



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Monday, November 15, 2021
File No: ACU-21-030
Proposal: Request for Single Family Dwelling in the Forest Zone.
Applicant(s): Michael Shott, Lori Shott
97400 Morgan Creek Ln.
Coos Bay, OR 97420
Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Tuesday, November 30, 2021**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, and Article 4.11 Special Development Considerations and Overlay. This proposal is not subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 472005
Map Number: 26S121200-00200
Property Owner: ZIEGLER, RAYA
97400 MORGAN CRK LN
COOS BAY, OR 97420-7573
Situs Address: No Situs Address
Acreage: 74.68 Acres
Zoning: FOREST (F)
EXCLUSIVE FARM USE (EFU)
Special Development
Considerations and overlays: FOREST MIXED USE (MU)

This notice shall be posted from November 15, 2021 to November 30, 2021

NATIONAL WETLAND INVENTORY SITE (NWI)

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

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

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

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

Reviewed by: Amy Dibble Date: Monday, November 15, 2021.
Amy Dibble, Planner II

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

EXHIBITS

- Exhibit A: Conditions of Approval
- Exhibit B: Vicinity Map & Template Map

The Exhibits below are mailed/mailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following

- Exhibit C: Staff Report -**Findings of Fact and Conclusions**
- Exhibit D: Comments Received
- Exhibit E: Submitted Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
 1. The applicants must comply with the comments provide by the Oregon Department of State Lands as shown in Exhibit D.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. 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.
 - a. Pursuant to CCZLDO § 4.6.110 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 1. A copy of the building plans showing the type of roofing material shall be provided to Coos County Planning Department.
 2. As a condition of approval, applicants must submit a topographic survey from a licensed Oregon Professional Surveyor or Engineer that shows the average slope of the building site, which includes the maximum required fuel breaks (280 feet on either side of the structure), do not exceed 40%.
 - b. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 1. All uses must comply with applicable development standards and fire siting and safety standards.
 2. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
 3. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
 4. The applicant shall submit the well constructor's report to the county upon completion of the well.
 - c. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with:
 1. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 2. The dwelling shall not be sited on a slope of greater than 40 percent.
 3. Each chimney shall have an approved spark arrester.
 4. The applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
 5. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.

6. The landowner shall provide road access to within 15 feet of the 5000-gallon tank with adequate turnaround for any firefighting equipment that may respond.
 7. The applicants will be required to provide proof of signage to the 5000-gallon water holding tank.
 8. If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.
3. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
 4. The tract of land already contains a contain dwelling and will need to be deeded into another ownership prior to obtaining a Zoning Compliance Letter.

ADVISORY STATEMENT

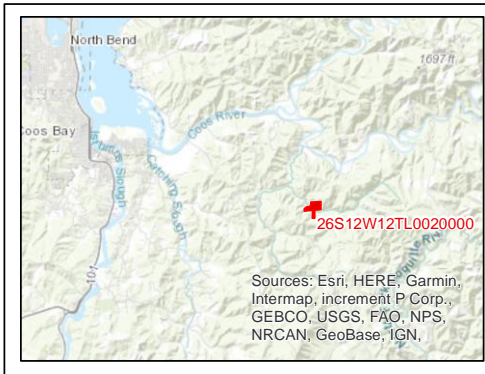
1. That applicants are advised that *if access across Morgan Creek from the south is added, an on-site wetland delineation/permit may be needed* by the Oregon Department of State Lands to make sure there are no jurisdictional waters or wetlands in the project area. Oregon Department of State Lands also noted that Morgan Creek is designated Essential Salmonid Habitat.

EXHIBIT "B"
Vicinity Map

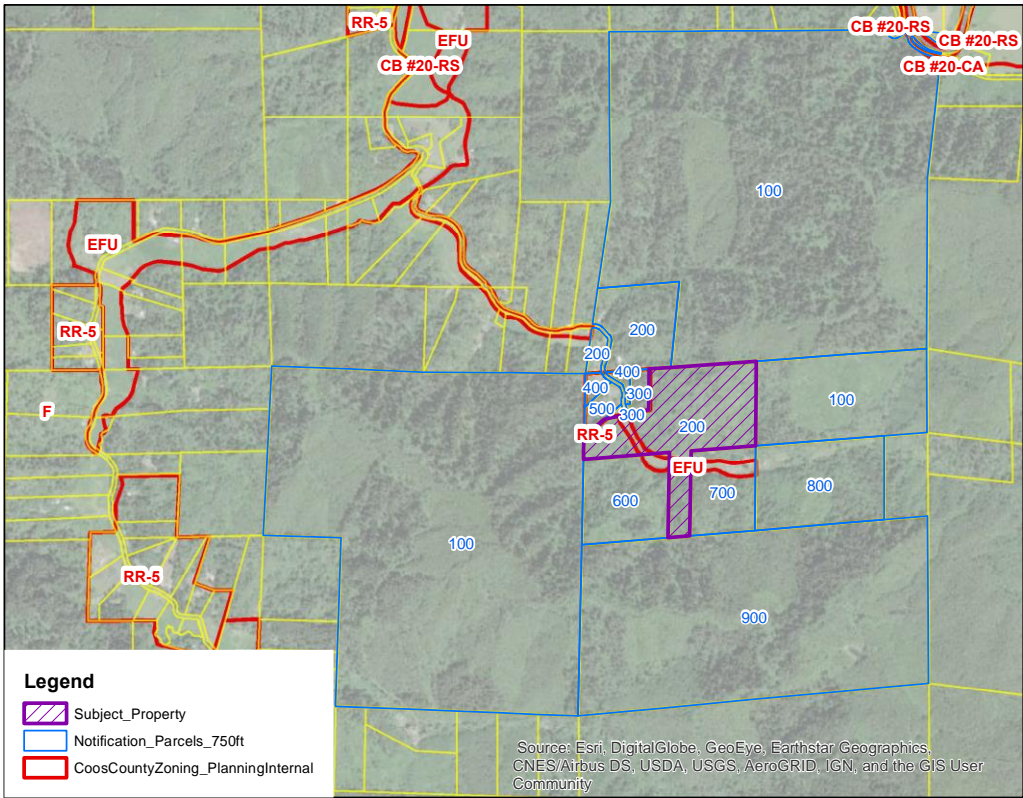


COOS COUNTY PLANNING DEPARTMENT

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-21-030
Applicant/Owner: Michael Shott, Lori Shott, Raya Ziegler
Date: August 6, 2021
Location: Township 26S Range 12W Section 12 TL 200
Proposal: Administrative Conditional Use



Template Map



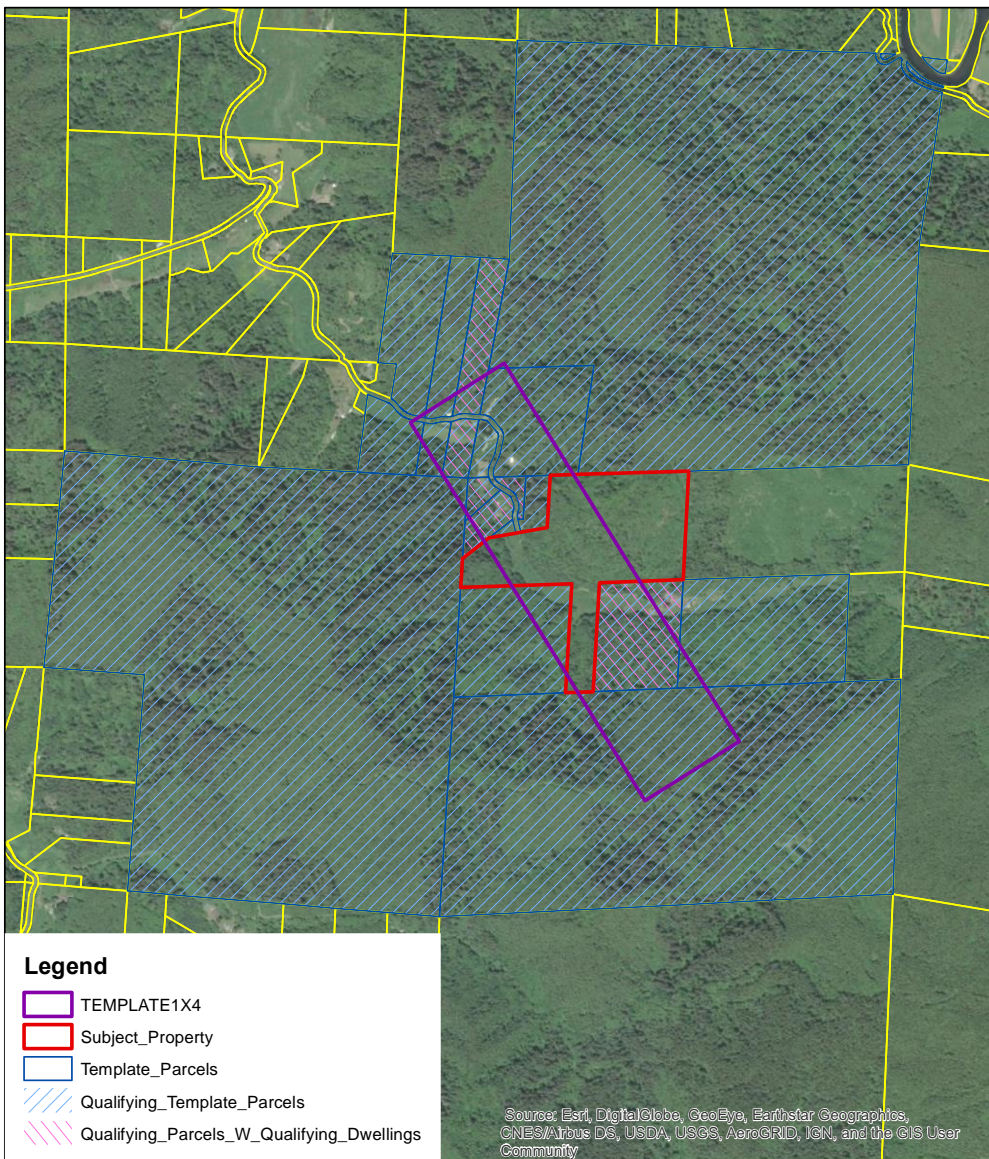
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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



**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. COMPLIANCE /BACKGROUND/PROPERTY HISTORY :

a. PROPERTY HISTORY AND BACKGROUND:

- ACU-86-59 September 15, 1986, A Conditional Use Application for structural stream land stabilization
- February 11, 2021 Research request for forest dwelling template test. Template test passed with 13 parcels with 4 dwellings existing prior to Jan 1, 1993.

b. COMPLIANCE PURSUANT TO SECTION 1.1.300: It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure, or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and county files to determine that at this time the property is in compliance.

II. BASIC FINDINGS:

A. LOCATION: The subject property is located east of the City of Coos Bay at the end of Morgan Creek Lane. Morgan Creek Lane is located off Daniels Creek Road, which connects to S Coos River Lane. A notable development in the vicinity of the subject property is the Coos County Salmon Trout Enhancement Project’s Morgan Creek facility.

