



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: Friday, July 30, 2021
File No: ACU-21-032
Proposal: Request for Single Family Dwelling in the Forest Zone.
Applicant(s): Virgil & Melody Stemmerman
61717 Edwards Mills Road
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 12 p.m. on **Monday, August 16, 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: 495809
Map Number: 26S1231A0-00102
Property Owner: STEMMERMAN, VIRGIL & MELODY
61717 EDWARD MILLS RD
COOS BAY, OR 97420-7394
Situs Address: No Situs Address
Acreage: 13.80 Acres
Zoning: FOREST (F)
Special Development Considerations and overlays: FOREST MIXED USE (MU)FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)

This notice shall be posted from July 30, 2021 to August 16, 2021

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: Friday, July 30, 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 property owner or future property owner fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

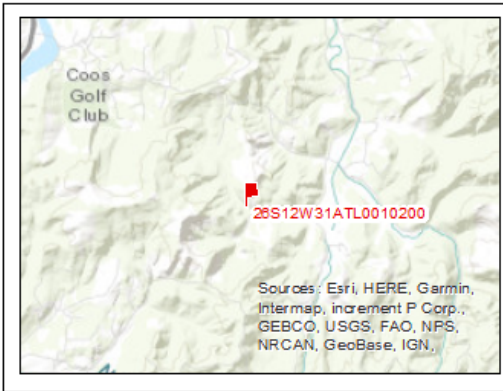
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. 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 completed stocking survey shall be provided to the Coos County Assessor's Office.
 - 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. A detailed plot plan shall be submitted indicating the proposed development, including parking, septic tank and fuel breaks, and the distance from the development to all property boundaries.
 3. The dwelling shall not be sited on a slope of greater than 40 percent.
 4. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
 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.
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. Shall comply with comments found at Exhibit D.
5. A Road Name will be required prior to issuance of an address for this property.

EXHIBIT "B"
Vicinity Map

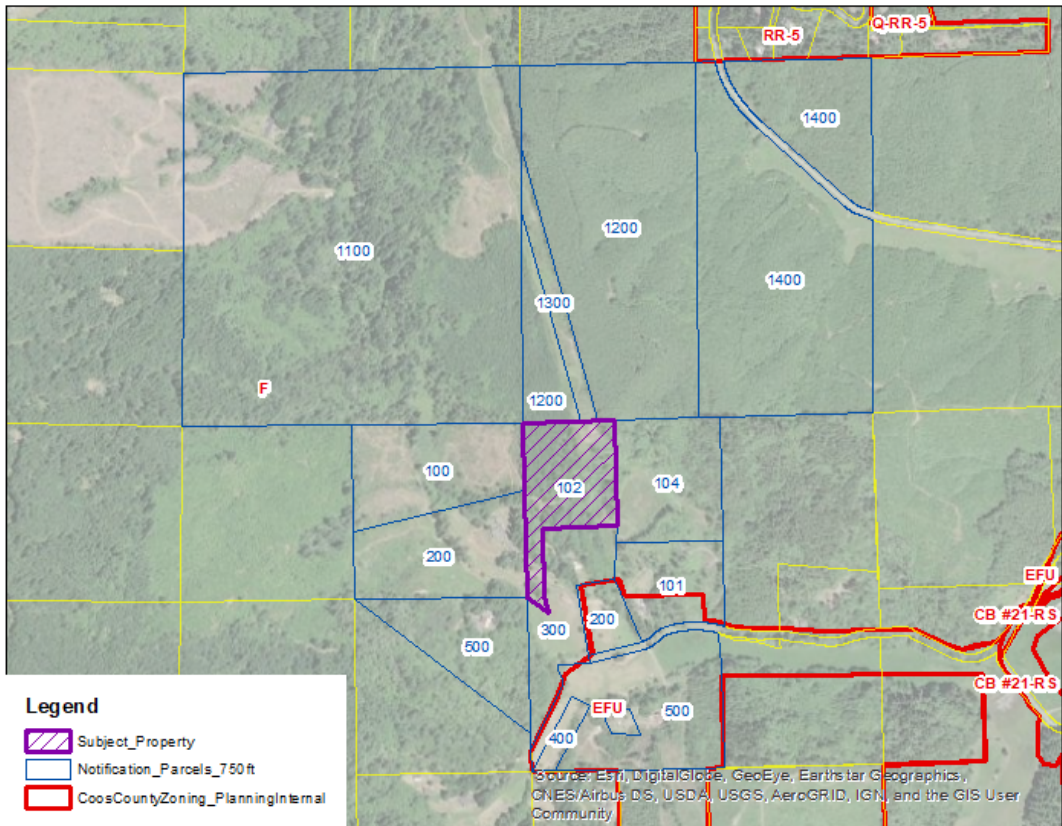


COOS COUNTY PLANNING DEPARTMENT

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-21-032
Applicant/Owner: Virgil & Melody Stemmerman
Date: July 29, 2021
Location: Township 26S Range 12W Section 31ATL 102
Proposal: Administrative Conditional Use



