

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In the Matter of Amending the Coos County  
5 Comprehensive Plan Designation and Zone Map from  
6 Agriculture to Forest and the Official Zone Map from  
7 Exclusive Farm Use (EFU) to Forest with a Mixed Use  
8 overlay (F/MU), and to consider a Conditional Use  
9 amending a prior condition of approval, and to approve  
10 the dwelling as a Forest Template Dwelling. File Nos.  
11 AM-21-001/RZ-21-001/ACU-21-024

ORDINANCE No.: 21-06-037PL

12 SECTION 1. TITLE

13 This Ordinance shall be known as the "Coos County Ordinance No. 21-06-037PL".

14 SECTION 2. AUTHORITY

15 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

16 SECTION 3. PURPOSE

17 The purpose of this Ordinance is to amend Ordinance 85-12-020L that adopted Coos County  
18 Comprehensive Plan Volume I (Balance of County) Plan Zone Map and Ordinance 85-03-004L that adopted  
19 Coos County Zoning & Land Development Ordinance which implements Volume I of the Coos County  
20 Comprehensive Plan;

21 SECTION 4. FINDINGS AND ORDER

22 WHEREAS the property owners Gary and Teresa Pullen submitted an application on property described as  
23 Township 28S, Range 14W, Section 21CA, Tax Lot 300, located east of the City of Bandon. The property is  
24 currently zoned Exclusive Farm Use (EFU) The request was to amend the plan and implementing zone on this  
25 property from Agriculture (Exclusive Farm Use) to Forest with a Mixed Use Overlay as presented in the application  
26 found at Attachment A;

27 WHEREAS Staff reviewed the proposal and made findings in the May 27, 2021, staff report  
28 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)  
29 find that the application complied with CCZLDO § 5.1.400.;

30 WHEREAS the Planning Commission took testimony at the June 3, 2021 hearing, there was no one else  
ORDER 21-06-037PL - PAGE 1 OF 3

1 besides the applicant's representative to present and no written testimony in the record on this proposed. The  
2 Planning Commission found that the plan amendment and rezone would meet the criteria.;

3 AND IT APPEARING to the Board of Commissioners that given the definition of compatibility the  
4 Board of Commissioners found that the rezone would be compatible without any qualifiers to limit the use of  
5 the property. The application and staff findings along with the soil and slope information support the zone  
6 change request.

7 The proposal was reviewed by Department of Land Conservation and Development (DLCD) at the  
8 pre-application meeting and no conflicts with the Statewide Planning Goals, Statues or Rules in regards to the  
9 request.

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners  
11 reviewed the Hearings Body recommendations and found the proposal met the objectives of the comprehensive  
12 plan. The evidence and testimony in the record supported the rezone to Forest with a Mixed Use Overlay. The  
13 Board of Commissioners took into consideration the evidence and determined that proposal complied with other  
14 polices and ordinances as may be adopted by the Board of Commissioners. The findings in this matter can be  
15 found at Attachment B.

16 SECTION 5. SEVERANCE CLAUSE

17 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or  
18 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect  
19 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other  
20 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or  
21 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

22 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

23 Coos County Ordinances 85-12-020L, 85-03-004L and any subsequent amendments thereto are  
24 repealed to the extent that they are in conflict with this ordinance. Coos County Ordinances 85-12-020L and  
25 85-03-004L shall remain in full force and effect in all other respects.

26 SECTION 7. EMERGENCY CLAUSE

27 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the  
28 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County  
29 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.  
30

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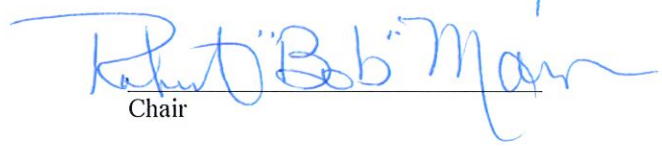
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Adopted this Dated this 29<sup>th</sup> day of June, 2021.

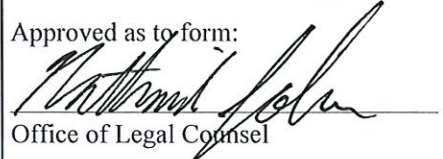
BOARD OF COMMISSIONERS

ATTEST

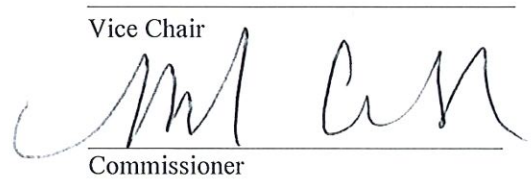
  
Recording Secretary

  
Chair

Approved as to form:

  
Office of Legal Counsel

Vice Chair

  
Commissioner

Planning Commission Reading: June 3, 2021  
Board of Commissioner Reading: June 29, 2021  
Effective Date of Adoption: June 29, 2021

# Attachment “A” Application

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

COMPLETED BY STAFF	
<p>Received By: _____</p> <p>Date Submitted: _____</p> <p>Application No.: _____</p> <p>Fee: _____</p> <p>Fee Paid: _____</p> <p>Receipt No.: _____</p>	<p><input type="checkbox"/> COMP PLAN AMENDMENT</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p><input type="checkbox"/> TEXT AMENDMENT</p> <p><u>CONDITIONAL USE REVIEW</u></p> <p><input type="checkbox"/> HEARINGS BODY</p> <p><input type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> LAND DIVISION *</p> <p><input type="checkbox"/> HAZARD REVIEW *</p> <p><input type="checkbox"/> FARM OR FOREST REVIEW *</p> <p><input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*</p> <p><input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY</p> <p><b>*Supplemental Application required</b></p> <hr/> <p>STAFF NOTES:</p>

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

**I. APPLICANT**

Name: Gary and Teresa Pullen

Mailing Address: PO Box 769

City Bandon State OR Zip 97411

Daytime Phone (541) 404-3890

Email: pacificthreads@yahoo.com

**II. OWNER(S)**

Name: Same as applicant

Mailing Address:

City State Zip

Daytime Phone

Email:

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

Location or Address: 55756 Prosper Jct Rd, Bandon

No. Acreage 8.43

Tax Acct. 968400

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

28S 14W 21 C A 300

Zone: Exclusive Farm Use Water Service Type: On site

Sewage Disposal Type: On-site

School District: Bandon

Fire District: Bandon

IV. REQUEST SUMMARY: Re-zone from EFU to Forest Mixed Use

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Forest Mixed Use

D. JUSTIFICATION:

- (1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered: - N/A

Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983?

\_\_\_\_\_  
Explain and provide documentation:  
\_\_\_\_\_

- (2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan?

\_\_\_\_\_  
Explain: Yes, please see attached narrative.  
\_\_\_\_\_

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? \_\_\_\_\_

Explain: No, please see attached narrative.  
\_\_\_\_\_

c. Will the rezone comply with other adopted plan policies and ordinances?  
\_\_\_\_\_

Explain: Yes, please see attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_

- (3) If a Goal Exception is required please review and address this section. N/A

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge<sup>1</sup> as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were

<sup>1</sup> "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO Article 5.1.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is “physically developed” to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is “irrevocably committed” to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A “reasons exception” addressing the following standards is met:
  - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
  - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
  - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
  - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.


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

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

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

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

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

 3/25/2021  
Applicant(s) Signature Date

 3/25/2021  
Applicant(s) Signature Date





# 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:

Date Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Received by: \_\_\_\_\_

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) Gary & Teresa Pullen

Mailing address: P.O. Box 769, Bandon, OR 97411

Phone: 541-404-3890

Email: pacifictreads@yahoo.com

Township: 28S Range: 14W Section: 21 ¼ Section: C 1/16 Section: A Tax lots: 300

Select Select Select Select Select

Tax Account Number(s): 968400

Zone: Select Zone

Exclusive Farm Use (EFU)

Tax Account Number(s) \_\_\_\_\_

Please Select

B. Applicant(s) Same as Land Owners

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

C. Consultant or Agent: Troy Rambo

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

Phone #: 541-751-8900

Email: mandrllc@frontier.com

### Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

- Administrative Conditional Use Review - ACU
- Hearings Body Conditional Use Review - HBCU
- Variance - V

- Land Division - P, SUB or PUD
- Family/Medical Hardship Dwelling
- Home Occupation/Cottage Industry

### Special Districts and Services

Water Service Type: On-Site (Well or Spring)

Sewage Disposal Type: On-Site Septic

School District: Bandon

Fire District: Bandon RFPD

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

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


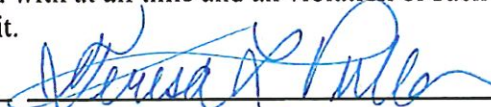
D. ATTACHED WRITTEN STATEMENT. With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning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

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

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

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

 3/25/21      
  
 \_\_\_\_\_

Gary W Pullen 3/25/21      Teresa L Pullen 3/25/21

**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: 55732 Prosper Junction Road

Type of Access: County Road Name of Access: Prosper Junction road

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

**Coos County Road Department Use Only**

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

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

File Number: DR-20-

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Exhibits

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2. Bargain and Sale Deed (2000-3841) & Property Line Adjustment Deed (2020-008365)
3. Coos County Planning Post-Preapplication Meeting Report
4. Natural Resource Conservation Service (NRCS) Soil Survey Map
5. Water Well Report

Overview

**The applicant is proposing to (1) re-zone their parcel from EFU to Forest Mixed Use and (2) permit a forest template dwelling on Subject Property. This report is separated into two sections. The first addresses the criteria for the re-zone and the second addresses the criteria for the template dwelling.**

## SECTION 1: REZONE APPLICATION

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### Hearings Body Conditional Use Permit for Existing Dwelling on Subject Property (HBCU-94-02)

The existing dwelling on Subject Property was originally permitted via HBCU-94-02 as an additional (third) farm dwelling in conjunction with an existing commercial farm use. That permit carried the conditions that:

*2) 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 parcels shall be combined for the purpose of planning, considered as one tract, and shall be conveyed together.*

*3) This permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" by acting upon this permit agrees to notify the "buyer," or "grantee" of the terms and conditions of the permit, especially advising any new owner that this permit authorizes a farm dwelling in implementing a specific management plan.*

The applicant's proposal to re-zone Subject Property from farm to forest, and re-permit the existing dwelling from farm-help to forest-template – would effectively remove Subject Property from the 1994 tract of commercial farmland.

The findings in this report address Subject Property's suitability for Forest use, and the existing dwelling's conformity with the standards for a Forest template dwelling. The conditions of approval which applied to Subject Property's former farm use are not applicable to its proposed use.

Moreover, it should be noted that the proposed Forest zoning will not allow for greater parcellation or urbanization of Subject Property – the underlying goal of the farm and forest zones.

The applicant understands that it is their requirement to notify any future buyer or grantee of Subject Property of any conditions attached to the property (including those attached to Forest template dwellings).

### ORS 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 replanned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.*

## Oregon's Statewide Planning Goals & Guidelines

### Goal 3: Agricultural Land

*Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event. [...] Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.*

### Goal 4: Forest Lands

*Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.*

Subject Property has been used for both farm and forest use: the dwelling formerly supported the cranberry farm use on adjacent parcels, and the remainder of the property is forested.

