



# FINDINGS OF FACT

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

**FILE NUMBERS:** AM-21-001/RZ-21-001/ACU-21-024

**APPLICANT:** Gary and Teresa Pullen  
[pacifichreads@yahoo.com](mailto:pacifichreads@yahoo.com)

**CONSULTANTS:** Sheldon Planning  
Hailey Sheldon  
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**SUMMARY PROPOSAL:** Plan Amendment and Rezone and two Conditional Use Requests. The first request is to change in the Plan Map from Agriculture to Forest with a Mixed Use Overlay. Amend the Zone map from Exclusive Farm Use (EFU) to Forest / Mixed Use (F/MU). A Condition Use to amend a prior condition of approval and A Conditional Use Request for a Forest Template Dwelling.

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## STAFF REPORT FINDINGS OF FACT

### **I. APPLICABLE CRITERIA:**

The proposal is for an Amendment to the Coos County Comprehensive Plan Map and the Coos County Official Zoning Map by Rezoning the subject property from the current Plan Map Designation Agricultural to Forest and included in the Mixed Use Overlay and amend the Official Zone Map Designation from Exclusive Farm Use to Forest/Mixed Use subject to Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I - Policy 5.4 Plan Implementation Strategies; Volume I, Part II, 3.2(5) Forest Lands, Implementation Strategies; Oregon's Statewide Planning Goals & Guidelines - Goal 3 - Agricultural Lands; and Goal 4 - Forest Lands.

Modification of a prior condition of approval of an Approved Conditional Use application subject to CCZLDO § 5.0.350(3) Conditions of Approval.

The request for a Forest Template Dwelling subject to CCZLDO § 4.6.120 § 4.6.120(9)(B)(II) - Review Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Template Dwelling; § 4.6.120(9)(C) - Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Additional Criteria for all Dwellings Allowed in the Forest and Forest Mixed Use Zones; § 4.6.130 Additional Criteria for all New and Replacement Dwellings and Structures In Forest; and § 4.6.140 Development and Siting Criteria.

**Key definitions:**

**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.

**HIGH-VALUE FARMLAND:** "High-value farmland" means land in a tract composed predominantly of soils that are:

- A. Irrigated and classified prime, unique, Class I or Class II; or
- B. Not irrigated and classified prime, unique, Class I or Class II.

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

**FOREST LAND:** Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

**II. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:**

- A. PROPOSAL:** According to the application the property owner is seeking approval to rezone the subject property from Exclusive Farm Use (EFU) to Forest with a Mixed Use Overlay (FMU). This will change the plan designation for Agriculture to Forest and amend the Plan Maps from Exclusive Farm Use to Forest with a Mixed Use Overlay.

The applicant is also requesting to modify a prior condition of approval prohibiting the approved Farm Help Relative Dwelling from being separated from the farm tract described as Tax Lot 300 in Section 21CA, Tax Lots 2200, 2300, and 2400 in Section 21, and Tax Lot 1000 in Section 20A within Township 28, Range 14. The applicant is also requesting to requalify the dwelling to a Template (Forest Dwelling).

**B. BACKGROUND/PROPERTY HISTORY:**

On July 10, 1978 a Verification Letter (Zoning Compliance Letter) was issued providing clearance for s DEQ Site Evaluation and permit and a residential structure.

On April 7, 1994 the Planning Commission approved with conditions application HBCU-94-02 authorizing an additional dwelling in conjunction with an established agricultural enterprise.

On May 15, 1995 Zoning Compliance Letter was issued providing clearance to site a Farm Help Relative Dwelling in conjunction with conditions set forth in HBCU-94-02. Stating that the said Condition ties the subject parcels together that they cannot be sold separately and that the dwelling must be sites as set forth in the plot plan that was attached. This Zoning Compliance Letter includes Township 28S, Range 14W, Sections 20A/21/21CA, Tax Lots 1000/2200, 2300, 2400/300.

On January 11, 2001 Zoning Compliance Letter ZCL-01-015 was issued providing authorization to site a farm building. At this time the existing improvements notes are a dwelling, an accessory structure (garage), well, and septic.

On July 31, 2009 Zoning Compliance Letter ZCL-09-223 was issued providing authorization to expand the existing dwelling adding square feet to the living area. Stating development will remain 50 feet away from the farm pond. The existing improvements noted were one dwelling, two accessory structures (garage and shop/ag building), well and septic.