Template Map



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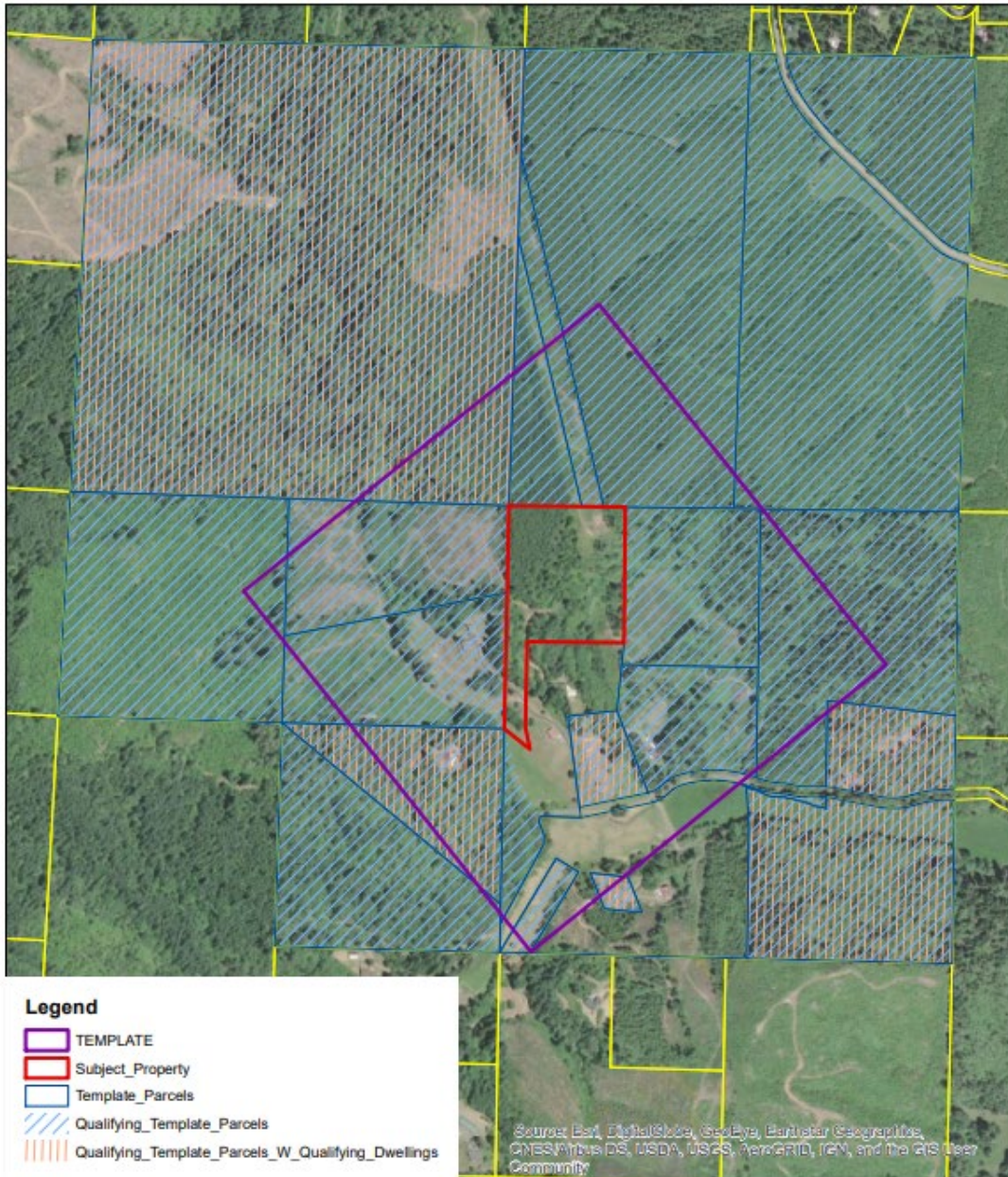


EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

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

A. PROPOSAL: According to the application the property owner is seeking approval for a 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: On June 2, 2002 Staff issued ZCL-02-314 to site a 24' x 38' farm building with two 12' x 24' Lean-to structures. At that time there was a Single Family Dwelling, Garage, Deck and two Accessory Buildings. On June 12, 2007 Staff rendered a decision of approval with conditions for a Property Line Adjustment (PLA-07-50) application for a single line adjustment with Township 26S Range 12W Section 31A Tax Lot 300 which removed all improvements from the property.