The soils on Subject Property are suitable for either farm or forest use: 61.4% soil type 8C (Bullards sandy loam), 9.4% soil type 1C (Bandon sandy loam) and 28.5% soil type 5A (Blacklock fine sandy loam).<sup>1</sup> The slopes on Subject Property are less than 12%.

As such, neither Goal 3 nor 4 can be applied alone.

## Coos County Comprehensive Plan

Coos County Comprehensive Plan Volume 1, Part 2, Section 3.2 Forest Lands describes the standards / traits of the mixed-use overlay of the Forest zone.

### § 3.2 Forest Lands > 5. Implementation Strategies > 5.1 Proposed Forest Zone

[...]

<sup>1</sup> See Exhibit X Natural Resource Conservation Service (NRCS) soil survey map.

Based on the 100 year site curve, the mean index for:

Douglas fir on the Bullards sandy loam, is 132 and has a growth rate of 133 cu. ft./ac./yr. which is a class III soil.

Douglas fir on the Bandon sandy loam is 137 and has a growth rate of 140 cu. ft./ac./yr. which is a class III soil.

Shore pine on the Blacklock sandy loam is 90 and has a growth rate of 79 cu. ft./ac./yr. which is a class IV soil.

(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.

[...]

Criteria used to designate these areas are as follows:

1. Mixed-use areas are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agriculture 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.

The applicant proposes to re-zone Subject Property to Forest Mixed Use. Subject Property meets the criteria for mixed-use areas. As described above, Subject Property has predominantly been co-managed for both farm and forest uses, and the soils and topographic features (slopes less than 12%) are suited to a combination of forest and agriculture uses.

Coos County Comprehensive Plan
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Coos County Comprehensive Plan Volume 1, Part 1, Section 5.4 Forest Lands provides standards for re-zones from farm to forest and vice versa.

§ 5. Forest Lands > Plan Implementation Strategies

[...]

8. Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice versa, upon findings which establish:

i. That the proposed rezone would be at least as effective at conserving the resource as the existing zone;

The Forest zone will be at least as effective at conserving Subject Property for resource use as the EFU zone. As noted above, the Forest zone will preclude further parcellation or urbanization of Subject Property (as will the EFU zone). And although the proposal will have the effect of permitting the conveyance of Subject Property separately from the adjacent parcels – it will not reduce or permit to be reduced the resource use of Subject Property.

ii. That the proposed rezone would not create a non-conforming use;

The proposed rezone would not create a non-conforming use; the applicant's proposal to permit the existing dwelling on Subject Property as a Forest template dwelling is Section 2 of this report.

*iii. That the applicant for the proposed rezone has certified the he/she understands that the rezone, if granted, could have significant tax consequences;*

The applicant understands that the rezone, if granted, could have significant tax consequences.

*Furthermore, Coos County shall, upon 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."*

*iv. 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.*

The re-zone public hearing policy applies well to the applicant's proposal, which stems from a change in market conditions which rendered Subject Property ancillary to the adjacent former cranberry farm operation.

#### CCZLDO Article 5.1 Plan Amendments and Rezones

The proposed rezone meets the criteria set forth in the Coos County Zoning and Land Development Ordinance as follows:

##### CCZLDO 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;<sup>2</sup> and*

<sup>2</sup> § 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 a 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.



The proposed rezone complies with the Comprehensive Plan, as evidenced in the Comprehensive Plan section of this report.

Section 5.1.215 of the CCZLDO does not apply, because Subject Property is not located in the interior of an exclusive farm use zone. It is on the border of the EFU and Rural Residential 2 zone.

*b. The rezoning will not seriously interfere with permitted uses on other nearby parcels;  
and*

The rezone will not interfere with permitted uses on other nearby parcels; it is consistent with the permitted uses on nearby parcels (residential, forest, and farm).

*c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

**SECTION 2: TEMPLATE DWELLING APPLICATION**

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

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

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

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

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

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

- The NRCS Soil Survey (on file) shows the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).
- There are no parcels located within the Urban Growth Boundary.
- The subject property does have a dwelling and shop/garage and there are no deed or comprehensive plan restrictions that would prohibit siting a dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of tax lot 300 in Township 28S Range 14W Section 21CA and consist of 8.43 acres.
- The template was configured based on the criteria. The template used is a 160-acre rectangle. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 70 parcels within the 160 acre rectangle ranging from 0.38 acres to 30.00 acres of which are zoned F, EFU, C-1 and RR-2. There are multiple parcels (10+) that have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.

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

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

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

- The property is less 10 acres therefore a stocking survey not is required. The portion of the subject property not already developed is fully stocked.
- The dwelling has a fire-retardant roof.

- The property has gentle slopes of less than 12%. The existing home site is relatively flat.
  - The property is located within the Bandon Rural Fire Protection District.
  - The water source for this property is from a well that has been registered with the State of Oregon – see attached water Well Report. Under ORS 537.545 (b) & (d) - no permit is required.
  - The existing dwelling has a chimney with a spark arrestor.
  - The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

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

- The property is within a fire district and there is no need for alternative fire protections.
- There is no need for an additional water supply.

<p><b>SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST</b></p>
------------------------------------------------------------------------------------------------------------------

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

#### **Response to SECTION 4.6.130**

- **The property has an existing home site. The home site is located in the Western portion of the subject property. The site is cleared to the extent to meet the required fire break and road setbacks. The existing site will not impact the nearby or adjoining forest or agricultural lands. Utilizing the existing site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.**

- The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules. See the attached Water Well Report. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.
- The access is a private driveway off of Prosper Junction County Road. Prosper Junction County Road is a County maintained road.
- The subject property will meet the minimum stocking requirements.

<b>SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:</b>
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This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

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

- farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
  - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
  - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the 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.

**Response to SECTION 4.6.140**

- The property is a legal non-conforming unit of land and no land division is proposed.
- The applicant will exceed the road setback.
- There is no proposed fence at this time.

- A driveway/access/parking permit is already in place.
- The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant if this application is approved.
- The riparian vegetation - not applicable.
- The property is within the Bandon Rural Fire Protection District. No additional fire protection is required.
- The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
- The slope on the proposed home site is between 0% to 5% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.
- The existing dwelling has fire resistant roofing materials.
- There is no water supply exceeding 4,000 gallons.
- The existing dwelling is not be sited on a slope of greater than 40 percent.
- The existing dwelling does have a chimney with a spark arrester.
- The property is within the Bandon RFPD. The access and driveway meets the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.

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

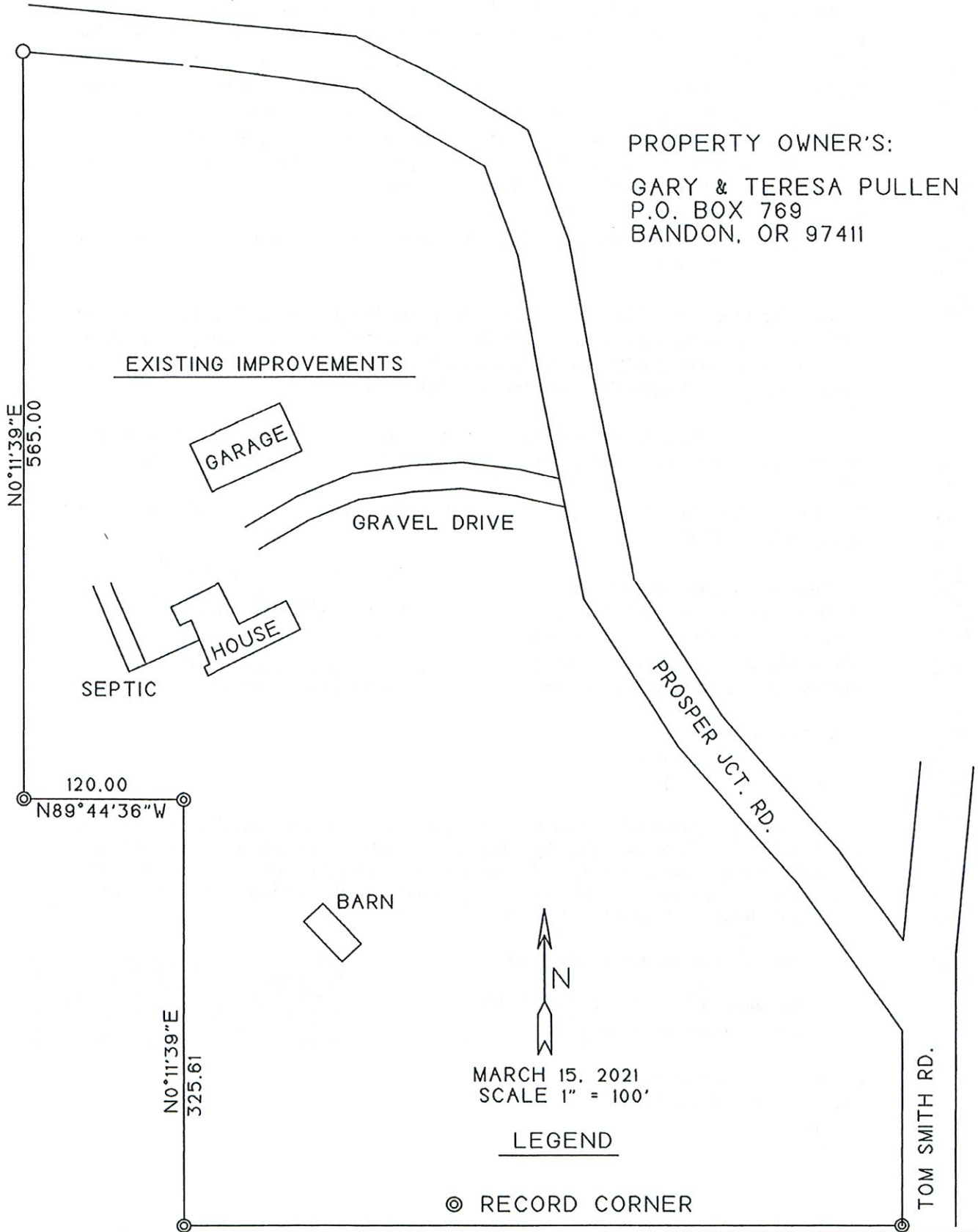


Exhibit 1 - Site Plan

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That William J. Pullen and Rose J. Pullen, Co-Trustees of the William J. Pullen Revocable trust dated June 21, 1991, and the Rose J. Pullen Revocable Trust dated June 21, 1991, hereinafter called grantor, for consideration hereinafter stated, does hereby grant, bargain, sell and convey unto, Gary W. Pullen and Teresa L. Pullen, Husband and Wife, hereinafter called grantee, and unto grantee's heirs, successors and assigns each as to their one-half interest as Tenants in Common, all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Coos, State of Oregon, described as follows, to-wit:

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All that portion of the following described property lying West of that certain county road known as Prosper Road #93, to wit:

The Northwest quarter of the Northeast quarter of the Southwest quarter, and the North half of the Southwest quarter of the Northeast quarter of the Southwest quarter, all in Section 21CA, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Also known as Tax lot 300 - Split Code

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To Have and to Hold the same unto the said grantee's heirs, successors and assigns forever. The true actual consideration for this transfer is \$0 dollars. For Estate Planning.