On February 3, 2020 a Research Request R-20-003 was submitted wanting the permits and conditions on Township 28S, Range 14W, Sections 20A/21/21CA Tax Lots 1000/2200,2300,2400/300.

On April 22, 2020 Property Line Adjustment PLA-20-008 was submitted to adjust the line between Township 28S, Range 14W Section 21, Tax Lot 2300 and Section 21CA Tax Lot 300. The property was approved with conditions and the decision was mailed on June 11, 2020.

- C. LAND TOPOGRAPHY AND SOIL TYPE:** Although the subject property (not the tract) is zoned Exclusive Farm Use (EFU) and is mostly tree covered with some cleared areas. The slopes on the property are less than 12 percent. According to the Natural Resource Conservation Service (NRCS) soil map, the majority of this tax lot (61.4%) contains soil type 8C -Bullards sandy loam, the next larger portion (28.5%) contains 5A-Blacklock fine sandy loam, the northern tip (9.4%) contains 1C- Bandon sandy loam and the very eastern tip (0.7%) contains 1B – Bandon sandy loam.

Based on the soil survey of Coos County, the 8C-Bullards sandy loam is formed in mixed eolian and marine deposits. Based on the 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. This map unit is in capability subclass IIIe.

5A-Blacklock fine sandy loam is formed in sandy marine deposits. Based on the 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area. This map unit is in capability subclass VIw.

1C-Bandon sandy loam is formed in sandy marine deposits. Based on the 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area. This map unit is in capability subclass IIIe.

1B-Bandon sandy loam is formed in sandy marine deposits. Based on the 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area. This map unit is in capability subclass IIIe.

Because of the growth rates, these will support both agriculture and forest production which would comply with the Forest Mixed Use classification. The subject property is shown in red below.



**III. BASIC FINDINGS:**

**A. SUBJECT PROPERTY INFORMATION:**

Account Number: 968400  
Map Number: 28S1421CA-00300  
  
Property Owner: PULLEN, GARY W. & TERESA L.  
PO BOX 769  
BANDON, OR 97411-0769  
  
Situs Address: 55732 PROSPER JCT RD BANDON, OR 97411  
55756 PROSPER JCT RD BANDON, OR 97411  
  
Acreage: 8.43 Acres  
  
Zoning: EXCLUSIVE FARM USE (EFU)  
  
Special Development Considerations and overlays: BANDON AREA OF MUTUAL INTEREST (BMI)  
FARM POND, MILL POND & ETC. (PND)

**B. LOCATION:** The subject property is located east of the City of Bandon accessed off Prosper Junction Road.

**C. LAWFULLY CREATED UNIT OF LAND** The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation. Prior to 1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, *see* Deed Document 77-9-16084. This property’s current configuration was adjusted by an approved Property Line Adjustment (PLA-20-008) with recorded Property Line Adjustment Deed 2020-8365.

**D. ZONING:** - This property is zoned Exclusive Farm Use (EFU).

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

***FOREST (F)***

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

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

***FOREST MIXED USE (FMU)***

*The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer*

*between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.*

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

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

### **EXCLUSIVE FARM USE (EFU)**

*These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.*

*According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the “Agricultural Lands Inventory” was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:*

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
- 6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

*The secondary criterion for establishing the “Agricultural Lands Inventory” was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.*