The current application was received on April 30, 2021 and deemed complete within the 30-day time frame (May 28, 2021) explained in the Coos County Zoning and Land Development Ordinance Section 5.0.200 (ORS 215.427) and 5.0.250. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period. Staff was able to issue this decision within 63 days of the 150 days allowed to render a decision.

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 property is located approximately 1 mile west of the Rural Unincorporated Community of Sumner.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT
SECTION 4.2.500 RESOURCE ZONES

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

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

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

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 OVERLAYS:

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

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

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

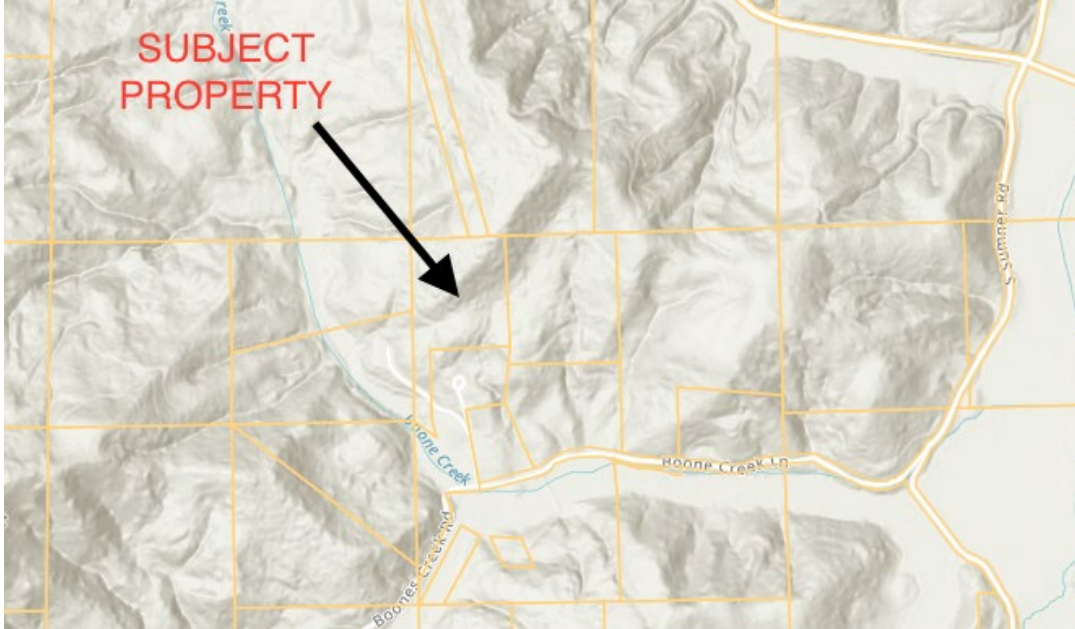
D. SITE DESCRIPTION AND SURROUNDING USES:

The subject property is composed of 13.80 acres (per assessment records). It has a driveway accessed via a deeded easement over a parcel described as 26S-12W-31A-TL 300 over Boone Creek Lane. Boone Creek Lane (116G) is a County maintained road and ends at TL 300.