////

In Witness Whereof, the grantor has executed this instrument this 19th day of April, 2000.

This instrument does not allow use of of this property in violation of land use laws and regulations. Buyer should Check with the Coos County Planning Department to determine approved uses.

*William J. Pullen*  
William J. Pullen, Trustee

*Rose J. Pullen*  
Rose J. Pullen, Trustee

STATE OF OREGON )  
                          ) ss.  
County of Coos   )

On this 19th day of April, 2000, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared William J. Pullen and Rose J. Pullen, who are personally known to me or have proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as Co-Trustees of the William J. Pullen Revocable Trust and the Rose J. Pullen Revocable Trust.

WITNESS my hand and official seal.

Signature: *Cynthia Gant*  
My Commission Expires: 10-25-2000



Deed and Tax statements to:  
Gary W. and Teresa L. Pullen  
P.O. Box 769  
Bandon, OR 97411



00119343202000083650030033

Debbie Heller, CCC, Coos County Clerk

After recording return to: Gary W. & Teresa L. Pullen  
P.O. Box 769  
Bandon, OR 97411

Consideration: \$0.00

Until a change is requested, all tax statements are to be sent to the following address:

Gary W. & Teresa L. Pullen  
P.O. Box 769  
Bandon, OR 97411

### PROPERTY LINE ADJUSTMENT DEED

Known all men by these presents that The Pullen Family Limited Partnership, Grantor, conveys to Gary W. Pullen and Teresa L. Pullen, husband and wife, Grantee's, the following described property located in the NW1/4 of the SW1/4 of Section 21, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows;

#### ADJUSTED PARCEL

Beginning at a 5/8" rebar from which a 5/8" rebar at the SW1/16 corner of said Section 21 bears S0°11'39"W a distance of 651.13 feet; thence N89°44'36"W a distance of 120.00 feet to a 5/8" rebar; thence N0°11'39"E a distance of 565.00 feet to a 5/8" rebar on the southerly boundary of Prosper Junction Road; thence S85°00'00"E along said road boundary a distance of 120.42 feet to a point on the Grantee's Westerly boundary; thence S0°11'39"W a distance of 555.04 feet to the point of beginning. Said parcel contains 1.54 acres.

#### ADJUSTED LINE

Beginning at a 5/8" rebar from which a 5/8" rebar at the SW1/16 corner of said Section 21 bears S0°11'39"W a distance of 651.13 feet; thence N89°44'36"W a distance of 120.00 feet to a 5/8" rebar; thence N0°11'39"E a distance of 565.00 feet to a 5/8" rebar on the southerly boundary of Prosper Junction Road; thence S85°00'00"E along said road boundary a distance of 120.42 feet to a point on the Grantee's Westerly boundary.

Coos County Assessor's Account No.'s 968500 and 968400.

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

1. The names of the parties to this deed are as set forth above.

2. The deed whereby the Grantor acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 96-12-0812, Coos County Deed Records.

3. The deed whereby the Grantee acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2000-3841, Coos County Deed Records.

4. Under ORS 92.060(8) and city ordinance a survey and monumentation is required. See CS# 31A242 recorded in the Coos County Surveyor's Office.

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, 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY 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 TO SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 and SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 20 day of August, 2020.

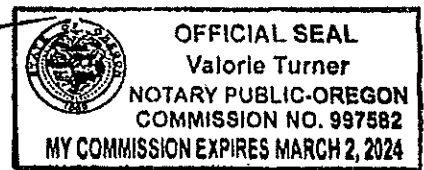
GRANTOR:

*Gary W. Pullen*  
Gary W. Pullen, Managing General Partner of  
The Pullen Family Limited Partnership

STATE OF OREGON )  
                                          ) ss.  
County of COOS     )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of August, 2020 by Gary W. Pullen, Managing General Partner of The Pullen Family Limited Partnership.

*Valorie Turner*  
Notary Public for Oregon



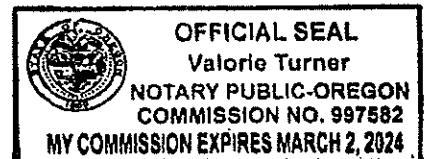
GRANTEE'S:

*Gary W. Pullen*  
Gary W. Pullen  
*Teresa L. Pullen*  
Teresa L. Pullen

STATE OF OREGON )  
                                          ) ss.  
County of COOS     )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of August, 2020 by Gary W. Pullen and Teresa L. Pullen.

*Valorie Turner*  
Notary Public for Oregon





## Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423  
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423  
Physical Address: 225 N. Adams, Coquille, Oregon  
(541) 396-7770  
FAX (541) 396-1022 / TDD (800) 735-2900  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)  
Jill Rolfe, Planning Director

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**FILE #** PA-20-004

**DATE:** March 17, 2021

**APPLICANT:** Troy Rambo, Mulkins & Rambo  
PO Box 809  
North Bend, OR 97459

**OWNER:** Gary & Teresa Pullen  
PO Box 769  
Bandon, OR 97411

**CONSULTANT:** Hailey Sheldon, Sheldon Planning  
444 N. 4<sup>th</sup> St.  
Coos Bay, OR 97420

**AGENCIES/DEPARTMENT:** Hui Rodomsky, Department of Land Conservation and Development (DLCD)  
Shaun Gibbs, South Coast Development Council, Inc.  
Nathaniel Johnson, County Counsel  
John Rowe, Roadmaster  
Rick Hallmark, Coos Health & Wellness  
Micah Horowitz, Oregon Department of Transportation (ODOT)  
City of Bandon

**REQUEST:** Discuss the possibilities of rezoning the property from Exclusive Farm Use to Forest Mixed Use.

**LEGAL DESCRIPTION:** Township 28S Range 14W Section 21CA Tax Lot 300

**Current zoning of area to be rezoned:**

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; 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.

**Proposed zoning of area to be rezoned:**

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.



### 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.

**Lawfully Created Parcel:** This property is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1. as the property was determined to be lawful through a discrete parcel determination and the current configuration was made through a Property Line Adjustment (PLA-20-008).

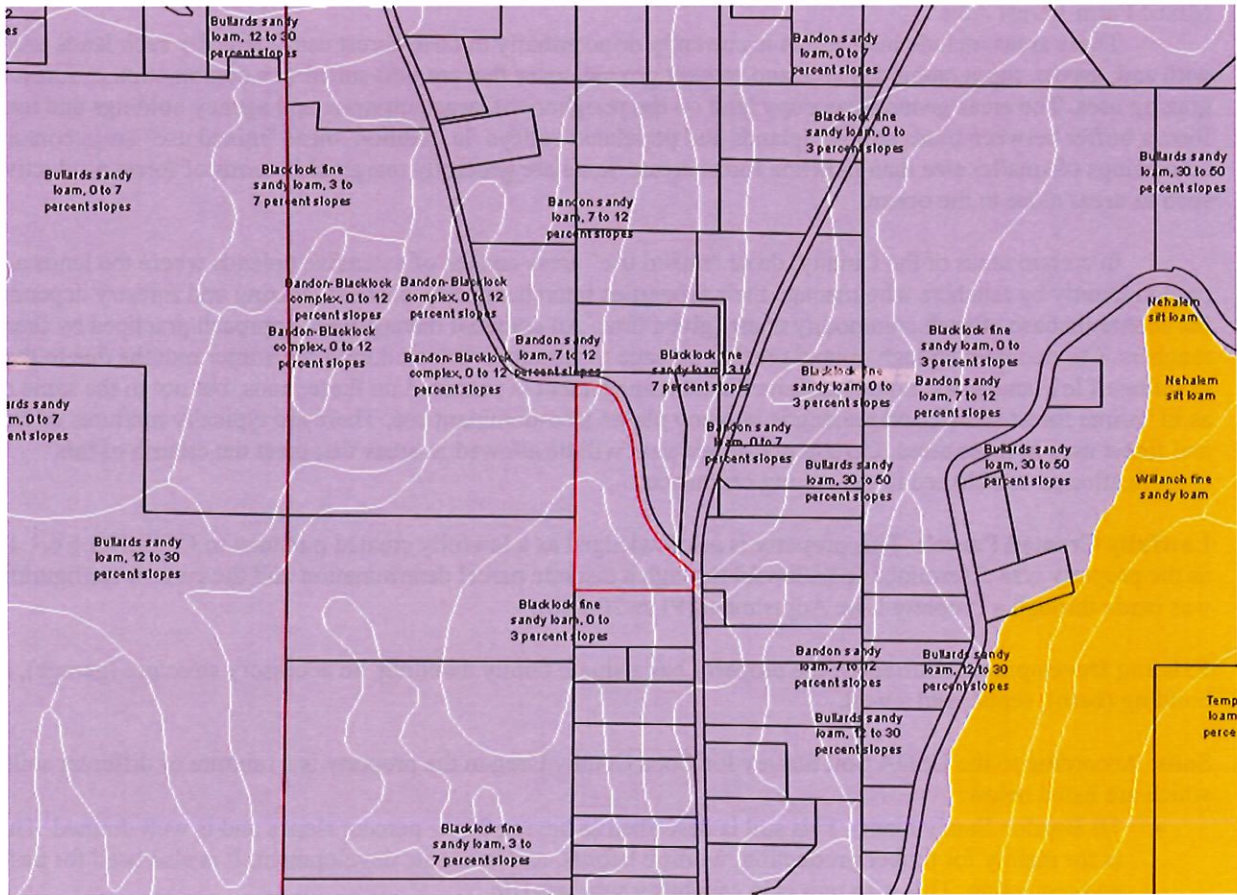
**Existing Development:** Currently, the property has a single family dwelling, an accessory structure (garage), an ag building (barn), septic, and a well.

**Soils:** According to the USDA Soil Survey for Coos County Oregon the property is a mixture of different soils which are listed below:

- 1B Bandon Sandy loam - This soil is described as having 0 to 7 percent slopes and is well drained. This unit is for mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This map unit is in capability subclass IIIe.
- 1C Bandon sandy loam – This soil is described as having 7 to 12 percent slopes and is well drained, This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This map unit is in capability subclass IIIe.
- 5A Blacklock fine sandy loam – This soil is described as having 0 to 3 percent slopes and has poorly drained soils. This unit is mainly used for timber production and wildlife habitat. It is also used for cranberry production. This map unit is in capability subclass VIw.
- 8C Bullards sandy loam – This soil is described as having 7 to 12 percent slopes and is well drained. This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This map unit is in capability subclass IIIe.

The soils for the majority of this property are 8C Bullards sandy loam and 5A Blacklock fine sandy loam.

The definition for High-Value Farmland pursuant to OAR 660-033-0020 has been included below.



Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

Definition of High-Value Farmland pursuant to OAR 660-033-0020

(8)(a) "High-Value Farmland" means land in a tract composed predominantly of soils that are:

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

(b) In addition to that land described in subsection (a) of this section, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. 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;

(c) In addition to that land described in subsection (a) of this section, high-value farmland, if in the Willamette Valley, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:

- (A) Subclassification IIIe, specifically, Belpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

- (B) Subclassification IIIw, specifically, Concord, Conser, Cornelius Variant, Dayton (thick surface) and Sifton (occasionally flooded);
  - (C) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and
  - (D) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.
- (d) In addition to that land described in subsection (a) of this section, high-value farmland, if west of the summit of the Coast Range and 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 subsection (a) of this section and the following soils:
- (A) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
  - (B) Subclassification IIIw, specifically, Brenner and Chitwood;
  - (C) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
  - (D) Subclassification IVw, specifically, Coquille.
- (e) In addition to that land described in subsection (a) of this section, high-value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:
- (A) Subclassification IIIw, specifically, Ettersburg Silt Loam and Crofland Silty Clay Loam;
  - (B) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and
  - (C) Subclassification IVw, specifically, Huffling Silty Clay Loam.
- (f) Lands designated as "marginal lands" according to the marginal lands provisions adopted before January 1, 1993, and according to the criteria in former ORS 215.247 (1991), are excepted from this definition of "high-value farmlands";

#### **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.

#### **SECTION 5.1.235 Board of Commissioners Action on Hearings Body Recommendation:**

Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:

1. adopt the Hearings Body recommendation for approval or approval with conditions;
2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;
3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

### SECTION 5.1.240 Requirements for "Q" Qualified Classification:

Where limitations are deemed necessary, Board of Commissioners may place the property in a "Q" Qualified rezoning classification. Said "Q" Qualified Classification shall be indicated by the symbol "Q" preceding the proposed zoning designation (for example: Q C-1).

### SECTION 5.1.250 Permits and Applications Moratorium:

1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
  - a. Withdrawal of the application by the applicant;
  - b. Expiration of the County's appeal period without an appeal having been filed; or
  - c. Final order of Board of Commissioners upon hearing the appeal.
2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

**Discussed at Meeting/Property Information:** The property currently has a dwelling that was approved as an additional Farm Help Relative Dwelling through a Hearing Body Conditional Use Application (HBCU-94-02). The conditional use application prohibits the division of the dwelling and at this point the property owners is considering selling off this property and would like to remove the condition. To allow the sale of the property the dwelling has to become a primary dwelling. The property is not large enough to make enough income to allow for a Farm Dwelling and the soils and other criteria do not support a Non-Farm Dwelling Option. Therefore, a rezone to another zoning that has additional options is the only choice. Therefore, the applicant has chosen to rezone the property from Exclusive Farm Use to Forest with a Mixed Use overlay to allow a Forest Template Dwelling application to be submitted. The property is treed with cleared area surrounding the development and the soils seems to support the change in zoning.



The Dwelling and Agricultural Structure (barn) is located within the soil class 5A Blacklock fine sandy loam, this unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation. This unit is suited to the production of shore pine. Among the other species grown on the soil in this unit are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge. 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. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The accessory structure (garage) is located within the soil class 8C Bullards sandy loam, this unit is mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern. 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. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

The main criteria that the applicant will need to provide finding for is:

- 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.

In the case of the criteria above the Coos County Comprehensive Plan provides further guidance when considering rezones in farm and forest.

Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:

- i. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,
- ii. That the proposed rezone would not create a nonconforming use,
- iii. 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."

- iv. 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.

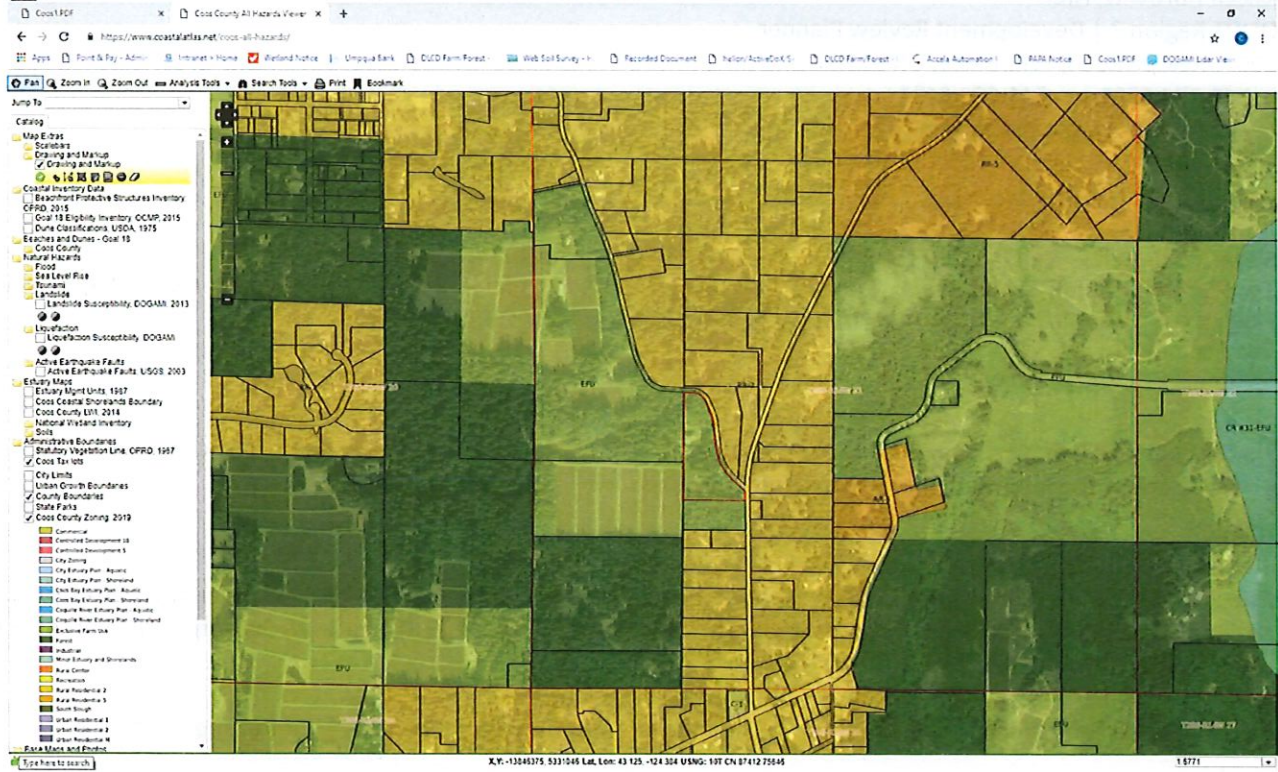
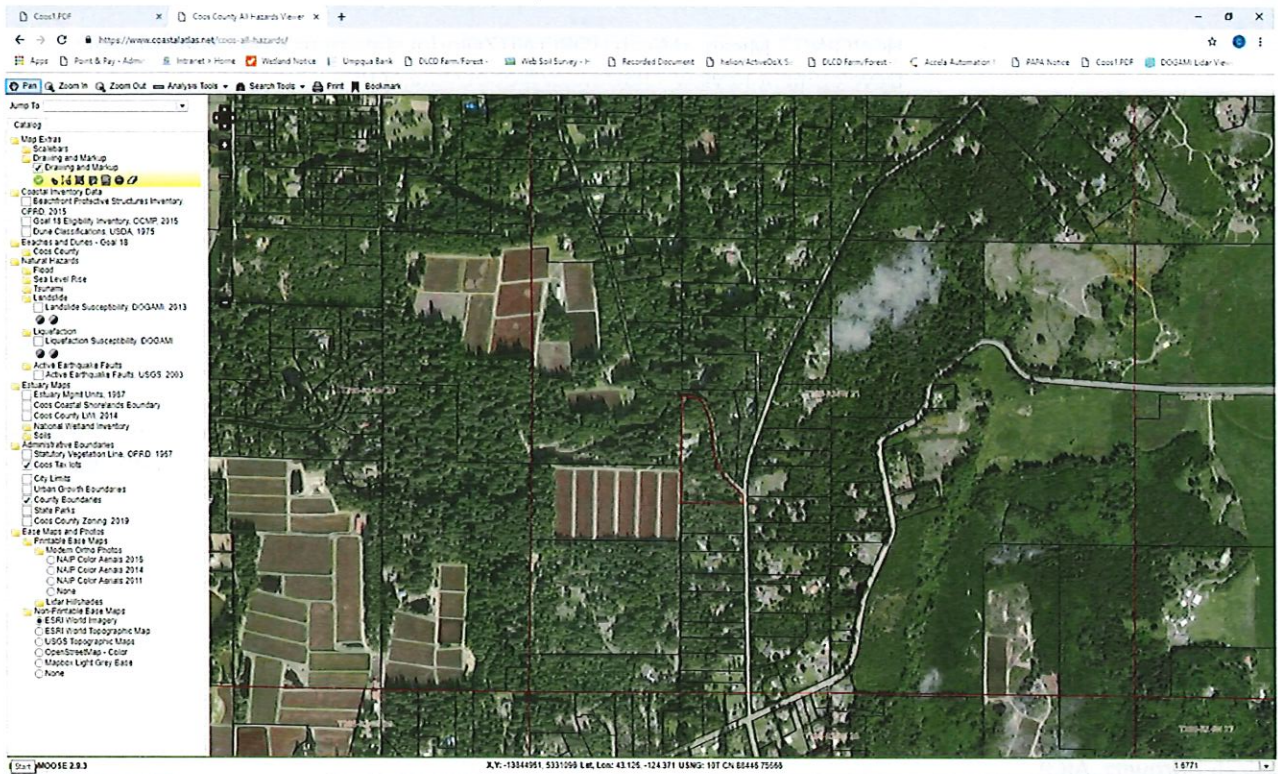
**Post meeting: Staff suggest that the application for Rezone be submitted by the 29<sup>th</sup> of March in order for this application to make in on the Planning Commissions May agenda. There were no concerns for this rezone. Staff has included the comments that were received prior to the meeting.**

If you have any questions please call at 541-396-7770, e-mail [planning@co.coos.or.us](mailto:planning@co.coos.or.us), mail to 250 N. Baxter, Coquille, OR 97423.



Amy Dibble, Planner II

Attached:     Aerial Photo  
                  Zone Map  
                  Rezone Application  
                  Comment Received



## Amy Dibble

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**From:** HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us> on behalf of ODOT Region 3 Development Review <R3DevRev@odot.state.or.us>  
**Sent:** Wednesday, March 3, 2021 9:32 AM  
**To:** Amy Dibble  
**Cc:** WANG Wei; WADDINGTON Jeff S; BROOKS Aaron G; EPPS Mark  
**Subject:** RE: PA-20-004 Pullen - Coos County DevRev

This Message originated outside your organization.

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Hi Amy,

ODOT does not have any comments on the proposal to rezone this parcel from EFU to Forest Mixed Use. The parcel is located about .40 miles from the nearest ODOT managed facility, Coquille Bandon Hwy and we don't anticipate a significant difference in traffic under the proposed zoning district.

