**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

This section contains 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.



Fidelity National Title
Company

After Recording Return To:
Fidelity National Title Company
215 Curtis Ave.
PO Box 355
Coos Bay OR 97420-0037

**AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE COMPANY**

Send Tax Statements To:
Mike Mast
401 Sunny Ridge
Reedsport OR 97470

Title Order No. 24-89327
Escrow No. 24-89327
Tax Account No. T26R12S14 400
A#4729.02, T26R12S14 500
A#4729.04

WARRANTY DEED
(ORS 93.850)

James J. Martin and Georgla C. Martin, as tenants by the entirety, Grantor, conveys and warrants to Mike Mast, an estate fee simple, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$475,000.00 which is paid by an accommodator pursuant to an IRC section 1031 exchange.

Dated this 5 day of SEPTEMBER, 2003.

James J. Martin
James J. Martin

Georgia C. Martin
Georgia C. Martin

State of OR, County of Coos)ss.

This instrument was acknowledged before me on 9.5, 2003
by James J. Martin and Georgia C. Martin

Lisa Summa
Notary Public

My commission expires: 2-15-2006



COOS COUNTY, OREGON TOTAL \$36.00
TERRI L. TURI, CMC, COUNTY CLERK

09/09/2003 #2003-13841
03:17:00PM 1 OF 3

EXHIBIT 'A'Legal Description:

Parcel I: The East 1/2 of the Northeast quarter of the Northwest quarter and the West 1/2 of the Northwest quarter of the Northeast quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

Parcel II: The West 1/2 of the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

Together with an easement for ingress and egress as reserved in instrument recorded May 26, 1964 in Book 309, Page 694, Records of Coos County, Oregon.

Together with a non-exclusive easement over existing road as set forth in instrument recorded March 17, 1966 in Microfilm No. 66-3-7293, Records of Coos County, Oregon.

Subject to:

Taxes for the fiscal year 2003-2004, a lien in an amount to be determined, but not yet payable.

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

The following matters are excluded from the coverage of the policy based on the proximity of the property to Wren Smith Creek.

- a. Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of Wren Smith Creek.
- b. Any adverse claim based on the assertion that:
 - i. Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - ii. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Wren Smith Creek or has been formed by accretion to such portion.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: W. T. Culver Company
 For: Right of way
 Recorded: January 27, 1930
 Book: 110 Page: 123
 in Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: United States of America
 For: Access road
 Recorded: March 20, 1964
 Book: 308 Page: 152
 in Coos County, Oregon.

The above easement was corrected by instrument recorded May 25, 1964 in Book 309, Page 694, Deed Records of Coos County, Oregon.

COOS COUNTY, OREGON TOTAL \$36.00
 TERRI L. TURI, CMC, COUNTY CLERK

09/09/2003 #2003-13841
 03:17:00PM 2 OF 3

Title No. 24-89327

Escrow No. 24-89327

Terms and provisions, including, but not limited to mutual obligations, including rights of lien, for maintenance pursuant to the provisions of ORS 105.170 et seq., of that certain access easement which is set forth in instrument

Recorded: May 26, 1964
Book: 309 Page: 694
in Coos County, Oregon.

Easement as reserved in Contract,

For: Non-exclusive road easement
Reserved by: Green Forest Acres, Inc.
Recorded: March 17, 1966
Microfilm No.: 66-3-7293
in Coos County, Oregon.

Terms and provisions, including, but not limited to mutual obligations, including rights of lien, for maintenance pursuant to the provisions of ORS 105.170 et seq., of that certain access easement which is set forth in instrument

Recorded: March 17, 1966
Microfilm No.: 66-3-7293
in Coos County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Coos-Curry Electric Cooperative, Inc.
For: Electric transmission or distribution line or system
Dated: June 4, 1992
Recorded: October 20, 1992
Microfilm No.: 92-10-0807
in Coos County, Oregon.

Unofficial
Copy

COOS COUNTY, OREGON TOTAL \$36.00
TERRI L. TURI, CMC, COUNTY CLERK

09/09/2003 #2003-13841
03:17:00PM 3 OF 3

After recording return to: Mike Mast
401 Sunny Ridge Lane
Reedsport, OR 97467

The true and actual consideration for this conveyance is \$ other

Until a change is requested, all tax statements are to be
Sent to the following address: Mike Mast
401 Sunny Ridge Lane
Reedsport, OR 97467

PROPERTY LINE ADJUSTMENT DEED

Known all men by these presents, MIKE MAST, hereinafter known as Grantor, conveys and warrants to MIKE MAST and RACHEL MAST, hereinafter known as Grantees, a parcel of land described as follows:

That portion of the West half of the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod, from which the North quarter corner of said Section 14 bears S 88°27'00" E a distance of 624.11 feet; thence N 88°27'00" W a distance of 152.95 feet; thence S 0°30'55" W a distance of 1288.53 feet; thence S 88°43'00" E a distance of 152.56 feet; thence N 0°31'55" E a distance of 1287.82 feet to the point of beginning.

