



# NOTICE OF LAND USE DECISION

**You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.**

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

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

Date of Notice: **Friday, December 17, 2021**  
File No: ACU-21-021

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

Applicant(s): ANDERSON, SHANE & STACY  
68-1657 HOOHIKI CT  
WAIKOLOA, HI 96738-5547

Staff Planner: Jill Rolfe, Planning Director

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 12 p.m. on **Tuesday, January 04, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to 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, Specifically Natural Hazards Section 4.11-132(b) Natural Hazards – Landslide & Tsunami. 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: 29701  
Map Number: 23S122000-00500

Property Owner: ANDERSON, SHANE & STACY

Situs Address: No Situs Address

Acreage: 10.00 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: BIRD SITE MEETS GOAL 5C REQ RMT (B5C)  
COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN (FP)  
FOREST MIXED USE (MU)  
LAKESIDE AIRPORT CONICAL ZONE (ALC)

NATIONAL WETLAND INVENTORY SITE (NWI)  
NATURAL HAZARD - LANDSLIDE (NHLND)  
NATURAL HAZARD - TSUNAMI (NHTHO)

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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. **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.**

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: Jill Rolfe Date: Friday, December 17, 2021 .  
Jill Rolfe, Planning Director

**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 following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

Exhibit E: Comments Received

## 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. 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. **This authorization is based on siting the dwelling in Site A of the proposed plot plan.** 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 4.6.110(9)(C)(1)(b)(E) requires that the applicant provides evidence that they have requested to be annexed into the nearest district. As a conditional of approval, the applicants must submit evidence of a request to be annexed into the nearest such fire district, and if the fire district accepts annexation, be annexed into the nearest such district, prior to receiving a Zoning Compliance Letter.
  - c. 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.
  - d. 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
  - e. 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.

- f. 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.
- g. 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.
- h. 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 rivers then this is not applicable.
- i. 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.
- j. 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.
- k. 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.

- l. 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.
  - m. 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).
  - n. 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.
  - o. 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.
  - p. 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.
  - q. 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.
  - r. Pursuant to CCZLDO § 4.11 the following conditions will need to be complied with:
    - No development or vegetation removal shall occur within the riparian vegetation protection zone or Coastal Shoreland Boundary.
    - Section 4.11.131.b; as a condition of approval, if ODF&W communicates to the applicants that the proposed dwelling will produce significant and unacceptable impacts to protect “5b” resources. Then the applicants must stop development activity until ODF&W concerns are addressed.
  - s. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee 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 shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
3. **ADVISORY STATEMENT** - The Department of States Lands advised the following statement *“The proposed house, garage, driveway, (and septic) will not impact wetlands or*

*waters. The access road already crosses a stream that is likely jurisdictional. If any improvements are needed at this crossing, a total of 50 cubic yards of removal, fill, and movement of material below the ordinary high-water line is allowed before a permit is needed. FYI: There is another jurisdictional stream north of the proposed homesite. The lake is jurisdictional to the ordinary high-water line or to the upper limit of any adjacent wetlands. It is designated Essential Salmonid Habitat, and a permit would be needed for any amount of removal or fill. The lake is also state owned. A lease or registration is needed for any structure spanning over the water (dock, boathouse, etc.)”.*

