



NOTICE OF LAND USE DECISION

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

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

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

Date of Notice: **Monday, September 13, 2021**
File No: ACU-21-027

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

Applicant(s): Bradley Lake, LLC (Bruce Bearer)
1707 Port Margate
Newport Beach, CA 92660

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Tuesday, September 28, 2021**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11, Specifically Natural Hazards Section 4.11-132(b) Natural Hazards – Liquefaction. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.***

Subject Property Information

Account Number: 1239506
Map Number: 29S15W13-402

Property Owner: BRADLEY LAKE LLC

Situs Address: No Situs Address

Acreage: 7.86 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
BANDON AIRPORT CONICAL ZONE (ABC)
BIRD SITE MEETS GOAL 5C REQRMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)

This notice shall be posted from September 13, 2021 to September 28, 2021

NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION
(NHEQL)
NATURAL HAZARD - TSUNAMI (NHTHO)

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

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

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

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

Reviewed by: Amy Dibble Date: Monday, September 13, 2021 .
Amy Dibble, Planner II

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

Exhibit E: Comments Received

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
 - c. CCZLDO Section 4.6.130(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance
 - d. CCZLDO Section 4.6.130(5) Approval of a dwelling shall be subject to the following requirements: (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules; (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved; (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; (d)

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

- e. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
- f. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
- g. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rivers then this is not applicable.
- h. Section 4.6.140(7) All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.
- i. Section 4.6.140(9) Fire Siting Standards for New Dwellings: a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback. b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- j. Section 4.6.140(10) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in

- “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.
- k. Section 4.6.140(11) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
 - l. Section 4.6.140(12) If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
 - m. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
 - n. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
 - o. Section 4.6.140 (16) Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991.
 - p. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
 - q. Pursuant to CCZLDO § 4.11 the following conditions will need to be complied with:
 - Kassandra Rippee with the Coquille Indian Tribe shall be notified 72 hours prior to any ground-disturbing activity.
 - No development or vegetation removal shall occur within the riparian vegetation protection zone (Coastal Shoreland Boundary).
 - A floodplain Elevation Certificate must be provided prior to requesting a Zoning Compliance Letter.
 - The applicants shall follow the best practices for development recommended by the Oregon Department of Fish & Wildlife.
 - r. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
 - s. Shall address the Liquification Hazard pursuant to Coos County Zoning and Land Development Ordinance Section 4.11.150.
 - t. Shall submit a Floodplain review prior to issuance of Zoning Compliance Letter.
3. **ADVISORY STATEMENT** - The Department of States Lands advised the following statement *“The home location is very close to the lake and potential wetlands that may*

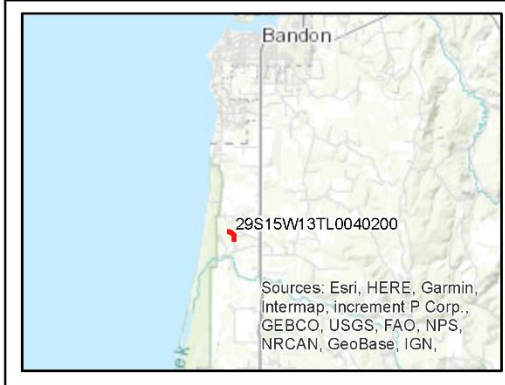
extend inland from the shore. An offsite assessment cannot determine with certainty whether all aspects of home construction including septic, parking, landscaping, etc. will avoid wetlands. To pursue the proposed location, a site inspection is needed by a wetland professional to determine the boundaries of any wetlands or waters present in the project footprint. A wetland determination or delineation should be sent to DSL for review and approval”.

EXHIBIT "B"
Vicinity Map

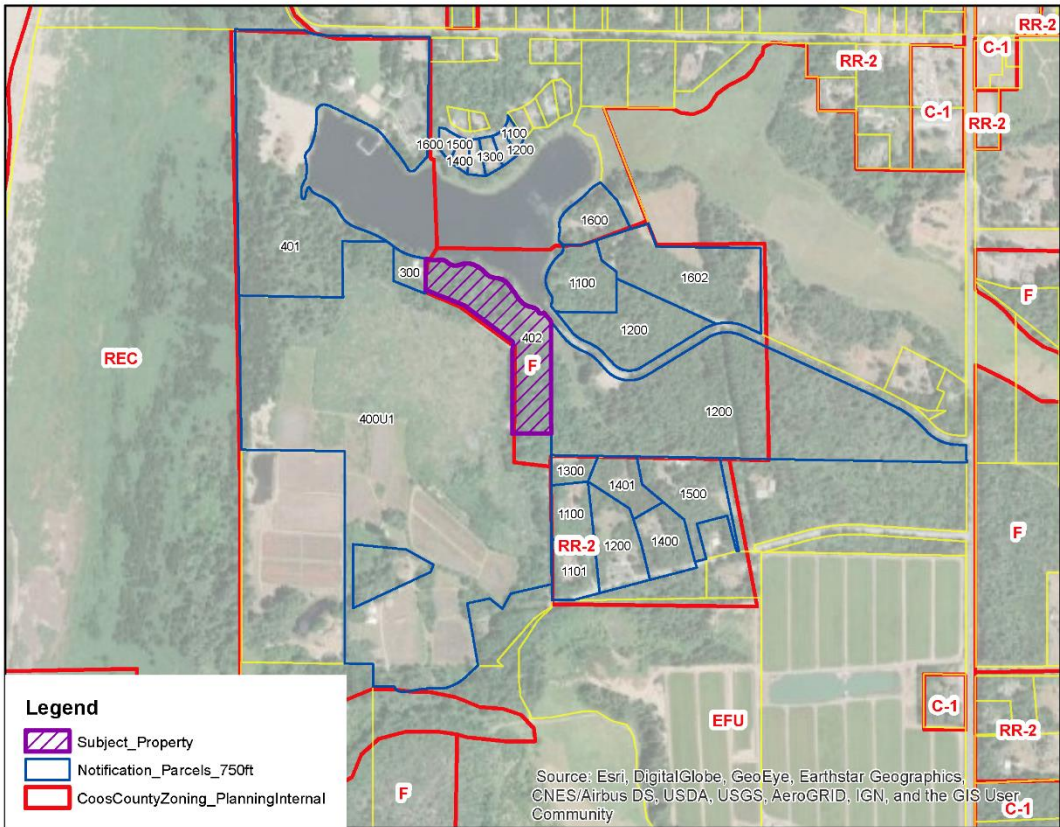


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



File: ACU-21-027
Applicant/
Owner: Bradley Lake, LLC (Bruce Bearer)
Date: July 30, 2021
Location: Township 29S Range 15W
Section 13 TL 402
Proposal: Administrative Conditional Use