Coos County Assessor's Account Nos. 4729.04 & 4729.06.

This as a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.
2. The description of the adjusted property line is as follows:

Beginning at a 5/8 inch iron rod, at the Northwest corner of the parcel described in Inst. No. 2004-5110 from which the North quarter corner of said Section 14 bears S 88°27'00" E a distance of 624.11 feet; thence N 88°27'00" W a distance of 152.95 feet; thence S 0°30'55" W a distance of 1288.53 feet; thence S 88°43'00" E a distance of 152.56 feet to the Southwest corner of the parcel described in Inst. No. 2004-5110.

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

10/18/2004 #2004-15029
02:26:27PM 1 OF 4

4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

3. The deed whereby Grantor acquired title to the transferred property is recorded as Instrument No. 2003-13841 Coos County Deed Records.
4. The deed whereby Grantees acquired title to the property to which the transferred property is joined is recorded as Instrument No's. 2004-5110 Coos County Deed Records.
5. Both parcels affected are over 10 acres, under ORS 92.060(8) and county ordinance a survey is not required.
6. See Exhibit "A" for a description of Parcel I of the Grantors property following the recording of this Property Line Adjustment Deed.
7. See Exhibit "B" for a description of the Grantees property following the recording of this Property Line Adjustment Deed.

THIS INSTRUMENT WILL 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 APPROVED USES.

Dated this 18th day of October, 2004.

GRANTORS:

Mike Mast
MIKE MAST

STATE OF Oregon, County of Coos) ss.

The foregoing instrument was acknowledged before me this 18th day of October, 2004 by MIKE MAST.



Joyce Ward
Notary Public of Oregon

My Commission Expires: April 27, 2007

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

10/18/2004 #2004-15029
02:26:27PM 2 OF 4

GRANTEES:

Mike Mast
MIKE MAST

Rachel Mast
RACHEL MAST

STATE OF OREGON, County of Coos) ss.

The foregoing instrument was acknowledged before me this 18th day of October, 2004 by MIKE MAST and RACHEL MAST.

Joyce Ward
Notary Public of Oregon

My Commission Expires: April 27, 2007



Unofficial Copy

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

10/18/2004 #2004-15029
02:26:27PM 3 OF 4

- b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
- d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

9. Fire Siting Standards for New Dwellings:

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

10. Firebreak:

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

Table 1 – Minimum Primary Safety Zone

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

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

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

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **The riparian vegetation will not be disturbed during the development of the site.**
- **The property is not within a Rural Fire Protection District. Two 2500 gallon water storage tanks are proposed for additional fire protection.**
- **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
- **The slope on the proposed home site is between 0% to 3% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no water supply exceeding 4,000 gallons. The application is proposing to install two 2500 gallon water storage tanks for additional fire protection.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is not within a Rural Fire Protection District. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

EXHIBIT "A"

A parcel of land located in the West half of the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a point, from which the North quarter corner of said Section 14 bears S 88°27'00" E a distance of 777.06 feet; thence N 88°27'00" W a distance of 471.16 feet to the West sixteenth corner on the North boundary of said Section 14; thence S 0°46'00" W a distance of 1290.66 feet the Northwest sixteenth corner of said Section 14; thence S 88°43'00" W a distance of 476.79 feet; thence N 0°30'55" E a distance of 1288.53 feet to the point of beginning.