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



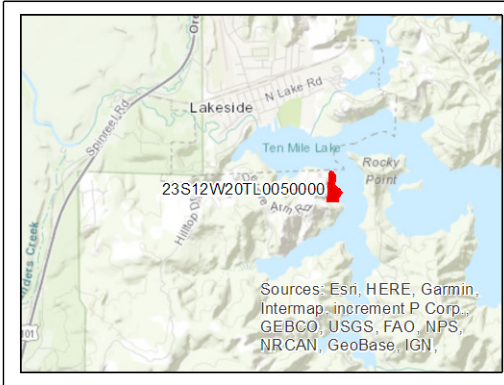
**COOS COUNTY PLANNING DEPARTMENT**

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

**Physical Address: 60 E. Second, Coquille Oregon**

**Phone: (541) 396-7770**

**TDD (800) 735-2900**



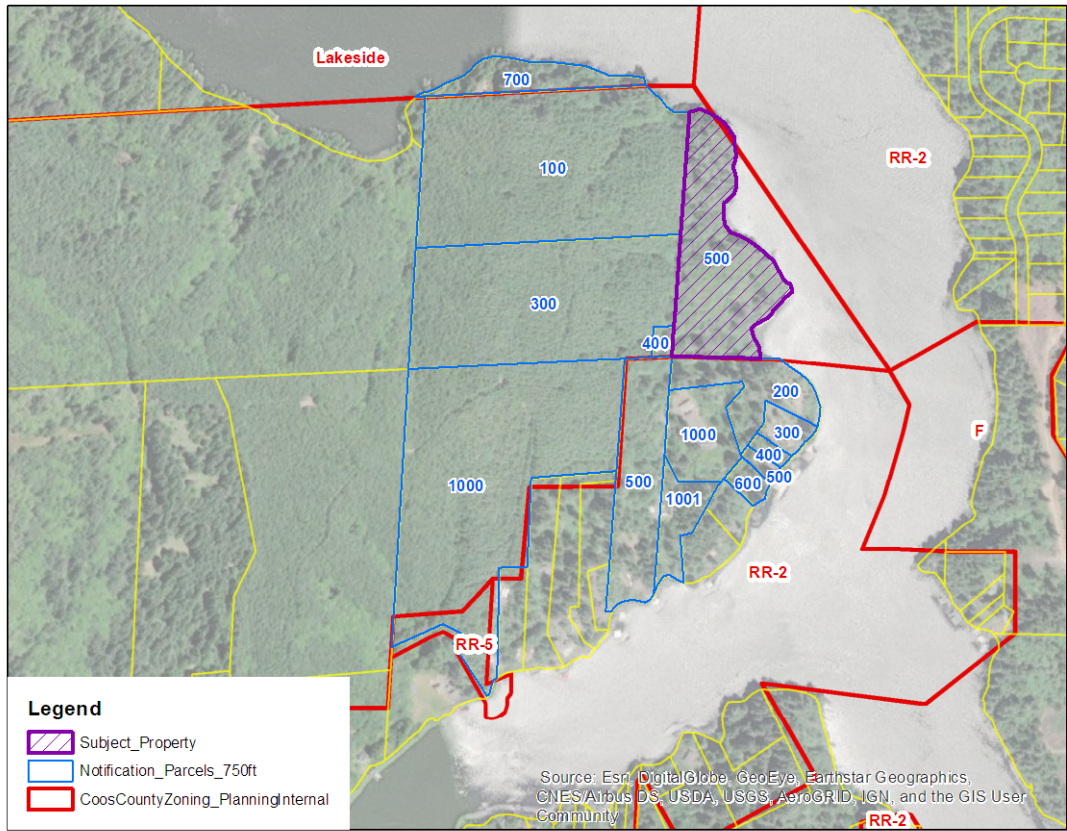
**File:** ACU-21-021

**Applicant/ Owner:** Shane and Stacy Anderson

**Date:** November 5, 2021

**Location:** Township 23S Range 12W Section 20 TL 500

**Proposal:** Administrative Conditional Use



# Template Map



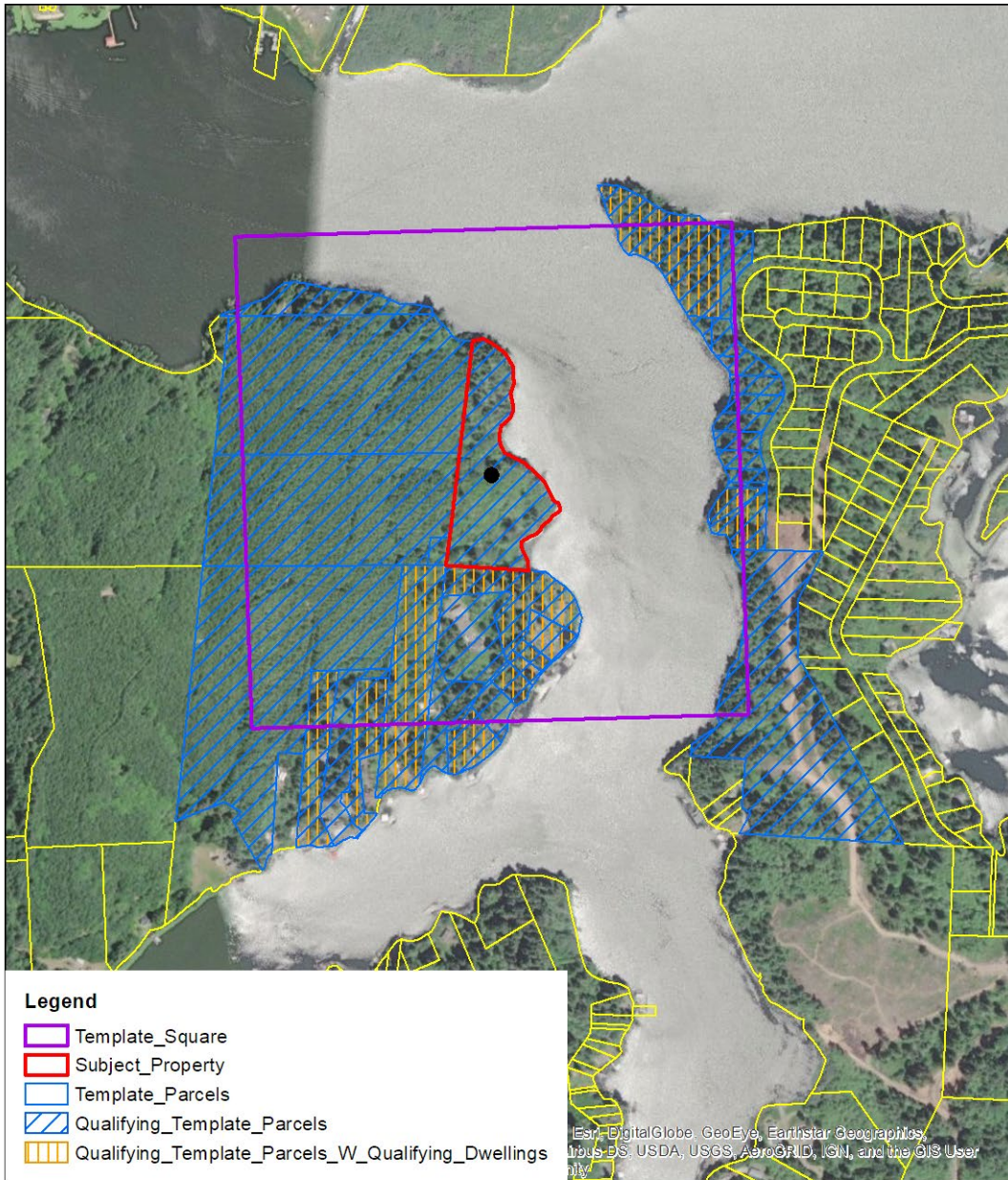
## COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900





**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, with a detached Accessory Structure, in the Forest Mixed Use Zone. There is no indication that any other development is proposed at this time.

**B. BACKGROUND/PROPERTY HISTORY:** A research request was completed on this property in 2013 to apply the Forest Template Dwelling as a preliminary review to see if it was possible to qualify for a dwelling. The research completed showed if a template was applied to the property it could qualify if all criteria was met.

The current application was received on March 22, 2021 and deemed incomplete due to missing or incorrect information on April 21, 2021. On August 9, 2021 this application was deemed complete for the purpose of review.

There have been no other land use actions on this account besides the one described in this section.

**C. LOCATION:** The subject property is located southeast of the City of Lakeside, on the Shutter Arm branch of Tenmile Lake.

**D. 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.*

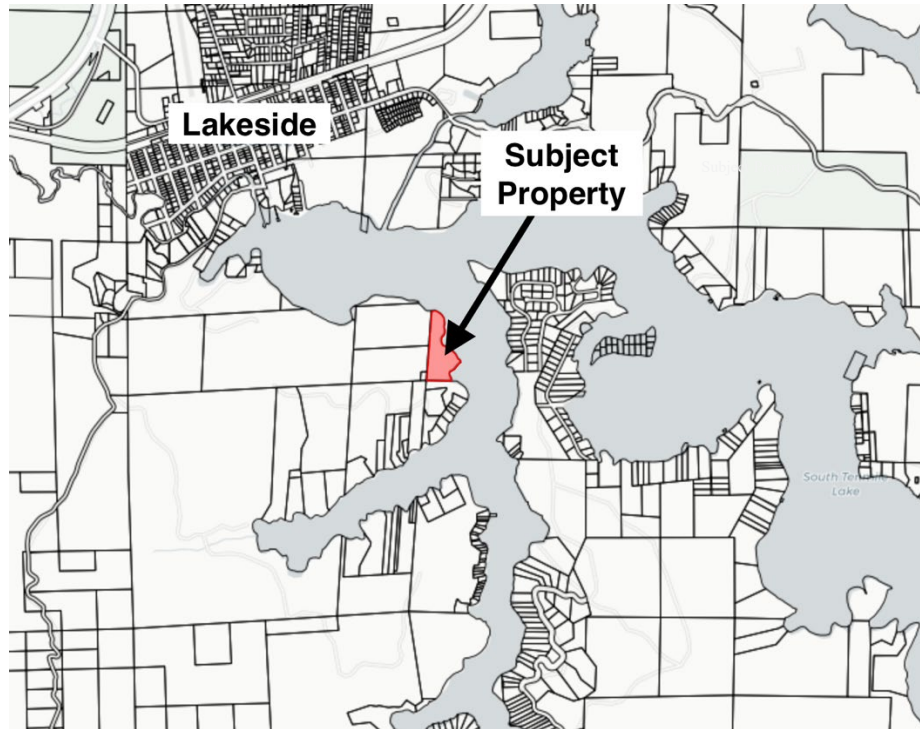
*Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest 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.*

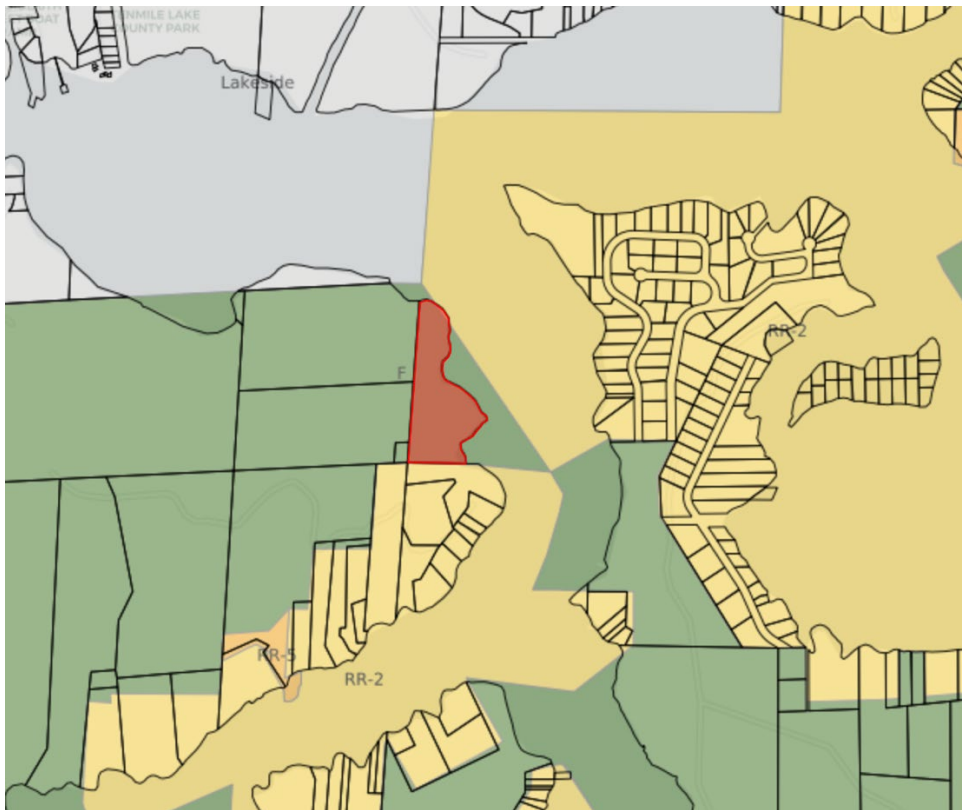
**E. SITE DESCRIPTION AND SURROUNDING USES:**

The parcel is located on the Shutter Arm of Tenmile Lake. The parcel was created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel's access from a private easement off Devore Arm Road. Devore Arm Road is private road that connects into Hilltop Drive in the

City of Lakeside. The parcel is mostly covered with trees. Staff analyzed Site 'A', which is the requested preferred home site, for compatibility.

Reforested timberlands on Forest lands surrounds the subject property towards the west, while south of the subject property is zoned Rural Residential-2 (RR-2). The eastern and northern borders of the subject property abuts Tenmile Lake.









- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from any Tribes prior to the release of the decision and none were received.

**II. GENERAL PROPERTY COMPLIANCE:**

**A. 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.*

**FINDING:** 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.

**B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

*1. The unit of land was created:*

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- 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.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING:** 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. This property is described as Parcel II in deeds 164/348 and 83-2-2427.

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. 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 4.6.110.63 defines 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 subject to review under Natural Hazards Section 4.11.132.b Natural Hazards (Balance of County Policy 5.11) – Landslide & Tsunami.