### **E. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:**

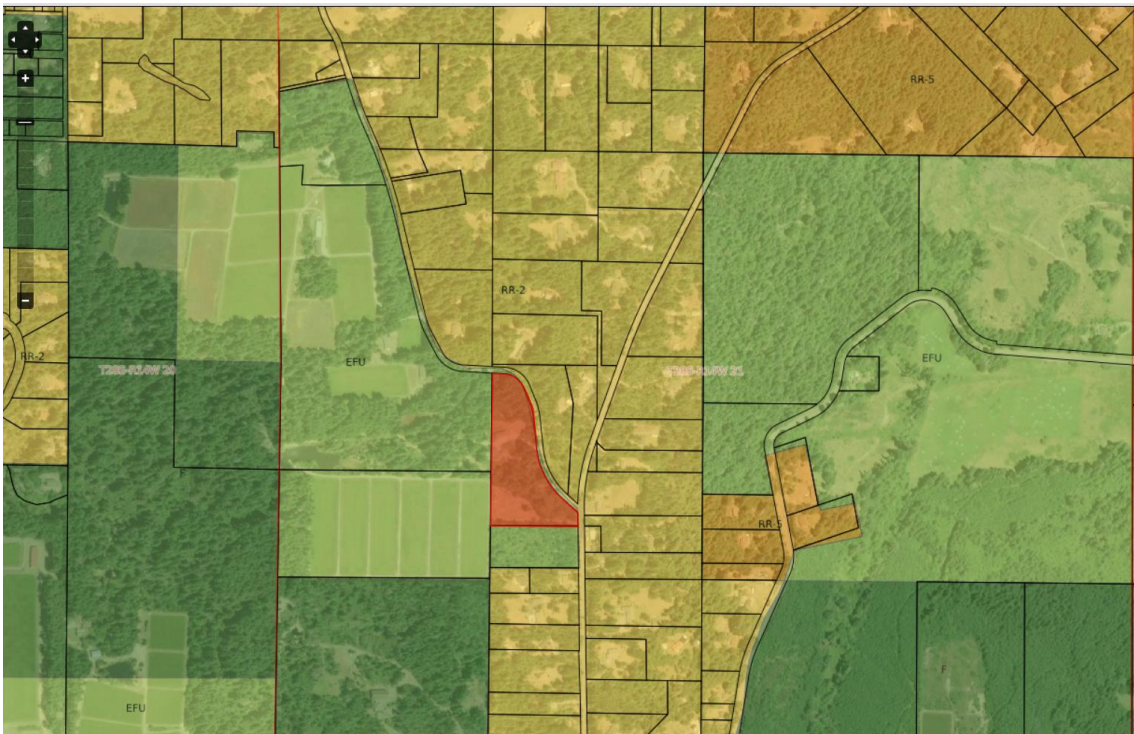
*SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should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

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

This property does include inventoried Special Development Consideration and/or Overlay as being located within the Bandon Area of Mutual Interest, this requires that notification of this decision be provided to the City of Bandon.

- F. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is zoned Exclusive Farm Use (EFU) and contains approximately 8.43 acres with Prosper Junction Road running along the property's eastern and northern boundary, the southeastern portion of the property borders Tom Smith Road. The property is treed with cleared areas and the development on the property includes a single family dwelling (relative farm help dwelling) and two (2) accessory structures.

The properties across Prosper Junction Road to the north are zoned Rural Residential - 2 (RR-2) they are both treed and are residentially developed. The properties across Prosper Junction Road to the east are zoned RR-2 are treed and are residentially developed. The properties to the east across Tom Smith Road are zoned RR-2 are treed with cleared areas around the residential development. The adjacent property to the south is zoned EFU and is undeveloped. The adjacent properties to the west are part of the tract, are zoned EFU consist of trees, cranberry bogs, ponds, a single family dwelling, and agricultural structures.



- G. NOTICE REQUIREMENT:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was



provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

**H. REVIEW PERIOD:** This application was submitted on March 25, 2021. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

**I. COMMENTS:**

**a. PUBLIC AGENCY :** The property did not require any request for comments to be sent to prior to the release of this decision.

**b. PUBLIC COMMENTS:** A notice of hearing was mailed to properties owners within 500 feet on May 13, 2021 and published in the *World News Paper* on May 21, 2021. No comments have been received as of the date of this report.

**c. LOCAL TRIBE COMMENTS:** The property did not require any request for comments to be sent to the tribes.

**IV. FINDINGS AND CONCLUSIONS:**

**AMENDMENT / REZONE CRITERIA**

*Coos County Zoning and Land Development Ordinance (Ordinance)*

- **ARTICLE 5.1 REZONES**

- **SECTION 5.1.200 REZONES:**

*Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.*

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

*The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.*

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

*Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.*

- **SECTION 5.1.220 PROCESS FOR REZONES:**

1. *Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
2. *The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
3. *The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
4. *The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
5. *The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
6. *A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

**• SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:**

*The Hearings Body shall, after a public hearing on any rezone application, either:*

1. *Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
  - a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
  - b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
  - c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*
2. *Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*
  - a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*
  - b. *The development of the site must conform to certain specified standards; or*
  - c. *Any combination of the above.*

*A qualified rezone shall be dependent on findings of fact including but not limited to the following:*

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
- ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
- iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
- iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

**• SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**

*The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.*

**BOARD OF COMMISSIONERS FINDING:** Staff has followed the procedures and has reviewed the proposal. This is the investigation report referred to as the Staff Report. Staff recommends that the Planning Commission finds that the proposed rezone will conform to the comprehensive plan as the soils support Forest with a Mixed Use overlay. The rezone will have no effect on the conformity of the parcel. The prior dwelling authorization was based on need for assistance on the farm (Farm Help Relative Dwelling) and not based on income. The family dynamics and the market change for cranberries have changed and there is no longer a need for a Farm Help Relative Dwelling.