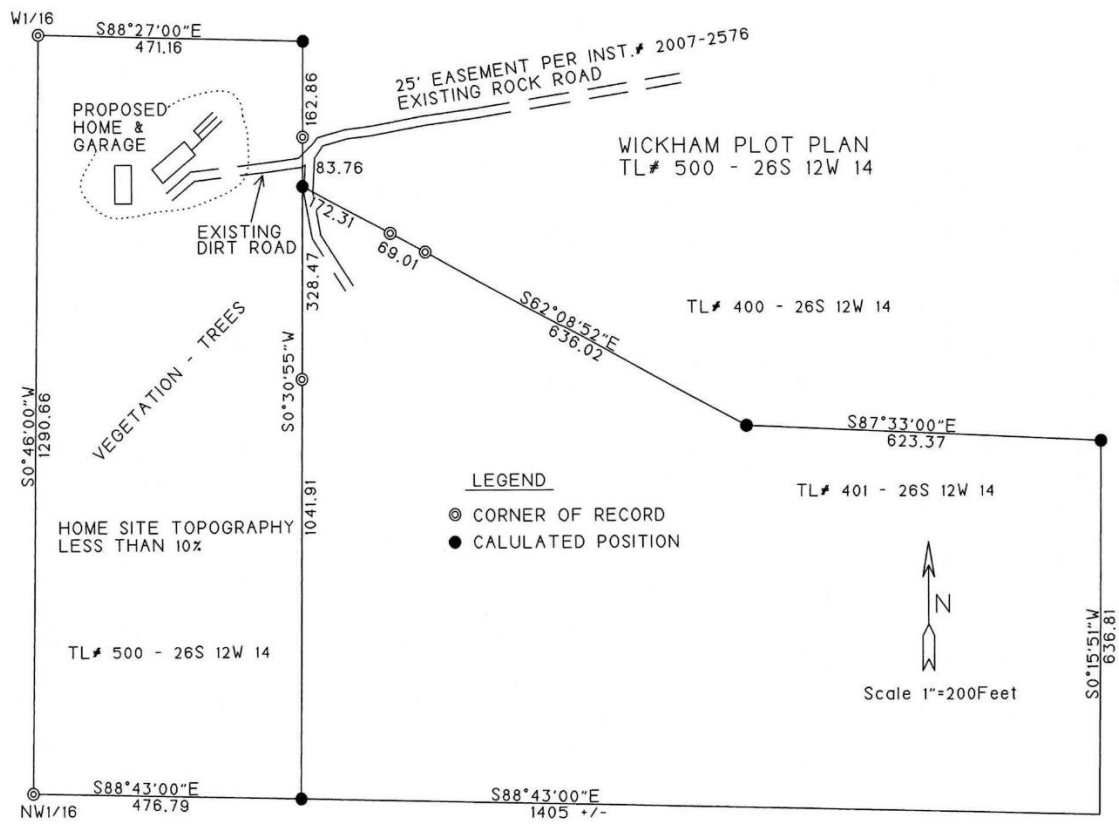
EXHIBIT "B"

A parcel of land located in the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the North quarter corner of said Section 14; thence N 88°27'00" W a distance of 777.06 feet; thence S 0°30'55" W a distance of 1288.53 feet; thence S 88°43'00" E a distance of 781.92 feet; thence N 0°17'45" E a distance of 1284.99 feet to the point of beginning.

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

10/18/2004 #2004-15029
02:26:27PM 4 OF 4



MULKINS & RAMBO, LLC

P.O. BOX 809
NORTH BEND, OR 97459
PHONE (541) 751-8900

March 5, 2021

Coos County Planning Dept.
250 N. Baxter
Coos County Courthouse
Coquille, OR 97423

RE: Soil Classification for T.L. 500 - 26S 12W 14 – 14.02 acres

Based on Sheet Number 31 of the Soil Survey of Coos County, Oregon the soil type for the subject property is 46E – Preacher-Bohannon loams, 30 to 60 percent slopes

This Soil type is capable of producing average of 181 cubic feet of Douglas fir wood fiber per year and have a mean site index of 170 based on a 100 year site curve.

If you have any questions, please give me a call. Thank you.



Troy Rambo

EASEMENT ACROSS TL. 400 - 265 12W 14



After Recording Return To:
Ticor Title
300 W. Anderson Ave.
P.O. Box 1075
Coos Bay OR 97420

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

Send Tax Statements To:
Greg Mcune
Connie Mcune
96732 Wren Smith Road
Coos Bay OR 97420

Title Order No. 47-91656
Escrow No. 47-91656
Tax Account No. 4729.02 Code:
9.01

WARRANTY DEED
(ORS 93.850)

MIKE MAST and RACHEL MAST, as tenants by the entirety, Grantor, conveys and warrants to ~~CONNIE R. MCUNE and GREGORY P. MCUNE~~ as tenants by the entirety, Grantee, the following described real property:

*Connie R. McUne and Gregory P. McUne

See Exhibit 'A' attached hereto and by reference made a part hereof.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS AND EASEMENTS OF RECORD, IF ANY.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$475,000.00.

Dated this 20th day of Feb, 2007.