**B. 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.*

**C. 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.

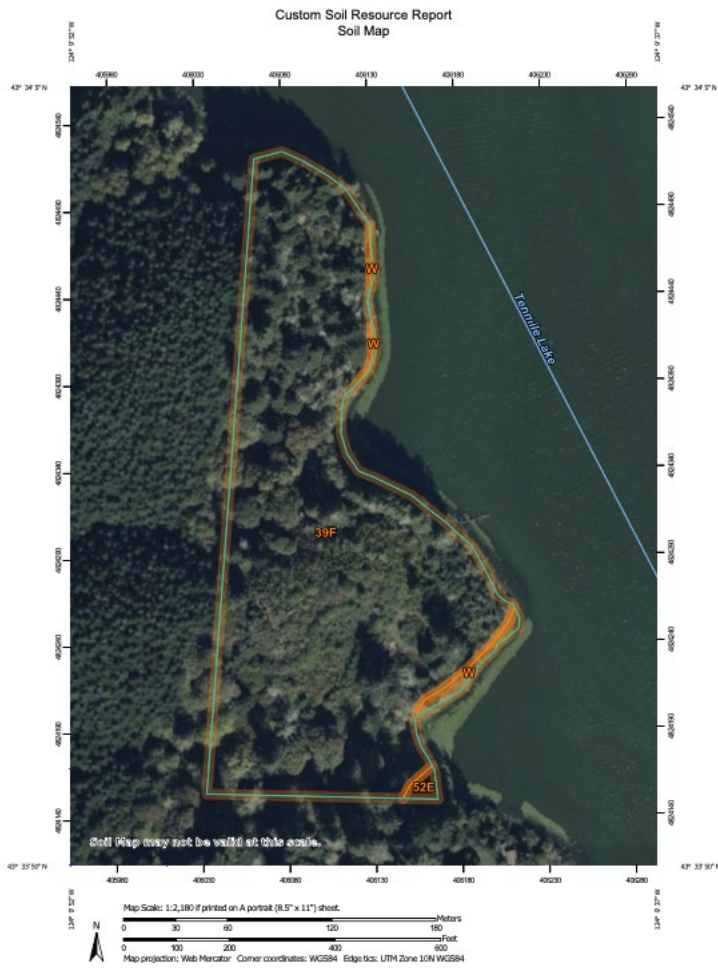
Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63. Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU	(9)(B)(II), (9)(C)

- 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.

**FINDING: Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per year if 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
39F	Millicoma-Templeton complex, 50 to 75 percent slopes	9.2	98.1%
52E	Salander silt loam, 30 to 50 percent slopes	0.1	0.6%
W	Water	0.1	1.3%
<b>Totals for Area of Interest</b>		<b>9.4</b>	<b>100.0%</b>



Custom Soil Resource Report

Forestland Productivity with Site Index Base—Coos County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAI)
		ft	yrs		cu ft/ac/yr
39F—Millicoma-Templeton complex, 50 to 75 percent slopes					
Millicoma	Douglas-fir	119	50 BH	King 1966 (795)	172.00
	red alder	—	—	—	—
	Sitka spruce	—	—	—	—
	tanoak	—	—	—	—
	western hemlock	—	—	—	—
Templeton	Douglas-fir	125	50 BH	King 1966 (795)	186.00
	red alder	—	—	—	—
	Sitka spruce	179	100 TA	Meyer 1961 (490)	257.00
	western hemlock	161	100 TA	Barnes 1962 (990)	257.00
	western redcedar	—	—	—	—
52E—Salander silt loam, 30 to 50 percent slopes					
Salander	Douglas-fir	125	50 BH	King 1966 (795)	186.00
	Sitka spruce	177	100 TA	Meyer 1961 (490)	272.00
	western hemlock	162	100 TA	Barnes 1962 (990)	257.00
	western redcedar	—	—	—	—
W—Water					
Water	—	—	—	—	—

**39F-Millicoma-Templeton complex, 50 to 75 percent slopes.**  
 This map unit is on side slopes and ridgetops of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual

*precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*This unit is 55 percent Millicoma gravelly loam and 25 percent Templeton silt loam. The Millicoma soil is on narrow ridgetops and steeper side slopes, and the Templeton soil is on broad ridgetops and less sloping side slopes. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.*

*Included in this unit are small areas of Salander soils. Also included are small areas of deep soils that have a clay loam subsoil and moderately deep soils that average less than 35 percent rock fragments. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.*

*The Millicoma soil is moderately deep and well drained. It formed in colluvium derived dominantly from sandstone. Typically, the surface is covered with a mat of undecomposed needles, leaves, and twigs 3 inches thick. The surface layer is very dark brown and very dark grayish brown gravelly loam 18 inches thick. The subsoil is dark brown very gravelly loam 17 inches thick. Partially weathered sandstone is at a depth of 35 inches.*

*Permeability of the Millicoma soil is moderately rapid. Available water capacity is about 3 to 6 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.*

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

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

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

*This unit is suited to the production of Sitka spruce and Douglas fir. Among the other species that grow on the unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, salmonberry, cascade Oregongrape, western swordfern, and vine maple.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Millicoma 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 184 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 120.*

*On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180 on the Templeton soil. At the culmination of the mean annual increment (CMAI), the production of 50-*

*year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 270 cubic feet per acre per year.*

*The main limitations for the management of timber on this unit are the susceptibility of the surface layer of the Templeton soil to compaction, steepness of slope, the hazards of erosion and windthrow, 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 slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gulying 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. Sitka spruce, a shallow rooted tree, commonly is subject to windthrow.*

*When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, Douglas fir, and western hemlock seedlings.*

*This map unit is in capability subclass VIIe.*

***52E-Salander silt loam, 30 to 50 percent slopes.***

*This deep, well drained soil is on side slopes of mountains. It formed in colluvium derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*Typically, the surface layer is dark reddish brown silt loam 26 inches thick. The upper 14 inches of the subsoil is dark reddish brown silt loam, and the lower 25 inches is dark reddish brown and reddish brown silty clay loam. In some areas the dark-colored surface layer is less than 20 inches thick.*

*Included in this unit are small areas of Millicoma soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another. Permeability of this Salander soil is moderate. Available water capacity is about 15.5 to 21.0 inches. Effective rooting depth is 60 inches or more. 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 Sitka spruce, western hemlock, and western redcedar. The understory vegetation is mainly western swordfern, evergreen huckleberry, salmonberry, thimbleberry, and vine maple.*

*On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180. At the culmination of the mean annual increment (CMAI), the production of 70-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 271 cubic feet per acre per year.*

*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. Displacement of topsoil occurs most readily when the soil is dry. 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. 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. 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. Road location and maintenance costs are greater in the more steeply sloping areas.*

*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, Sitka spruce, and western hemlock seedlings.*

*This map unit is in capability subclass VIe.*

**Finding: According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 39F-Millicoma-Templeton complex & 52E-Salander silt loam soil types. The volume of wood fiber per year for 39F & 52E is 186 cubic feet per acre per year for Douglas-fir species.**

**Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(c) 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) though (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: The mapping and research shows none of the lots or parcels used to satisfy the eligibility requirements under subsection (1) of this section are within the Urban Growth Boundary. Subsection (2) is not applicable to this review.**

**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 There are no restrictions or other dwellings on the parcel that would prevent a dwelling from being built. The parcel is less than 60 acres. The property does not touch a road created before 1993 or perennial stream. Therefore, a template square was implemented. The template test is required to yield at least 11 parcels containing at least three dwelling sited prior to January 1, 1993. Staff found that 35 parcels with 12 dwellings were all or partly within the square. Therefore, staff is able to determine the application request complies with the requirement of this section.**

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

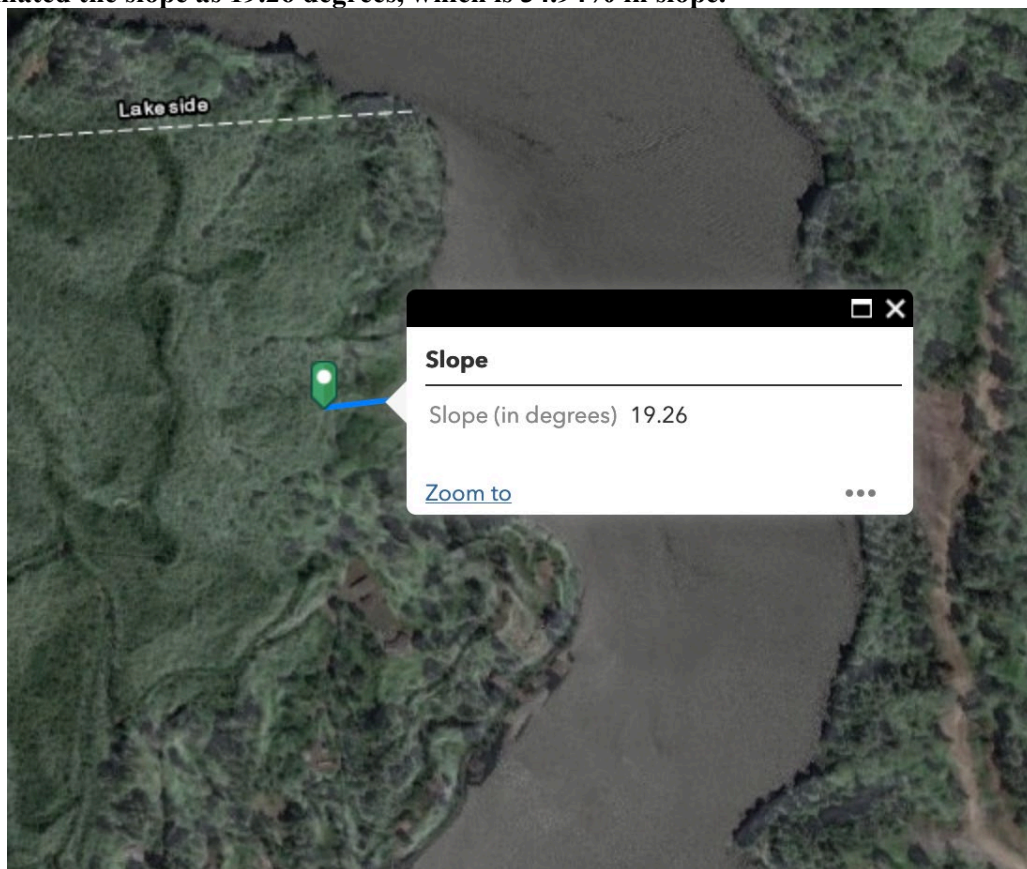
- 1. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
  - (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the 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 that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is assessed as 10 acres in size; therefore, the criteria does not require a stocking survey because it is not more than 10 acres.