B. ZONING: - This property is zoned Forest with a Mixed-Use Overlay and Exclusive Farm Use.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

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

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

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

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

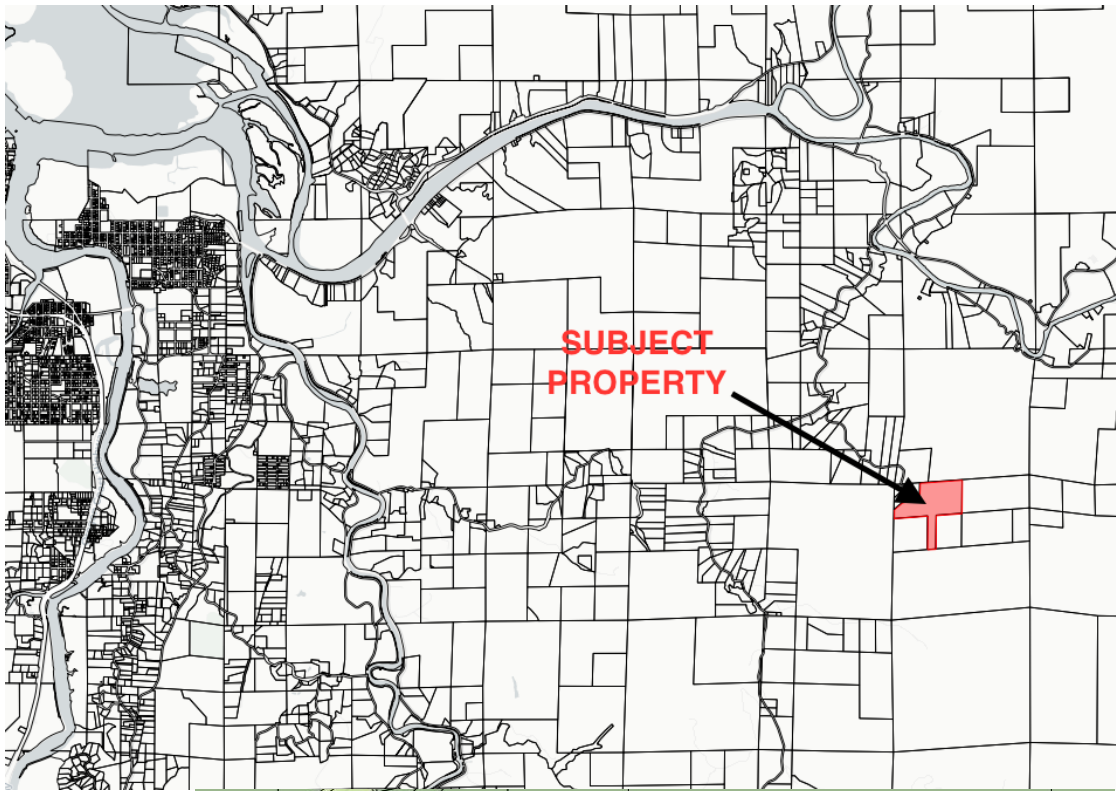
SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.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

This property required that notification be provided to the Oregon Department of State Lands. The comments staff received from this agency can be found in Exhibit D.

D. SITE DESCRIPTION AND SURROUNDING USES:

The subject property can be found east of Coos Bay. This property can be found at the end of Morgan Creek Lane (#189 G). Morgan Creek Lane is a county-maintained road up to address 97280 Morgan Creek Lane (identified as Township 26S, Range 12W, Section 12, Tax Lot 300) road. As per the application, the property is currently forested with 30-year-old timber. The subject property is currently crossed by a section of Morgan Creek. Morgan Creek is classified as an essential salmonid habitat. The proposed dwelling location is located approximately 1/4 mile from this stream segment. A recent thinning operation was conducted near the proposed homesite. At present, the subject property is part of a tract of five contiguous parcels.

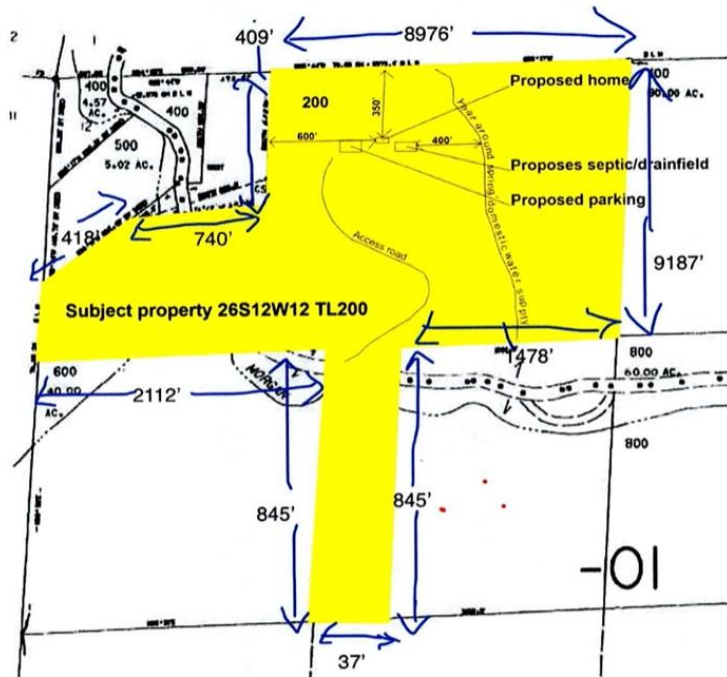
The properties nearby include federal BLM lands, industrial lands, and smaller non-industrial lands with scattered residential development. Along the banks of Morgan Creek there is a narrow strip of bottom land. On the northwest side of the subject property is a scatter pocket of Rural Residential-5 zoned property. On an adjoining parcel in the RR-5 zone you can find the Morgan Creek facility of the Coos County Salmon Trout Enhancement Project.



- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M



SUBJECT PLOT PLAN (S)



Screenshot: Not to Scale

- c. **COMMENTS:**
 - a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands prior to the release of the decision. Oregon Department of State Lands commented ‘*if access across Morgan Creek from the south is added, an on-site wetland delineation and permit may be needed.*’ All comments 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.
 - c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the local tribes prior to the release of the decision.
 - d. **LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.

C. STAFF FINDINGS AND CONCLUSIONS:

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

The proposal is for Planning Director Approval of a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria and Article 4.11 Special Development Considerations and Overlay. This proposal is not subject to review under Natural Hazards

- **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.

• **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>

(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:

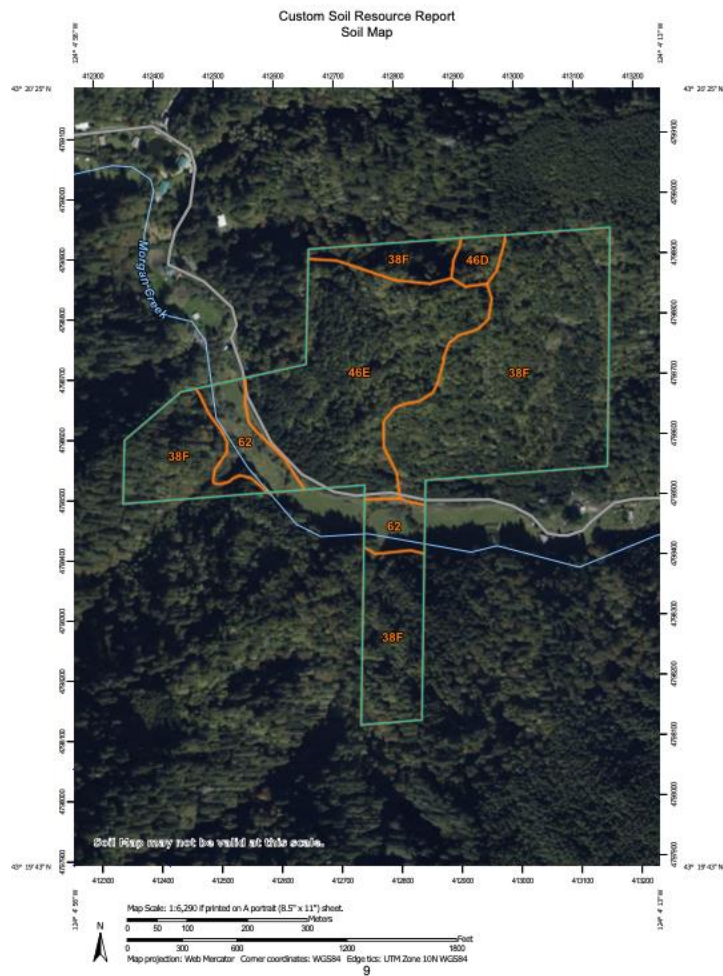
(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

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

Response to SECTION 4.6.110(9)(B)(II): According to the Soil Survey of Coos County, NRCS National Soil Information System, the subject property is made up of 38F – Milbury-Bohannon-Umpcoos association, 46D – Preacher-Bohannon loams, 46E – Preacher-Bohannon loams & 62 – Willanch fine sandy loam soil types. The proposed dwelling site is located on the line soil types 46E. The volume of wood fiber per year for 46E is 186 cubic feet per acre per year for Douglas-fir species.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
38F	Milbury-Bohannon-Umpcoos association, 50 to 80 percent slopes	43.7	59.8%
46D	Preacher-Bohannon loams, 3 to 30 percent slopes	1.4	1.9%
46E	Preacher-Bohannon loams, 30 to 60 percent slopes	22.2	30.3%
62	Willanch fine sandy loam	5.8	7.9%
Totals for Area of Interest		73.1	100.0%



Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
38F—Milbury-Bohannon-Umpcoos association, 50 to 80 percent slopes				
Milbury	Douglas-fir	112	157.00	Douglas-fir
	Red alder	—	—	
	Western hemlock	—	—	
Bohannon	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	117	172.00	
	Red alder	—	—	
	Tanoak	—	—	
	Western hemlock	123	186.00	
	Western redcedar	—	—	
Umpcoos	Douglas-fir	64	72.00	Douglas-fir, Incense cedar
	Incense cedar	—	—	
	Pacific madrone	—	—	

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
46D—Preacher-Bohannon loams, 3 to 30 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Bohannon	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	117	172.00	
	Red alder	—	—	
	Tanoak	—	—	
	Western hemlock	123	186.00	
	Western redcedar	—	—	
46E—Preacher-Bohannon loams, 30 to 60 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Bohannon	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	117	172.00	
	Red alder	—	—	
	Tanoak	—	—	
	Western hemlock	123	186.00	
	Western redcedar	—	—	
62—Willanch fine sandy loam				
Willanch	—	—	—	—

38F-Milbury-Bohannon-Umpcoos association, 50 to 80 percent slopes.

This map unit is on side slopes of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 100 to 2,500 feet. The average annual precipitation is 80 to 100 inches, the average annual air temperature is 47 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 40 percent Milbury very gravelly sandy loam, 25 percent Bohannon gravelly loam, and 15 percent Umpcoos very gravelly sandy loam. The Milbury soil is on convex midslopes and upper side slopes, the Bohannon soil is on concave midslopes and lower side slopes, and the Umpcoos soil is on convex side slopes adjacent to areas of Rock outcrop.

Included in this unit are small areas of Rock outcrop and soils that are similar to the Bohannon soil but are very gravelly. Also included are small areas of Preacher soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

The Milbury soil is moderately deep and well drained. It formed in colluvium derived dominantly from sandstone. Typically, the surface is covered with a mat of undecomposed twigs, leaves, and fir needles 1 inch thick. The surface layer is black very gravelly sandy loam 10 inches thick. The subsoil is very dark grayish brown and dark brown very cobbly loam 26 inches thick. Hard, consolidated sandstone is at a depth of 36 inches.

Permeability of the Milbury soil is moderately rapid. Available water capacity is about 2.0 to 5.5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

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

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

The Umpcoos soil is shallow and well drained. It formed in colluvium derived dominantly from sandstone. Typically, the surface is covered with a mat of organic litter 2 inches thick. The surface layer is dark grayish brown very gravelly sandy loam 3 inches thick. The subsoil is brown very gravelly sandy loam 13 inches thick. Hard sandstone is at a depth of 16 inches.

Permeability of the Umpcoos soil is moderately rapid. Available water capacity is about 0.5 inch to 1.5 inches. Effective rooting depth is 10 to 20 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production and wildlife habitat.

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

On the basis of a 100-year site curve, the mean site index for Douglas fir is 160 on the Milbury soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 170 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 115.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Bohannon soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 117.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 79 on the Umpcoos soil. At the culmination of the mean annual increment (CMAI), the production of 70-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 58 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 61.