Mike Mast
Mike Mast

Rachel Mast
Rachel Mast

State of OR, County of Coos)ss.

This instrument was acknowledged before me on 2-20-07, 2007
by Mike Mast and Rachel Mast.

Denise Mateski
Notary Public

My commission expires: 10-27-10

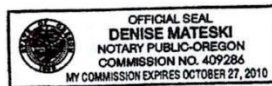


EXHIBIT 'A'Legal Description:

A parcel of land located in the W ½ of the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 14, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at the North quarter corner of said Section 14, marked by a brass cap; thence South 87° 33' 00" East a distance of 623.37 feet to the point of the 1/64 corner at the Northeast corner of the W ½ of the NW ¼ of the NE ¼ of said Section 14; thence South along the East line of the W ½ of the NW ¼ of the NE ¼ of Section 14 a distance of 635.49 feet; thence North 87° 33' 00" West a distance of 623.37 feet, more or less, to the North-South centerline of Section 14, from which the North quarter corner of Section 14 bears North 0° 17' 45" East a distance of 635.49 feet; thence North 62° 08' 52" West a distance of 636.02 feet to a 5/8 inch iron rod; thence continuing North 62° 08' 52" West a distance of 69.01 feet to a 5/8 inch iron rod; thence continuing North 62° 08' 52" West a distance of 172.31 feet to a point; thence North 0° 30' 55" East a distance of 83.76 feet to a 5/8 inch iron rod; thence continuing North 0° 30' 55" East a distance of 162.86 feet to the North line of the NE ¼ of the NW ¼ of Section 14; thence South 88° 27' 00" East a distance of 777.06 feet to the point of beginning.



Reserving unto the grantors a 25 foot easement for access and utilities following the center line of an existing road for parcels described in Exhibit "B" and Exhibit "C". Together with an Easement for ingress and egress as reserved in instrument recorded May 26, 1964 in Book 309, Page 694, Deed Records of Coos County, Oregon.

Together with a Non-Exclusive Easement over existing road as set forth in instrument recorded March 17, 1966, bearing Microfilm Reel No. 66-03-7293, Records of Coos County, Oregon and further disclosed in Warranty Deed recorded September 9, 2003, bearing Microfilm Reel No. 2003-13841, Records of Coos County, Oregon.

Page 2

COOS COUNTY CLERK, OREGON TOTAL \$36.00
TERRI L. TURI, CCC, COUNTY CLERK

02/27/2007 #2007-2576
01:42PM 2 OF 3

ACU-21-017

EXHIBIT "B"

A parcel of land located in the West half of the Northwest quarter of the Northeast quarter and the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

Beginning at a point on the North - South centerline of said Section 14, from which the North quarter corner, marked by a brass cap, bears N 0°17'45" E a distance of 635.49; thence N 62°08'52" W a distance of 636.02 feet to a 5/8 inch iron rod; thence continuing N 62°08'52" W a distance of 69.01 feet to a 5/8 inch iron rod; thence continuing N 62°08'52" W a distance of 172.31 feet to a point; thence S 0°30'55" W a distance of 328.47 feet to a 5/8 inch iron rod, thence continuing S 0°30'55" W a distance of 713.44 feet to the South line of the Northeast quarter of the Northwest quarter of Section 14; thence S 88°43'00" E a distance of 781.92 feet to the Center-North sixteenth corner; thence continuing Easterly on the sixteenth line 623.37 feet, more or less, to the Southeast corner of the West half of the Northwest quarter of the Northeast quarter of Section 14; thence North along the East line of the West half of the Northwest quarter of the Northeast quarter to a point which bears southerly along said line 635.49 feet from the North line of the Northwest quarter of the Northeast quarter; thence N 87°33'00" W a distance of 623.37 feet to the point of beginning.

EXHIBIT "C"

A parcel of land located in the West half of the Northeast quarter of the Northwest quarter of Section 14, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a point, from which the North quarter corner of said Section 14 bears S 88°27'00" E a distance of 777.06 feet; thence N 88°27'00" W a distance of 471.16 feet to the West sixteenth corner on the North boundary of said Section 14; thence S 0°46'00" W a distance of 1290.66 feet to the Northwest sixteenth corner of said Section 14; thence S 88°43'00" W a distance of 476.79 feet; thence N 0°30'55" E a distance of 1288.53 feet to the point of beginning.