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. This will be a condition of approval.

Section 4.6.110(9)(C)(1)(b)(B): requires that the dwelling will not be sited on a slope of greater than 40 percent. The applicants state that the dwelling site is less than 10%. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 19.26 degrees, which is 34.94% in slope.



Staff concurs with the topography map that the subject property is not greater than 40 percent. There may be areas of the property with less slope but this is an average based on the evidence from the soils survey and LiDAR. Therefore, this criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(C) The applicants stated that the water supply will be from a well. The applicants indicated there is an existing private well on the property. They have stated this well was tagged as L57107, Well Log Coos 52521. As a condition of approval, the applicants shall submit the Water Supply Requirement form from the Oregon Water Resources Department. Therefore, this has been addressed.

Section 4.6.110(9)(C)(1)(b)(D) requires that a dwelling is located upon a parcel within a fire protection district. It is not clear to staff if this property within the Lakeside RFPD. Therefore, the applicants are required to provide a letter of from that they will be served by RFPD or alternative forms of fire protection are required. The property is not currently located within the any rural fire district. Section 4.6.110(9)(C)(1)(b)(E) requires that the applicant provides evidence that they have requested to be annexed into the nearest district. The applicants did not submit any such evidence. The applicants stated they will request to be annexed into Lakeside Rural Fire Protection District. As a conditional of approval, the applicants must submit evidence of a request to be annexed into the nearest such fire district, and if the fire district accepts annexation, be annexed into the nearest such district, prior to receiving a Zoning Compliance Letter.

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

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 4.6.110(9)(C)(2)(a) & (b): The applicants stated they will request to be placed inside of Lakeside Rural Fire Protection District. The applicants stated as alternative option, they will provide road access to within 15 ft of water's edge. The applicants did not indicate where the water source is nor the location of the proposed road. The applicants did not submit a Coastal Shoreland Boundary (CSB) application for development within the CSB boundary, therefore they cannot develop an access road towards the water edge of Tenmile Lake without further approval. As a condition of approval, the applicants must install, and provide proof of installation, of two (2) 2500-gallon water storage tanks for

**fire protection with a maintained road access to the tanks for fire-fighting equipment. 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 nearby<sup>1</sup> 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*

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



*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.*

**FINDING:** Section 4.6.130(1)(a) and Section 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 on the Shutters Arm branch of Tenmile Lake. Staff analyzed proposed site 'A', which the applicants indicated as their preferred location. Although the plot plan was not drawn to scale as required they provide enough distances to all staff to make approximate locations. The applicant has provided two different site options as part of the analyses. According to the plot plan and aerial photo the proposed Site A homesite is located approximately in the middle of the subject property. The proposed homesite is 150 feet from the eastern shoreline of Tenmile Lake. Staff estimate that the proposed homesite is approximately 300 feet away from the western boundary and 300 feet away from the southern boundary.



The above map shows the properties nearby. The subject property is located on the Shutters Arm of Tenmile Lake. Staff must review the proposed use's impact on nearby farm and forest operations. Based on the map above, Staff estimates the proposed homesite is 300 feet away from the forestlands that are being utilized for timber production. When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres. *See Anderson v. Coos County, 51 Or LUBA 454 (2006).* The adjacent forest lands appear to be comprised of three (3) tax lots consisting of an approximately 65-acre tract of land. The location of the proposed dwelling should meet this 300-foot horizontal spraying buffer. Therefore, Site A would meet the criteria.

According to the topographic map below, the adjacent parcel appears to have a slope of more than 35%, so a cable harvest method would be preferred. ODF Land Use Note 2 recommends a distance of 500 feet from proposed dwelling to any adjacent timber cable harvest unit. The proposed location is within this 500 foot buffer. The shape of the parcel does not allow for any ideal location greater than 500 feet from the adjacent timber harvest units. Staff finds that there will not be adverse impacts to the farm/forest uses on the adjacent resources by constructing a dwelling on the subject property at the location identified as Site A on the the plot plan.



The parcel has steep ridges moving from the western boundary to the eastern shores. The applicants stated that *no forestry or farming operations are under way on the parcel*. The subject property is currently being used for timber production, so Staff must analyze how the proposed location does not affect onsite resource uses. The proposed house site is located close to the existing resource access road, so there should not be a need for taking additional lands out of resource use. Staff finds that there will not be adverse impacts to the farm/forest uses on the onsite resources by constructing a dwelling on the subject property at the location identified in the plot plan.



Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicants are utilizing an existing private easement to the parcel.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. The subject property lies along the shore of Tenmile Lake. A 50 foot riparian management area will be required on Bradley Lake's shoreline. Because of the shore, the vegetation buffer will remain moist throughout the year, reducing the chance of fire spreading. A private easement known as Devore Arm Road is proposed to be utilized for the proposed building site. The road enters from the southern boundary of the subject property. This road will allow for access of firefighting equipment and personnel. It is necessary for the dwelling to implement primary and secondary fuel breaks. DOGAMI's map above shows the site as somewhat steep, requiring the use of near maximum fuel-free breaks where possible. Within the riparian management buffer, fuel-free breaks are not required (latter details are included in the staff report). As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff believes that the proposed development on adjacent farmlands and forests will be mitigated.

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 an existing private well. The applicants are required to submit that well contractor's report. Water Resources Department verification is required that no water use permit is required for the proposed uses. The approval of this project will be conditional on this.

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 via a private road, but no road maintenance agreement was submitted. As a condition of approval, the applicant will need to submit active road maintenance agreements for the private road known as Devore Arm Road. Therefore, this criterion has been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are less than 10 acres on the subject property; therefore, a stocking survey is not required. Assessor's Office will be notified of this proposed development by the Planning Department.

**All The criteria found in SECTION 4.6.130 have been addressed.**

○ *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

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.

**FINDING: Section 4.6.140(1) is only applicable in the creation of new parcels and that is not part of this request; therefore, 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 will be more than satisfied.**

**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. 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. Due to the fact that the property borders Tenmile Lake directly, the eastern and northern edges of the parcel have a 50-foot overlay of Coastal Shoreland Boundary (CSB). It is required that the applicants maintain the entire riparian zone for 50 feet. In the riparian vegetation protection zone, the applicants did not provide any evidence of trees that were considered a safety hazard or erosion hazard. In this application, the applicants are not proposing any water dependent uses; they are not proposing shoreline stabilization measures; they are not planning agricultural operations; and there are no pre-existing structures associated with this application. Within the Coastal Shoreland Boundary, any removal of riparian vegetation requires a conditional use permit. Staff finds that primary or secondary fuel breaks will not be required in the CSB, since the riparian vegetation buffer provides a sufficient natural barrier against the spread of fire (*see* LUBA opinion Lovinger v. Lane County 51 OR LUBA 29 allows this finding). Staff finds that these measures will mitigate the effects of the proposed dwelling on the riparian vegetation protection zone (CSB)**

**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. The dwelling is not located in a fire district. As a conditional of approval, the applicants must submit evidence of a request to be annexed into the nearest such fire district, and if the fire district accepts annexation, be annexed into the nearest such district, prior to receiving a Zoning Compliance Letter. The applicant must also submit evidence they have notified Coos Forest Protective Association of said proposed development. Therefore, this criterion has been satisfied.**

**Section 4.6.140(8) The applicants stated they intend to request annexation into Lakeside Rural Fire Protection District. If the district denies the applicants request. The applicant shall submit proof of alternative forms of fire protection have been provided prior to requesting a Zoning Compliance Letter. Therefore, this criterion is not applicable.**

**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 property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.**

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicants states that the dwelling site is less than 10%. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 19.26 degrees, which is 34.94% in slope. The applicants will need to maintain 130 feet of primary fuel-free break to the standards identified above. The applicants will also need to maintain a 100 feet secondary fuel-free break. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. The applicants are not authorized to clear any vegetation in riparian vegetation protection zone (Coastal Shoreland Boundary) without a separate conditional use application. 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 applicant stated that the roofing materials that will be 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 applicant stated there are no water source over 4,000 gallons on the subject property. Therefore, this criterion has been addressed.