Template Map



COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900

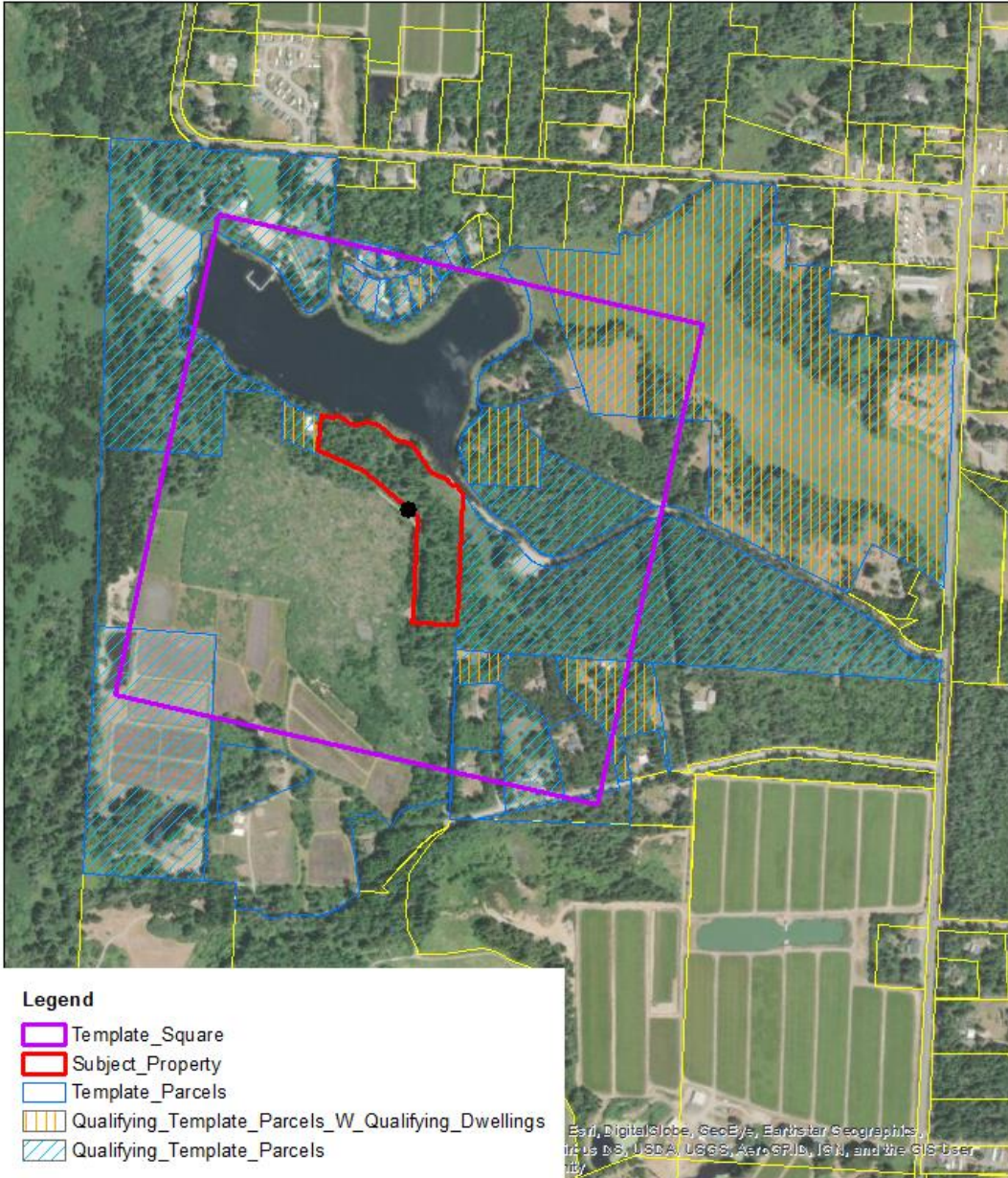


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

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

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

B. BACKGROUND/PROPERTY HISTORY:

On April 10, 2006 an application to rezone (AM-06-02/RZ-06-02) the portion of Tax Lot 400 that is now identified as Tax Lot 402 from Exclusive Farm Use to Forest Mixed Use. July 6, 2006 the Planning Commissioners held a hearing where they made a unanimous recommendation to the Board of Commissioners to approve the rezone of the property. The Board of Commissioners held their hearing on August 23, 2006 where they approved the rezone.

On January 22, 2007 a Land Division application (P-07-02) was submitted for a two parcel partition. March 13, 2007 the Technical Review Committee meeting was held to discuss any concerns regarding the proposed partition and maps. Staff rendered and mailed the Notice of Decision on April 5, 2007 approving the partition with conditions. No appeals were filed, and the decision was deemed final on April 20, 2007.

On June 7, 2010 a Pre-Eligibility application was submitted to have a template test performed on the property. Staff sent out the response to the template test on June 15, 2010, stating that the property complied with the template portion of the criteria.

On September 13, 2011 an Administrative Conditional Use application was submitted requesting to site a forest template dwelling on the subject property. Staff approved the application with conditions and mailed the notice of decision on November 3, 2011. No appeals were filed and the decision was deemed final on November 18, 2011.

On March 31, 2021 the current application was received and deemed complete on April 30, 2021 which is within the 30-day time frame explained in the Coos County Zoning and Land Development Ordinance Section 5.0.200 (ORS 215.427) and 5.0.250. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

C. LOCATION: The subject property is located south the City of Bandon, on the southern shore of Bradley Lake.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

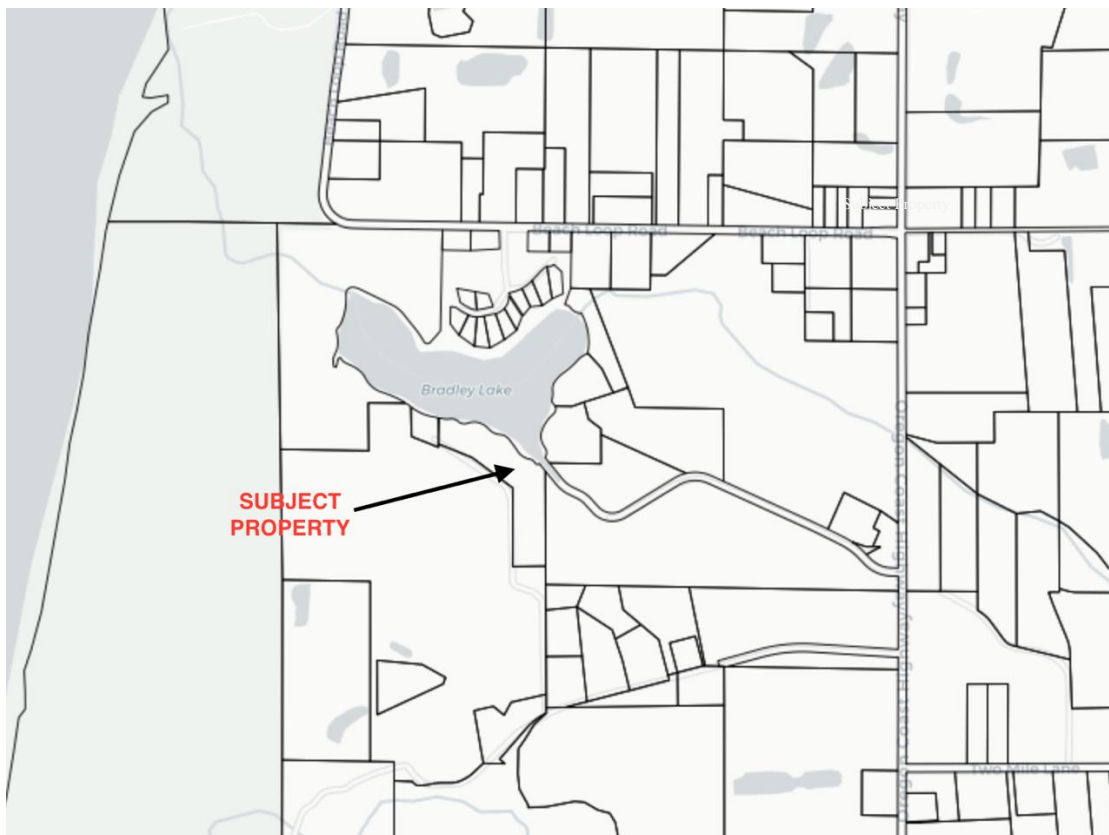
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

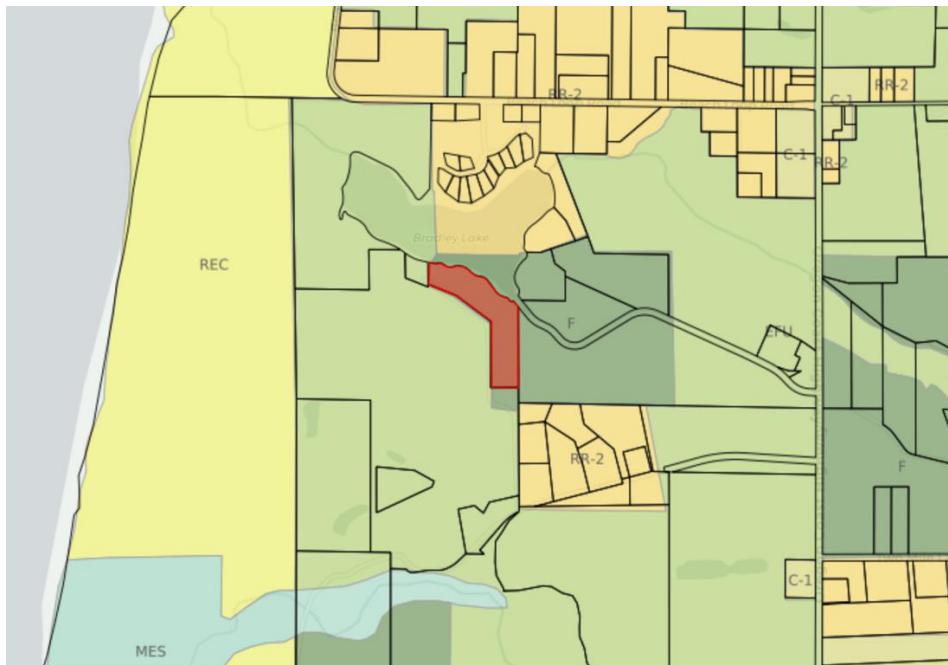
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest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