The main limitations for the management of timber on this unit are steepness of slope, the hazard of erosion, the hazard of windthrow, seedling mortality, and plant competition. Helicopter, balloon, or total-suspension cable systems are the most suitable methods for harvesting timber.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rifling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Locating roads on midslopes results in large cuts and fills and thus removes land from production. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

Because roots are restricted by bedrock, trees commonly are subject to windthrow. 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. The high content of rock fragments in the soil increases seedling mortality. To compensate for the higher mortality that can be expected, larger trees or more trees than normal can be planted. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass Vlle.

46D-Preacher-Bohannon loams, 3 to 30 percent slopes.

This map unit is on broad ridgetops, benches, and side slopes of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 250 to 3,600 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 50 percent Preacher loam and 30 percent Bohannon loam. The Preacher soil is in concave areas on benches, side slopes, and broad ridgetops, and the Bohannon soil is on convex side slopes.

Included in this unit are small areas of Milbury, Digger, and Blachly soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

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

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

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

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

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

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

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Bohannon soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 115.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction.

Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullyng unless they are provided with adequate water bars or are protected by plant cover, or both.

When openings are made in the canopy, invading brushy plants can delay natural reforestation.

Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass VIe.

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

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

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

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

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

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

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

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

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

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

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Bohannon soil. At the culmination of the mean annual increment (CMAI), the production of

60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 115.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, and plant competition. The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

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

This map unit is in capability subclass Vle.

62-Willanch fine sandy loam.

This deep, poorly drained soil is in depressional areas on flood plains. It formed in alluvium. Slope is 0 to 3 percent. The native vegetation is mainly sedges, rushes, grasses, and hardwoods. Elevation is 10 to 40 feet. The average annual precipitation is 50 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is mottled, very dark grayish brown and dark brown fine sandy loam 13 inches thick. The upper 22 inches of the substratum is mottled, dark grayish brown sandy loam, and the lower part to a depth of 60 inches or more is mottled, dark grayish brown loamy fine sand and loamy sand.

Included in this unit are small areas of Nehalem and Nestucca soils. Included areas make up about 25 percent of the total acreage.

Permeability of this Willanch soil is moderately rapid. Available water capacity is about 2.5 to 4.5 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates between the surface and a depth of 24 inches below the surface from November to March. This soil is subject to frequent periods of flooding in winter.

This unit is used mainly for hay and pasture.

The vegetation in areas not cultivated is mainly red alder, black cottonwood, and Pacific willow. The understory vegetation is mainly soft rush, slough sedge, skunkcabbage, brown-headed rush, sickle-leaved rush, and large-headed sedge.

If this unit is used for hay and pasture, the main limitations are droughtiness in summer, the hazard of flooding, wetness, and, for the curing of hay, high humidity. 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.

Frequent, brief periods of flooding restrict the use of this unit in winter. Protection from flooding can be provided only by the use of extensive dikes.

Drainage is needed to lower the water table. Tile drainage can be used to lower the water table if a suitable outlet is available. Wetness and flooding restrict grazing in winter. The choice of plants is limited to those that can withstand periodic inundation.

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. The quality of grass for hay can be maintained by increasing the stocking rate in winter.

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, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Rotation grazing increases the production of forage and helps to control weeds and brush. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass Illw.

The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was deeded out and recorded by Volume 62, Page 309. There are no restrictions or other dwellings on the parcel that would prevent a dwelling from being built. Regardless, the subject property forms part of a tract with a house on a contiguous parcel. The adjacent parcel (T26S-R12W-S12-TL700) currently has a 1955 single family dwelling and is under the same ownership as the subject property. As a condition of approval, the parcel must be deeded out to a separate owner prior to requesting a Zoning compliance letter. The property or template test parcels do not fall within the Urban Growth Boundary. The parcel is greater than 60 acres. The property touches a road built before 1993 and a perennial stream. For their analysis, Staff used a rectangle template aligned with the private road. The proposed dwelling site is in 46E soil types, which has a productivity of 186 cubic feet per acre per year. There must be 11 parcels with 3 dwellings that were created before Jan. 1, 1993. Staff found that 13 parcels containing 4 dwellings met these criteria that were in all or part of the rectangle. By complying with the conditions of approval listed above, staff is able to determine that the application request will meet the qualifications 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.**

Response to SECTION 4.6.110(9)(C)(1)(a): The property is greater than 10 acres in size; therefore, the criteria does require a stocking survey. This criterion will be a condition of approval.

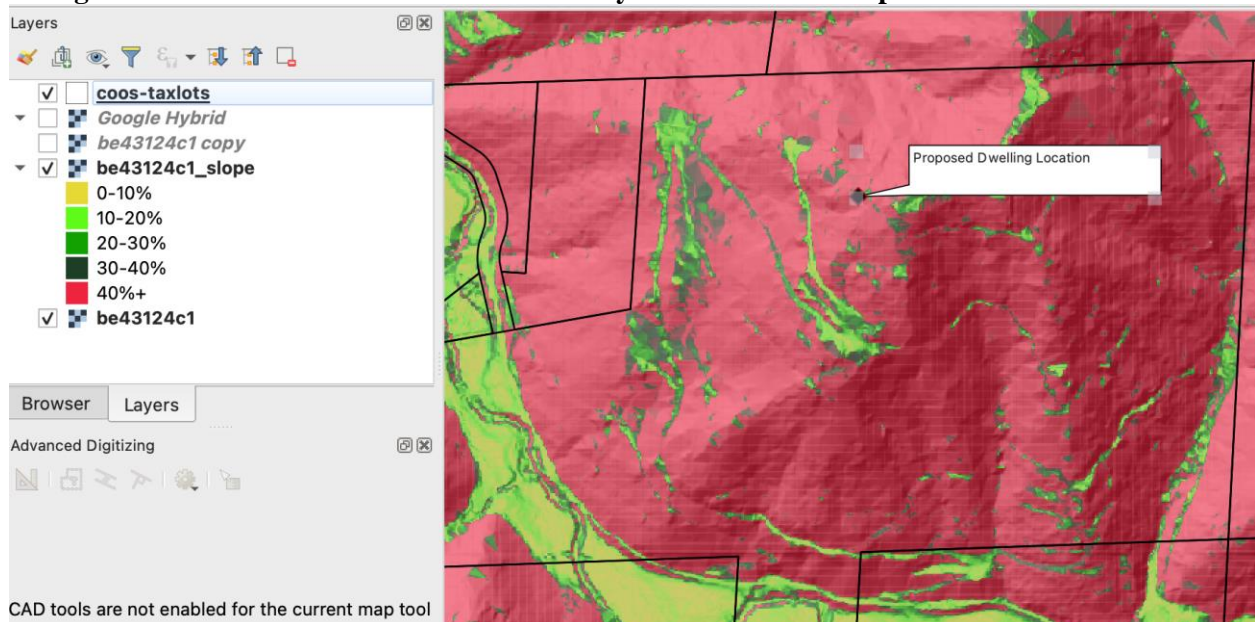
(b) the dwelling meets the following requirements:

A. The dwelling has a fire retardant roof.

Response to SECTION 4.6.110(9)(C)(1)(b)(A): The applicants states that the dwelling will have a fire-retardant class A shingles. A copy of the building plans showing the type of roofing material will satisfy this criterion.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(B): The applicants states that the dwelling site does not exceed 40%. The applicants also state that building site is on existing flat landing previously used for logging operations. Staff utilized the Oregon DOGAMI LiDAR datasets to get approximate slope of the site area including the fuel-free break zone. The LiDAR analysis estimated the slope to exceed 40%.



The applicants plot plan did include slopes or contours as required. As a condition of approval, applicants must submit a topographic survey from a licensed Oregon Professional Surveyor or Engineer that shows the average slope of the building site which includes the maximum required fuel breaks (280 feet on either side of the structure) do not exceed 40%.

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.

Response to SECTION 4.6.110(9)(C)(1)(b)(C): The applicants state that the water supply will be from a spring onsite and not a Class II stream. The applicants stated the spring is approximately 200 feet from the proposed structure to prevent impacts. Therefore, this has been addressed.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(D): The subject property is not located within any rural fire protection district. Therefore, this criterion is not applicable.

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.

Response to SECTION 4.6.110(9)(C)(1)(b)(E): The subject property is not within a fire protection district. The applicants sent electronic mail to Millington Rural Fire Protection District. Chief Samantha Mason responded to the applicants on June 15, 2021, that the subject property is outside of the fire district area. Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(F): According to the applicants, there is a spark arrester planned for the chimney installed will have spark arresters. This will be a condition of approval. Therefore, the criterion has been addressed.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(G): The application states that there is a significant primary and secondary fuel-free break on the dwelling site that was made during the previous thinning project and exceeds 200 feet past the proposed building site. 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]

Response to 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.

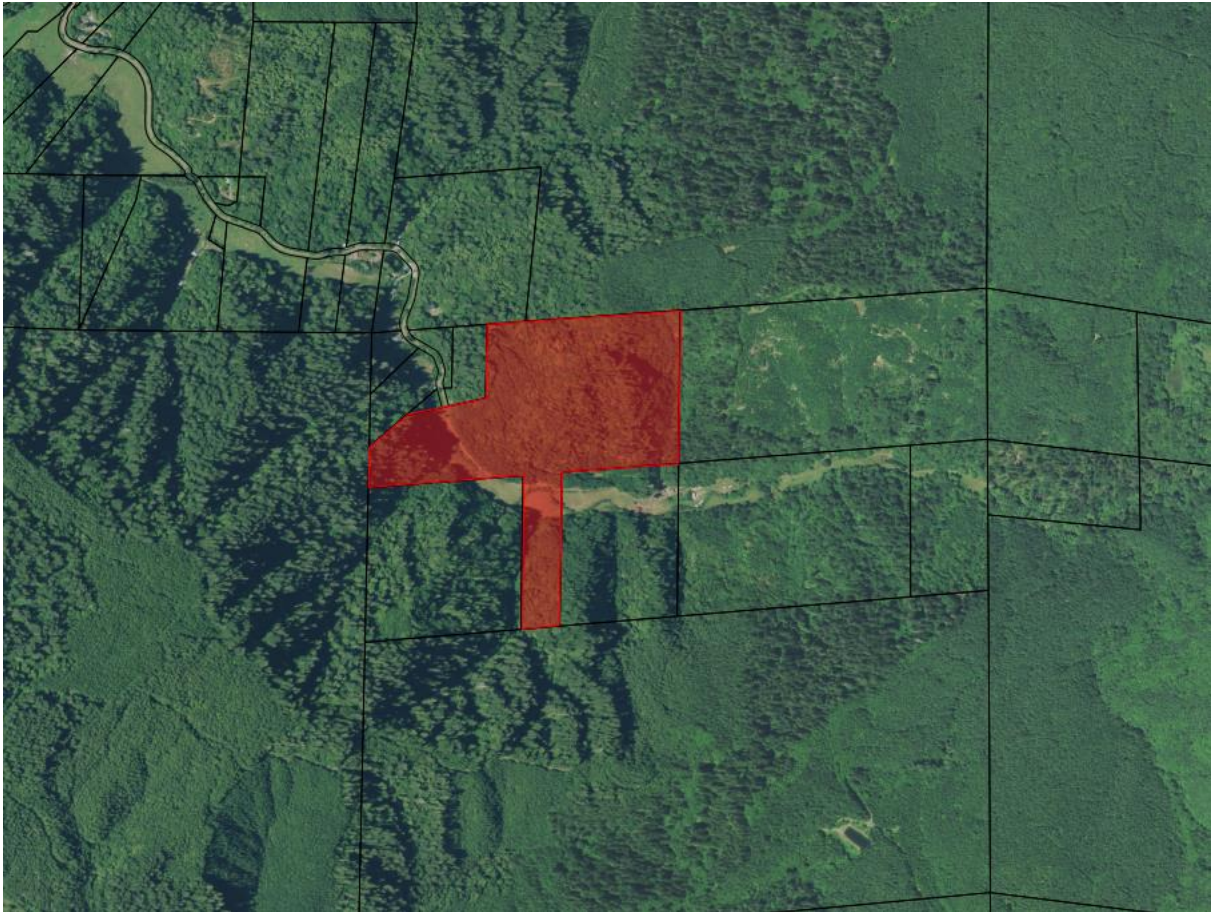
SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest

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;*

Response to SECTION 4.6.130(1)(a) and SECTION 4.6.130(1)(b): The subject property is located off Morgan Creek Lane. Both parcels west and east of the southern portion of the subject property belong to the applicants. There are large parcels of federal land to the north, west, and south of the subject property, which are managed by the US Bureau of Land Management. To the east of the subject property are industrial timberlands. To the northwest of the subject property, there are a few Rural Residential-5 properties. Based on the plot plan, it appears that the proposed residence will be built roughly 600 feet away from the northwest boundary and 300 feet away from the north boundary.