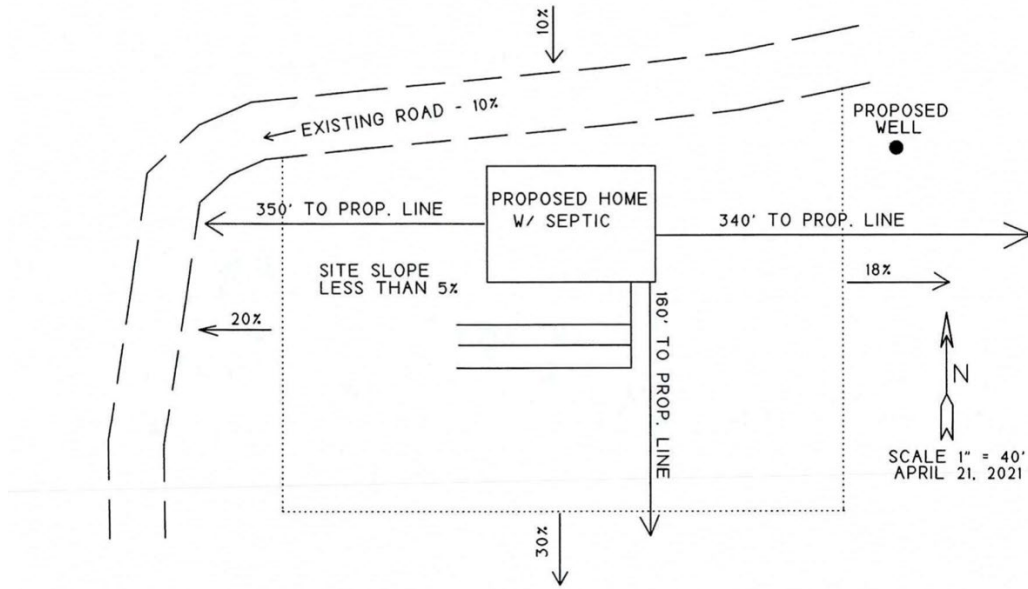
A mix of bottom lands zoned Exclusive Farm Use (EFU) and non-industrial Forest properties with scattered housing is present in the surrounding area. It is currently and historically been managed as an industrial timberland to the north of the subject property, which is zoned Forest.

The subject property appears to be covered in vegetation and trees. The slopes on the property are between 0 and 75 percent based on the soil type. According to the applicants, they chose a location on the subject property that is relatively flat for their proposed dwelling. With slopes of 0 to 5 percent. To confirm this information staff reviewed the DOGAMI

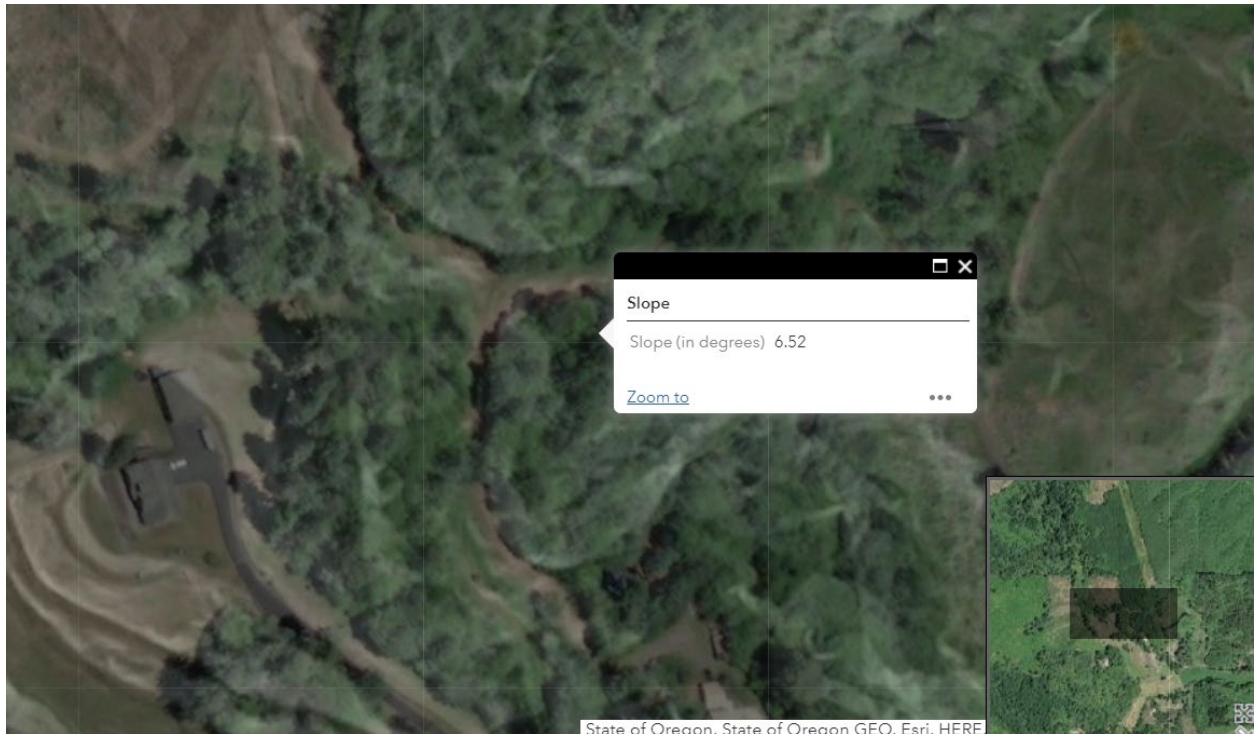
Lidar Viewer that calculates slopes, it appears the area in which the dwelling will be located the slope is between 6.52 and 13.27 percent for an average of 9.90 slope in the area of the proposed dwelling site. This s a little more than the applicant sited but the LiDar is not an onsite measurement.