Therefore, the property owners have researched to find other options for the property including this dwelling. The majority of the soils support forest production. However, prime forestland in Coos County is usually reserved for large tract lands and all others contain the Mixed Use overlay to allow for both farm and forest. It would be consistent to apply the Mixed Use Overlay. The applicant has submitted findings to address these criteria.

## COOS COUNTY COMPREHENSIVE PLAN

### Volume I Part I

- **Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states:**  
*Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:*
  - a. *That the proposed rezone would be at least as effective at conserving the resource as the existing zone,*
  - b. *That the proposed rezone would not create a non-conforming use,*
  - c. *That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences. Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land": Comprehensive Plan Map designation so as to correspond to the new zone, as approved.*

*Implementation of this policy shall include conducting a "rezone public hearing".*

*This strategy recognizes:*

- a. *That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;*
- b. *That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.*

**BOARD OF COMMISSIONERS FINDING:** The applicant's proposal as a whole includes rezoning the property from Exclusive Farm Use to Forest, modification of a condition of approval prohibiting the approved Farm Help Relative Dwelling from being separated from the farm tract, and a request to requalify the dwelling as a Forest Template Dwelling. This will remove the subject property from the farm operation (tract). The rezone will still preserve the resource but will allow for both farm and forest uses which are consistent with the soils. The subject property has been used for both farm and forest use. The applicant has acknowledged that they are aware the approval of a rezone could have significant tax consequences.

The application request complies with these criteria.

### Volume I Part II

- **3.2 Forest Lands, Implementation Strategies - 5**

*There are basically two different types of forest areas in Coos County. These are (i) prime forest areas, and (ii) mixed farm-forest areas. Certain non-farm uses not allowed in the former may be allowed as conditional uses in the latter. The two types of forest land are described in greater detail, as follows:*

(i) “Prime Forest Area”. These areas or parcels are typically large contiguous blocks of undeveloped land which are managed exclusively for timber production with some ancillary forest uses. Intensive forest management is practiced within this classification. A parcel or area subject to this classification will be preserved primarily for forest uses.

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

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The mixed use areas are identified at a scale of 1”=2 miles on the “Mixed Agricultural-Forest Use Areas” Comprehensive Plan inventory map. A change in the boundary of the “mixed use” inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

- 1) Mixed use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.
- 2) Mixed use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
- 3) Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

**BOARD OF COMMISSIONERS FINDING:** According to the Natural Resource Conservation Service (NRCS) survey map, the subject property is a mix of (61.4%) 8C -Bullards sandy loam, (28.5%) 5A-Blacklock fine sandy loam, (9.4%) 1C- Bandon sandy loam and (0.7%) 1B – Bandon sandy loam.

For forestry purposes 8C- Bullards sandy loam, on the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. This map unit is in capability subclass IVe.

5A-Blacklock fine sandy loam, on the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. This map unit is in capability subclass VIw.

1C-Bandon sandy loam, on the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. This map unit is in capability subclass IIIe.

1B-Bandon sandy loam, On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. This map unit is in capability subclass Ille.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with Statewide Planning Goal 3. The surrounding properties are a mix of Exclusive Farm Use, Forest, and Rural Residentially zoned properties that are being utilized for timber production, agriculture and residential.

- **Oregon Administrative Rule 660-006-0057 Rezoning Land to an Agriculture/Forest Zone**

*Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.*

**BOARD OF COMMISSIONERS FINDING:** According to the Natural Resource Conservation Service (NRCS) survey map, the subject property is a mix of (61.4%) 8C -Bullards sandy loam, (28.5%) 5A-Blacklock fine sandy loam, (9.4%) 1C- Bandon sandy loam and (0.7%) 1B – Bandon sandy loam.