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.*



To the north, west, and south of the subject properties are large parcels of federal timberlands. The timberlands management plans have continually been challenged in the courts over the past 25 years. This type of land is often left out of the analysis of the impact of the proposal on the adjoining forest and farmlands. There are industrial timberlands to the northeast of the subject property. SB 1602 increased the distance from the dwelling for aerial spraying to 300 feet. The adjacent parcel will likely be able to be sprayed with aerial herbicides based on its size. A distance to this parcel was not indicated in the application but based on other distances included. Staff estimates the proposed dwelling is approximately 1000 feet from this parcel.

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

The residence will have direct access to Morgan Creek Lane, not via a private easement. The landowner owns contiguous parcels to the south, but these parcels have a potential to be sold. Staff measured the distance between the proposed dwelling and these parcels. They are over a quarter mile away from the treed portions. Staff determines that the proposed dwelling will not adversely impact nearby farm and forest operations.

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

Response to SECTION 4.6.130(1)(c) – The applicants are proposing to utilize an existing forest management road to the proposed dwelling location. The applicants state that no additional acreage/land will need to be removed and modified. These roads will need to be improved to County development standards.

(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.*

Response to SECTION 4.6.130(1)(d) and 4.6.130(2) – The subject property is steep and rugged with established timber stands. There is a perennial stream (Morgan Creek) running through the middle of the parcel. The proposed dwelling location lies roughly 800 feet from this stream segment. There is a distance of at least 300 feet between the proposed dwelling and the nearest property line (northern property line). The plot plan indicates the proposed dwelling site will be located approximately 600 feet from the nearest developed residential properties. Based on these setback distance, these criteria have been addressed.

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.**

Response to SECTION 4.6.130(3) – The applicants stated that the water source will be from a spring. They did not cite a particular statute, but stated “use of a spring that, under natural conditions, does not form a natural channel and flow off the property where it originates at any time of the year is exempt from requirements”. It is necessary to have the Water Resources Department verify that no water use permit is required for these proposed uses. This will be a condition of approval of the project.

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.*

Response to SECTION 4.6.130(4) – Access to the subject property is directly from Morgan Creek Lane. The applicants plot plan indicated they plan to use direct access from Morgan Creek Lane. Therefore, this criterion has been addressed.

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

As a condition of approval, the property owner shall 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.

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.*

Response to SECTION 4.6.140(1): This proposal does not include the creation of a new parcel and the current size of the subject property will not affect the proposal. The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation

- 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.*

Response to SECTION 4.6.140(2): The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.

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

Response to SECTION 4.6.140(3): The proposal does not include any fences, hedges, or wall; therefore, this criterion does not apply.

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

Response to SECTION 4.6.140(4): 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.

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.*

Response to SECTION 4.6.140(5): This criterion was addressed above and will be made a condition of approval.

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.*

Response to SECTION 4.6.140(6): The subject property is crossed by a Morgan Creek, which is an essential salmonid habitat stream. Based on the plot plan, all proposed development site appears to be at least 800 feet from this stream. There is a smaller unnamed Morgan Creek tributary on the east side of the parcel. The proposed septic drain field was identified as 400 feet from this location on the plot plan. Therefore, this criterion has been satisfied.

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.*

Response to SECTION 4.6.140(7): The subject property is not within a fire protection district. The applicants sent electronic mail to Millington Rural Fire Protection District. Chief Samantha Mason responded to the applicants on June 15, 2021 that the subject property is outside of the fire district area. The applicant did not mention whether they had contacted the Coos Forest Protective Association, this will be made a condition of approval. Therefore, this criterion has been addressed.

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.*

Response to 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 stated they plan on installing 5000 gallon holding tank on property development, with the 100 gallon/minute independent pump. As a condition of approval, the landowner shall provide road access to within 15 feet of the 5000-gallon tank with adequate turnaround for any firefighting equipment that may respond. Therefore, this criterion is not applicable.

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.

Response to SECTION 4.6.140(9): 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.

The applicants indicated they will install an additional 5000-gallon water holding tank for fire suppression. The applicants did not indicate whether permanent signs are posted. The applicants will be required to provide proof of signage as a condition of approval.

Therefore, these requirements have been addressed.

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>

Response to SECTION 4.6.140(10): The applicants did not specifically state the slope of the proposed dwelling site. Staff utilized the Oregon DOGAMI LiDAR data to get approximate slope of the site area including the fuel-free break zone. The analysis indicated the slope of the area is over 40%. The slope primary safety zone for 40% is 180 feet. The applicants will be required to obtain a plot plan by a licensed Oregon Surveyor or Engineer with slopes and contours identified. Staff finds that the applicants will need to maintain a 180 foot primary fuel-free zone unless the plot plan identifies a less steep slope. These criteria will be made a condition of approval.

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.

Response to SECTION 4.6.140(11): The applicants state that the roofing materials used will be made of non-combustible or fire-resistant roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

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).

Response to SECTION 4.6.140(12): The applicants indicated they are planning on installing a 5000-gallon water holding tank. The applicant will be required to install adequate turnaround for firefighting equipment. This criterion was discussed and conditioned above. Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.140(13): The plot plan and application information did not indicate slope or contours. As a condition of approval, the applicant must submit a topographic survey from a licensed Oregon Professional Surveyor or Engineer that shows the average slope of the building site which includes the maximum required fuel breaks (180 feet on either side of the structure) do not exceed 40%. Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.140(14): 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.

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.

Response to SECTION 4.6.140(15): The subject property is not within a fire protection district. The applicants sent electronic mail to Millington Rural Fire Protection District. Chief Samantha Mason responded to the applicants on June 15, 2021, that the subject property is outside of the fire district area. Therefore, this criterion has been satisfied.

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.

Response to SECTION 4.6.140(16): 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 access the property and development properly. The application did not indicate the slope of the proposed driveway. Staff was unable to determine whether the road grade will meet County standards or not.

If a driveway cannot meet the maximum 18% grade, then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form must be completed, signed and recorded prior to any land use authorizations.

Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.140(17): Road/ Driveway Access Verification Permit shall be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development. Therefore, this criterion has been met.

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, November 16, 2025.


VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD

Planning Commission
Board of Commissioner

EXHIBIT "D"
Comments


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *
WN2021-0500

Responsible Jurisdiction

Staff Contact Michelle Berglund	Jurisdiction Type County	Municipality coos
Local case file # ACU-21-030	County Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
26S	12W	12		200

Street Address
97400 Morgan Creek Ln
Address Line 2

City
Coos Bay

State / Province / Region
OR

Postal / Zip Code
97420

Country
Coos

Latitude
43.336969

Longitude
-124.075581

Wetland/Waterway/Other Water Features ^

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

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

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity ^

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

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

If access across Morgan Creek from the south is added, a wetland delineation and permit may be needed. However, it appears that access may be from the northwest via Morgan Creek Road, which is north of the creek and is already built. If no work will be done to the existing access route following the creek, a permit is not needed. Anything north of north of Morgan Creek Road on the parcel appears to be upland. The actual proposed homesite does not appear to contain wetlands. Please note that Morgan Creek is designated Essential Salmonid Habitat; any amount of removal/fill below the ordinary high water line or within any adjacent wetlands would require a permit. There are wetlands mapped south of Morgan Creek Road.

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

5/25/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300



From: **Crystal Orr**
To: **lori shott**
Cc: **Planning Department**
Yesterday at 9:48 AM

RE: conditional use permit from county

You can use this for proof. Have you already turned in a conditional use?

Crystal Orr

Planner I

Coos County Planning

60 E Second St, Coquille, OR 97423 (Physical address)

225 N Adams St, Coquille, OR 97423 (Mailing Address)

541-396-7770

From: lori shott <lori.shott@yahoo.com>

Sent: Tuesday, June 15, 2021 2:18 PM

To: Crystal Orr <corr@co.coos.or.us>

Subject: Fwd: conditional use permit from county

This Message originated outside your organization.

From: lori shott <lori.shott@yahoo.com>
Sent: Tuesday, June 15, 2021 2:18 PM
To: Crystal Orr <corr@co.coos.or.us>
Subject: Fwd: conditional use permit from county

This Message originated outside your organization.

Hello,
Can this email be used to meet the requirement
To show proof of the fire district not willing to
include Morgan Creek address into their district?

Sent from my iPhone

Begin forwarded message:

From: "Shott, Michael"
<Michael.Shott@kniferiver.com>
Date: June 15, 2021 at 11:30:48 AM PDT
To: lori.shott@yahoo.com
Subject: FW: FW: conditional use permit from county

Will this work?

From: Sam Mason
<millingtonfire5@gmail.com>
Sent: Tuesday, June 15, 2021 11:02 AM
To: Shott, Michael
<Michael.Shott@kniferiver.com>
Subject: Re: FW: conditional use permit from county

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Morgan Creek is outside of our fire district area.

Thank you,

Chief Samantha Mason
Millington Fire Department
62866 Millington Frontage Road
Coos Bay Oregon, 97420
Office: 541-267-3151
Cell: 541-290-0070

" Leadership is about making others better as a result of your presence and making sure that impact lasts in your absence."

On Tue, Jun 15, 2021 at 10:44 AM Shott, Michael <Michael.Shott@kniferiver.com> wrote:

From: Shott, Michael
Sent: Tuesday, June 15, 2021 10:24 AM
To: millingtonfire4@gmail.com
Subject: conditional use permit from county

Hi,

I am building a house up Morgan Creek. The county needs a letter from you guys saying you don't service that area? I'm hoping its something you have done before and know what they are after? I appreciate all the help, my phone number is [541-297-1155](tel:541-297-1155). Im right across the street at the concrete plant all the time.

EXHIBIT "E"
Submitted Application



Coos County Land Use Permit Application
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
 TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
 PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

930933 FILE NUMBER: ACU-21-30

Date Received: 4/27/21 Receipt #: 93115476 Received by: JMB

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) Raya Ziegler
 Mailing address: 97400 Morgan Creek Ln Coos Bay
 Phone: 541-297-5260 Email: rayaziegler@hotmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
26S	12W	12	Select	Select	200
Select	Select	Select	Select	Select	

Tax Account Number(s): 472005 Zone: Select Zone Forest Mixed Use (FMU)
 Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Michael Shott, Lori Shott
 Mailing address: 97400 Morgan Creek Ln. Coos Bay, OR 97420
 Phone: 541-297-1155 541-294-9326

C. Consultant or Agent: _____
 Mailing Address _____
 Phone #: _____ Email: _____

Type of Application Requested

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

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
 School District: Coos Bay Fire District: Coos Forest Protective Association

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.