COOS COUNTY CLERK, OREGON TOTAL \$36.00
TERRI L. TURI, CCC, COUNTY CLERK

02/27/2007 #2007-2576
01:42PM 3 OF 3

Coos Co. District

*JH
d.c. HSC*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
~~53198~~
CORRECTION ACCESS ROAD EASEMENT
54524

RE-C-342

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$ ~~6750.00~~, receipt of which is hereby acknowledged,

KARL CLINKINBEARD, also known as KARL S. CLINKINBEARD and ABBIE CLINKINBEARD, husband and wife,

do hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, a perpetual easement and right-of-way, including but not limited to the right and privilege to locate, construct, relocate, maintain, control, and repair a roadway over and across the following described real property situated in the County of Coos, State of Oregon, to wit:

Parcel #1

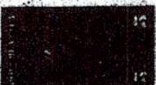
A parcel of land lying East of the County Road right-of-way in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10; and in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon; the said parcel being all that portion of said property contained within a strip of land 100 feet in width, 50 feet on each side of the following-described centerline.

Beginning at Station 0+00 which is 1279.8 feet North and 905.6 feet West of the corner common to Sections 10, 11, 14 and 15, Township 26 South, Range 12 West, Willamette Meridian; thence South 89°50' East for a distance of 343.30 feet; thence along a 44° curve to the right through a central angle of 42°43' for an arc distance of 97.10 feet; thence South 47°07' East for a distance of 44.65 feet; thence along a 27° curve to the left through a central angle of 48°27' for an arc distance of 179.40 feet; thence North 84°26' East for a distance of 71.27 feet; thence along a 40° curve to the right through a central angle of 30°35' for an arc distance of 76.50 feet; thence South 64°59' East for a distance of 77.63 feet; thence along a 40° curve to the right through a central angle of 37°33' for an arc distance of 93.90 feet; thence South 27°26' East for a distance of 104.23 feet; thence along a 56° curve to the right through a central angle of 56°58' for an arc distance of 101.70 feet; thence South 29°32' West for a distance of 72.21 feet; thence along a 76° curve to the left through a central angle of 61°21' for an arc distance of 80.70 feet; thence South 31°49' East for a distance of 63.33 feet; thence along a 28° curve to the left through a central angle of 41°41' for an arc distance of 148.90 feet; thence South 73°30' East for a distance of 191.92 feet; thence along an 18° curve to the right through a central angle of 24°09' for an arc distance of 134.20 feet; thence South 49°21' East for a distance of 28.46 feet; thence along a 76° curve to the right through a central angle of 36°19' for an arc distance of 47.80 feet; thence South 13°02' East for a distance of 140.48 feet; thence along a 63° curve to the left through a central angle of 101°19' for an arc distance of 160.80 feet; thence North 65°39' East for a distance of 255.96 feet; thence along a 14° curve to the right through a central angle of 16°52' for an arc distance of 120.50 feet; thence North 82°31' East for a distance of 253.48 feet; to station P.C. 28+88.42 which is 381.8 feet North and 1270.4 feet East of the corner common to Sections 10, 11, 14 and 15, Township 26 South, Range 12 West, Willamette Meridian.

The parcel of land to which this description applies contains 6.38 acres, more or less.

Parcel #2

A parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 14, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon; the said parcel being all that portion of said property contained within a strip of land 100 feet in width, 50 feet on each side of the following-described centerline:



Bound in Coos Co. Dist. by J.H. AS

Beginning at P.T. 39+89.38 which is 27.3 feet North and 2232.4 feet East of the corner common to Sections 11, 12, 13 and 14, Township 26 South, Range 12 West, Willamette Meridian; thence South 42°47' East for a distance of 328.34 feet; thence along a 30° curve to the left through a central angle of 16°44' for an arc distance of 55.80 feet; thence South 59°31' East for a distance of 116.56 feet; thence along a 30° curve to the left through a central angle of 33°59' for an arc distance of 113.30 feet; thence North 86°30' East for a distance of 169.39 feet; thence along a 13° curve to the left through a central angle of 09°00' for an arc distance of 69.20 feet; thence North 77°30' East for a distance of 129.21 feet; thence along a 30° curve to the right through a central angle of 20°40' for an arc distance of 68.90 feet; thence South 81°50' East for a distance of 187.34 feet; thence along a 30° curve to the left through a central angle of 22°48' for an arc distance of 76.00 feet; thence North 75°22' East for a distance of 165.94 feet; thence along a 13° curve to the right through a central angle of 13°41' for an arc distance of 105.30 feet; thence North 89°03' East for a distance of 377.67 feet; thence along a 13° curve to the left through a central angle of 13°05' for an arc distance of 100.60 feet; thence North 75°58' East for a distance of 133.89 feet; thence along a 30° curve to the right through a central angle of 27°23' for an arc distance of 91.30 feet; thence South 76°39' East for a distance of 61.06 feet; thence along a 30° curve to the right through a central angle of 20°57' for an arc distance of 69.80 feet; thence South 55°42' East for a distance of 127.94 feet; thence along an 18° curve to the left through a central angle of 25°46' for an arc distance of 143.10 feet; thence South 81°28' East for a distance of 27.44 feet; thence along a 14° curve to the left through a central angle of 05°54' for an arc distance of 42.10 feet; thence South 87°22' East for a distance of 284.22 feet; to Station 70+33.78 which is 183.1 feet South and 88.5 feet East of the corner common to Sections 11, 12, 13 and 14, Township 26 South, Range 12 West, Willamette Meridian.