Section 4.6.140(13) requires that a dwelling not be located on a slope of greater than 40%. The plot plan and information from the application shows the proposed dwelling and other structures will not be sited on a slope greater than 40%. 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. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee will confirm that the standards have been met in order that emergency equipment can be accessed properly. Therefore, this criterion has been addressed.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria has been addressed.

**D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS**

• **LIQUEFACTION**

- *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.*

- *4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)*

*The Coastal Shoreland Boundary map has inventoried the following:*

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*

- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*
- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

*Purpose Statement:*

*Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.*

*Coos County shall consider:*

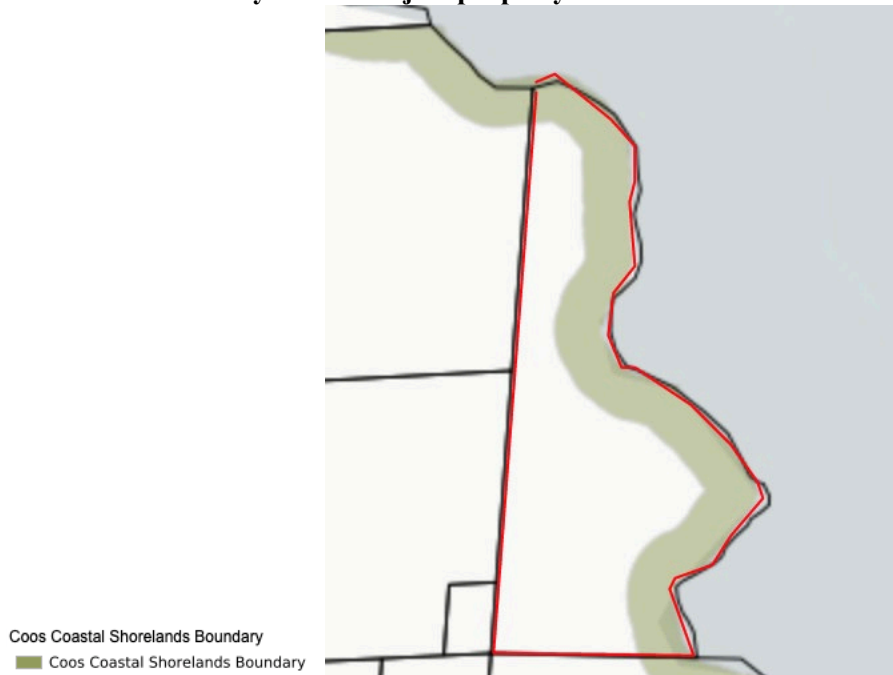
- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
  - ii. *"Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
  - iii. *"Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
  - iv. *"Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
  - v. *"Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- c. *Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.*

*Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to*

*maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.*

*This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.*

**Response to SECTION 4.11.130: The applicant's plot plan identified the proposed house site was approximately 150 feet from the high ordinary water line. Attached below is a map of the Coastal Shoreland Boundary on the subject property.**



**The applicant's proposal did not include any development within the Coastal Shoreland Boundary. The CSB in this area is approximately 100 feet. As a condition of approval, the applicants shall not remove any vegetation within the Coastal Shoreland Boundary.**

- *4.11.131 Significant Wildlife Habitat (Balance of County Policy 5.6)*

*The Fish & Wildlife Habitat Map I (1985 Ordinance 85-08-011L) has inventoried the following:*

- *Anadromous fish distribution (Salmon, Steelhead and Cutthroat Trout)*
- *1-B Resources pursuant to OAR 660-16-000(5)(b)*
  - *Spotted Owl Habitat*
  - *Osprey Nest Site*
  - *Pigeon Spring*
- *1-C Resources pursuant to OAR 660-16-000(5)(c)*
  - *Pigeon Spring*
  - *Bald Eagle Nest Sites*
  - *Blue Heron Nest Site*

*The Fish & Wildlife Habitat Map II has inventoried the following:*



- *Big Game Range (Elk & Deer)*
  - *Impacted – Limited or no Habitat Value*
  - *Peripheral – Supports Substantial Populations but habitat value is lessened by development*
  - *Sensitive – Supports majority of Big Game*
- *Western Limit of Elk Range*
- *Wetlands*
  - *Wetlands – Lands with hydric soils and wetland plants*
  - *Wet Meadows in current agricultural use*
  - *Cranberry Bogs*
  - *Farm Ponds, Mill Ponds and Other Man-Made Water Bodies*
  - *Wetlands Formerly in Agricultural use; Potential Reclamation*

*The following shall be considered “5c” Goal #5 resources (pursuant to OAR 660-16-000) the following:*

- *"Sensitive Big-game Range"*
- *Salmonid Spawning and Rearing Areas*
- *Bird Habitat Sites (listed in the following table)*

*b. 5b Bird Sites protection shall consider the following to be "5b" resources, pursuant to the inventory information available in this Plan and OAR 660-16-000(5)(b):*

- *Osprey Nesting Sites*
- *Snowy Plover Habitat (outside the CREMP)*
- *Spotted Owl Nesting Sites*

*This policy recognizes the requirements of OAR 660-16. Coos County's Planning Staff is unable to perform ground verification; therefore, the County relies on ODFW for the applicable information.*

*Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5b" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion as to whether the development is likely to produce significant and unacceptable impacts upon the "5b" resource. Oregon Department of Fish and Wildlife staff shall respond prior to any development.*

**Finding for Section 4.11.131(b): An official notice was required to be sent to the Oregon Department of Fish and Wildlife. The protected resource site is identified on the County’s Fish and Wildlife I map. No response was received back from ODF&W. As a condition of approval, if ODF&W communicates to the applicants that the proposed dwelling will produce significant and unacceptable impacts to protect “5b” resources. Then the applicants must stop development activity until ODF&W concerns are addressed.**

- *4.11.132 Natural Hazards (Balance of County Policy 5.11):*

*Coos County has inventoried the following hazards:*

- *Flood Hazard*
  - *Riverine flooding*
  - *Coastal flooding*
- *Landslides and Earthquakes*

- Landslide Susceptibility
- Liquefaction potential
- Tsunamis
- Erosion
- Riverine streambank erosion
- Coastal
  - Shoreline and headlands
  - Wind
- Wildfire

*Purpose Statements:*

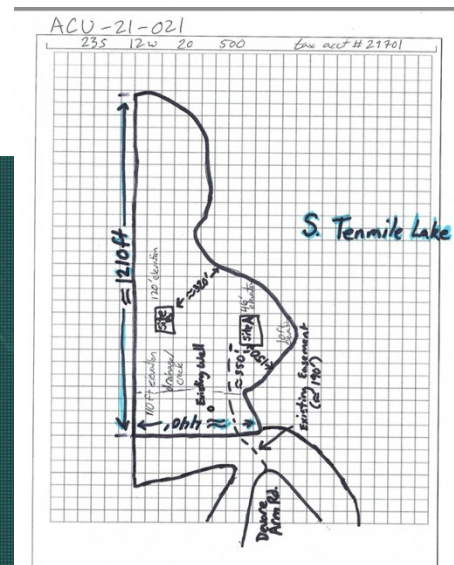
*Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, riverbank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.*

*This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.*

- a. *Flooding: Coos County shall promote protection of valued property from risks associated with river and coastal flooding along waterways in the County through the establishment of a floodplain overlay zone (/FP) that conforms to the requirements for participation in the National Flood Insurance Program. See Sections 4.11.211-257 for the requirements of this overlay zone. See Sections 4.11.211-257 for the requirements of this overlay zone.*

**Finding for Section 4.11.132.a: Based on the submitted plot plan. The proposed development (Site A) is outside of the mapped floodplain.**

- Flood
  - FEMA Flood Maps, FEMA
  - Base Flood Elevation
  - Floodway
  - 500-year Floodplain
  - 100-year Floodplain