This property has passed the template dwelling test.
We believe this parcel will meet Coos County land development
ordinance requirements. See attached

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: _____

Type of Access: County Road Name of Access: Morgan Creek Lane

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 designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-21-

ADDRESS APPLICATION INFORMATION

FILE NUMBER: AD-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: 97280 Morgan Creek Lane Coos Bay

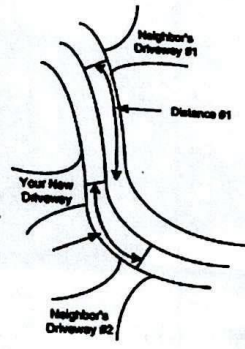
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: 121'

Is this driveway on the same side of the road as your Driveway: YES

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: 97274 Morgan Creek Lane Coos Bay

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: 222'

Is this driveway on the same side of the road as your Driveway: No



The distance information is important from your new driveway to the closest driveways on either side of you (doesn't matter which side of the road) and what the addresses are to those two driveways. This information is important to include in the formula used to calculate the correct address.

Staff from the County Road Department will place the stake and once the driveway stake has been placed, it must not be moved. If your stake is removed or damaged you may purchase replacements.

Additional Notes or directions:

This application is not required.

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Spring

Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

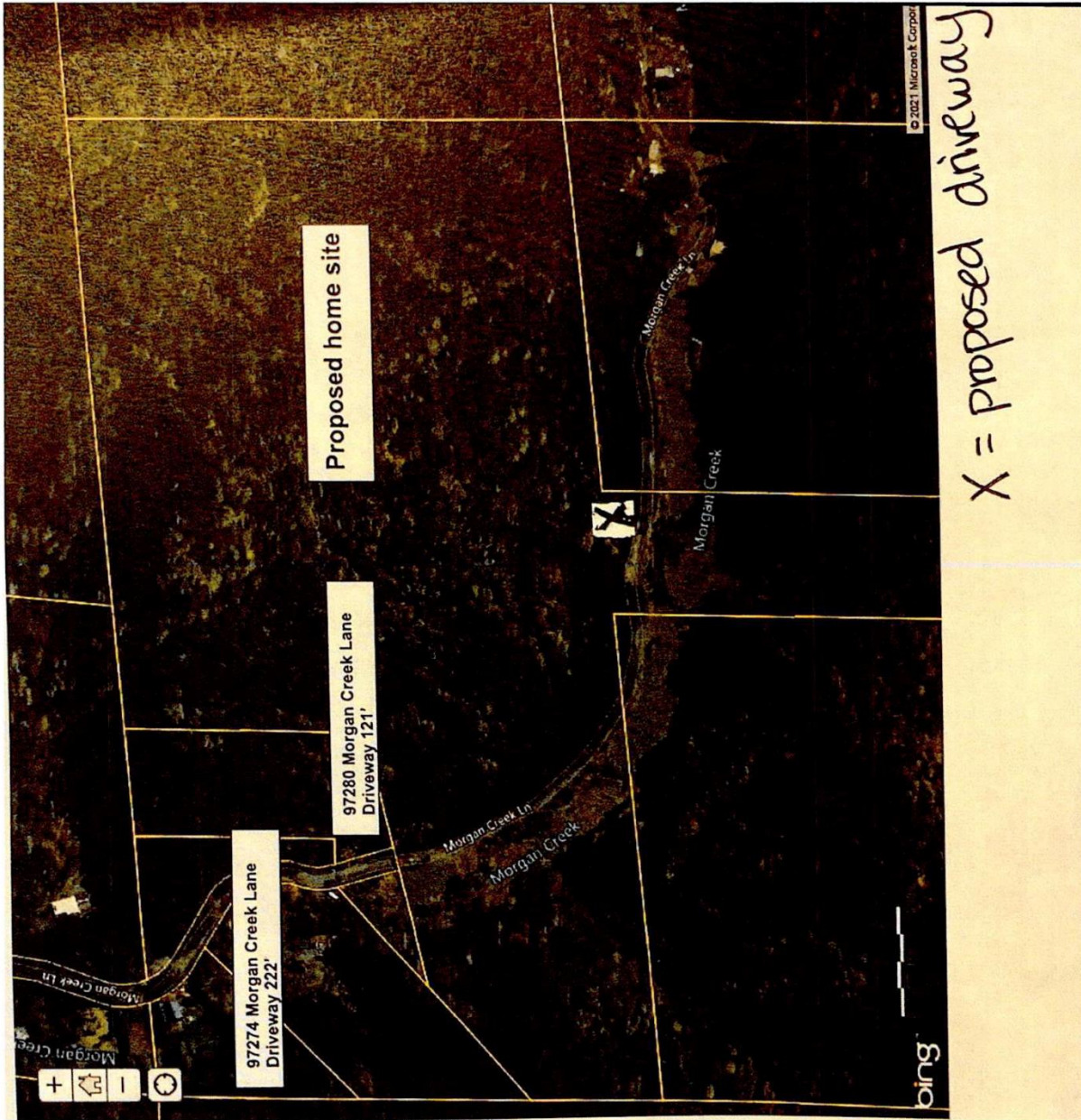
Staff Reviewing Application: _____

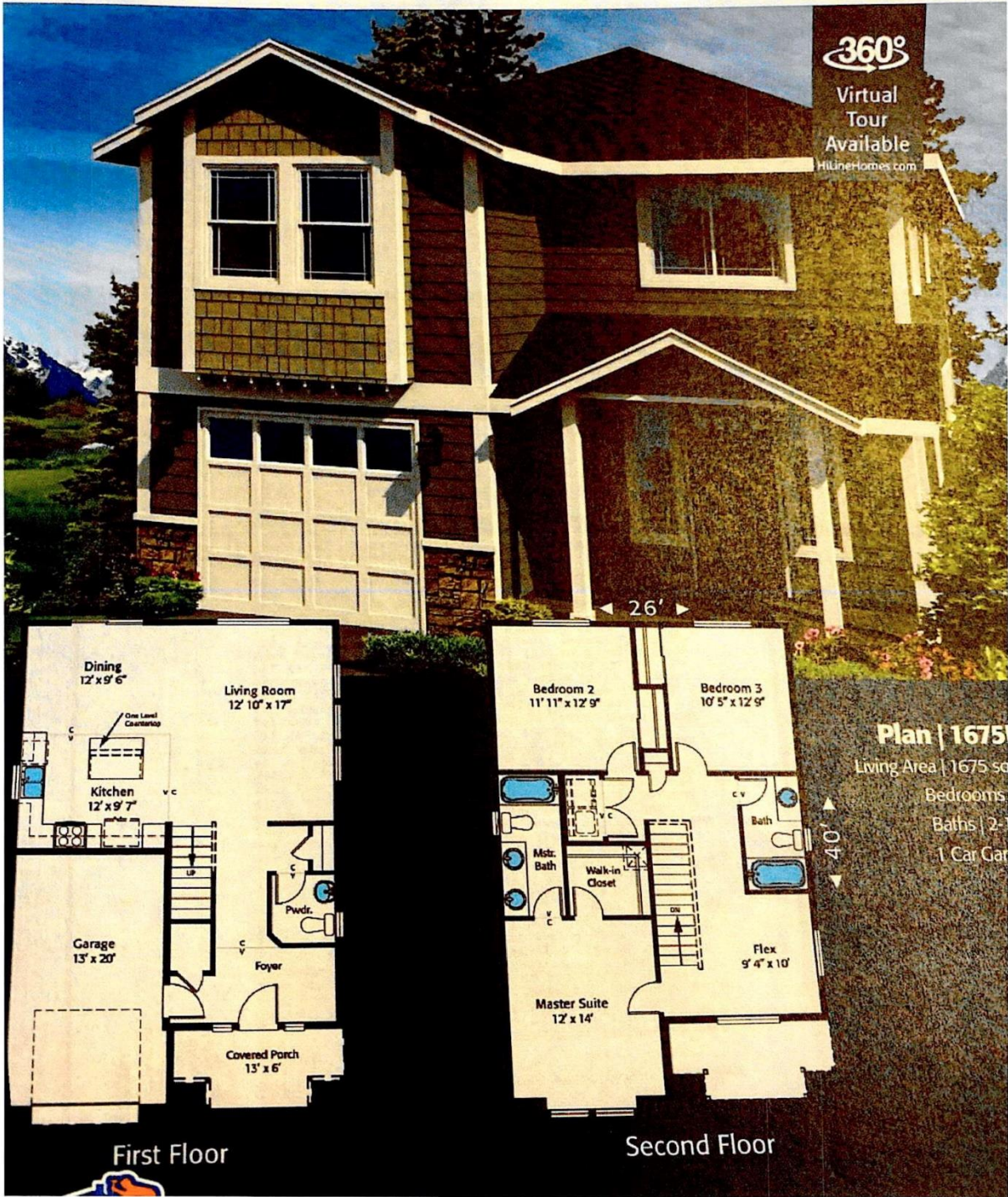
Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Health Division to make an appointment.

Additional Comments:

*planned future spring + septic
as indicated above*





360°

Virtual
Tour
Available
HiLineHomes.com

26'

Plan | 1675

Living Area | 1675 sq ft
Bedrooms | 3
Baths | 2
1 Car Garage

40'

First Floor

Second Floor

WARRANTY DEED

861396

MICHAEL LEUTHOLD, a single man, hereinafter called Grantor, conveys to CLARENCE F. JACOBSON and BARBARA I. JACOBSON, husband and wife, all that real property situated in Coos County, State of Oregon described as follows:

The Northwest quarter of Section Twelve (12), Township Twenty-six (26) South, Range Twelve (12) West of Willamette Meridian, Coos County, Oregon, except that portion embraced in the County Road; except that portion conveyed to Raymond H. Prescott et ux in Book 233, Page 678, described as follows: Beginning on the West line of said Section Twelve (12) at a point South 10° 44' East 520.35 feet from the iron rod at the Northwest corner of said Section Twelve (12); thence North 38° 17' East 525.51 feet to the center line of the County Road; thence along said County Road as follows: South 49° 14' East 203.35 feet; thence South 21° 58' East 97.55 feet; thence leaving the County Road run South 16° 14' West 137.50 feet; thence South 38° 17' West 635.43 feet to the West line of said Section Twelve (12); thence North 10° 44' West along said West line 449.72 feet to the point of beginning. Also, excepting parcel conveyed to Bernard M. Seltho et ux in Book 266, Page 194, Deed Records of Coos County, Oregon, described as follows: Beginning at the Northwest corner of said Section Twelve (12); thence North 84° 25' East along said North line of Section Twelve (12), 697.66 feet; thence due South 522.25 feet; thence due West 128 feet to the center line of the County Road; thence along the center line of the County Road as follows: North 16° 14' East 137.56 feet; North 21° 58' West 97.55 feet; North 49° 14' West 203.35 feet; thence leaving the County Road run South 38° 17' West 525.51 feet to the West line of said Section Twelve (12); thence North along the section line 520.35 feet to the point of beginning. Also, excepting parcel conveyed to Clarence F. Jacobson et ux in Book 292, Page 443, Deed Records of Coos County, Oregon, described as follows: The East 1000 feet of the Southeast quarter of the Northwest quarter of said Section Twelve (12).

SUBJECT TO: Provisions of Joint Water System Agreement between Lyle Strong et ux and Raymond H. Prescott, et ux, dated October 31, 1954 and recorded November 22, 1954 in Book 238, Page 141, Deed Records of Coos County, Oregon.

EXCEPTING and RESERVING: A perpetual right of way 30 feet in width for ingress, egress and public utilities across said premises following the route of the existing road across said premises, which road commences at the end of the Morgan Creek County Road on the North line of said Northwest quarter of said Section Twelve (12) and runs Southeasterly along the North side of Morgan Creek to the Easterly boundary of said Northwest quarter of said Section Twelve (12); said right of way shall be appurtenant to the South half of the Northeast quarter of said Section Twelve (12) and which said right of way has heretofore been made appurtenant to the said East 1000 feet of the Southeast quarter of the Northwest quarter of said Section

State of Oregon
County of Coos
I, Mary Ann Wilson, County Clerk, certify this
within instrument was filed for record at
Oct 30 1956 3:33 PM
By *[Signature]* Deputy
#pages 2 Fol 5

861397

Twelve (12) by virtue of agreement between Lyle Strong et ux and Clarence F. Jacobson et ux recorded in Book 292, Page 444, Deed Records of Coos County, Oregon, and shall be used in common with the owners of the premises conveyed herein and with the owners of said two tracts to which it is appurtenant.