The parcel of land to which this description applies contains 6.28 acres, more or less.

Parcel #3

A parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW¼NE¼) of Section 14, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon; the said parcel being all that portion of said property contained within a strip of land 100 feet in width, 50 feet on each side of the following-described centerline:

Beginning at "L" Station 0+00 spur = Station 47+18.38 mainline which is 320.0 feet South and 2820.0 feet East of the section corner common to Sections 10, 11, 14 and 15, Township 26 South, Range 12 West, W.M.; thence North 10°00' West South for a distance of 250.0 feet to "L" Station 2+50.00 which is 74.0 feet North and 2777.0 feet East of the section corner common to Sections 10, 11, 14 and 15, Township 26 South, Range 12 West, W.M.

The parcel of land to which this description applies contains 0.39 acres, more or less.

A plan showing the easement and rights-of-way described herein is attached hereto as EXHIBIT A and made a part hereof.

The rights and privileges herein granted are for the full use as a roadway by the Grantee, its licensees and permittees, including the right of access for the people of the United States generally to lands owned, administered or controlled by the UNITED STATES OF AMERICA for all lawful and proper purposes subject to reasonable rules and regulations of the Bureau of Land Management.

TO HAVE AND TO HOLD said easement and right-of-way unto the UNITED STATES OF AMERICA and its assigns forever.

The Grantors covenant and warrant that they are lawfully seized and possessed of the land aforesaid and have the full right, power and authority to execute this conveyance, and that they will defend the title to the easement and right-of-way conveyed herein and quiet enjoyment thereof against any claims and demands of all persons whomsoever and that said land is free and clear of liens, claims, or encumbrances, including current or past due taxes.

*File
C.C.
off*

This correction easement is being executed for the purpose of correcting an error in the description of the tie in Parcel 3 of that access road easement signed by the Grantor on 19 March 1964 and recorded March 20, 1964 in Volume 308, Page 152 of the Deed Records of Coos County, Oregon. Documentary stamps were attached to the original instrument, as well as Exhibit "A".

It is agreed that:

1. Grantors, their successors and assigns, reserve title to all timber, now or hereafter growing, standing or down, within the above-described right-of-way. Grantee may fell all timber within the right-of-way and danger trees adjacent to the right-of-way for construction, operation and maintenance of a road. Trees felled of commercial value shall be bucked into standard log lengths and decked adjacent to the right-of-way.

2. Grantors and their successors reserve the right of ingress and egress over and across the right-of-way described above for all lawful purposes, said right to be exercised in a manner which will not interfere with the rights granted herein; provided, however, that if Grantors should transport forest products over the right-of-way Grantee shall be entitled to charge a reasonable road use fee and establish reasonable road use rules in accordance with the provisions of 43 CFR 115.154-179.

Dated this 19 day of March, 1964.

Accepted subject to approval of title by the Department of Justice:

John F. Long
ACTING District Manager
Bureau of Land Management

Karl Clinkinbeard
Karl Clinkinbeard

Abbie Clinkinbeard
Abbie Clinkinbeard

STATE OF OREGON)
) ss:
COUNTY OF COOS)

On the 19 day of March, 1964, personally came before me, a notary public in and for said County and State, the within-named KARL CLINKINBEARD, also known as KARL S. CLINKINBEARD and ABBIE CLINKINBEARD, husband and wife, to me personally known to be the identical persons described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

My commission expires July 19, 1966

Frederick P. Bask
Notary Public in and for the
State of Oregon
Residing at Cool Bay



RECORDED MAY 26 1964 AT 11:00 am
MURIEL PAULSEN, COUNTY CLERK