Would you mind updating your distribution list for ODOT from [ODOTR3PLANMGR@odot.state.or.us](mailto:ODOTR3PLANMGR@odot.state.or.us) to [R3DevRev@odot.state.or.us](mailto:R3DevRev@odot.state.or.us)?

Best regards,  
Micah

Micah Horowitz, AICP  
ODOT Region 3 | Development Review Planner  
100 Antelope Road, White City, OR 97503  
p: 541.774.6331 | c: 541.603.8431  
e: [micah.horowitz@odot.state.or.us](mailto:micah.horowitz@odot.state.or.us)

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**From:** Amy Dibble  
**Sent:** Wednesday, March 3, 2021 4:45:41 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** RODOMSKY Hui; Shaun Gibbs; Nathaniel Greenhalgh-Johnson; John Rowe; Richard Hallmark; ODOT Reg 3 Planning Manager; ODA.Planning; [mlawrence@cityofbandon.org](mailto:mlawrence@cityofbandon.org); [dnichols@cityofbandon.org](mailto:dnichols@cityofbandon.org)  
**Cc:** Jill Rolfe  
**Subject:** PA-20-004 Pullen

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.

Hi All,

Attached please find a pre-report for a pre-application meeting that will be held on Thursday March 11, 2021 @ 9:30 am. The applicant is proposing to rezone a property located at Township 28S, Range 14W, Section 21CA, Tax Lot 300 from Exclusive Farm Use to Forest Mixed Use.

Please provide comments prior to the meeting so that staff may provide your concerns to the applicant for discussion.

Please let me know if you have any questions.



# Coos Health & Wellness

Together, Inspiring Healthier Communities



March 11, 2021

Troy Rambo, Mulkins & Rambo (on behalf of Gary & Teresa Pullen)  
PO Box 809  
North Bend, OR 97459

Re: Comment on Proposed Property Zoning

Troy Rambo, et al:

The County Planning Department has labeled an application to zone a property submitted by you as "**PA-20-004**." This letter is comment from the Environmental Health (EH) office on that application.

The proposed change includes zoning the property as "Forest Mixed Use." In the event a new residence might be allowed under law, it is noted there is no public water system in proximity of the property making development of a private water source appear logical.

**The EH office has no prohibition regarding the proposed property zoning**, but will advise:

1. There is importance for personal health in testing a private water source supplying a residence for at least the contaminants **Total Coliforms** (any present), **Nitrates** (10 mg/L) **and Arsenic** (0.010 mg/L). The values in parenthesis would represent levels of concern and immediate action for a public water system.  
Testing can provide some confidence of water safety or a cue to provide treatment to make water safe to drink.

Numerous on-line resources are available relating to acceptable levels for contaminants, health effects of contaminants, mitigation strategies and how to contribute sample results to a statewide effort to assess the status of Oregon's groundwater. I suggest googling: "Oregon.gov Domestic Well Safety."

Call 541-266-6720 for any related discussion.

Regards,

Rick Hallmark, EHS  
Environmental Health Program Manager

CC: Coos County Planning Department

***Rick Hallmark, Environmental Health Program Manager***

281 LaClair St, Coos Bay, OR 97420  
541-266-6744

## Amy Dibble

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**From:** Rodomsky, Hui <hui.rodomsky@state.or.us>  
**Sent:** Wednesday, March 10, 2021 4:38 PM  
**To:** Amy Dibble  
**Subject:** RE: Pre-Application Meetings

This Message originated outside your organization.

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Hi Amy,

I have reviewed the documents you sent, and I have no comments regarding either of the 2 proposals.

Hope that helps!

Best,  
Hui



**Hui Rodomsky**

South Coast Regional Representative | Ocean and Coastal Services Division  
Oregon Department of Land Conservation and Development  
810 SW Alder Street, Suite B | Newport, OR 97365  
Cell: 541-270-3279 | Main DLCD: 503-373-0050  
[hui.rodomsky@state.or.us](mailto:hui.rodomsky@state.or.us) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

**From:** Amy Dibble [mailto:adibble@co.coos.or.us]  
**Sent:** Wednesday, March 10, 2021 2:24 PM  
**To:** Rodomsky, Hui <hrodomsky@dlcd.state.or.us>  
**Subject:** Pre-Application Meetings

Hi Hui,

Are you going to be able to attend the Pre-application meetings tomorrow? If not can you please provide comments so that I may forward them on to the applicants for discussion ☺

Thank you,  
Amy Dibble

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## Amy Dibble

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**From:** John Rowe  
**Sent:** Monday, March 15, 2021 8:23 AM  
**To:** Amy Dibble  
**Subject:** Comments PA-20-004

Amy,

With the rezone the existing residence driveway will need to meet the current standards of the CCZLDO,

John Rowe



### **Public Works**

Road - Parks - Solid Waste

**John J. Rowe, Director/Roadmaster**

Mailing address: 250 N Baxter Coquille, Oregon 97423

Physical address: 1281 West Central Coquille, Oregon 97423

541-396-7665

541-396-1023 Fax

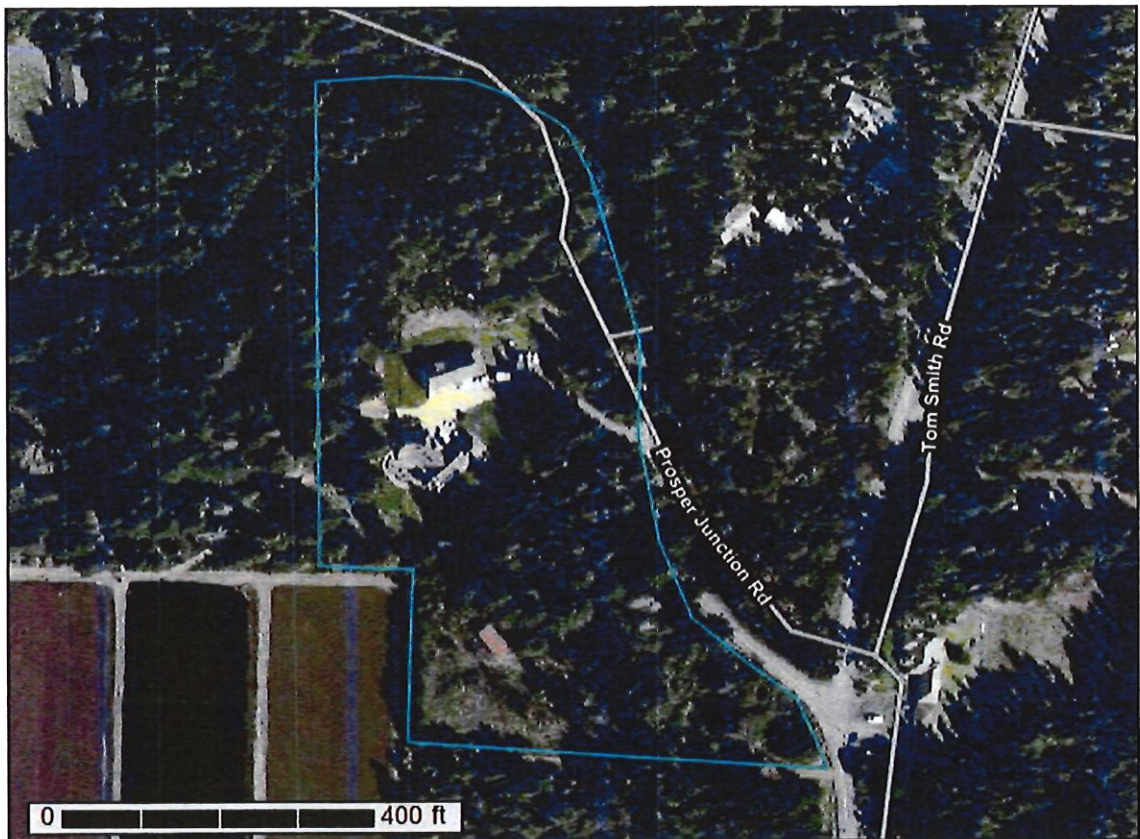
541-404-8332 Cell

[jrowe@co.coos.or.us](mailto:jrowe@co.coos.or.us)



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Coos County, Oregon



November 13, 2020

# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil



## Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

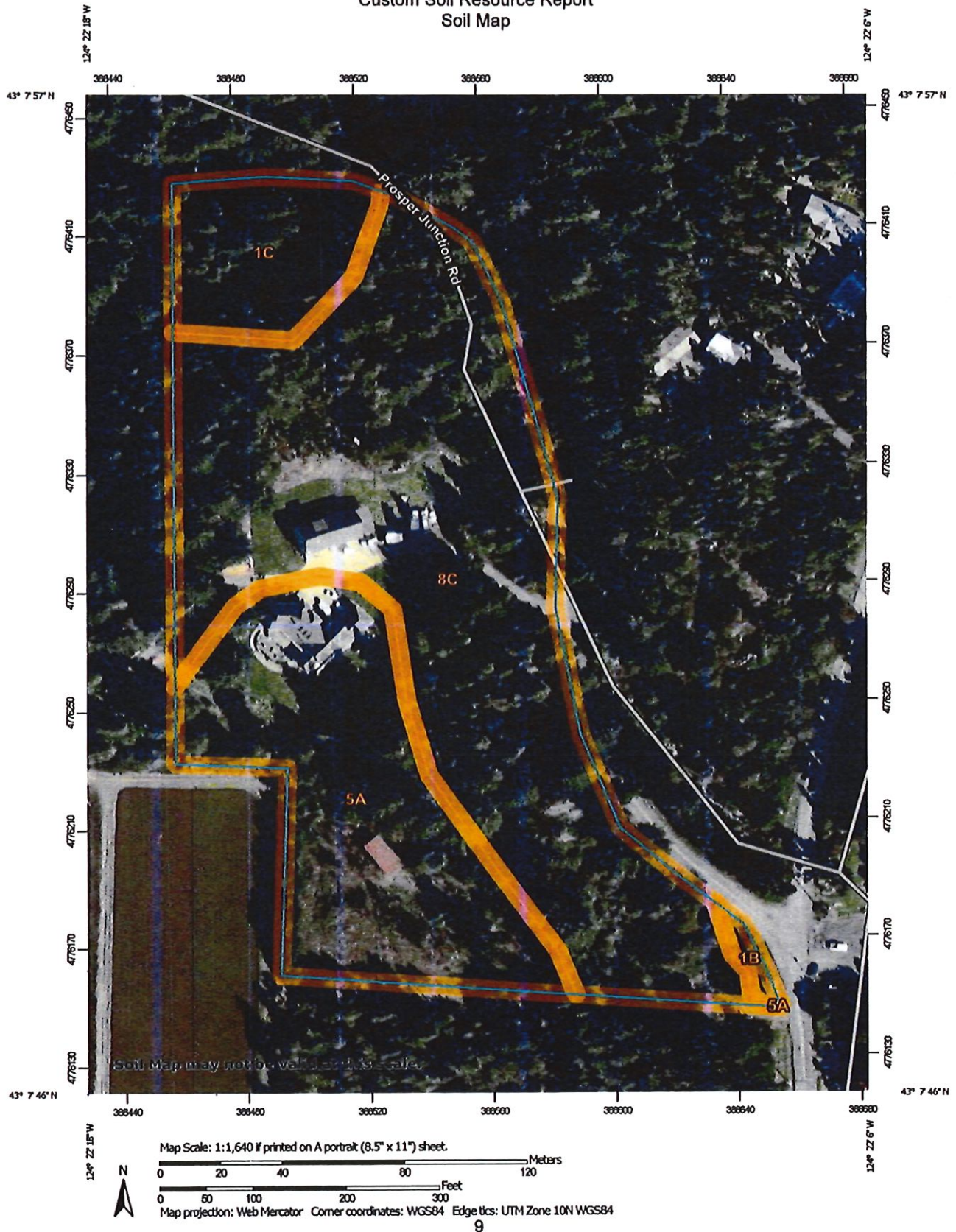
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