The subject property is currently zoned Exclusive Farm Use (EFU) and have been acknowledged by the State as being in compliance with Statewide Planning Goal 3. The subject property has been used for both farm or forest use with the dwelling formerly supporting the farm use (cranberry) on the abutting properties (tract) with the remainder of the property being treed.

Pursuant to Statewide Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil types "Bullards sandy loam" makes up the majority of the property, the subject properties are forestland by both use and definition.

The soil types are also suitable for agricultural uses pursuant to Statewide Planning Goal 3 (Agricultural Lands) Statewide Planning Goal 4 (Forest), therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay. The proposed zone change will better support the predominant forest use and the subordinate agricultural traits of the subject property.

**ADMINISTRATIVE CONDITIONAL USE – AMENDMENT OR MODIFICATION OF A PRIOR CONDITION OF APPROVAL**

**SECTION 5.0.350 CONDITIONS OF APPROVAL:**

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3. *At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.*

**BOARD OF COMMISSIONERS FINDING:** The applicants request to modify Condition # 2 of HBCU-94-02 which stated "The approval of this application is in conjunction with the existing farm enterprise located on the subject parcels identified as Tax Lot # 300 in Section 21CA, Tax Lots 2200, 2300, 2400, in

**Section 21, and Tax Lot 1000 in Section 20A, all located in Township 28 Range 14. Therefore, the applicants agree that as a condition of approval, the above mentioned parcel shall be combined for the purpose of planning, considered as one tract, and shall be conveyed together.” The request is if the Hearings Body finds there is evidence to support the rezone request the condition of approval be removed.**

**ADMINISTRATIVE CONDITIONAL USE - FOREST TEMPLATE CRITERIA**

***SECTION 4.6.120 Review Standards***

- **(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.**

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

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

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

**BOARD OF COMMISSIONERS FINDING:** According to the applicant’s findings the subject properties are capable of producing more than 85 cubic feet per acre per year; therefore, requiring eleven (11) lots or parcels and three (3) dwellings that existed prior to January 1, 1993. Staff applied the 160 acre rectangle template with the subject property located in the center. The template results yielded that sixty-one (61) parcels with more than three (3) dwellings located on those parcels to satisfy the requirements, staff showed three (3) of the qualifying parcels on the template map.

The proposal to requalify the Relative Farm Help Dwelling to a Template Dwelling will only be permitted if the rezone is approved. There are no deed restrictions that would prohibit a dwelling to be sited. By allowing this dwelling to be requalified as a template dwelling on this property the property would conform with the development that exists in the area.

- **(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.*

**BOARD OF COMMISSIONERS FINDING** The subject property is less than 10 acres; therefore, a stocking survey report is not required to be submitted to the Coos County Assessor’s Office.

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

**BOARD OF COMMISSIONERS FINDING:** The applicants state that the dwelling has a fire retardant roof.

Therefore, this criterion has been addressed.

- (B) *The dwelling will not be sited on a slope of greater than 40 percent.*

**BOARD OF COMMISSIONERS FINDING:** The applicants states that the property has gentle slopes of less than twelve (12) percent. The existing home site is relatively flat.

Therefore, this criterion has been addressed.

*(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.*

**BOARD OF COMMISSIONERS FINDING: The applicants states that the water source for the dwelling is from a well that has been registered with the State of Oregon.**

**Therefore, this criterion has been addressed.**

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

*(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.*

**BOARD OF COMMISSIONERS FINDING: The applicants states that the subject property is located within the Bandon Rural Fire Protection District.**

**Therefore, this criterion is satisfied.**

*(F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

**BOARD OF COMMISSIONERS FINDING: The existing dwelling has a chimney with a spark arrester.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: The applicants state that the primary fuel-free break and secondary break areas will be maintained surrounding the Single Family Dwelling.**

**Therefore, this criterion has been addressed.**

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

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

**BOARD OF COMMISSIONERS FINDING: The applicants state that the subject property is within the Bandon Rural Fire Protection District and there is no need for alternative fire protections or additional water supply.**

**These criteria have 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.*

**BOARD OF COMMISSIONERS FINDING:** The property has an existing dwelling that is located toward the western boundary, centrally located north to south. The cleared area surrounding the dwelling satisfies the firebreak requirements and the siting setbacks. The continued use of the existing site will not have any adverse impacts on forest operation and accepted farm practices as the dwelling has been in existence since 1996 without any discord or disharmony. This proposal does not include any new access roads or development therefore the amount of additional forest lands used is not a factor in this particular request. The continued maintenance of the fuel free setback will ensure that 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.*

**BOARD OF COMMISSIONERS FINDING:** The *Single Family Dwelling* is sited towards the western portion of the property centrally located north to south with the access road and accessory structure being in close proximity.