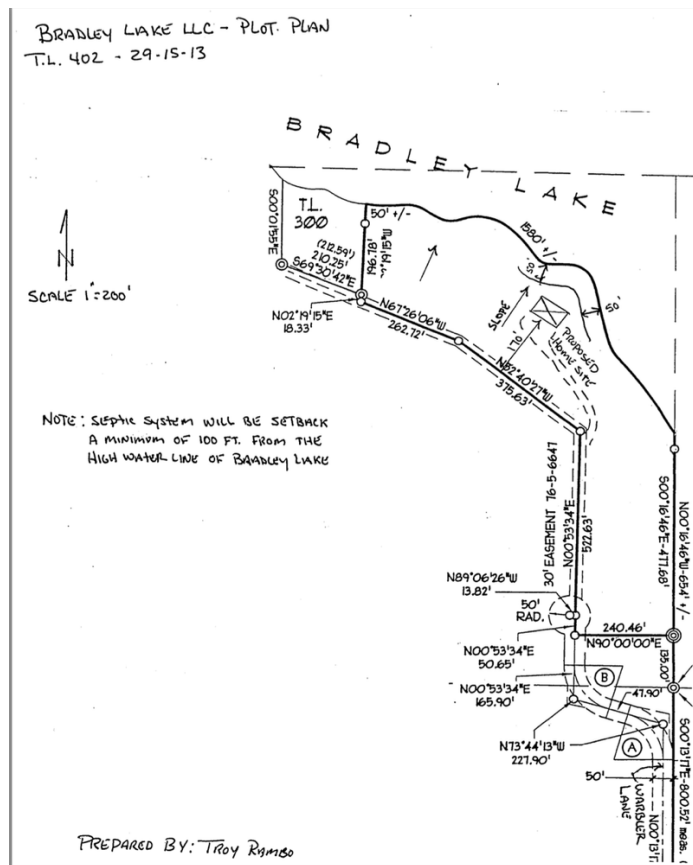
E. SITE DESCRIPTION AND SURROUNDING USES:

The parcel is located on the southern shore of Bradley Lake. The parcel was created by partition 2007-026. The parcel's access is off a private easement named Warbler Road. Warbler Road connects Boak Lane. Boak Lane is a combination of private easements and a public right-of-way. The parcel is mostly covered with treed.

Bradley Lake Estates and the Lake Bradley Christian Retreat (formerly Millard Military School) are located across the lake from the subject property. Reforested timberlands on Exclusive Farm Use (EFU) lands surrounds the subject property to the south & west, while the State of Oregon's Bradley Lake boat launch can be found on the east side located in Forest zoned lands. There are cranberry bogs inside the template's test square.







Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from the Oregon Department of State Lands, Oregon Department of Fish & Wildlife, and Oregon Department of Aviation prior to the release of the decision.

The Department of States Lands advised the following statement *"The home location is very close to the lake and potential wetlands that may extend inland from the shore. An offsite assessment cannot determine with certainty whether all aspects of home construction including septic, parking, landscaping, etc. will avoid wetlands. To pursue the proposed location, a site inspection is needed by a wetland professional to determine the boundaries of any wetlands or waters present in the project footprint. A wetland determination or delineation should be sent to DSL for review and approval"*.

The Oregon Department of Aviation stated that they had no comment in regard to this application.

No response was received from the Oregon Department of Fish and Wild Life prior to the release of this decision.

The comments received can be found in Exhibit D.

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

- c. **LOCAL TRIBE COMMENTS:** This property required request for comments from the Coquille Indian Tribe prior to the release of the decision. The Coquille Indian Tribes advised the following statement “*Due to the proximity to known cultural resource, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a **minimum of 72 hours** in advance of anticipated project start time.*”

Their comments can be found in Exhibit D.

II. **GENERAL PROPERTY COMPLIANCE:**

A. **COMPLIANCE PURSUANT TO SECTION 1.1.300:**

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

FINDING: Staff has reviewed the property history and the county files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

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

“Lawfully established unit of land” means:

1. *The unit of land was created:*

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: The unit of land was created pursuant to 6.1.125.1.a, Through an approved or pre-ordinance plat.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.132.b Natural Hazards (Balance of County Policy 5.11) – Earthquakes – Liquefaction Potential; 4.11.150 Geological Hazards Special Development Review Standards; and 4.11.155 Geological Assessment Review.

B. KEY DEFINITIONS:

- *ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*
- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

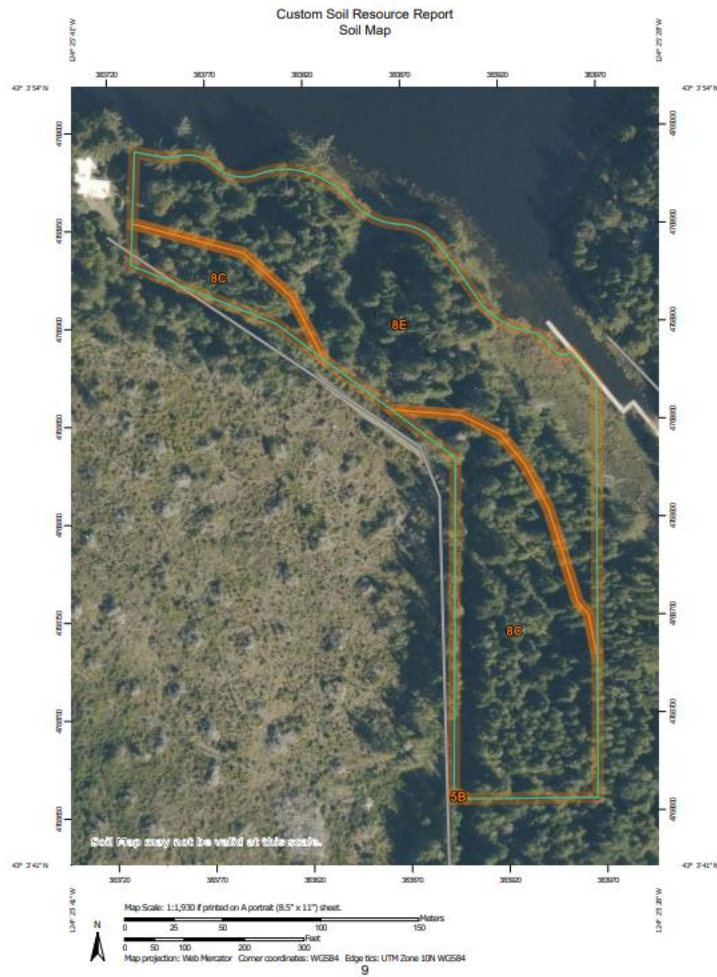
Use	TR	Subject to
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>		
63.	<i>Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	<i>ACU (9)(B)(II), (9)(C)</i>

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.*
 - (1) *In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:*
 - (a) *Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;*
 - (b) *Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels; or*
 - (c) *Capable of producing more than 85 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels.*

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	0.0	0.0%
8C	Bullards sandy loam, 7 to 12 percent slopes	3.5	45.1%
8E	Bullards sandy loam, 30 to 50 percent slopes	4.2	54.8%
Totals for Area of Interest		7.7	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber Cu #/ac/yr	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
8E—Bullards sandy loam, 30 to 50 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

5B-Blacklock fine sandy loam, 3 to 7 percent slopes.

This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray fine sandy loam 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown sand.

Included in this unit are small areas of Bandon, Bullards, and Heceta soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.

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 that grow on 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 main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow.

Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table.

Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer.

Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides.

The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum. Yields vary greatly depending on management practices used. Because of the steepness of slope, deep cuts and fills may be necessary to provide level fields. Excessive seepage may occur if cuts are made below the cemented layer.

If this unit is used for recreational development, the main limitations are wetness and the very slow permeability. Water perched above the cemented layer may limit the use of recreational facilities to 3 or 4 months during the dry period. Drainage should be provided for paths and trails. Septic tank absorption fields do not function properly because of the seasonal high water table and the cemented layer. If sanitary facilities are constructed on this unit, holding tanks or effluent treatment systems should be used.

This map unit is in capability subclass Vlw.

8C-Bullards sandy loam, 7 to 12 percent slopes.

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.

Included in this unit are small areas of Bandon and Templeton soils. Also included are small areas of Blacklock soils. Included areas make up about 25 percent of the total acreage.

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

This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, 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 limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.

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

If this unit is used for homesite development, the main limitations are slope and droughtiness in summer. Absorption lines should be installed on the contour. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the

leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

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

If this unit is used for recreational development, the main limitation is steepness of slope. Slope may restrict some kinds of activities and increase the cost of constructing facilities.

This map unit is in capability subclass Ille.

8E-Bullards sandy loam, 30 to 50 percent slopes.

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.

Included in this unit are small areas of Templeton soils. Included areas make up about 20 percent of the total acreage. The percentage varies from area to area.

Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high. The hazard of soil blowing is severe.

This unit is used mainly for timber production and wildlife habitat. It is also used for 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. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are steepness of slope, the hazard of erosion, the hazard of windthrow, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Highlead or other logging systems that fully or partially suspend logs damage the soil less and generally are less costly than tractor systems.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cut and fill areas are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both.

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

If this unit is used for recreational development, the main limitations are slope and the hazard of erosion. Slope limits the use of areas of this unit mainly to a few paths and trails, which should extend across the slope. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion.