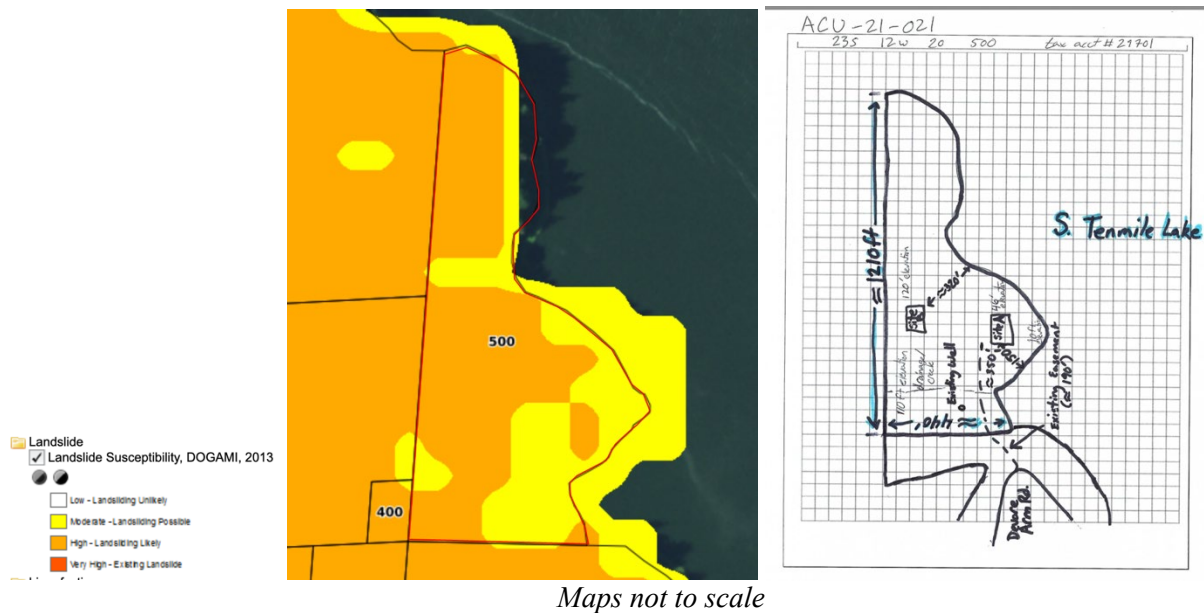
ACU-21-021

b. *Landslides and Earthquakes*

*Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”*

*Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.*

**Finding: The property has areas that are subject to moderate and high landslides. These hazards zones do not require an additional geologic assessment report to be submitted. Therefore, this criterion has been addressed and is not applicable to the proposal.**



c. *Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.*

**Finding for 4.11.132.c: There is the Tsunami hazard overlay zone on the subject property. The proposed use (dwelling) is not a use subject to regulations under Section 4.11.260-270.**

*FLOATING ZONE: AIRPORT SURFACES*

**SECTION 4.11.300 Purpose:**

*The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport’s vicinity. An obstruction may affect future instrument approach minimums and obstructions may reduce the area available for the landing,*

*take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.*

**Finding for Section 4.11.300: Staff notified the Oregon Department of Aviation (ODA) of the proposed dwelling. Seth Thompson, ODA, responded thru electronic mail on April 1, 2021, that ODA has no comment on the proposed dwelling. Therefore, the criterion for the airport overlay zone have been met.**

#### **IV. DECISION**

In conclusion Staff finds that the applicant has address most 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. Therefore, the proposed Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

#### **V. EXPIRATION:**

*Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*

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

*An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Sunday, January 04, 2026.

**VII. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: Lakeside Rural Fire Protection District and Coos Forest Protective Agency.

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.



Exhibit "D"  
Application Submittal



**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

FILE NUMBER: ACU-21-021

Date Received: 3/22/21 Receipt #: 90724206 Received by: MB

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)** Shane and Stacy Anderson  
 Mailing address: 68-1657 Ho'ohiki Ct, Waikoloa, HI 96738  
 Phone: 970-596-4170 Email: shane\_o\_anderson@yahoo.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>23S</u>	<u>12W</u>	<u>20</u>	<u>Select</u>	<u>Select</u>	<u>500</u>
<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	

Tax Account Number(s): 29701 Zone: Select Zone Forest (F)  
 Tax Account Number(s): \_\_\_\_\_ Please Select

**B. Applicant(s)** Shane and Stacy Anderson  
 Mailing address: 68-1657 Hoohiki Ct, Waikoloa, HI 96738  
 Phone: 970-596-4170 shane\_o\_anderson@yahoo.com

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

**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: Select School District 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







**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: Tap ID 29701 (235 12w 20 500) (Also listed as 3173 S. Tenmile LK lakeside OR 97449)

Type of Access: Select Private Road Name of Access: Devore Arm Rd

Is this property in the Urban Growth Boundary? Select I don't believe so.

Is a new road created as part of this request? Select No. Just driveway

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.

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- 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**

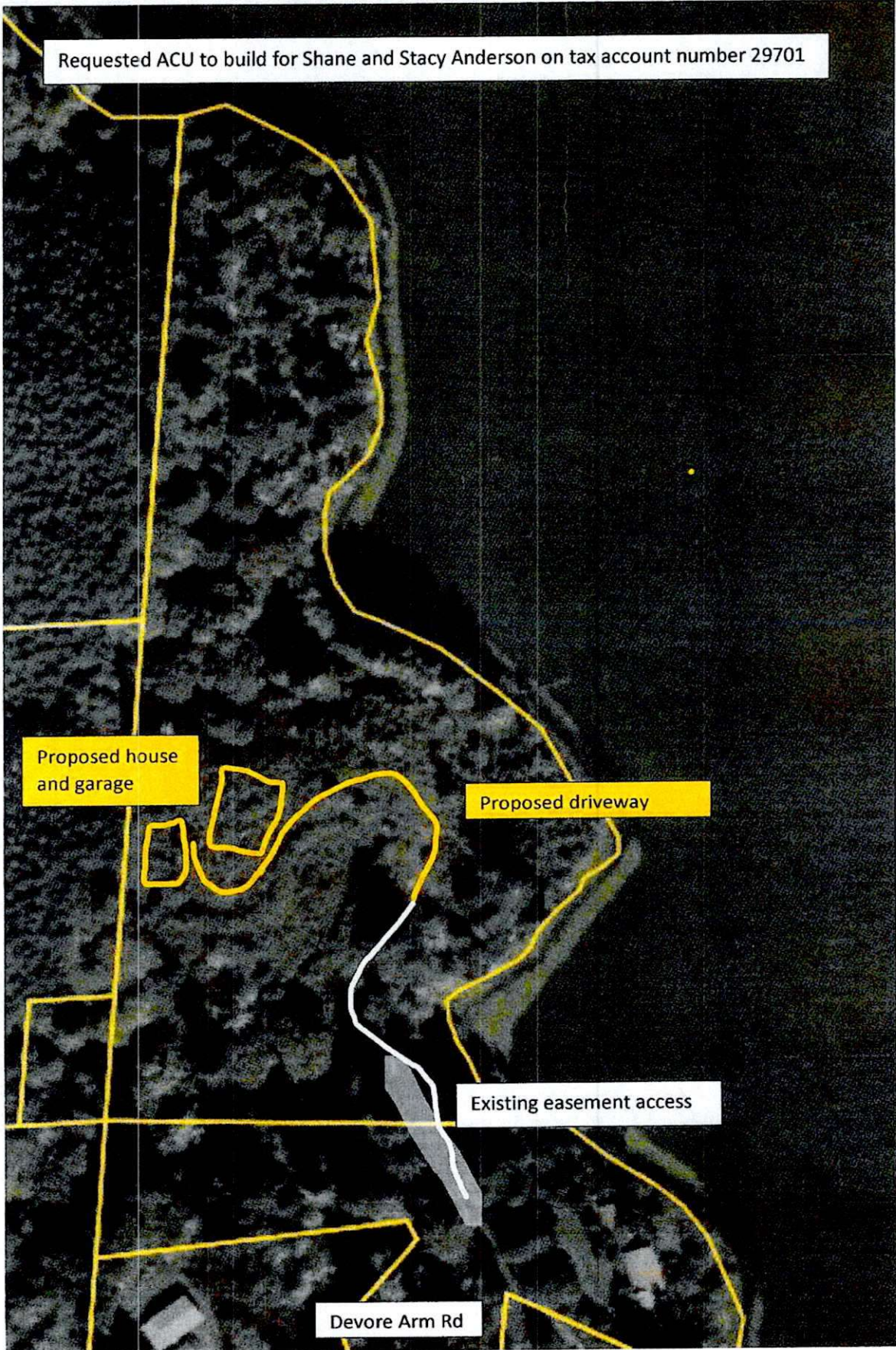
Roadmaster or designee: \_\_\_\_\_

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

File Number: DR-20-



Requested ACU to build for Shane and Stacy Anderson on tax account number 29701





RECORDING REQUESTED BY:



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

**GRANTOR'S NAME:**  
Carole A. Landon

**GRANTEE'S NAME:**  
Shane Anderson and Stacy Anderson

**AFTER RECORDING RETURN TO:**  
Order No.: 360620032626-VR  
Shane Anderson and Stacy Anderson, as tenants by the entirety  
68-1657 Hoohiki Court  
Waikoloa, HI 96738

**SEND TAX STATEMENTS TO:**  
Shane Anderson and Stacy Anderson  
68-1657 Hoohiki Court  
Waikoloa, HI 96738

APN: 297.01  
Map: 23 S 12 W 20 00500  
Tax ID 29701. Lakeside, OR 97449

Coos County, Oregon **2020-09347**  
**\$101.00 Pgs=4** 09/22/2020 02:17 PM  
eRecorded by: TICOR TITLE COOS BAY  
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Carole A. Landon, Grantor, conveys and warrants to Shane Anderson and Stacy Anderson, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon.