EXCEPTING and RESERVING ALSO: That portion of the above described property situated in the Northwest quarter of the Northwest quarter of Section Twelve (12), Township Twenty-six (26) South, Range Twelve (12) West of the Willamette Meridian, particularly described as follows: Commencing at the Northwest corner of Section Twelve (12); thence North 84° 25' East 999.66 feet to the point of beginning; thence South 502.00 feet; thence South 80° West 620.00 feet; thence North 38° 17' East 305.00 feet; thence North 16° 14' East 8.00 feet; thence West 120.00 feet; thence North 522.25 feet; thence North 84° 25' East 302.00 feet to the point of beginning.

and covenant that Grantor is the owner of the above described property free of all encumbrances, excepting the 1968-69 taxes thereon and all subsequent taxes, together with all public charges and assessments which may hereafter be placed thereon and all liens and encumbrances incurred by or through the Second Parties, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is Eleven Thousand and No/100 (\$11,000.00) Dollars.

The foregoing recital of consideration is true as I verily believe.

Dated this ___ day of May, 1968.

Michael T. Leuthold (SEAL)

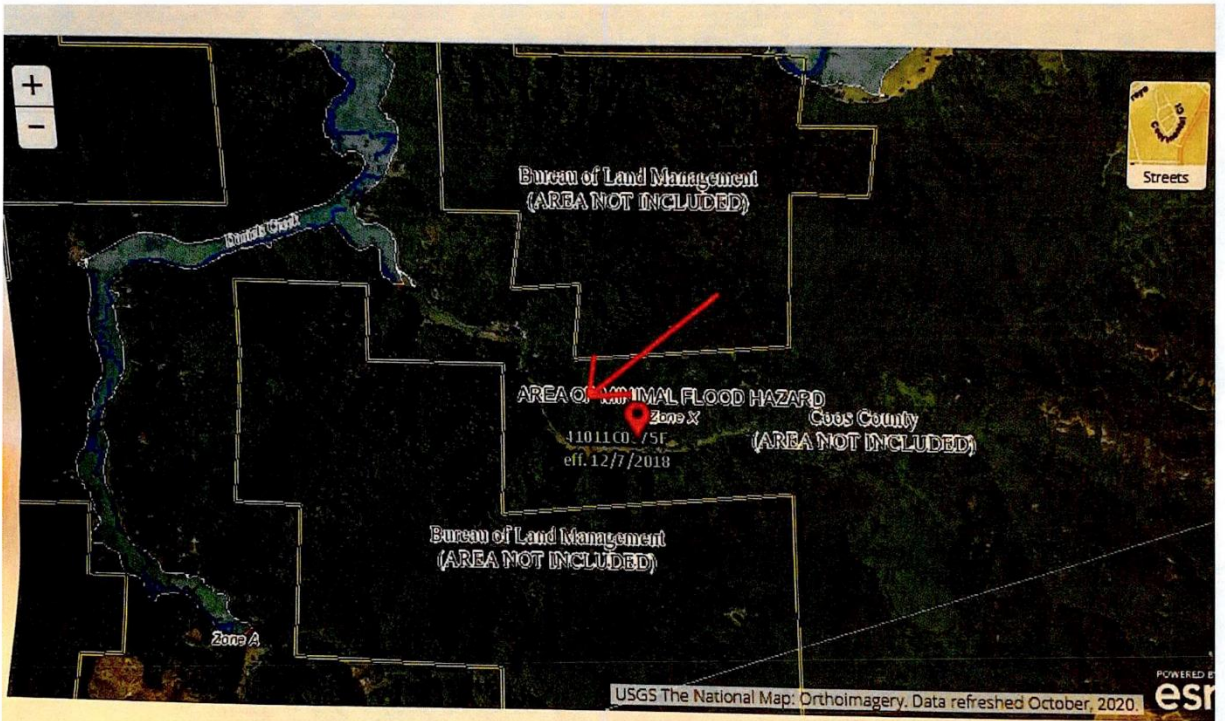
STATE OF OREGON)
COUNTY OF COOS) ss
May ___, 1968.

Personally appeared the above named MICHAEL LEUTHOLD, a single man, and acknowledged the foregoing instrument to be his voluntary act. Before me:

Notary Public for Oregon
My Commission Expires: _____



WARRANTY DEED -2.



Downloaded from FEMA website 4/14/2021. Arrow points to approximate proposed home site.

COOS County Assessor's Summary Report Real Property Assessment Report

FOR ASSESSMENT YEAR 2021
NOT OFFICIAL VALUE

April 20, 2021 6:09:22 pm

Account # 472005
Map # 26S12120000200
Code - Tax # 0901-472005

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name ZIEGLER, RAYA

Deed Reference # 2016-9202

Agent

Sales Date/Price 04-11-2015 / \$0.00

In Care Of

Appraiser

Mailing Address 97400 MORGAN CRK LN
COOS BAY, OR 97420-7573

Prop Class 562 MA SA NH Unit
RMV Class 500 04 17 RRL 7921-1

Situs Address(s)		Situs City					
Code Area	RMV	MAV	Value Summary		MSAV	RMV Exception	CPR %
			AV	SAV			
0901 Land	13,478					Land	0
Impr.	0					Impr.	0
Code Area Total	13,478	0	9,059	13,478	9,059		0
Grand Total	13,478	0	9,059	13,478	9,059		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
0901	30	<input checked="" type="checkbox"/>		F, EFU	Farm Use Zoned	100	A	2.50	K4	006*	1,637
0901	15	<input checked="" type="checkbox"/>		F, EFU	Small Tract Forest land	100	A	8.70	STF-B	006*	1,662
0901	20	<input checked="" type="checkbox"/>		F, EFU	Small Tract Forest land	100	A	63.48	STF-C	006*	10,179
Grand Total								74.68			13,478

Code Area	Yr ID#	Stat Built	Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%				
Grand Total									
								0	0

Code Area	Type	Exemptions/Special Assessments/Potential Liability							
NOTATION(S):									
■ FARM/FOREST POT'L ADD'L TAX LIABILITY FARM/FORST									
0901	FIRE PATROL:								
	■ FIRE PATROL TIMBER	Amount	125.89	Acres	74.68	Year	2021		

COOS COUNTY, OREGON

2016-09202

\$56.00

10/17/2016 02:13:12 PM

Page 3



Terril L. Turf, Coos County Clerk

RECORDING REQUESTED BY:

GRANTOR:
Clarence F. Jacobson

GRANTEE:
Clarence F. Jacobson and Raya Ziegler

SEND TAX STATEMENTS TO:
Clarence F. Jacobson and Raya Ziegler

AFTER RECORDING RETURN TO:
Clarence F. Jacobson and Raya Ziegler

97400 Morgan Creek Lane
Coos Bay, OR 97420

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Clarence F. Jacobson, Grantor, conveys to

Clarence F. Jacobson and Raya Ziegler, not as tenants in common, but with the right of survivorship, Grantees, the following described real property, situated in the County of Coos, State of Oregon,

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

The true consideration for this conveyance is NONE. (See ORS 93.030).

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

Dated THIS ____ day of March, 2015

Clarence F. Jacobson
Clarence F. Jacobson

State of OREGON
COUNTY of COOS

This instrument was acknowledged before me on ^{April} ~~March~~ 11, 2015 by Clarence F. Jacobson

Katherine M. Ellison Notary Public - State of Oregon
My commission expires: March 26, 2017

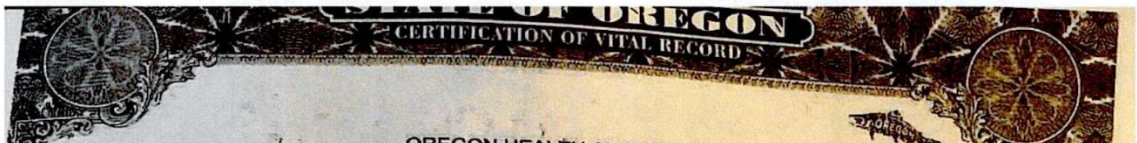


EXCEPTING AND RESERVING: A perpetual right of way 30 feet in width for ingress, egress and public utilities across said premises following the route of the existing road across said premises, which road commences at the end of the Morgan Creek County Road on the North line of said Northwest quarter of said Section Twelve and runs Southeasterly along the North side of Morgan Creek to the Eastern boundary of said Northwest quarter of said Section Twelve; said right of way shall be appurtenant to the South half of the Northeast quarter of said Section Twelve and which said right of way has heretofore been made appurtenant to the said East 1,000 feet as the Southeast quarter of the Northwest quarter of said Section Twelve by virtue of agreement between Lyle Strong et ux and Clarence F. Jacobson et ux recorded in Book 292, Page 444, Deed Records of Coos County, Oregon, and shall be used in common with the owners of the premises conveyed herein and with the owners of said two tracts to which it is appurtenant.

EXCEPTING AND RESERVING ALSO: A parcel of land located in the Northwest quarter of Section 12, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon, more specifically described as follows:

BEGINNING at a point on the North line of said Section 12 which is North $84^{\circ} 25'$ East 697.66 feet from the Northwest corner of Section 12, said point of beginning also being the Northeast corner of that parcel conveyed to Bernard M. Selthon et ux in Book 266, Page 194, Deed Records of Coos County, Oregon; thence North $84^{\circ} 25'$ East 292.87 feet along the North line of said Section 12; thence South 629.70 feet; thence South $76^{\circ} 19'$ West 603.66 feet, more or less, to the Easterly boundary of parcel conveyed to Raymond H. Prescott et ux in Book 233, Page 678, Deed Records of Coos County, Oregon; thence along the Raymond H. Prescott boundary North $38^{\circ} 17'$ East 282.48 feet, more or less, to its intersection with said Selthon boundary; thence East 120 feet along said Selthon boundary; thence North 522.25 feet along said Selthon boundary to the point of beginning. Said parcel contains 5.17 acres, more or less.

SUBJECT TO: Provisions of Joint Water System Agreement between Lyle Strong et ux and Raymond H. Prescott et ux dated October 31, 1954, and recorded November 22, 1954 in Book 238, Page 141, Deed Records of Coos County, Oregon.



STATE OF OREGON
CERTIFICATION OF VITAL RECORD

852096
I.D. TAG NO.

OREGON HEALTH AUTHORITY
CENTER FOR HEALTH STATISTICS
CERTIFICATE OF DEATH

136-2018-034493
STATE FILE NUMBER

Legal Name First: Clarence Middle: Frank Last: Jacobson Suffix:		Death Date December 20, 2018	
Sex Male	Age 82 years	Social Security Number 544-38-3000	County of Death Coos
Birthdate November 04, 1936		Birthplace North Bend, Oregon	
Residence 97400 Morgan Creek Road		City/Town Coos Bay	Was Decedent Ever in U.S. Armed Forces? No
Residence County Coos	State or Foreign Country Oregon	Zip Code + 4 97420	Inside City Limits? No
Marital Status at Time of Death Married	Spouse's Name Prior to First Marriage Raya Ann Ziegler		
Father's Name Roy A. Jacobson	Mother's Name Prior to First Marriage Enid B. Wilson		
Informant's Name Raya A. Ziegler	Telephone Number Not Available	Relationship to Decedent Spouse	Mailing Address 97400 Morgan Creek Road, Coos Bay, OR 97420
Place of Death Decedent's Residence		Facility Name	
Location of Death 97400 Morgan Creek Road		City/Town or Location of Death Coos Bay	State Oregon
Method of Disposition Cremation	Place of Disposition Ocean View Memory Gardens Crematory	Location (City/Town and State) Coos Bay, Oregon	
Name and Complete Address of Funeral Facility Coos Bay Chapel Cremation & Funeral Service: 685 Anderson Avenue, Coos Bay, Oregon 97420			
Date of Disposition TBD	Funeral Director's Signature Thomas V Boynton		OR License Number CO-3504
Registrar's Signature Jennifer A. Woodward	Date Received December 31, 2018	Local File Number	

TO BE COMPLETED BY FUNERAL FACILITY

45-2CCS (01/06)



I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

January 02, 2019

DATE ISSUED:

JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE.