## **Soil Map**

---

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



### MAP LEGEND

- Area of Interest (AOI)
  - Area of Interest (AOI)
- Soils
  - Soil Map Unit Polygons
  - Soil Map Unit Lines
  - Soil Map Unit Points
- Special Point Features
  - Blowout
  - Borrow Pit
  - Clay Spot
  - Closed Depression
  - Gravel Pit
  - Gravelly Spot
  - Landfill
  - Lava Flow
  - Marsh or swamp
  - Mine or Quarry
  - Miscellaneous Water
  - Perennial Water
  - Rock Outcrop
  - Saline Spot
  - Sandy Spot
  - Severely Eroded Spot
  - Sinkhole
  - Slide or Slip
  - Sodic Spot
- Water Features
  - Streams and Canals
- Transportation
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads
- Background
  - Aerial Photography
- Other
  - Other
  - Wet Spot
  - Very Stony Spot
  - Stony Spot
  - Spoil Area
- Special Line Features
  - Special Line Features

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon  
 Survey Area Data: Version 15, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger:

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
1B	Bandon sandy loam, 0 to 7 percent slopes	0.1	0.7%
1C	Bandon sandy loam, 7 to 12 percent slopes	0.8	9.4%
6A	Blacklock fine sandy loam, 0 to 3 percent slopes	2.3	28.5%
8C	Bullards sandy loam, 7 to 12 percent slopes	5.0	61.4%
<b>Totals for Area of Interest</b>		<b>8.2</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

## Custom Soil Resource Report

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Coos County, Oregon

### 1B—Bandon sandy loam, 0 to 7 percent slopes

#### Map Unit Setting

*National map unit symbol:* 21mr  
*Elevation:* 30 to 350 feet  
*Mean annual precipitation:* 55 to 75 inches  
*Mean annual air temperature:* 52 to 54 degrees F  
*Frost-free period:* 200 to 240 days  
*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Bandon and similar soils:* 80 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Bandon

##### Setting

*Landform:* Marine terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Sandy marine deposits

##### Typical profile

*Oe - 0 to 1 inches:* moderately decomposed plant material  
*H1 - 1 to 6 inches:* sandy loam  
*H2 - 6 to 31 inches:* loam  
*H3 - 31 to 44 inches:* cemented  
*H4 - 44 to 61 inches:* loam

##### Properties and qualities

*Slope:* 0 to 7 percent  
*Depth to restrictive feature:* 20 to 36 inches to ortstein  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water capacity:* Low (about 4.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3e  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* C  
*Forage suitability group:* Well Drained <15% Slopes (G004AY014OR)  
*Other vegetative classification:* Well Drained <15% Slopes (G004AY014OR)  
*Hydric soil rating:* No

#### Minor Components

##### Blacklock

*Percent of map unit:* 10 percent



## Custom Soil Resource Report

*Landform: Depressions on marine terraces*  
*Landform position (three-dimensional): Tread*  
*Down-slope shape: Linear*  
*Across-slope shape: Linear*  
*Hydric soil rating: Yes*

### **1C—Bandon sandy loam, 7 to 12 percent slopes**

#### **Map Unit Setting**

*National map unit symbol: 21ms*  
*Elevation: 30 to 350 feet*  
*Mean annual precipitation: 55 to 75 inches*  
*Mean annual air temperature: 52 to 54 degrees F*  
*Frost-free period: 200 to 240 days*  
*Farmland classification: Farmland of statewide importance*

#### **Map Unit Composition**

*Bandon and similar soils: 80 percent*  
*Minor components: 10 percent*  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### **Description of Bandon**

##### **Setting**

*Landform: Marine terraces*  
*Landform position (three-dimensional): Riser*  
*Down-slope shape: Linear*  
*Across-slope shape: Linear*  
*Parent material: Sandy marine deposits*

##### **Typical profile**

*Oe - 0 to 1 inches: moderately decomposed plant material*  
*H1 - 1 to 6 inches: sandy loam*  
*H2 - 6 to 31 inches: loam*  
*H3 - 31 to 44 inches: cemented*  
*H4 - 44 to 61 inches: loam*

##### **Properties and qualities**

*Slope: 7 to 12 percent*  
*Depth to restrictive feature: 20 to 36 inches to ortstein*  
*Drainage class: Well drained*  
*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high*  
*(0.57 to 1.98 in/hr)*  
*Depth to water table: More than 80 inches*  
*Frequency of flooding: None*  
*Frequency of ponding: None*  
*Available water capacity: Low (about 4.9 inches)*

##### **Interpretive groups**

*Land capability classification (irrigated): 3e*  
*Land capability classification (nonirrigated): 3e*

## Custom Soil Resource Report

*Hydrologic Soil Group: C*

*Forage suitability group: Well Drained <15% Slopes (G004AY014OR)*

*Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)*

*Hydric soil rating: No*

### Minor Components

#### Blacklock

*Percent of map unit: 10 percent*

*Landform: Depressions on marine terraces*

*Landform position (three-dimensional): Tread*

*Down-slope shape: Linear*

*Across-slope shape: Linear*

*Hydric soil rating: Yes*

## 5A—Blacklock fine sandy loam, 0 to 3 percent slopes

### Map Unit Setting

*National map unit symbol: 21qb*

*Elevation: 30 to 350 feet*

*Mean annual precipitation: 55 to 75 inches*

*Mean annual air temperature: 52 to 54 degrees F*

*Frost-free period: 200 to 240 days*

*Farmland classification: Farmland of unique importance*

### Map Unit Composition

*Blacklock and similar soils: 75 percent*

*Minor components: 8 percent*

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Blacklock

#### Setting

*Landform: Depressions on marine terraces*

*Landform position (three-dimensional): Tread*

*Down-slope shape: Linear*

*Across-slope shape: Linear*

*Parent material: Sandy marine deposits*

#### Typical profile

*O<sub>1</sub> - 0 to 1 inches: slightly decomposed plant material*

*H<sub>1</sub> - 1 to 4 inches: fine sandy loam*

*H<sub>2</sub> - 4 to 16 inches: loamy fine sand*

*H<sub>3</sub> - 16 to 53 inches: cemented*

*H<sub>4</sub> - 53 to 76 inches: sand*

#### Properties and qualities

*Slope: 0 to 3 percent*

*Depth to restrictive feature: 12 to 20 inches to ortstein*

*Drainage class: Poorly drained*

## Custom Soil Resource Report

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 1.98 in/hr)

*Depth to water table:* About 0 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water capacity:* Very low (about 2.6 inches)

### Interpretive groups

*Land capability classification (irrigated):* 4w

*Land capability classification (nonirrigated):* 6w

*Hydrologic Soil Group:* C/D

*Hydric soil rating:* Yes

### Minor Components

#### **Blacklock, clayey substratum**

*Percent of map unit:* 8 percent

*Landform:* Depressions on marine terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* Yes

## **8C—Bullards sandy loam, 7 to 12 percent slopes**

### Map Unit Setting

*National map unit symbol:* 21rd

*Elevation:* 30 to 600 feet

*Mean annual precipitation:* 55 to 75 inches

*Mean annual air temperature:* 52 to 54 degrees F

*Frost-free period:* 200 to 240 days

*Famland classification:* Farmland of statewide importance

### Map Unit Composition

*Bullards and similar soils:* 75 percent

*Minor components:* 8 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Bullards

#### Setting

*Landform:* Marine terraces

*Landform position (three-dimensional):* Riser

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed eolian and marine deposits

#### Typical profile

*Oi - 0 to 3 inches:* slightly decomposed plant material

*H1 - 3 to 10 inches:* sandy loam

*H2 - 10 to 44 inches:* gravelly sandy loam

## Custom Soil Resource Report

*H3 - 44 to 63 inches: sand*

### **Properties and qualities**

*Slope: 7 to 12 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high  
(0.57 to 1.98 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water capacity: Low (about 5.9 inches)*

### **Interpretive groups**

*Land capability classification (irrigated): None specified*

*Land capability classification (nonirrigated): 3e*

*Hydrologic Soil Group: B*

*Forage suitability group: Well Drained <15% Slopes (G004AY014OR)*

*Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)*

*Hydric soil rating: No*

### **Minor Components**

#### **Blacklock**

*Percent of map unit: 8 percent*

*Landform: Depressions on marine terraces*

*Landform position (three-dimensional): Tread*

*Down-slope shape: Linear*

*Across-slope shape: Linear*

*Hydric soil rating: Yes*

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelp201043084>

## Custom Soil Resource Report

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**United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_052290.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf)**

STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 537.765)

*COAS*  
*3963*

**RECEIVED**

JUL 17 1995

*285/14W/21ca*

(START CARD) # 62144

**(1) OWNER:**

Name Gary Pullen  
 Address P.O. Box 769  
 City Bandon State OR Zip 97411

WATER RESOURCES DEPARTMENT  
 Well Number COAS SALEM, OREGON

**(9) LOCATION OF WELL by legal description:**

County COAS Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 28 N or S Range 14 E or W WM.  
 Section 21 NE 1/4 SW 1/4  
 Tax Lot 2200 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Prosper Rd  
 Address not assigned yet

**(2) TYPE OF WORK:**

New Well  Deepen  Recondition  Abandon

**(3) DRILL METHOD:**

Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

**(4) PROPOSED USE:**

Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

**(5) BORE HOLE CONSTRUCTION:**

Special Construction approval  Yes  No Depth of Completed Well 50 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
9"	0 20	Bent	20	0	14
2 1/2"	20 50				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

**(6) CASING/LINER:**

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: <u>4 1/2"</u>	<u>0</u>	<u>27</u>	<u>SM 8</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

**(7) PERFORATIONS/SCREENS:**

Perforations Method \_\_\_\_\_  
 Screens Type Hydroplastic Material plastic

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
<u>27</u>	<u>45</u>	<u>1010</u>		<u>4 1/2"</u>		<input type="checkbox"/>	<input type="checkbox"/>
<u>45</u>	<u>50</u>			<u>4 1/2"</u>	<u>4 1/2"</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**(8) WELL TESTS: Minimum testing time is 1 hour**