This map unit is in capability subclass Vle.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 5B – Blacklock fine sandy loam, 8C – Bullards sandy loam, & 8E – Bullards sandy loam soil types. The volume of wood fiber per year for 8C & 8E is 143 cubic feet per acre per year for Douglas-fir species.

Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(b) applies to the template test.

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) through (7). Subsection (2) has been removed:*
 - (3) *Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*
 - (4) *A proposed dwelling under this section is not allowed:*
 - (a) *If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.*
 - (b) *Unless it complies with the requirements of ORS 215.730.*
 - (c) *Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.*
 - (d) *If the tract on which the dwelling will be sited includes a dwelling.*

- (5) *Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
- (6)(a) *If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
- (A) *Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or*
 - (B) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
- (b) *If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
- (7) *Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]*

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

The unit of land was created pursuant to 6.1.125.1.c, In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created. There are no restrictions or other dwellings on the parcel that would prevent a dwelling from being built. The parcel is less than 60 acres. The property does not touch a road created before 1993 or perennial stream. Therefore, a template square was implemented. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993. Staff found that 19 parcels with 7 dwellings were all or partly within the square. Therefore, staff is able to determine the application request complies with the requirement of this section.

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

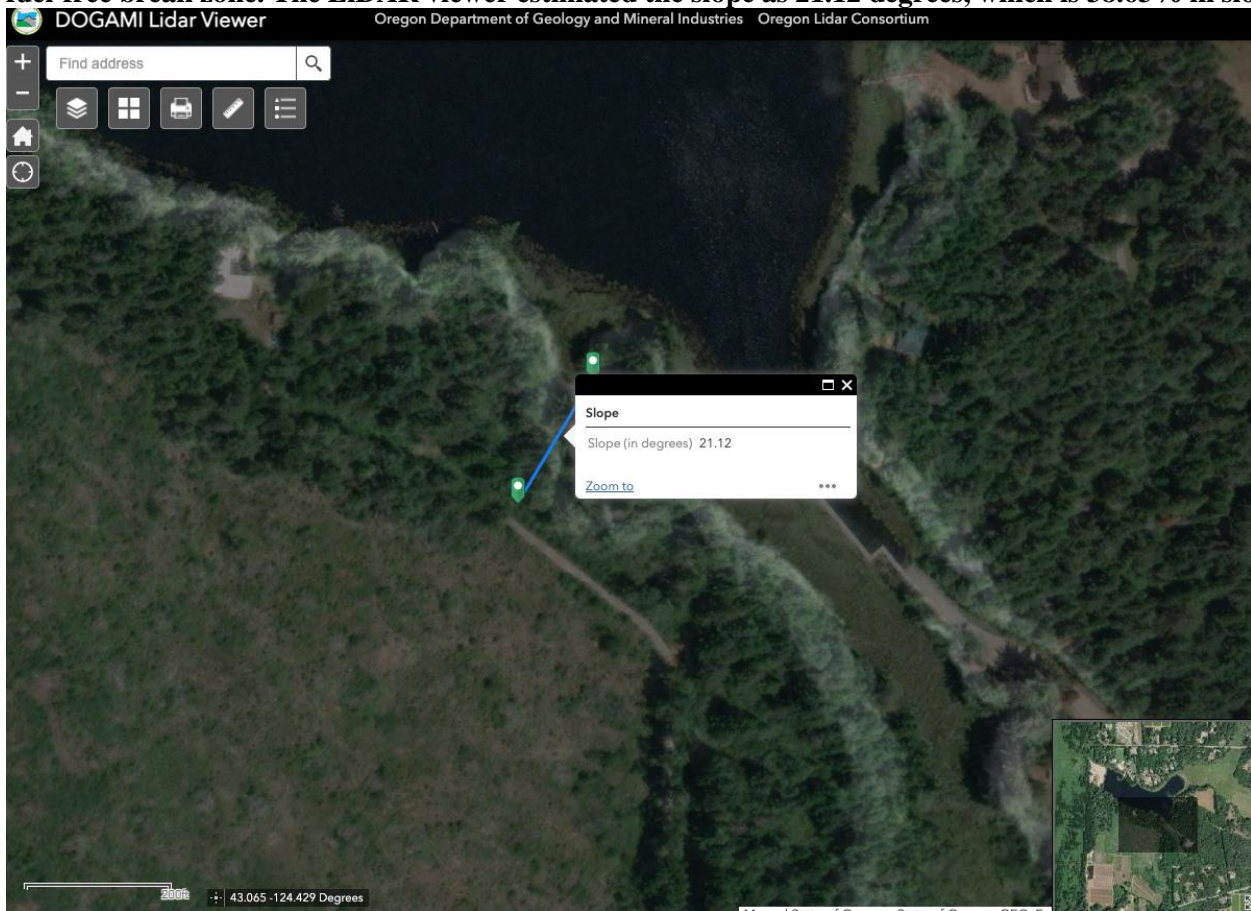
1. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
 - (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor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

- F. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
- G. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is less than 10 acres in size; therefore, the criteria does not require a stocking survey. Planning Staff relies on the County Assessor’s Office to confirm this has been complied with.

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

Section 4.6.110(9)(C)(1)(b)(B): requires that the dwelling will not be sited on a slope of greater than 40 percent. The applicants states that the dwelling site is relatively flat. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 21.12 degrees, which is 38.63% in slope.



Staff concurs with the topography map that the subject property is not greater than 40 percent. Therefore, this criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well and not a Class II stream. As a condition of approval, a water supply requirement form shall be submitted and signed off by the State Watermaster. Therefore, this has been addressed.

Section 4.6.110(9)(C)(1)(b)(D) requires that a dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection contract. The property is located within the Bandon RFPD. Therefore, this criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(E) is not applicable see prior finding.

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

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

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

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

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

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

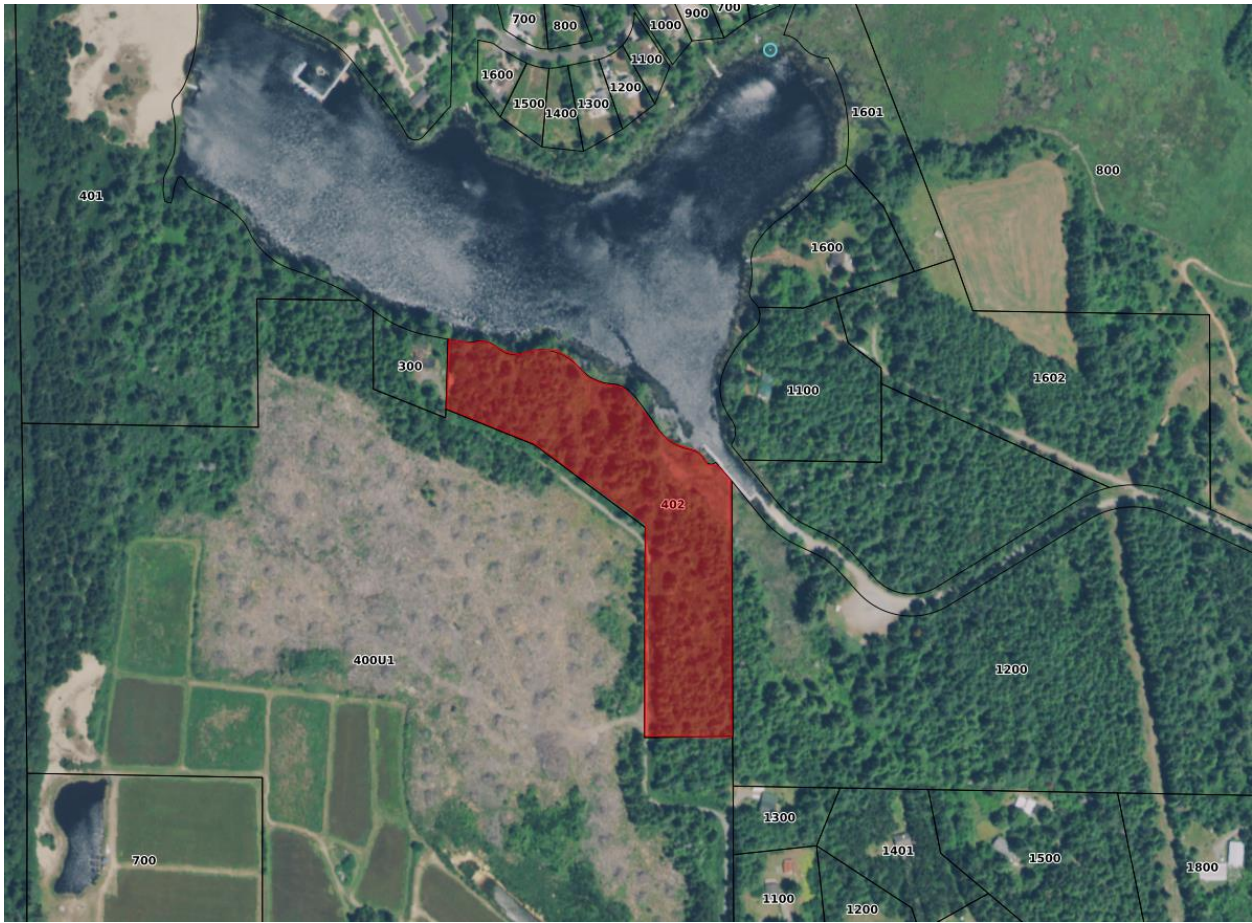
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found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