**Parcel I:**  
The West 1/2 of the NW 1/4 of the NW 1/4 of Section 20, Township 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

**Parcel II:**  
Together with an easement for ingress and egress to cut a new road through a portion of the upper driveway of property described as (T23-R12-S20BC TL 200), said grantee, their successors and/or assigns, do hereby agree to the maintenance and all maintenance expenses for said roadway, as conveyed by document recorded August 1, 2014 as instrument no. 2014-06052, deed records of Coos County, Oregon.

Also together with an easement for ingress and egress as conveyed in documents recorded June 22, 1961 in Book 285, Page 713; May 2, 1991 as instrument no. 91-05-0059 and re-recorded March 3, 1993 as instrument no. 93-03-0458; and May 7, 1991 as instrument no. 91-05-0168, deed records of Coos County, Oregon.

Also together with an easement for ingress and egress as conveyed in Final Land Partition Plat 1996 #21 filed and recorded October 9, 1996 in Cab C-181, Plat Records and as instrument no. 96-10-C344, Deed Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00). (See ORS 93.030).

**Subject to:**

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



**RECORDING REQUESTED BY:**



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

**GRANTOR'S NAME:**

Carole A. Landon

**GRANTEE'S NAME:**

Shane Anderson and Stacy Anderson

**AFTER RECORDING RETURN TO:**

Order No.: 360620032626-VR  
Shane Anderson and Stacy Anderson, as tenants by the entirety  
68-1657 Hooehiki Court  
Waikoloa, HI 96738

**SEND TAX STATEMENTS TO:**

Shane Anderson and Stacy Anderson  
68-1657 Hooehiki Court  
Waikoloa, HI 96738

APN: 297.01  
Map: 23 S 12 W 20 00500  
Tax ID 29701, Lakeside, OR 97449

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Carole A. Landon**, Grantor, conveys and warrants to **Shane Anderson and Stacy Anderson**, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

**Parcel I:**

The West 1/2 of the NW 1/4 of the NW 1/4 of Section 20, Township 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

**Parcel II:**

Together with an easement for ingress and egress to cut a new road through a portion of the upper driveway of property described as (T23-R12-S20BC TL 200), said grantee, their successors and/or assigns, do hereby agree to the maintenance and all maintenance expenses for said roadway, as conveyed by document recorded August 1, 2014 as instrument no. 2014-06052, deed records of Coos County, Oregon.

Also together with an easement for ingress and egress as conveyed in documents recorded June 22, 1961 in Book 285, Page 713; May 2, 1991 as instrument no. 91-05-0059 and re-recorded March 3, 1993 as instrument no. 93-03-0458; and May 7, 1991 as instrument no. 91-05-0168, deed records of Coos County, Oregon.

Also together with an easement for ingress and egress as conveyed in Final Land Partition Plat 1996 #21 filed and recorded October 9, 1996 in Cab C-181, Plat Records and as instrument no. 96-10-0344, Deed Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00). (See ORS 93.030).

**Subject to:**

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

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 228.001-004.**



**STATUTORY WARRANTY DEED**

(continued)

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

Dated: 9/19/2020

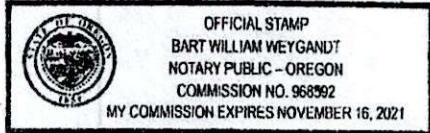
Carole A. Landon  
Carole A. Landon

State of Oregon  
County of Wasco

This instrument was acknowledged before me on 9/9/2020 by Carole A. Landon.

Bart Weyandt  
Notary Public - State of Oregon

My Commission Expires: 11/16/21





**EXHIBIT "A"**  
Exceptions

**Subject to:**

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.
2. The Land has been classified as Forest Lands, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Tenmile Lake.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Tenmile Lake.

4. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Tenmile Lake. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ennis R. Keizer and Frances Ann Keizer  
Purpose: installation and maintenance of power lines and poles and appurtenances  
Recording Date: January 10, 1949  
Recording No: Book 190 Page 283  
Affects: subject property and appurtenants

6. An Easement(s) and appurtenant easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Between: Herman Rehwooldt and Hazel June Rehwooldt, husband and wife, and Caroline J. Johnson, a widow; and W. Spencer Ross and Bernice A. Ross, husband and wife  
Purpose: Right-of-way agreement  
Recording Date: June 22, 1061  
Recording No: Book 285, Page 713

7. An Easement(s) and appurtenant easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Between: Tui S. Peleti, Richard A. McIntosh, et al  
Purpose: Ingress, egress (Devore Arm Road), etc. - see document for full particulars  
Recording Date: May 2, 1991  
Recording No: 91-05-0059  
And re-recorded March 11, 1993 as instrument no. 93-03-0458

8. An Easement(s) and appurtenant easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Between: Robert P. Martin and May Ellen Martin, husband and wife, Stasys G. Danis and Barbara Jean Stinchfield, husband and wife, et al  
Purpose: Ingress and egress, etc. - see document for full particulars  
Recording Date: May 7, 1991  
Recording No: 91-05-0168

9. An Easement(s) and appurtenant easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated or as offered for dedication, on the map of said tract/plat:

Purpose: Roads, etc., - see document for full particulars  
Affects: Final Land Partition Plat 1996 #21

10. An Easement(s) and appurtenant easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Between: Susan C. Hay and Thomas S. Landon and Carole A. Landon



To: Coos County Planning Dept  
PLANNING@CO.COOS.OR.US  
541-396-7770

3/16/2021

From: Shane and Stacy Anderson  
shane\_o\_anderson@yahoo.com/970-596-4170  
68-1657 Hoohiki Ct  
Waikoloa, HI 96738

To whom it may concern,

We purchased the 10 acre parcel 23S 12W 20 500 (tax Id 29701) in September of last year. Prior to purchase I verified with the Coos County Planning office that we would be able to build our home there. I was advised that we would need to submit for a conditional use permit. This is our letter of intent to begin that process.

I have attached, as advised today, a map of our proposed driveway and house site. We are in a unique position in that we haven't personally been able to visit the property yet (we relied on my father in law for photos, general inspection, etc.) due to COVID restrictions at the time. From photos, seller disclosure, and the Deed, there is access to the property via a deeded easement, and it appears there was some lot clearing done in 2014. Our goal is to leave existing forest in place, and to remove some scrub/deadfall for the driveway and home site. The overall vegetation, per photos and semi-recent fly over footage used during the sale, show approximately 50% of the 10 acres to be heavily wooded with a mixture of old growth trees, and the remaining 50% appears to be scrub/brush that has grown since the clearing presumably completed in 2014.

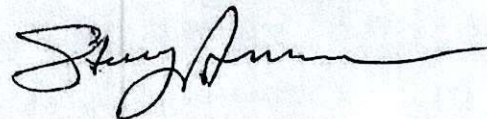
My understanding from the documentation during the sale as well as the ArcGIS data is that the property is currently zoned Forest and Farm with the notes "recreation land w/ well-septic". We are in the process of preparing our home here to sell with the intentions of designing and building our home there once funds are available. While we haven't completely settled on our design yet, we do envision building our home and a detached garage. There is no current septic, and while there was reportedly a well on the property, there is no available documentation as to the current status of the well. Both those items will be addressed once the use permit is secured.

The included photo taken from the ArcGIS site shows the current road access, which comes off Devore Arm Rd. As noted the deeded easement crosses the adjacent property (Susan Hay, owner), and undeveloped roadway had been in place during land clearing/site prep presumably done in 2014 by the previous owner. We hope to meet with a road contractor at our upcoming visit (Mid May) to determine the road options (access via Devore Arm rd is gravel).

Per the documentation provided by Beth Palmer of Oregon professional real estate group, the average property elevation is 63'10", which is 39'10" above the listed base flood elevation of 24'0".

I believe I have included all of the required items regarding the conditional use permit. Please feel free to call or email me if you have questions, comments, or suggestions. We are very excited to return to Oregon and to settle in to our future home. Thank you very much for your time and assistance.

Sincerely,  
Shane and Stacy Anderson





To whom it may concern:

Here is a detailed project proposal for ACU-21-021, 23S12W20500, tax acct#29701, as directed on 4/21/2021.

We plan on building a single family home (approx. 1500sf) and detached garage. In order to establish year round access, we propose to conduct improvements to the existing roadway that accesses the property via a deeded easement across the parcel immediately south, current owned by Susan Hay. The existing roadway leads to our primary proposed build site (labeled "site A" on both attached maps). The corner of the proposed build site nearest the waterline is approximately 150' from that waterline, and it is approximately 350' from the south border of the parcel. The lowest elevation at that site is approximately 46' above sea level.