Pump  Bailor  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>10</u>		<u>50</u>	<u>1 hr.</u>

Temperature of Water 52.0 Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

**(10) STATIC WATER LEVEL:**

20 ft. below land surface. Date 7-13-95  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

**(11) WATER BEARING ZONES:**

Depth at which water was first found 21

From	To	Estimated Flow Rate	SWL
<u>21</u>	<u>45</u>	<u>10 gpm</u>	<u>20</u>

**(12) WELL LOG:**

Ground elevation \_\_\_\_\_

Material	From	To	SWL
<u>sandy top soil</u>	<u>0</u>	<u>2</u>	
<u>Brown sandy clay mixed</u>	<u>2</u>	<u>21</u>	
<u>Brown sand</u>	<u>21</u>	<u>45</u>	<u>20</u>
<u>Blue marine Rock</u>	<u>45</u>	<u>50</u>	

Date started 7-12-95 Completed 7-13-95

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
 Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1361  
 Date 7-14-95



State of Oregon - Drinking Water Program  
Microbiological Analysis (Coliform) Reporting Form for Public Water Supplies dt 2018-09

PWS# 4 1

PWS or CLIENT Name: Gary Pullen  
City, County: Bandon, COOS  
Phone: 541-404-8147 Fax: none

Return address:  
Name: Gary Pullen  
Address: Box 769  
City, State, Zip: Bandon, OR 97411

ORELAP#: OR100026  
Lab Name: McCOWAN CLINICAL LABORATORY  
Address: 178 W COMMERCIAL  
COOS BAY, OR 97420  
Phone/Fax: 541-267-7853 / 541-267-4025

IDEXX Bottle Lot#: KP013  
Lab Sample ID#: 20191083

Sample Collected Date/Time: 7 / 17 / 2019 10:08  AM  PM Chlorinated:  No  Yes  
MM DD YYYY Hour: Min

Collected By: Gary Pullen Free Chlorine: \_\_\_\_\_ mg/L

Physical Address: 55756 Prosper Jet Rd, Bandon, OR 97411

Sampled Point (ex. "SINK"): OUTSIDE FAUCET

**DISTRIBUTION** Sample Type:  Routine  \*Repeat  Temporary Routine  Special

**SOURCE** Sample Type:  \*Triggered  \*Confirmation  Assessment  Special

\*Date of Initial Positive: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ \*Original Positive ID#: \_\_\_\_\_  
MM / DD / YYYY

Source ID: SRC- \_\_\_\_\_ Source name (ex. "WELL #1"): \_\_\_\_\_

**SAMPLE NOTES** Raw Sample

**LAB USE ONLY**

Sample Received Date/Time: 07 / 17 / 2019 10:44  AM  PM Initials: LP Temp: 8 °C  
MM / DD / YYYY Hour: Min Evidence of cooling?  Yes  No

Analysis Start Date/Time: 07 / 17 / 2019 13:40  AM  PM Initials: LP  
MM / DD / YYYY Hour: Min

ORELAP Method(s):  Colilert®  Colilert-18®  SM 9223  SM 20<sup>th</sup> Ed.

Sample Results do not meet NELAC Standards because (check all that apply):  
 Not received in lab-supplied bottle  
 Not incubated at proper temperature  
 Not received at proper temperature (below 10°C)  
 Other reason:

Sample Invalidation:  
 Over 30 hours  
 Leak  
 Heavy Non-Coliform growth

**Test Results:**

Total Coliforms:  Present  Absent  
E. Coli:  Present  Absent

Analysis Complete Date/Time: 07 / 18 / 2019 13:39  AM  PM  
MM / DD / YYYY Hour: Min

Analyst: [Signature]  
Review by: [Signature] 07 / 18 / 2019  
MM / DD / YYYY

Reported By: [Signature] Report Date 07 / 19 / 2019  
MM / DD / YYYY

OHA USE ONLY

Test results relate only to the parameters tested and to the samples as received by the laboratory. Test results meet all requirements of NELAC unless otherwise noted. This report shall not be reproduced except in full, without written consent of this laboratory. Send results to DHS-DWP P.O. Box 14350, Portland, OR 97293-0350 Phone 971-673-0416



Attachment “B”

Findings of Fact



# FINDINGS OF FACT

Coos County Planning  
60 E. Second  
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  
[pacifiethreads@yahoo.com](mailto:pacifiethreads@yahoo.com)

**CONSULTANTS:** Sheldon Planning  
Hailey Sheldon  
[hailey@sheldonplanning.com](mailto:hailey@sheldonplanning.com)

Troy Rambo  
[mandrllc@frontier.com](mailto:mandrllc@frontier.com)

**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.

**STAFF CONTACT:** Amy Dibble, Planner II  
[adibble@co.coos.or.us](mailto:adibble@co.coos.or.us)

## 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.

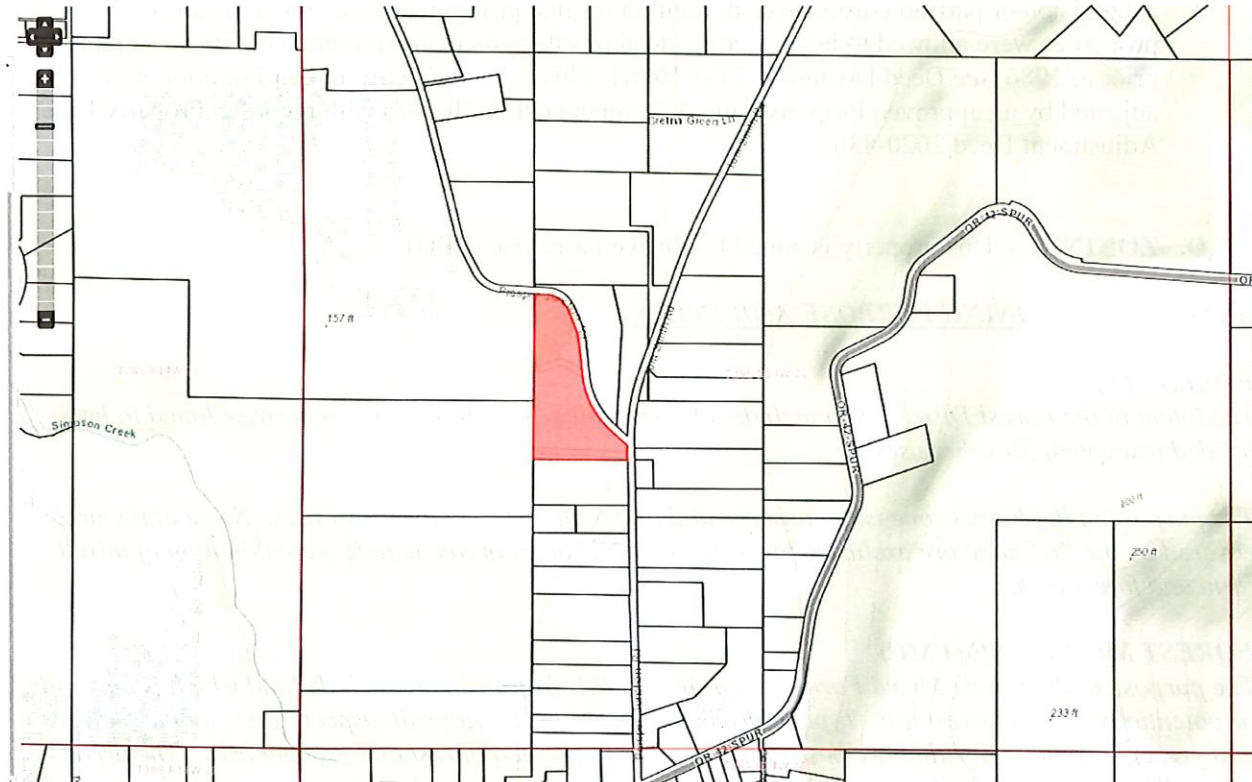
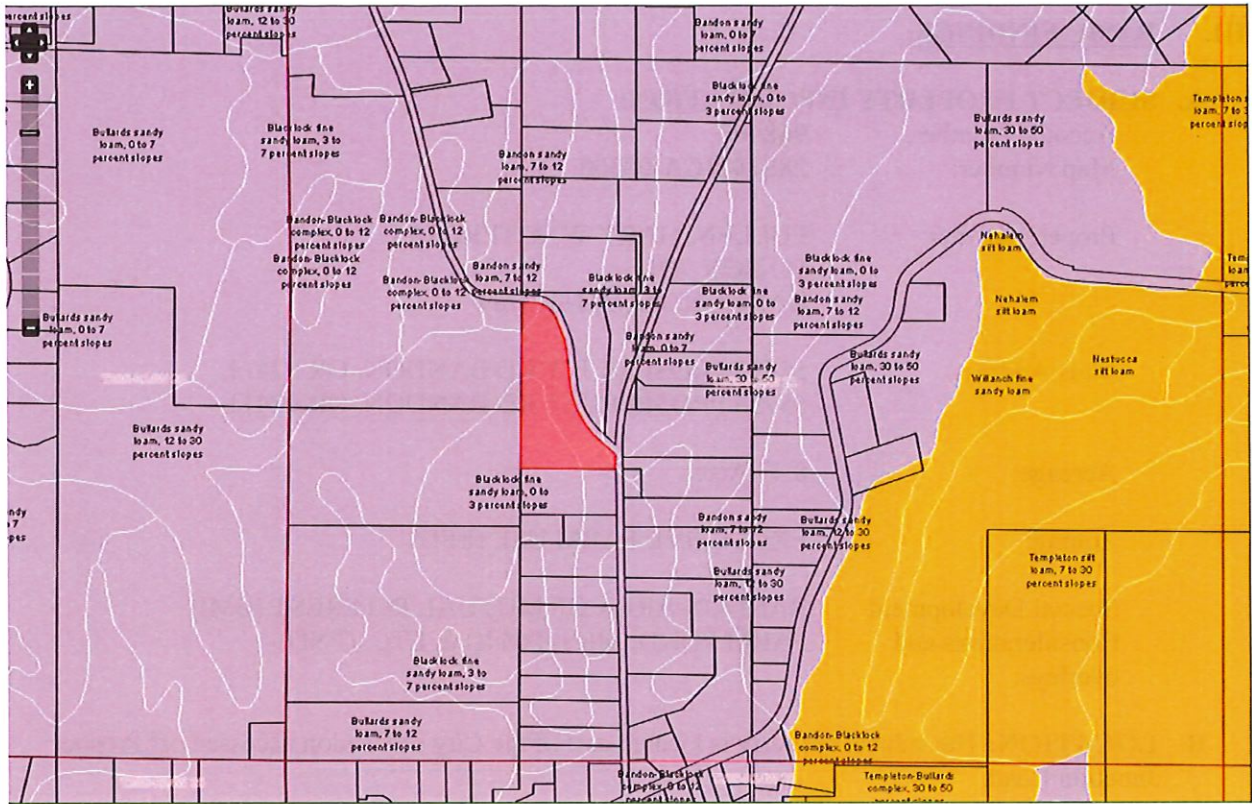
Based on the soil survey of Coos County, the 8C-Bullards sandy loam is formed in mixed eolian and marine deposits. Based on the 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 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.