The Northwest quarter of Section Twelve, Township Twenty-six South, Range Twelve, West of the Willamette Meridian, Coos County, Oregon.

EXCEPT that portion conveyed to Raymond H. Prescott et ux in Book 233, Page 678, described as follows:

BEGINNING on the West line of said Section Twelve at a point South $10^{\circ} 44'$ East 520.35 feet from the iron rod at the Northwest corner of said Section Twelve; thence North $38^{\circ} 17'$ East 525.51 feet to the center line of the County Road; thence along said County Road as follows: South $49^{\circ} 14'$ East 203.35 feet; thence South $21^{\circ} 58'$ East 97.55 feet, thence leaving the County Road run South $16^{\circ} 14'$ West 137.56 feet; thence South $38^{\circ} 17'$ West 635.43 feet to the West line of said Section Twelve; thence North $10^{\circ} 44'$ West along said West line 449.72 feet to the point of beginning.

ALSO, EXCEPTING parcel conveyed to Bernard M. Selthon et ux in Book 266, Page 194, Deed Records of Coos County, Oregon, described as follows:

BEGINNING at the Northwest corner of said Section Twelve; thence North $84^{\circ} 25'$ East along said North line of Section Twelve, 697.66 feet; thence due South 522.25 feet; thence due West 120 feet to the center line of the County Road; thence along the center line of the County Road as follows: North $16^{\circ} 14'$ East 137.56 feet; North $21^{\circ} 58'$ West 97.55 feet; North $49^{\circ} 14'$ West 203.35 feet; thence leaving the County Road run South $38^{\circ} 17'$ West 525.51 feet to the West line of said Section Twelve; thence North along the section line 520.35 feet to the point of beginning.

ALSO, EXCEPTING parcel conveyed to Clarence F. Jacobson et ux in Book 292, Page 443, Deed Records of Coos County, Oregon, described as follows: The East 1,000 feet of the Southeast quarter of the Northwest quarter of said Section Twelve.



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

April 1, 2021

Mike Shott
97400 Morgan Creek Lane
Coos Bay, OR 97420

RE: Research Request R-21-001 on property located at Township 26S, Range 12W, Section 12, Tax Lot 200

Mr. Carnahan:

Pursuant to your research request, a forest template dwelling test was conducted for the parcel located east of the City of Coos Bay. The purpose of the test was to determine if the parcel was zoned Forest (F) Mixed Use (MU) if it would qualify for a dwelling based on the relevant Coos County Zoning and Land Development Ordinance ("CCZLDO") provisions.

The applicable CCZLDO criteria for the template test are:

Section 4.6.120(II) – Residential Uses [in the Forest Zone]

- (II) *TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.*
- (1) *In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:*
- (a) *Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:*
- (A) *All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
- (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;*
- (b) *Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*
- (A) *All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
- (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels; or*
- (c) *Capable of producing more than 85 cubic feet per acre per year of wood fiber if:*
- (A) *All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
- (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels.*
- (2) *(Reserved)*
- (3) *Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*
- (4) *A proposed dwelling under this section is not allowed:*
- (a) *If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.*
- (b) *Unless it complies with the requirements of ORS 215.730.*

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

As the property is 60 acres or larger and abuts a road that existed prior to January 1, 1993 the rectangle template was used and results are as follows:

Rectangle Template Results:

Minimum of eleven (11) required pre-1993 parcels within a 160 acre square:	MET (13 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre square:	MET (4 dwellings)

This test shows that CCZLDO Section 4.6.120 (II)(1)(c) would be satisfied using the property's current configuration. If the configuration of the subject property were to change, such as through a partition or property line adjustment, if additional discrete parcels are discovered, or any of the qualifying dwellings were replaced within the test area, this test will no longer be valid and a new test will be required. This does not guarantee approval of a dwellings as an Administrative Conditional Use application is required to site a template dwelling within the Forest Mixed Use Zone.

If there are any questions regarding this test, please contact the Planning Department.