1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*

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

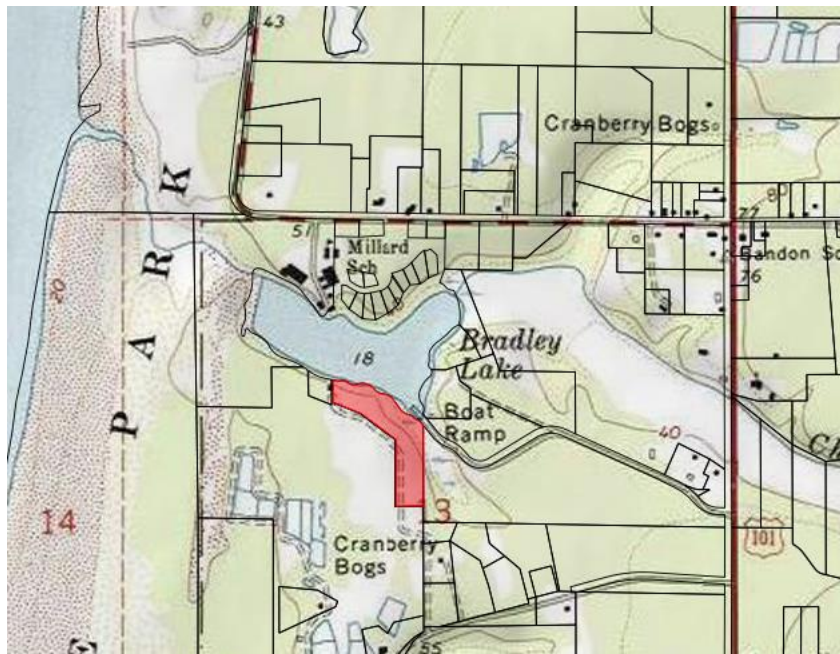
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
3. *The applicant shall provide evidence to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

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. Property located on the southern edge of Bradley Lake. The parcel is shaped like a 'boomerang'. The proposed homesite is located approximately in the middle of the subject property, as shown on the applicants plot plan. The proposed homesite is more than 50 feet from the northern property line. The house site is located approximately 170 feet from the southern boundary of the property. Staff estimate that the proposed homesite is approximately 475 feet away from the western boundary and 875 feet away from the true southern boundary.



The above map shows the properties nearby. The subject property is located on Bradley Lake's southern shoreline. Staff must review the proposed use's impact on nearby farm and forest operations. Based on the map above, Staff estimates the proposed homesite is 170 feet away from the forestlands that were recently harvested for timber. When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The *Anderson v. Coos County*, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres. While the adjacent parcel measures approximately 73.1 acres (as shown on the Assessor Map). There is an active cranberry farming operation on approximately half of the parcel. This leaves less than 40 acres of timber harvestable.

According to the topographic map below, the adjacent parcel appears to have a slope of less than 35%, so a groundside harvest would be preferred. Groundside timber harvests are typically confined to the harvest unit. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels.



On the western side of the property there is a small parcel (1.35 acres) with an established dwelling. Bradley Lake Park, a state-owned public park in Oregon, borders the eastern side of the subject property. Commercial timber production is not currently being conducted on this land.

Various small residential lots (0.25 to 0.5 acres in size) line the lake, as well as the nonconforming use formally known and operated as a Christian camp and the EFU bottom land being used for hay production. Staff finds that there will not be adverse impacts to the farm/forest uses on the adjacent resources by constructing a dwelling on the subject property at the location identified in the plot plan.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicants are utilizing an existing private easement to the parcel that is identified on the final land partition plat (P#2007-026)

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

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicants stated that the water source will be from a source authorized in accordance with Water Resources Department's administrative rules. The applicants are required to submit the well contractor's

report. Water Resources Department verification is required that no water use permit is required for the proposed uses. The approval of this project will be conditional on this.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. Access to the subject property is via a private road identified on the final partition plat map that created the parcel (P#2007-026).

DECLARATION

ACCESS

WE, ALICE M. BOAK AND MARGARET C. BOAK, HEREBY DECLARE THAT WE HAVE AUTHORIZED AND CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY TO BE PARTITIONED IN ACCORDANCE WITH ORS CHAPTER 92, AND ALSO HEREBY CREATE THE 50 FOOT WIDE ROAD EASEMENT WITH CUL-DE-SAC (KNOWN AS BARBLER ROAD) AS SHOWN ON THE FACE OF THIS PLAT AND AS A CONDITION OF APPROVAL OF THIS PLAT, WE, THE UNDERSIGNED HEREBY AGREE THAT WE WILL HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGES WHICH MAY OCCUR TO THE UNDERSIGNED OR THEIR PROPERTY OR TO ANY OTHER PERSONS OR PROPERTY WHATSOEVER AS A RESULT OF THE UNDERSIGNED'S FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS IN THIS LAND DIVISION. ACCESS TO PARCEL 2 IS VIA THE AFOREMENTIONED 50 FOOT WIDE PRIVATE ROAD EASEMENT, SAID EASEMENT BEING MAINTAINED BY THE APPURTENANT LAND OWNERS SERVED BY THE EASEMENT. SAID EASEMENT IS A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES. SAID ROADWAY SHALL BE PRIVATELY MAINTAINED.

Maintenance of the roadway shall be shared by the landowners served by the easement, as indicated in the plat. Therefore, this criterion has been addressed.

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

All The criteria found in SECTION 4.6.130 have been addressed.

○ *Section 4.6.140 Development and Siting Criteria:*

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

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

- c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
10. *Firebreak:*

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

Table 1 – Minimum Primary Safety Zone

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

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

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

Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.

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

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

Section 4.6.140(5) requires that the property owners sign and record in the deed of records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These forms shall be signed in front of a notary and recorded. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. Due to the fact that the property borders Bradley Lake directly, the northern edge of the parcel has a 50-foot overlay of Coastal Shoreland Boundary (CSB). It is required that the applicants maintain the entire riparian zone for 50 feet. In the riparian vegetation protection zone, the applicants did not provide any evidence of trees that were considered a safety hazard or erosion hazard. In this application, the applicants are not proposing any water dependent uses; they are not proposing shoreline stabilization measures; they are not planning agricultural operations; and there are no pre-existing structures associated with this application. Within the Coastal Shoreland Boundary, any removal of riparian vegetation requires a conditional use permit. Staff finds that primary or secondary fuel breaks will not be required in the CSB, since the riparian vegetation buffer provides a sufficient natural barrier against the spread of fire (applicable LUBA opinion Lovinger v. Lane County 51 OR LUBA 29 allows this finding). Staff finds that these measures will mitigate the effects of the proposed dwelling on the riparian vegetation protection zone (CSB)

Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bandon Fire Protection District; therefore, this criterion has been satisfied.

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that they will provide and maintain a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building set back. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicants states that the dwelling site is relatively flat. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 21.12 degrees, which is 38.63% in slope. The applicants will need to maintain 130 feet of primary fuel-free break to the standards identified above. The applicants will also need to maintain a 100 feet secondary fuel-free break. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. The applicants are not authorized to clear any vegetation in riparian vegetation protection zone (Coastal Shoreland Boundary) without a separate conditional use application. These criteria will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that the roofing materials that will be used will be made of non-combustible or fire resistant

roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. The applicant stated there are no water source over 4,000 gallons on the subject property. Therefore, this criterion has been addressed.

Section 4.6.140(13) requires that a dwelling not be located on a slope of greater than 40%. The plot plan and information from the application shows the proposed dwelling and other structures will not be sited on a slope greater than 40%. Therefore, this criterion has been addressed.

Section 4.6.140(14) states that if a dwelling has a chimney it shall have a spark arrester. As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester by providing a copy of the building plans. Therefore, this criterion has been addressed.

Section 4.6.140(16) requires adequate access for firefighting equipment. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee will confirm that the standards have been met in order that emergency equipment can be accessed properly. Therefore, this criterion has been addressed.