There are currently no structures on the property. There is an existing well, which we intend to test both quality and quantity of the water within. Any proposed building will include the necessary holding tanks for both water storage and septic, per code and county guidelines. There is an intermittent stream near the property line. Per the Wetland Land use Notice response, the "proposed house, garage, driveway, (and septic?) will not impact wetlands or waters." The report indicates that any movement of greater than 50 cubic yards of material will require a permit. We will be meeting with Bogart paving r/t road requirements as well as septic/house pad needs, Wright's artesian r/t well testing, and Central Lincoln Power r/t running power to the property.

As noted in the ACU application, the property looks to have been cleared somewhat in 2011. The current growth in the proposed area is mainly low scrub brush and saplings. Any large trees will be preserved. Our intention is to have a low impact dwelling in which to enjoy the natural beauty of S. Tenmile Lake.

Please feel free to let me know if you require more details. Thank you for your time and assistance.

Sincerely,

Shane Anderson

[shane\\_o\\_anderson@yahoo.com](mailto:shane_o_anderson@yahoo.com)

(970)596-4170



See included hand drawn map for additional details regarding ACU-21-021, 23S12W20500, tax acct#29701

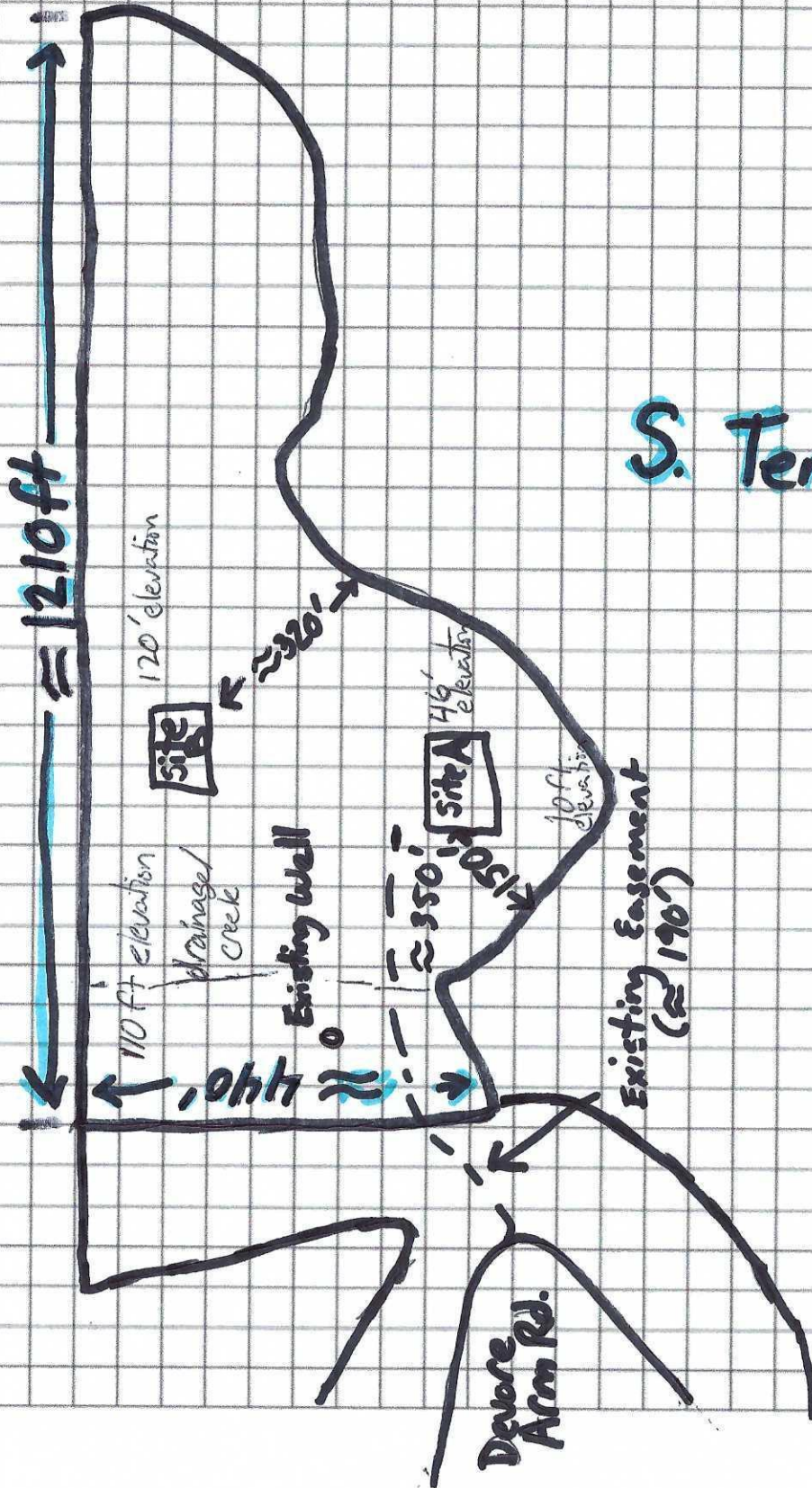
1. Devore Arm Rd
2. Current easement and proposed driveway improvements (approximately 190' on Susan Hay's property and approximately 350' to site A on this parcel)
3. Existing well
4. Site A: Proposed site for approximately 1500sf home and detached garage. Proposed site sits approx. 150' from closest waterline, approximately 46' elevation at low point.
5. Additional driveway if primary choice (site A) is unacceptable, leading to site B.
6. Site B, only to be utilized in event that site A is unacceptable. Elevation approximately 120'
7. Distances and elevations:
8. Elevation at waterline: approximately 10'. Distance to b. is approximately 440'.
9. Elevation at b. is approximately 110'. Distance to c. is approximately 1210'.
10. Elevation at c. is approximately 10'.
11. There are no structures on the property at this time. There is an existing roadway that will require improvements. This departs Devore Arm road, crosses Susan Hay's property for approximately 190'



ACU-21-021

235 12w 20 500

tax acct # 29701



S. Tennmile Lake



Exhibit "E"  
Comments  
Wetland Land Use Notice Response



## Response Page

Department of State Lands (DSL) WN# \*

WN2021-0322

### Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-021	Coos	

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
23S	12W	20		500

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.565121

Longitude

-124.162843

### Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

### Your Activity



- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

## Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## Closing Information

### Additional Comments

The proposed house, garage, driveway, (and septic?) will not impact wetlands or waters. The access road already in place crosses a stream that is likely jurisdictional. If any improvements are needed at this crossing, a total of 50 cubic yards of removal, fill, and movement of material below the ordinary high water line is allowed before a permit is needed. FYI: There is another jurisdictional stream north of the proposed homesite. The lake is jurisdictional to the ordinary high water line or to the upper limit of any adjacent wetlands. It is designated Essential Salmonid Habitat, and a permit would be needed for any amount of removal or fill. The lake is also state owned. A lease or registration is needed for any structure spanning over the water (dock, boathouse, etc.).

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

4/21/2021

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300



## Michelle Berglund

---

**From:** THOMPSON Seth [Seth.THOMPSON@aviation.state.or.us]  
**Sent:** Thursday, April 01, 2021 11:36 AM  
**To:** Michelle Berglund  
**Cc:** Planning Department  
**Subject:** RE: ACU-21-021 Anderson

This Message originated outside your organization.

---

Good morning Michelle,

The Oregon Department of Aviation (ODA) has no comment on File Number ACU-21-021.

Thank you for allowing the ODA to comment on this proposal.

Please let me know if you have any questions.

Best regards,

**Seth Thompson**  
OREGON DEPARTMENT OF AVIATION  
AVIATION PLANNER



**OFFICE** 503-378-2529 **CELL** 503-507-6965

**EMAIL** [seth.thompson@aviation.state.or.us](mailto:seth.thompson@aviation.state.or.us)

**3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302**

**[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)**

---

**From:** Michelle Berglund <[mberglund@co.coos.or.us](mailto:mberglund@co.coos.or.us)>  
**Sent:** Tuesday, March 23, 2021 10:58 AM  
**To:** THOMPSON Seth <[Seth.THOMPSON@aviation.state.or.us](mailto:Seth.THOMPSON@aviation.state.or.us)>; PECK Heather <[heather.peck@aviation.state.or.us](mailto:heather.peck@aviation.state.or.us)>  
**Cc:** Planning Department <[planning@co.coos.or.us](mailto:planning@co.coos.or.us)>  
**Subject:** ACU-21-021 Anderson

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning;

Please find attached application ACU-21-021 for Shane and Stacy Anderson. They are hoping to place a forest template dwelling on their property at 3173 S Tenmile Lake, Lakeside, OR.

Please let us know any comments, questions, or concerns you might have.

Thank you so much  
Michelle, Coos County Planning Dept

### Disclaimer

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