- (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*

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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.*

- (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.*

**BOARD OF COMMISSIONERS FINDING:** **The applicants acknowledge and have provided 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 by way of a water well report. This can be found in the attached application, Under ORS 537.545(b)&(d) no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**

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

**SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

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

- a. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not*

*prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

**BOARD OF COMMISSIONERS FINDING: There are no new parcels being created through this request; therefore, this criterion is not applicable.**

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

**BOARD OF COMMISSIONERS FINDING: Based on the submitted Plot Plan the Single Family Dwellings will meet the minimum road setback.**

**Therefore, this criterion has been met.**

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

**BOARD OF COMMISSIONERS FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: A Driveway/Access/Parking Verification Permit application (DR-21-052) has been submitted must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: The applicant has acknowledged and will file in the deed of records of Coos County a Forest Management Covenant for both subject properties prior to receiving a Zoning Compliance Letter. The covenant covers both accepted farm and forest practices.**

**Therefore, this criterion has been addressed.**

- f. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
  - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.**

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

**BOARD OF COMMISSIONERS FINDING: According to the National Wetland Inventory the only identified wetlands are more than 100 feet away and do not exist on the subject property.**

**Therefore, this criterion has been met.**

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

**BOARD OF COMMISSIONERS FINDING: The subject property is located within the boundaries of the Bandon Rural Fire Protection District.**

**Therefore, this criterion has been met.**

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

**BOARD OF COMMISSIONERS FINDING: The applicants shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: Proof shall provided that 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 prior to the issuance of a zoning clearance letter. This shall be provided for both of the subject properties.**

**Therefore, this requirement has been addressed.**

- j. Firebreak:*
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and*

*pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*

- b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

*Table 1 – Minimum Primary Safety Zone*

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

**BOARD OF COMMISSIONERS FINDING:** According to the soils on the property the dwelling is within an area identified as having soils that are comprised of 5A-Blacklock fine sandy loam that typically have percent 0 to 3 percent slopes. This concurs with the applicants’ assessment that the existing home site is relatively flat. However, the property is comprised of other soils that have slopes up to twelve (12) percent, the applicants also recognize the fact that the property has gentle slopes of less than twelve (12) percent. The plot plan shows that the setbacks are greater than 80 feet; therefore, meeting the 30 feet of Primary Safety Zone and 50 feet of Additional Primary Safety Zone Firebreak.

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING:** The exiting dwelling has fire resistant roofing materials.

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING:** The subject property does not have a water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression.

**Therefore, this criterion is not applicable.**

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

**BOARD OF COMMISSIONERS FINDING: The dwelling is not sited on a slope of greater than 40%.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: The existing dwelling has a chimney with a spark arrester.**

**Therefore, this criterion has been addressed.**

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

**BOARD OF COMMISSIONERS FINDING: The subject property is located within the Bandon Rural Fire Protection District.**

**Therefore, this criterion has been met.**

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

**BOARD OF COMMISSIONERS FINDING: The subject property is within Bandon Rural Fire Protection District. The property has an existing driveway and access that the applicants state meets the minimum standards of Chapter VII which allow emergency vehicles to enter the property. At the time of road inspection prior to receiving a zoning compliance letter the Roadmaster or his designee will ensure the standards are met to ensure adequate access is provided for firefighting equipment.**

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

**BOARD OF COMMISSIONERS FINDING: The subject property is within Bandon Rural Fire Protection District. The property has an existing driveway and access that the applicants state meets the minimum standards of Chapter VII which allow emergency vehicles to enter the property. The applicants have submitted a Road/ Driveway Access Verification Permit (DR-21-052) and this shall be signed off by the Road Department prior to receiving a Zoning Compliance Letter.**

## **CONDITIONS OF APPROVAL**

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. 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.
3. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
  - a. All uses must comply with applicable development standards and fire siting and safety standards.
  - b. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones.
4. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with prior to issuance of a zoning compliance letter:
  - a. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
  - b. The dwelling shall not be sited on a slope of greater than 40 percent.
  - c. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
5. A Driveway/ Access / Parking Verification Permit (DR-21-052) shall be signed off by the Road Department receiving a Zoning Clearance Letter.
6. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required for the reclassification of the Relative Farm Help Dwelling to a Forest Template Dwelling. This will be issued after all conditions have been satisfied.