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

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

• LIQUEFACTION

- *SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.*
- *4.11.128 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7)*

The Historical/Archeological maps have inventoried the following:

- *Historical;*
- *Area of Archaeological Concern;*
- *Botanical; and*
- *Geological Resources.*

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

b. Areas of Archaeological Concern: Coos County shall continue to refrain from wide-spread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

- i. *This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).*
- ii. *Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.*
 - 1) *The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:*
 - a) *Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;*
 - b) *Township, range, section and tax lot(s) numbers; and*
 - c) *Specific directions to the property.*
 - 2) *The Planning Department will forward the above information including a request for response to the appropriate tribe(s).*
 - 3) *The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.*
 - 4) *It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.*
- iii. *In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:*
 - 1) *Paving over the sites;*
 - 2) *Incorporating cluster-type housing design to avoid the sensitive areas; or*
 - 3) *Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).*
- iv. *This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical*

and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

Section 4.11.128(b): An official notice was required to be sent to the Coquille Indian Tribe. According to their response dated April 20, 21, the proposed home site is close to known cultural resources. Cultural Resource Monitors were requested before any activities that may disturb the ground. It is the applicants' responsibility to schedule the monitor at least 72 hours before anticipated project start time. As a condition of approval, the applicants should schedule a meeting with Kassandra Rippee (Coquille Tribe Archeologist/THPO) by calling 541-808-5554.

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

Coos County has inventoried the following hazards:

- *Flood Hazard*
 - *Riverine flooding*
 - *Coastal flooding*
- *Landslides and Earthquakes*
 - *Landslide Susceptibility*
 - *Liquefaction potential*
- *Tsunamis*
- *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*
- *Wildfire*

Purpose Statements:

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

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

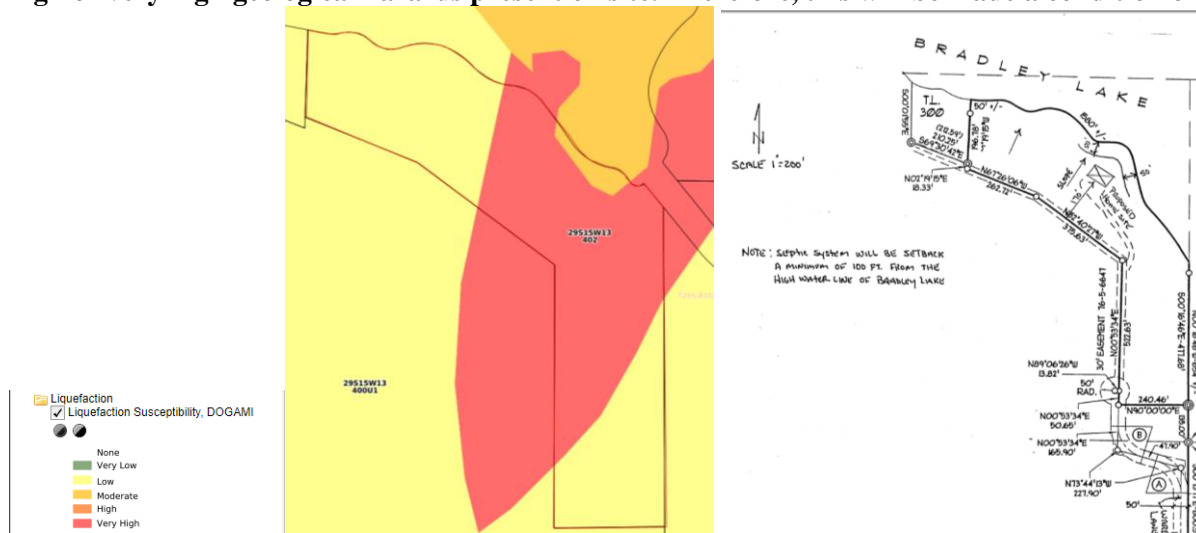
b. Landslides and Earthquakes

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

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

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

Finding: The property has areas that are subject to very high liquefaction potential in the event of an earthquake. The location of this hazards area appears to be where the proposed development will occur; therefore, requiring that this hazard be addressed. The applicant did not provide a geological assessment addressing the fact that the property had potential for liquefaction prepared by a qualified licensed professional competent in the practice of geosciences, nor a certified statement stating that there are no high or very high geological hazards present on site. Therefore, this will be made a condition of approval.



Maps not to scale

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

The Coastal Shoreland Boundary map has inventoried the following:

- Coastal Shoreland Boundary
- Beach Erosion
- Coastal Recreation Areas
- Area of Water-Dependent Uses
- Riparian Vegetation
- Fore Dunes
- Head of Tide
- Steep Bluffs over 50% Slope
- Significant wetland wildlife habitats
- Wetlands under agricultural use
- Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands
- Headland Erosion

Purpose Statement:

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

Coos County shall consider:

- i. "Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
 - ii. "Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
 - iii. "Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
 - iv. "Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
 - v. "Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- a. Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
- i. Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
 - a) Farm uses as provided in ORS 215;*
 - b) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) private and public water dependent recreation developments;*
 - d) aquaculture;*
 - e) water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*
 - f) single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
 - g) any other uses, provided that the Board of Commissioners determines that such uses:*

- a. *Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;*
 - b. *Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
 - c. *The "other" use complies with the implementation standard of the underlying zone designation; and*
 - d. *In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.*
- ii. *A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

a) *Site Review and Approval Criteria.*

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

- 1. *Landscaping*
 - a. *The landscape shall be such to minimize soil erosion and lessen the visual impact;*
 - b. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
- 2. *Structures*
 - b. *Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
 - c. *The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*
- 3. *Drives, Parking and Circulation*

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of

pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

4. *Surface Water Drainage*

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

5. *Utility Service*

a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*

b. *Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*

c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

b) *Application Submittal and Review Procedure.*

1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*

a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*

b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*

c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*

d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*

e. *An application request which shall include:*

1) *Name and address of applicant;*

2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*

3) *Address and legal description of the property;*

4) *Statement explaining the intended request;*

5) *The required fee; and*

6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*

2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

b. *Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration*

under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:

- i. That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
 - ii. That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*
 - iii. That the new land divisions are in a documented area, "committed" area; or*
 - iv. That the new land divisions have been justified through a goal exception.*
- c. Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*

- i. promote uses, which maintain the integrity of estuaries and coastal waters;*
- ii. provide for water-dependent uses;*
- iii. provide for water-related uses;*
- iv. provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
- v. provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
- vi. permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

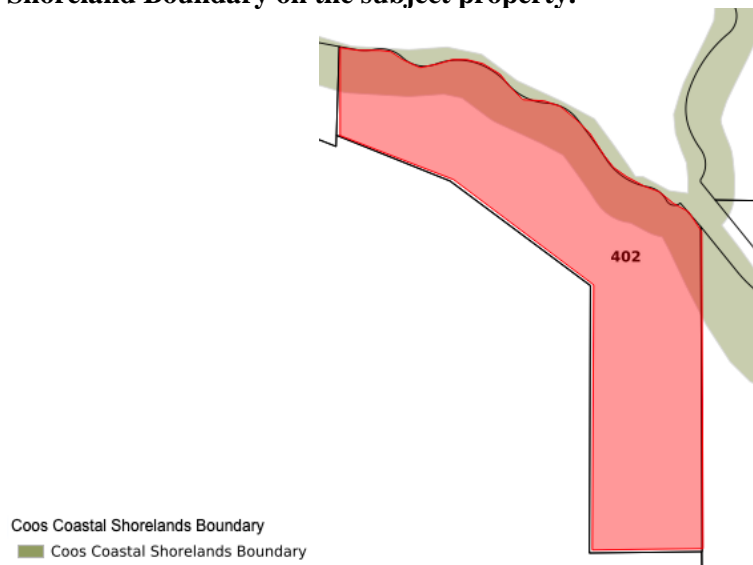
In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.

- d. Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*
- e. Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.*

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

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

Response to SECTION 4.11.130: The applicant's plot plan identified the proposed house site was a minimum 50 feet from the high ordinary water line. Attached below is a map of the Coastal Shoreland Boundary on the subject property.



The applicant's proposal did not include any development within the Coastal Shoreland Boundary. As a condition of approval, the applicants shall not remove any vegetation within the Coastal Shoreland Boundary.

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

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

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

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

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

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

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

Section 4.11.131: Notification was sent to the Oregon Department of Fish & Wildlife. ODFW advised that the project is within reasonable risk levels to fish and wildlife resource if:

- ***Standard Best Management Practices (BMP's) are incorporated (e.g. seeding and mulching of disturbed soils prior to rain; preventing hydraulic leaks from equipment; preventing fuel spill, etc).***
- ***There is not cutting/removal of timber/trees within the 50ft. RMA***
- ***Stormwater is managed through installation of French drain or other style infiltration measures.***

These recommendations will be made a condition of approval. Thus, this criterion is addressed.