Sincerely,

Amy Dibble

Amy Dibble, Planner II

Attachment: Template Test Map – Rectangle Template Test
C: File

R-21-001 Research Response
Page 2

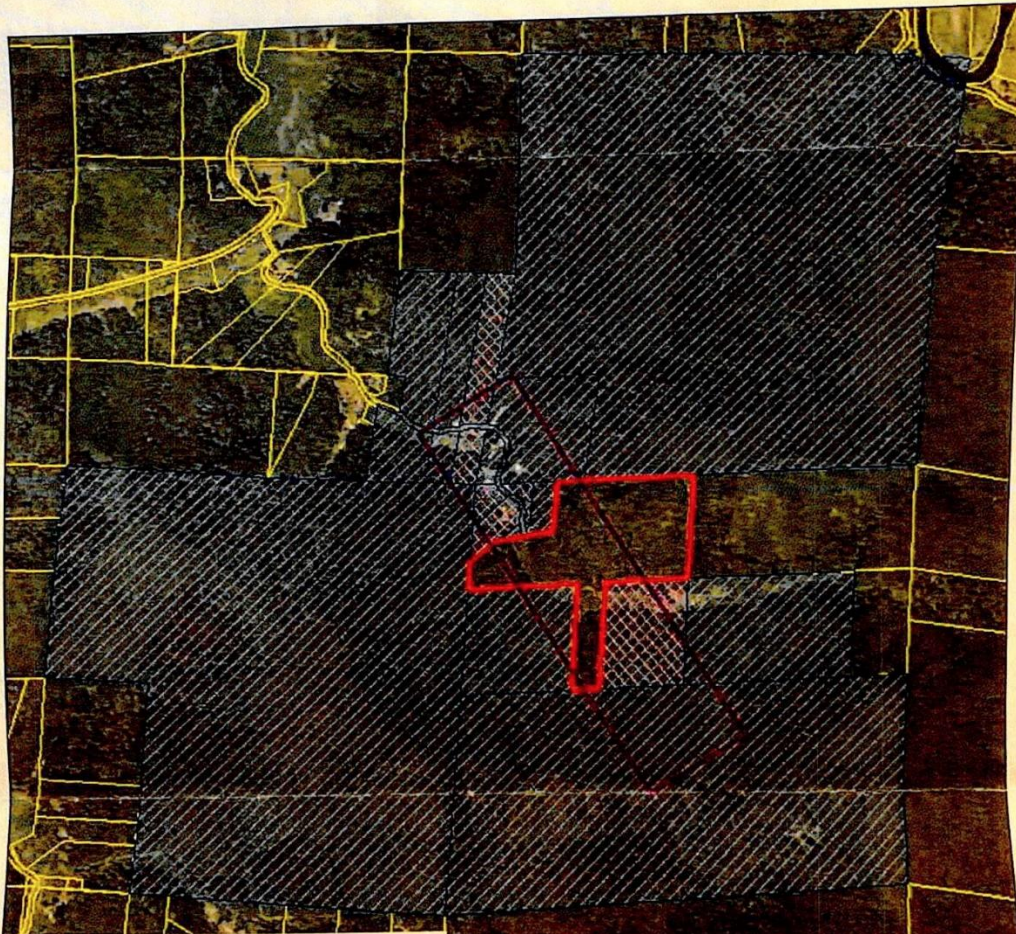


COOS COUNTY PLANNING DEPARTMENT






Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

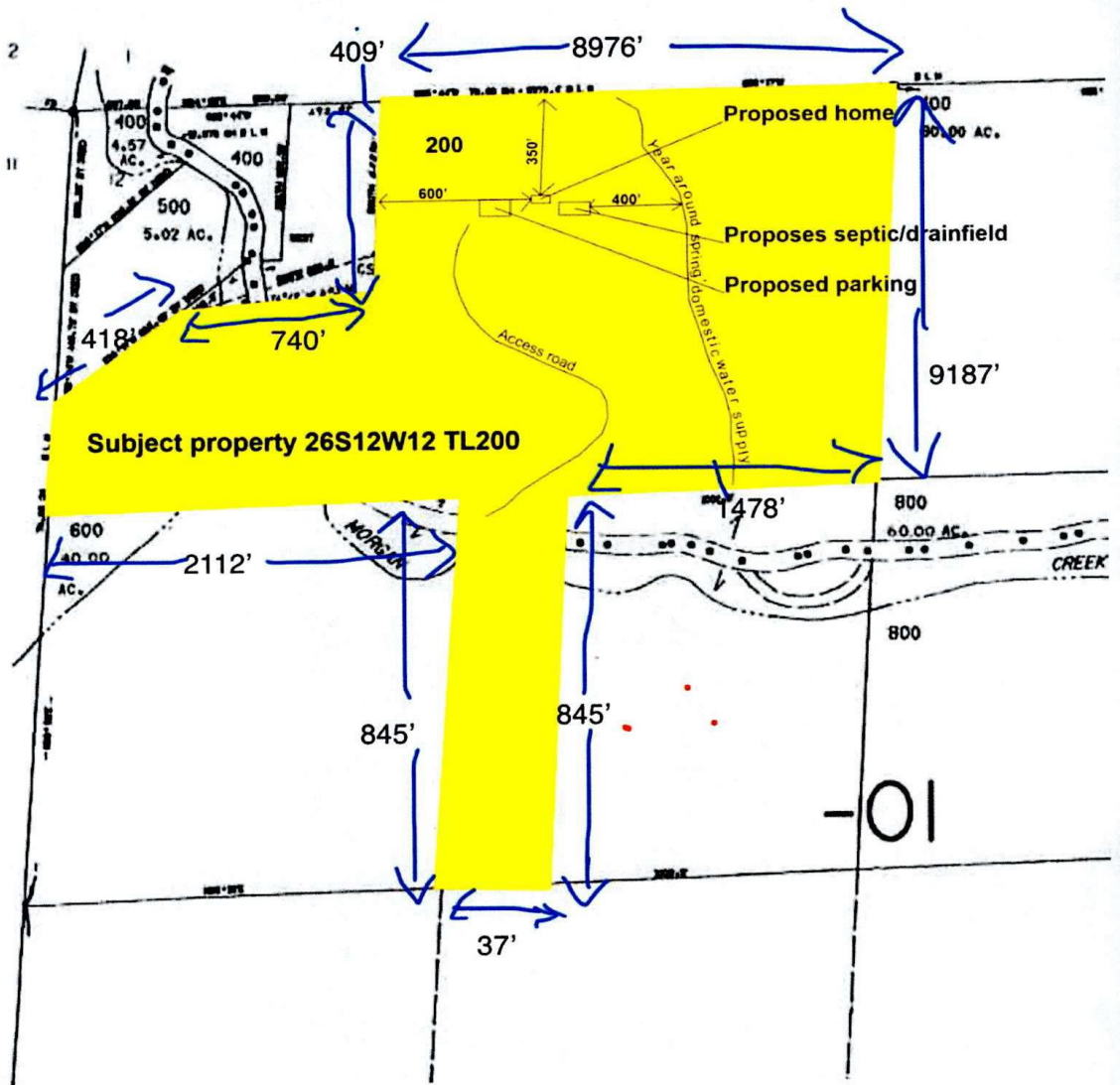
Fax: (541) 396-1022/TDD (800) 735-2900

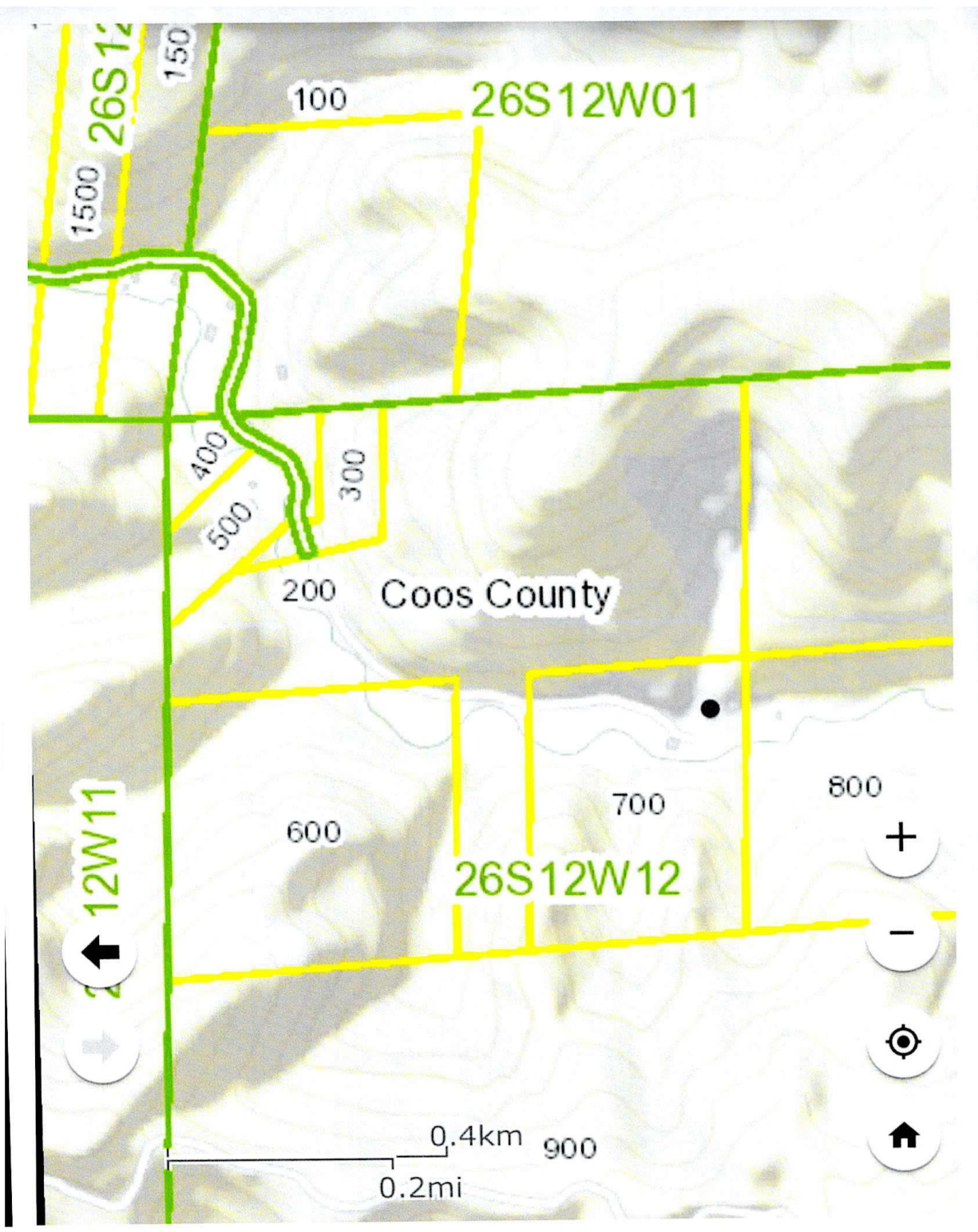


Legend

-  TEMPLATE1X4
-  Subject_Property
-  Template_Parcels
-  Qualifying_Template_Parcels
-  Qualifying_Parcels_W_Qualifying_Dwellings

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Ziegler/shott

ACU-21-030

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

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

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

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

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

(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]

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

Template test has been completed and included with application. Property abuts to road which existed pre-1993 with 2 residences on the same side of the road.

- **There are 13 parcels (of the 11 required) within a 160 acre square**
- **There are 4 dwellings (of the 3 required) within the required pre-1993 dwellings within the 160 acre square**

See template test included in application packet

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.

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

**Heavily timbered land with any removed timber in compliance with previously obtained permits for harvesting (which was a thinning). No further timber required to be removed for project, as building will occur on landing site to minimize effects.
Agreeable to stocking report if required.**

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

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

Fire retardant class A shingles planned for roofing

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

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

Site slope does not exceed 40%, included topography map in application. In addition, building site is on existing flat landing previously used in original logging projects many years ago.

- (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.

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

Planned water source is from a naturally occurring spring on the property. See maps provided with application for water located on property. The spring is approx. 200' from the proposed structure to prevent impact. The proposed structure is approx. 450' from

Morgan creek which is the next closes stream/natural water source which has significant land buffer between to prevent impact on the creek.

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

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

Land is under coos county forest fire protection district and resident has fire suppression equipment on site which were used for previous logging projects to protect the property from threat of fire in addition to minimum requirement of district protection.

(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.

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

n/a

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

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

No current dwelling, but spark arrester is planned for chimney

(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)(b)(G)

Significant primary and secondary fuel-free break on dwelling site was made during previous thinning project, and exists currently with more than 200' within the logging landing site being used for the dwelling site.

(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)(a) & (b) – If you are requesting alternative forms of fire protection because you are outside of a Fire District and or provided with residential fire protection by contract, please provide additional solutions to fire protection. If you are within a fire district you do not need to respond to these criteria.

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Land is under coos forest fire protection district with additional resident fire solutions already in place. 5000 gallon water tank will be on site with min required hose with length to reach all structures, and gas powered pump addressed in sections below.

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;

Response to SECTION 4.6.130(1)(a) – Describe how the placement of the dwelling will have the least impact on nearby or adjoining forest or agricultural lands:

The adjoining property to the east is owned by us and being used as residential property with established timber (which will not be affected or modified for this dwelling). The property adjoining to the west is another residential property with a small dwelling being used as a residence, which will also not be affected or modified due to significant buffer between the dwelling and their property. There is no pasture or livestock being raised on this property.

The property north and south is forest land and will not be affected due to a significant (350' +) buffer of forest/timber between them. The home site has been placed so that there is a large mountain ridge within that 350' buffer adjoining the forest land.

The traffic will not increase as the residents of the property are already using existing roads and driveways and living in the residence on 97400 Morgan creek lane.

The placement has been coordinated on a previous logging landing, which already had all significant impacts occurring in the recent approved timber thinning/maintenance on the property. It will be an addition of a small single home to the already flat, cleared landing which was previously used for equipment turn around and log loading.

Due to the significant buffer between all surrounding lands, there should be minimal impact to any surrounding lands.

The addition of the structure will increase benefit to surrounding lands by providing additional ability to observe and respond to surrounding property for fire other threats to the properties.

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.

- (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Response to SECTION 4.6.130(1)(b) – Describe any forest or farming practices that are occurring on the subject tract. “Tract means land within the same ownership that is contiguous”. Describe how the placement of the dwelling will ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

There is 30+ year old timber on the slopes and ridges of tract of valley in which this land sits on. The tract was thinned in 2020 for maintenance/improvement if the tract. There are grazing fields without any livestock being raised, or any growth of crops on the tract on this time.

The dwelling has been planned in an area with significant buffer between the fields and timber to minimize any future potential of the land. Again, this structure will enhance the tract to allow for additional oversight of the tract.

- (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

Response to SECTION 4.6.130(1)(c) – How much acreage will be removed for site access roads, service corridors, dwelling and other structures. Could less property be removed from forest lands to support the proposed development. Please make sure plot plan matches any of the proposed development. Minimizing 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.

5 acres +/- already exists containing previously made access roads, the landing site to be made into a dwelling site, which should be re-categorized. No substantial additional acreage/land will need to be removed or modified. All removal was done in previously approved timber thinning/maintenance project in 2020. All previously existing logging roads and lading site are being utilized/improved to provide minimal impact on the land.

- (d) The risks associated with wildfire are minimized.

Response to SECTION 4.6.130(1)(d) – Describe how the risks associated with wildfire are minimized. 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.

Primary and secondary setbacks are in place from previously approved timber thinning project of approximately 200'. All building will take place/clustered on the already existing logging landing site to take advantage of the currently existing buffers in place. Dwelling would be about 740' at closest point to any existing improved roads. Access to the site is utilizing long standing old logging road, which are being improved and are located along the ridge line to have minimal impact on land/growth. No additional removal is required to improve roads and will minimize growth.

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- (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.

If you would like to provide addition explanation of Section (1) please use this space:

- (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.

Response to SECTION 4.6.130(3) – Please describe water source if need assistance you may contact Oregon Water Resource Department:

As per State of Oregon and Oregon water resource department; use of a spring that, under natural conditions, does not form a natural channel and flow off the property where it originates at any time of the year is exempt from requirements.

Planned water source is from small existing natural spring that does not flow off the property any time of year and empties to a small pond near the origination site, located on this lot of land. This spring can be identified on the plot map provided.

- (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.

Response to SECTION 4.6.130(4) – Please explain if the road that is accessing the property is private or public. If it is private, ODF, BLM or US Forest Service a long-term road access use permit or agreement shall be provided with the application or acknowledgment by the applicant that this will be a condition of approval.

Main road to access drive is county road, “Morgan Creek Lane” and driveway is in existence for residence on lot just to east of this land, also owned by us (97400 Morgan Creek Lane). No additional driveway or access road is required to access property. If additional permits are required, we are agreeable to obtain for condition of approval.

- (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(5) – The Planning Department will request comments from the Assessor’s Office regarding restocking. Please acknowledge that you will follow the restocking requirements.

**Agree to follow restocking requirements.
(All other land remains stocked from a previous stocking 30+ years ago. Thinning occurred in 2020 for maintenance to the trees. No additional logging will need to occur as use of existing landing for dwelling is being used to prevent significant forest removal).**

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.

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

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

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

8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
9. Fire Siting Standards for New Dwellings:
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
10. Firebreak:
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection

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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

Is the property a legal unit of land?

Yes, see deed and land unit maps provided

Will the applicant meet the road setback (should be shown on plot plan)?

Yes, see existing roads on plot map and additional maps provided with application

Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?

No fences, hedges or walls planned.

n/a

Has a driveway/access/parking permit been requested at the time of the application?

Driveway access already in existence for property 97400 Morgan creek lane which we own and is the adjacent east property. Any additional access permits requested with conditional use permit application and agreeable to any additional requirements

Has the applicant acknowledge and file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.

Yes, deed included with proof of death of co-owner provided with CU application

Has the applicant shown any waterways that require a 50 feet setback and if so will the setback be met?

Yes, see maps provided. Morgan creek is the only waterway requiring a setback and is 450+ feet from dwelling in all areas. See maps provided

Is the property within a Fire Protection District, if so which one?

Yes, coos forest protections association

The applicant acknowledges that they 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.

Yes, planned 5000 gallon holding tank on property development, with required psi and hose components with 100 gallon/min independent pump. We already have additional tanks and fire suppression equipment on our property which were required from previous logging permits.

Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report please explain.

Build site has minimal slope. Surplus of 200' safety zone is in existence and exceeds maximum requirements

Please acknowledge that the proposed dwelling use non-combustible or fire resistant roofing materials.

Yes, fire resistant type A shingles are planned

Is there a water supply exceeding 4,000 gallons available to the site within your ownership?

Yes, spring and holding tanks on 97400 Morgan creek lane in my ownership as well as planned holding tank for this site exceeding 4,000 gallons.

The applicant acknowledges dwelling will not be sited on a slope of greater than 40 percent.

Yes

Does the proposed dwelling have a chimney and if so will a spark arrester be installed?

Yes, spark arrester is going to be installed.