AM-21-001/RZ-21-001/ACU-21-024

**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*

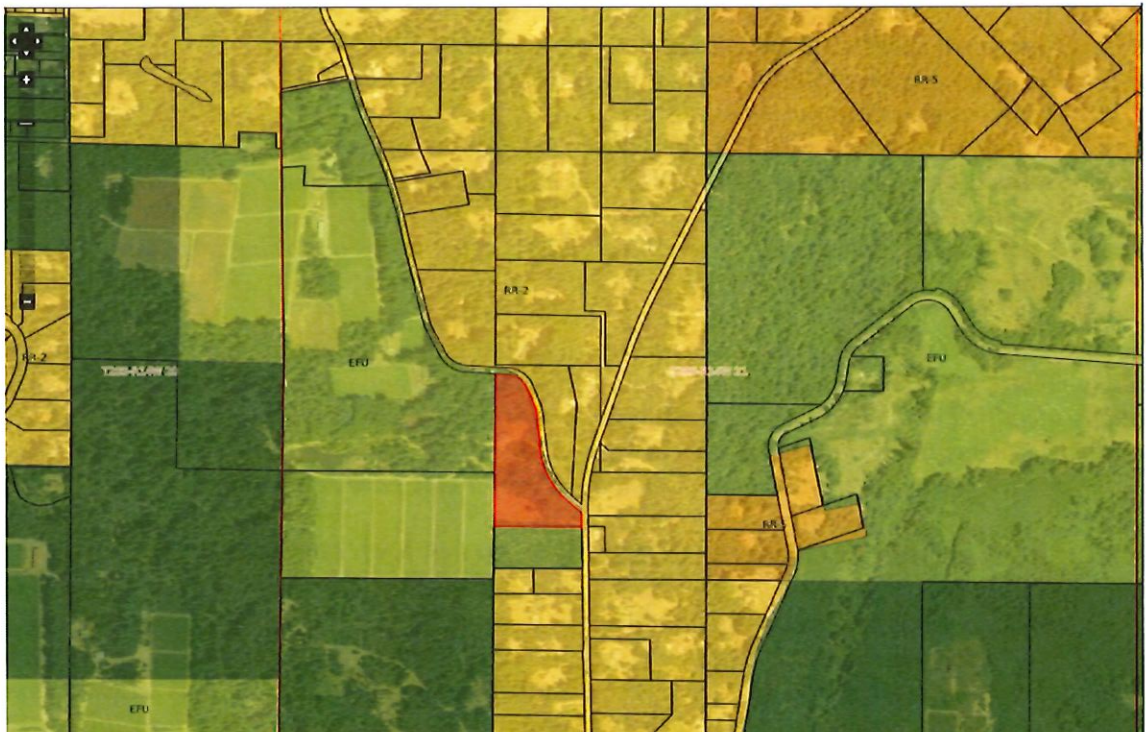


*SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. 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 IIIe.

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.

**ADMININISTRATIVE 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>
<i>0%</i>	<i>30</i>	<i>0</i>
<i>10%</i>	<i>30</i>	<i>50</i>
<i>20%</i>	<i>30</i>	<i>75</i>
<i>25%</i>	<i>30</i>	<i>100</i>
<i>40%</i>	<i>30</i>	<i>150</i>

**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



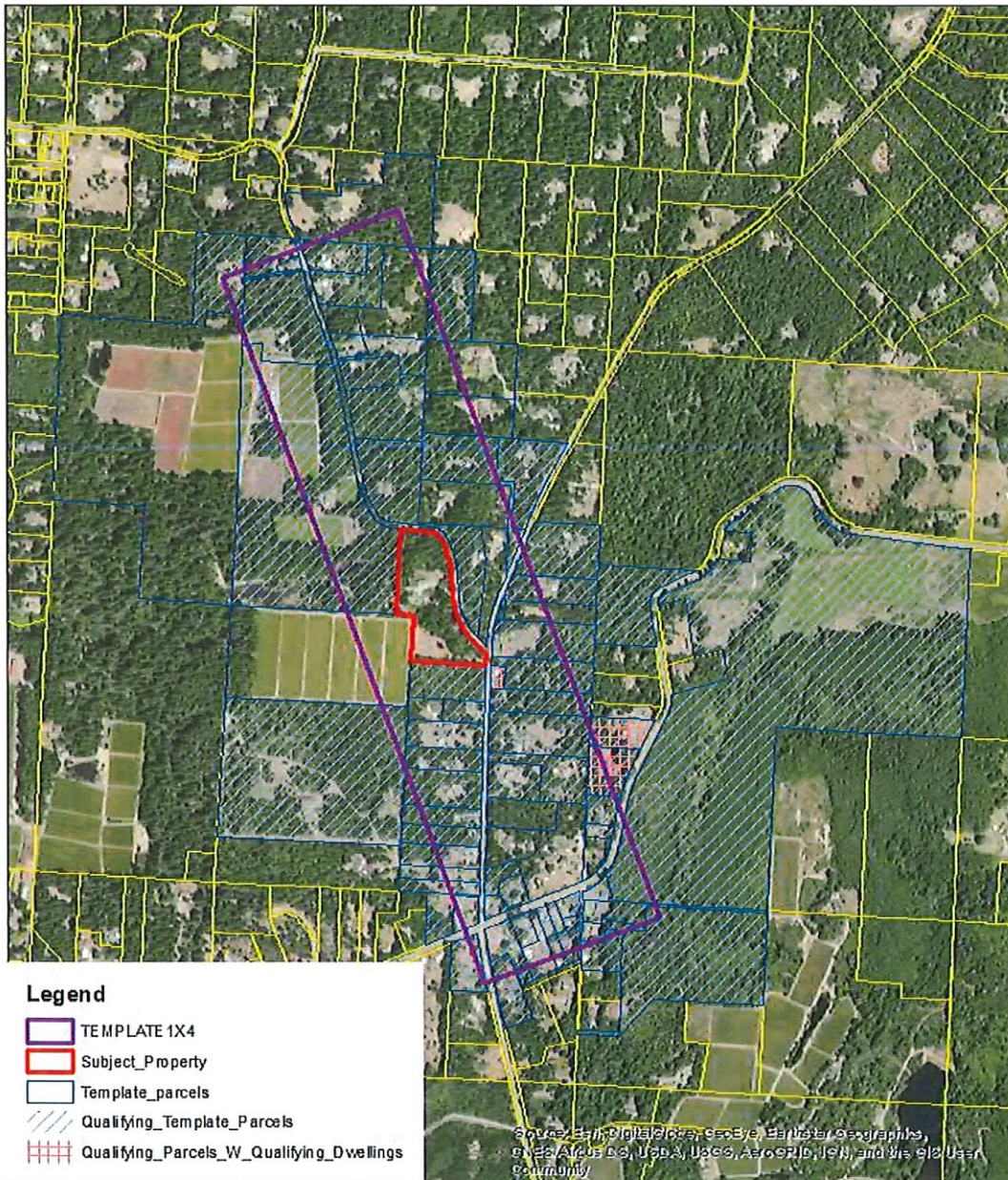
### COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

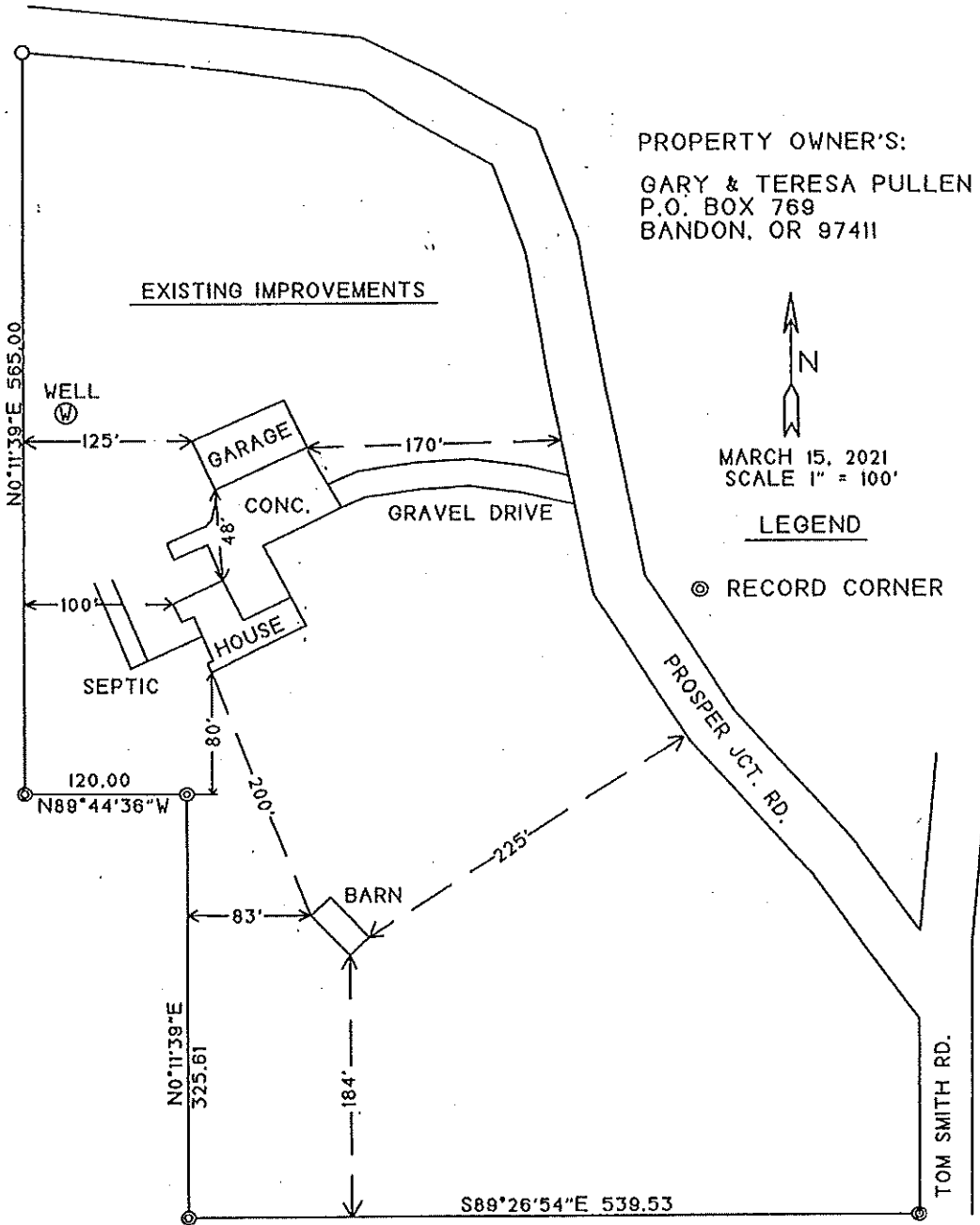
Fax: (541) 396-1022/TDD (800) 735-2900



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)



AM-21-001/RZ-21-001/ACU-21-024