- ***4.11.132 Natural Hazards (Balance of County Policy 5.11)***
Coos County has inventoried the following hazards:
 - *Flood Hazard*
 - *Riverine flooding*
 - *Coastal flooding*
 - *Landslides and Earthquakes*
 - *Landslide Susceptibility*
 - *Liquefaction potential*
 - *Tsunamis*
 - *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*
 - *Wildfire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural

disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

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

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

Section 4.11.132(a): The applicant did not provide the location of the mapped floodplain on their submitted plot plan. As a condition of approval, the applicant must provide an elevation certificate of the proposed building site.

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

Section 4.11.132(c): The proposed use is not regulated by the Tsunami section of the CCZLDO. Thus, this criterion is not applicable.

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

FINDING: The property is located within the floodplain, the applicant did not provide the location of the floodplain on their plot plan nor did they provide an elevation certificate for the location of the proposed development. Staff cannot deduce by looking at the floodplain map and the plot plan that the development will not impact the floodplain; therefore, the floodplain will need to be addressed and an elevation certificate will be required.



IV. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

V. EXPIRATION:

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

A. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*

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

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

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Sunday, September 28, 2025.

VII. NOTICE REQUIREMENTS:

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

A Notice of Decision and Staff Report will be provided to the following:
Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

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

EXHIBIT "D"
Application



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

FILE NUMBER: ACU-21-027

Date Received: 3/31/21 Receipt #: 224308 Received by: MB

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

LAND INFORMATION

A. Land Owner(s) Bradley Lake, LLC (Bruce Bearer)
 Mailing address: 1707 Port Margate, Newport Beach, CA 92660
 Phone: 949-644-8736 Email: bbearer@mac.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S	15W	13	Select	Select	00402
Select	Select	Select	Select	Select	

Tax Account Number(s): 1239506 Zone: Select Zone Please Select
 Tax Account Number(s) _____ Please Select

B. Applicant(s) Same as Owner
 Mailing address: _____
 Phone: _____

C. Consultant or Agent: Troy Rambo
 Mailing Address P.O. Box 809, North Bend, OR 97459
 Phone #: 541-751-8900 Email: mandrilc@frontier.com

Type of Application Requested

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

Special Districts and Services

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

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

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

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

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

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 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.

Tony Rambo 3/29/2021
PER ATTACHED CONSENT

Coos County Land Use Application - Page 2

ACCESS INFORMATION

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

Property Address: 0 Warbler Road

Type of Access: Private Easement - Provide Easement Name of Access: Warbler 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-

Mulkins and Rambo

3438 Broadway St.

North Bend ^{OR} CA 97459

(541) 751-8900

mandrllc@frontier.com

CONSENT FOR REPRESENTATION

I, Bruce Bearer of 1707 Port Margate Pl, Newport, CA 92660 give permission to Troy Rambo, Mulkins and Rambo to conduct public records research, execute applications and process Template Dwelling approvals, Lot Line Adjustments and other miscellaneous interaction with Coos County, regarding the properties owned by me personally and those owned by entities which I manage listed below, located in Coos County, Oregon.

- Fahy Lake, LLC
- Bradley Lake, LLC
- Highway 101 Farm, LLC
- Bruce C. Bearer, Owner

Please contact Mulkins and Rambo directly on all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

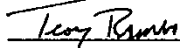
This consent automatically expires nine (9) months from date below, without requirement of notice.

Contact information for Troy Rambo is:

OFFICE
~~Cell:~~ 541-751-8900
E-mail: mandrllc@frontier.com
Mailing address: PO Box 809, North Bend, OR 97459

DATED: 3/29/2021

By: Troy Rambo



By: Bruce Bearer



March 29, 2021

Coos County Planning Dept.

Subject Properties - T.L. 402 - 29S 15W 13

Reconsideration of ACU -11-13

Applicant/Owner:

Bradley Lake LLC/Bruce Bearer
1707 Port Margate
Newport Beach, CA 92660

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		

63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU	(9)(B)(II), (9)(C)
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(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 attached Soil Classification letter shows the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of tax lot 402 in Township 29S Range 15W Section 13 and consist of 7.86 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 24 parcels within the 160 acre square ranging from 1.02 acres to 83.00 acres of which are zoned F and EFU. Nine of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

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

- (1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
 - (b) the dwelling meets the following requirements:
 - (A) The dwelling has a fire retardant roof.
 - (B) The dwelling will not be sited on a slope of greater than 40 percent.

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

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

- The property is under 10 acres therefore a stocking survey is not required. The subject property is currently growing trees.
 - The dwelling will have a fire retardant roof.
 - The property has steep slopes along the Eastern portion of the property Lake. The proposed home site is relatively flat.
 - The property is located within the Bandon Rural Fire Protection District.
 - The water source for this property will be from well and not a Class II stream. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
 - If the proposed dwelling has a chimney, a spark arrester will be installed.
 - The owner will provide and maintain a 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.
- There is no additional water supply.

<p>SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST</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⁽¹⁾ 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 owner is creating a new home site. The home site will be located in the Northern portion of the subject property on a relatively flat bench . The site will be cleared to the extent to meet the required fire break setbacks. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access will be private driveway off of Warbler Road. Warbler Road is a privately maintained road.**
- **The subject property will meet the minimum stocking requirements.**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. **Minimum Lot Size** for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
2. **Setbacks:** All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. **Fences, Hedges and Walls:** No requirement, except for vision clearance provisions in Section 7.1.525.
4. **Off-Street Parking and Loading:** See Chapter VII.
5. **Minimizing Impacts:** In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a

Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - 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 the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

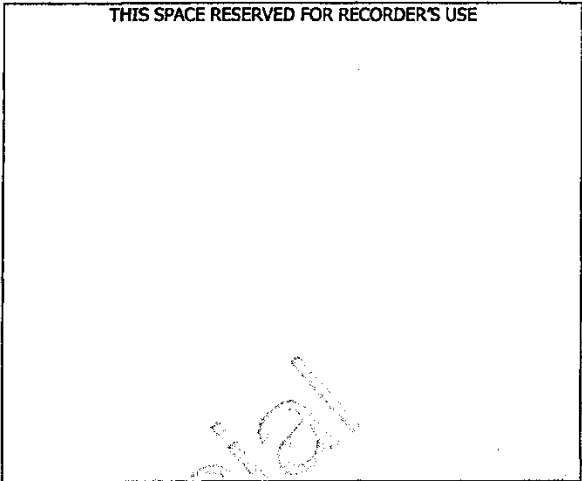
- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- 13. The dwelling shall not be sited on a slope of greater than 40 percent.

14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application approval.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **The riparian vegetation will not be disturbed during the development of the site.**
- **The property is located within the Bandon Rural Fire Protection District.**
- **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 5% to 10% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no other water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is within a RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

RECORDED BY
FIRST AMERICAN TITLE
1580229



After recording return to:
Bradley Lake LLC
1707 Port Margate
Newport Beach, CA 92660

Until a change is requested all tax statements
shall be sent to the following address:
Bradley Lake LLC
1707 Port Margate
Newport Beach, CA 92660

File No.: 7132-1580229 (VRR)
Date: June 18, 2010

STATUTORY WARRANTY DEED

Alice M. Boak, surviving Trustee of The Rupert G. Boak and Alice M. Boak Family Trust under agreement dated February 26, 1997, as to a 59.24% interest; David Boak, as to 40.76% interest, Grantor, conveys and warrants to Bradley Lake LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

PARCEL 2 OF FINAL LAND PARTITION PLAT 2007 #26, RECORDED AUGUST 03, 2007 AS MICROFILM NO. 2007-10354, RECORDS OF COOS COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$115,000.00**. (Here comply with requirements of ORS 93.030)

APN: 12395.07

Statutory Warranty Deed
- continued

File No.: 7132-1580229 (VRR)
Date: 06/18/2010

STATE OF Oregon)
)ss.
County of Coos)

This instrument was acknowledged before me on this 23 day of June, 2010
by **David Boak**.