## Template Map



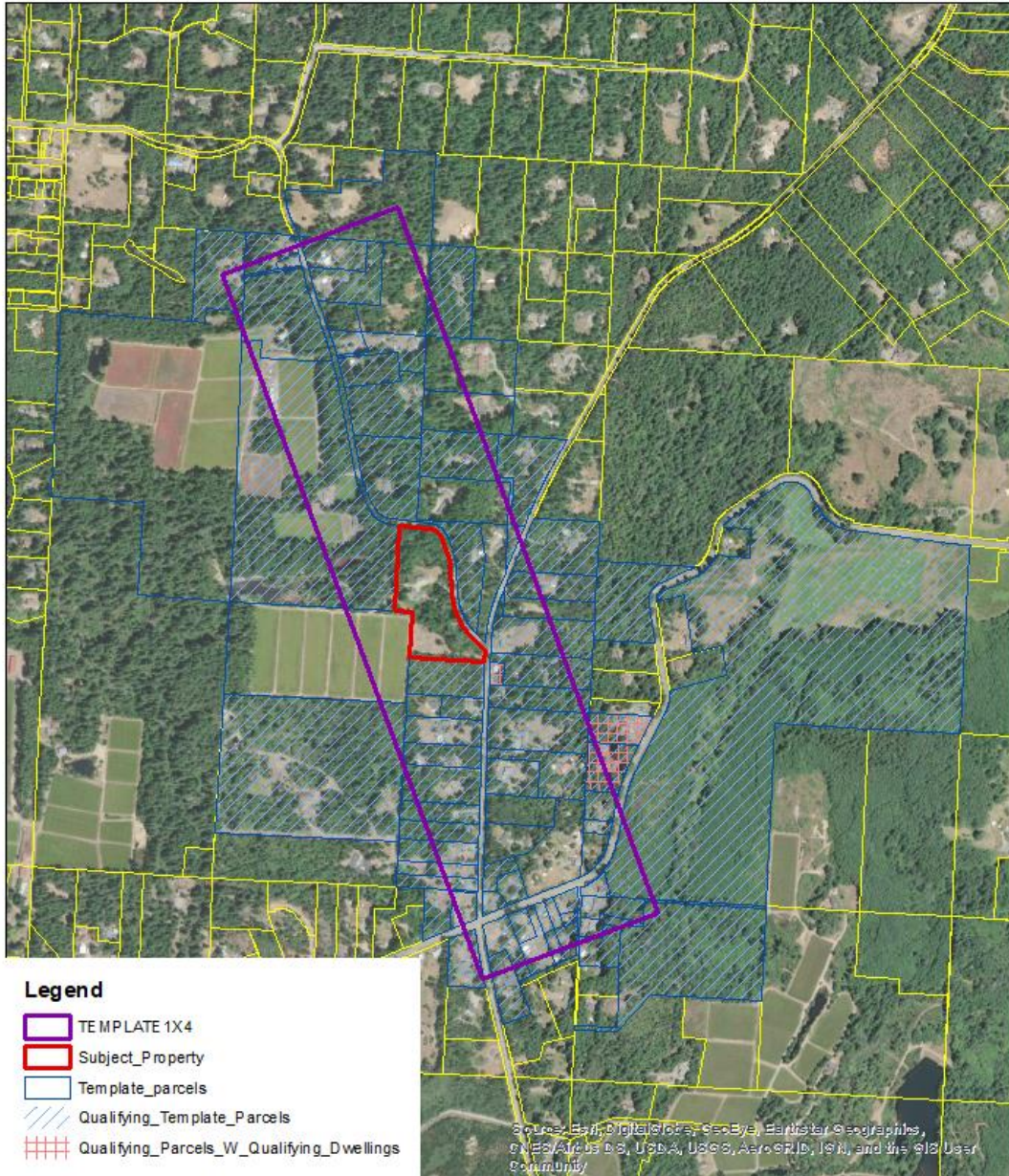
### COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