David Boak



Notary Public for Oregon
My commission expires: 7/11/11

Unofficial
Copy

Page 3 of 3

COUNTY CLERK, OREGON
L. L. TURT, CCC, COUNTY CLERK
L \$51.00

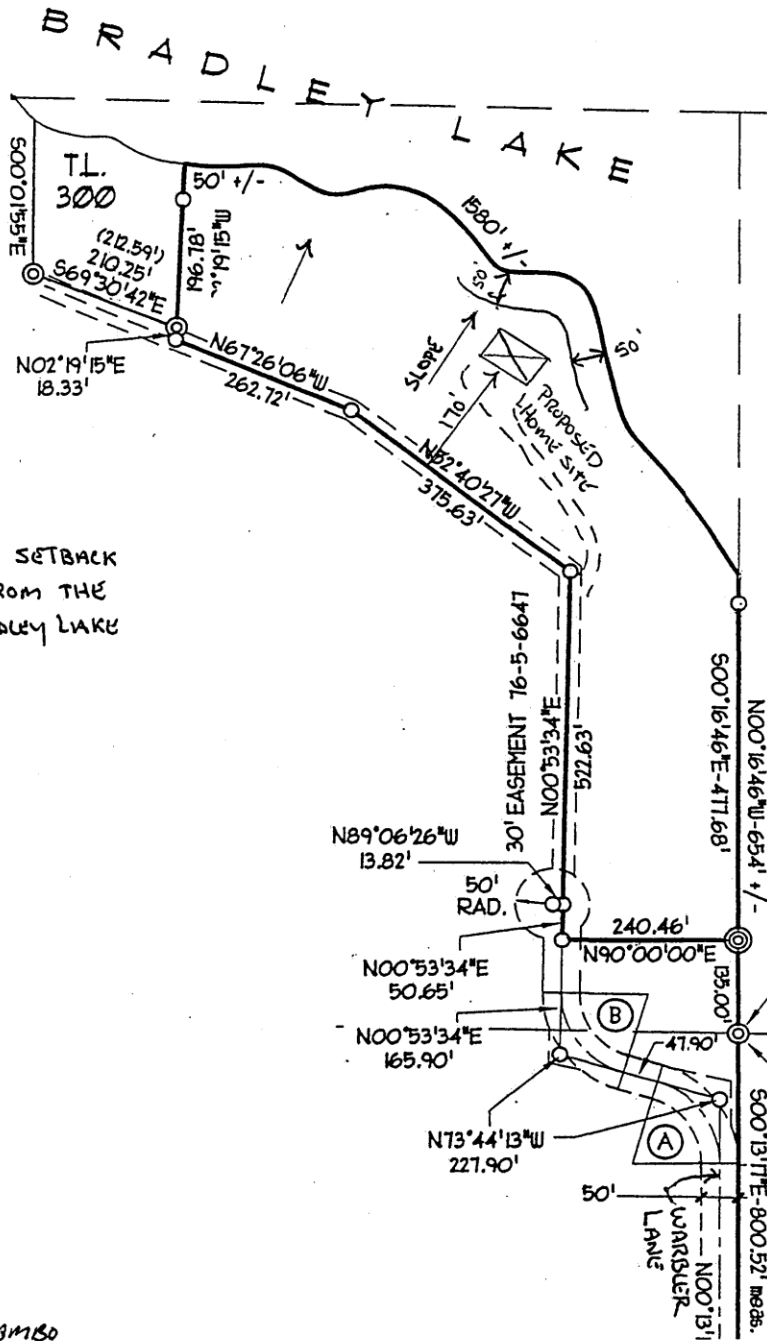
06/28/2010 03:03:40PM
PAGE 3 OF 3

2010 5979

BRADLEY LAKE LLC - PLOT PLAN
 T.L. 402 - 29-15-13

SCALE 1"=200'

NOTE: SEPTIC SYSTEM WILL BE SETBACK
 A MINIMUM OF 100 FT. FROM THE
 HIGH WATER LINE OF BRADLEY LAKE



PREPARED BY: TROY RAMBO

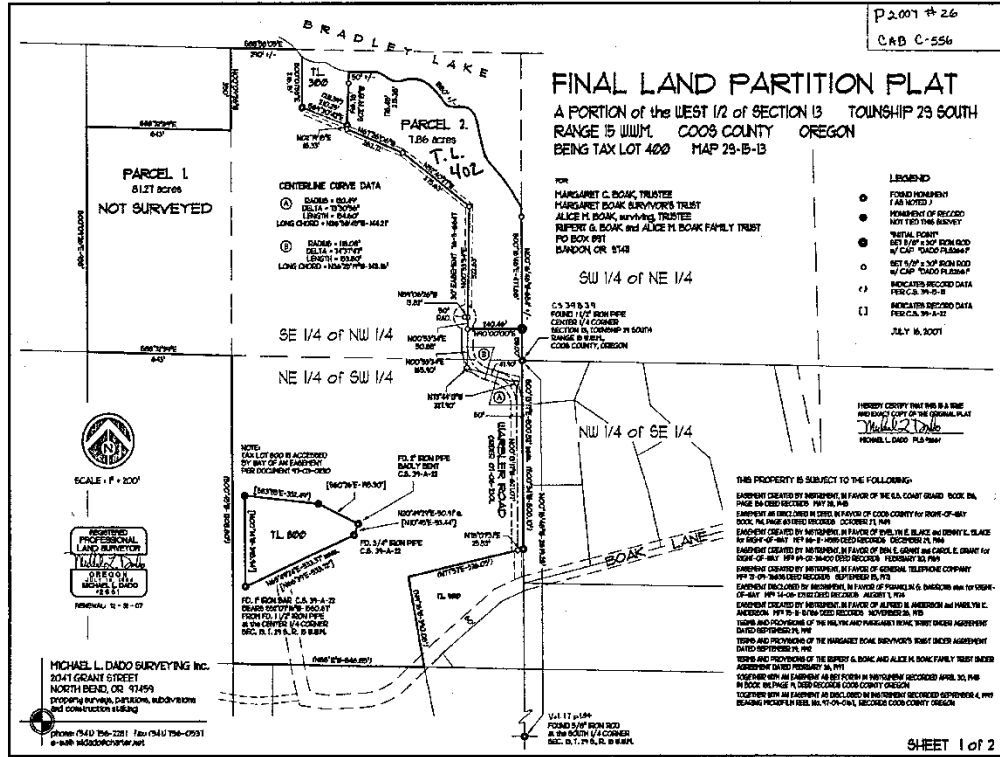


EXHIBIT "E"
Comments

Michelle Berglund

From: THOMPSON Seth [Seth.THOMPSON@aviation.state.or.us]
Sent: Friday, April 09, 2021 11:11 AM
To: Michelle Berglund
Cc: Planning Department
Subject: RE: ACU-21-027 Bradley Lake LLC

This Message originated outside your organization.

Good morning Michelle,

The Oregon Department of Aviation (ODA) has no comment on File Number ACU-21-027.

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

Please let me know if you have any questions.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 CELL 503-507-6965
EMAIL seth.thompson@aviation.state.or.us
3040 25TH STREET SE, SALEM, OR 97302
WWW.OREGON.GOV/AVIATION

From: Michelle Berglund <mberglund@co.coos.or.us>
Sent: Thursday, April 1, 2021 7:37 AM
To: PECK Heather <heather.peck@aviation.state.or.us>; THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>
Cc: Planning Department <planning@co.coos.or.us>
Subject: ACU-21-027 Bradley Lake LLC

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

Good morning!

Attached please find the application for Bradley Lake LLC (Bruce Bearer), to build a template dwelling on a lot directly abutting part of the southern portion of Bradley Lake.

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

Thank you so much
Coos County Planning Dept

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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COQUILLE INDIAN TRIBE

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

April 20, 2021

Coos County Planning Department
250 N Baxter
Coquille, Oregon 97429

Re: ACU-21-027

Project location: T29S, R15W, S13, TL402

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

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

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

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

Masi (thank you),

Todd Martin
Tribal Historic Preservation Specialist

CRT21147

ACU-21-027

Michelle Berglund

From: John M Davies [John.M.Davies@state.or.us]
Sent: Tuesday, April 13, 2021 9:04 AM
To: Michelle Berglund
Subject: Emailing: Bird Site Comments ACU-21-027 Request

This Message originated outside your organization.

Michelle,

Thanks for the opportunity to comment on this proposed project. The location historically was late seral forest that would have been high functioning Habitat Category 1 or 2 as classified under the Oregon Dept. of Fish and Wildlife (Department) Habitat Mitigation Policy; OAR 635-415. Since Euro-human development the habitats have been highly altered and currently would be considered Category 4 or 5 with low function for production of fish and wildlife. However, minimization of impacts due to disturbance during construction actions remains a high priority in order to prevent further reduction of habitat function and or offset impacts due to effects such as movement of sediment laden water from the site.

In that context the Department recommends that the project is within reasonable risk levels to fish and wildlife resources if:

- *Standard Best Management Practices (BMP's) are incorporated (e.g. seeding and mulching of disturbed soils prior to rain; preventing hydraulic leaks from equipment; preventing fuel spill, etc).*
- *There is not cutting/removal of timber/trees within the 50ft. RMA*
- *Stormwater is managed through installation of French drain or other style infiltration measures.*

Thanks for your concern with conservation of Oregon's Fish and Wildlife resources,

Morgan Davies



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0368

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-027	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
29S	15W	13		402

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.064127

Longitude

-124.42652

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

The home location is very close to the lake and potential wetlands that may extend inland from the shore. An offsite assessment cannot determine with certainty whether all aspects of home construction including septic, parking, landscaping, etc. will avoid wetlands. To pursue the proposed location, a site inspection is needed by a wetland professional to determine the boundaries of any wetlands or waters present in the project footprint. A wetland determination or delineation should be sent to DSL for review and approval.

This is a preliminary jurisdictional determination and is advisory only.

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

Contact Information

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

Response Date

4/29/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300