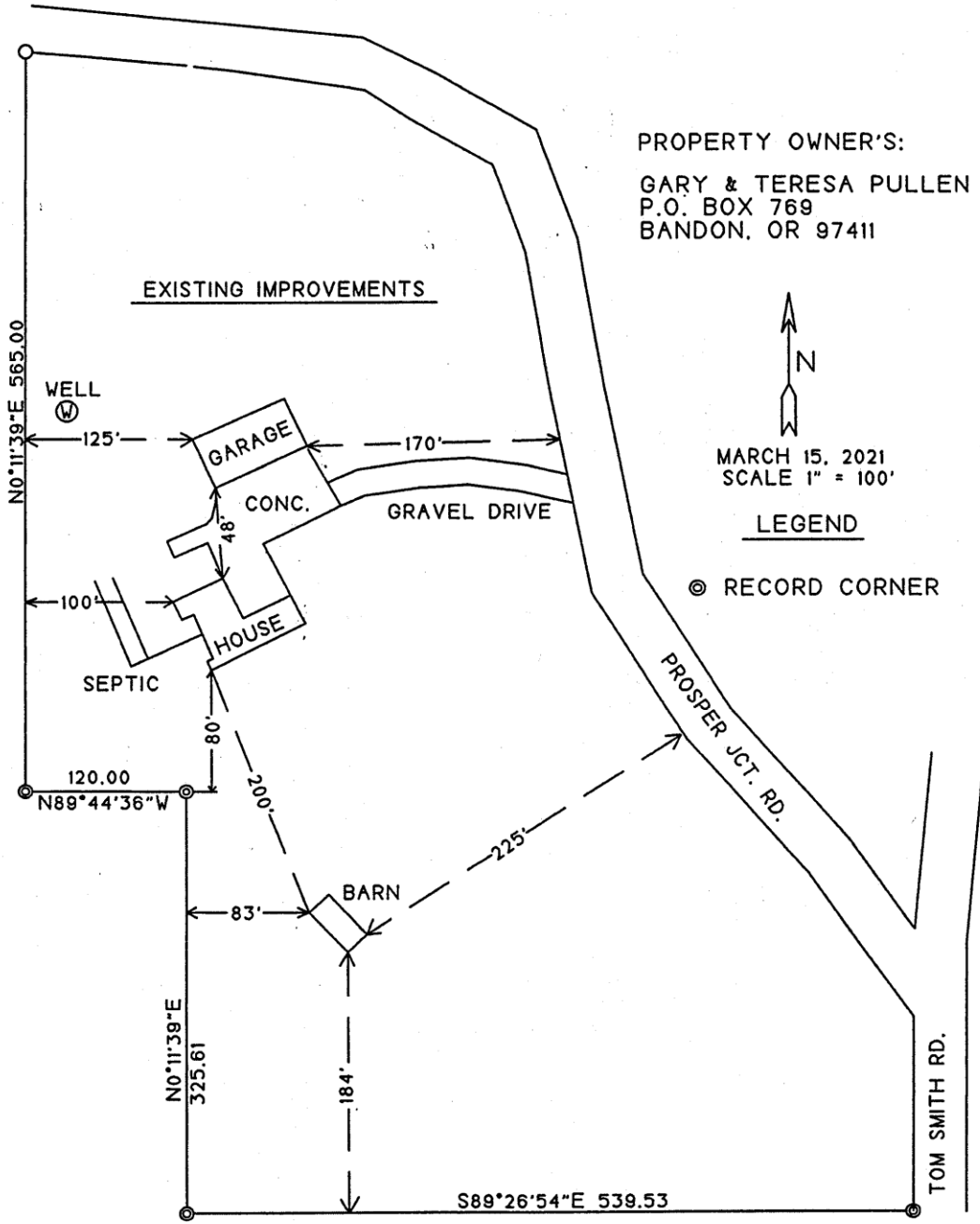
Fax: (541) 396-1022/TDD (800) 735-2900



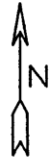
Plot Plan

PULLEN PLOT PLAN

LOCATED IN THE N1/2 NE1/4 OF SECTION 21,  
 T.28S., R.14W., W.M., COOS COUNTY, OREGON  
 (28S 14W 21CA - 300 - ACCT.# 968400 - 8.43 ACRES M/L)



PROPERTY OWNER'S:  
 GARY & TERESA PULLEN  
 P.O. BOX 769  
 BANDON, OR 97411



MARCH 15, 2021  
 SCALE 1" = 100'

LEGEND

⊙ RECORD CORNER