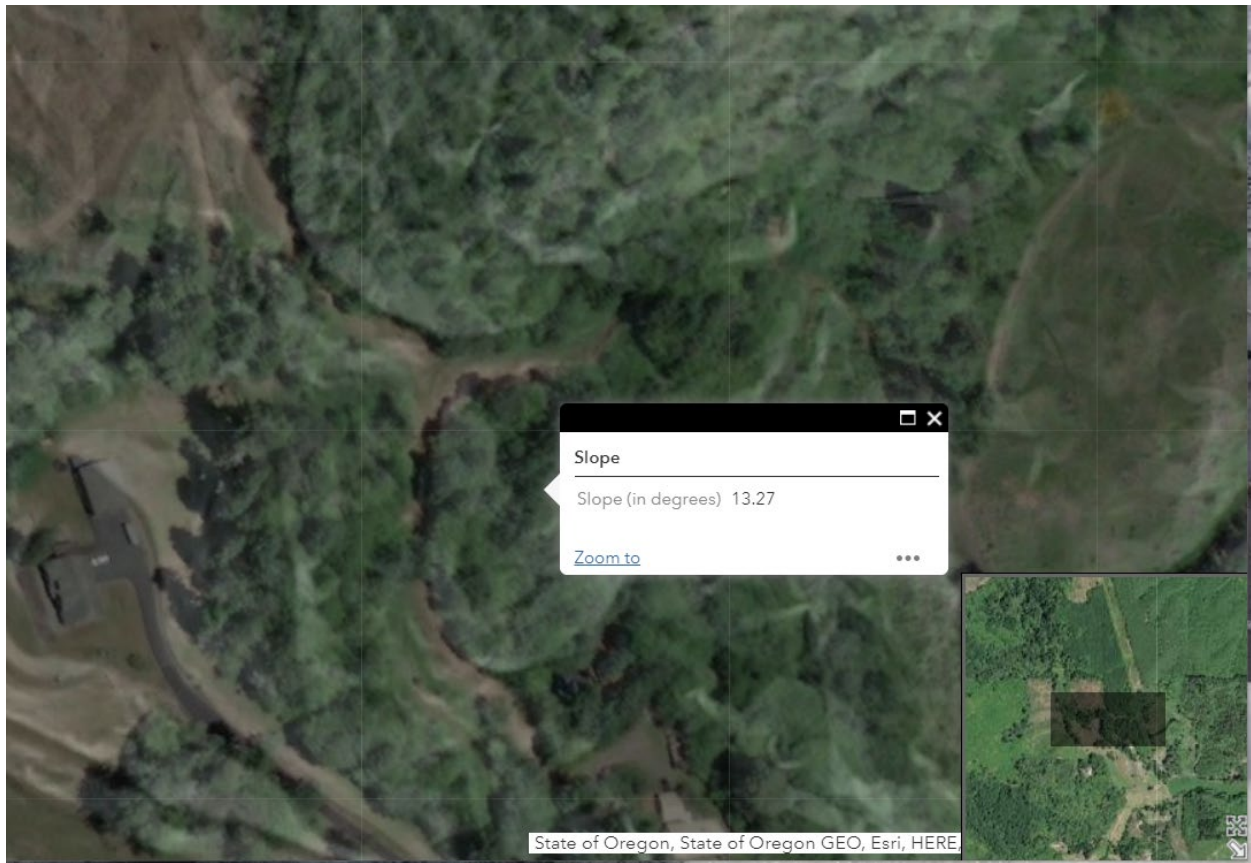


VIRGIL & MELODY STEMMERMAN PLOT PLAN
TAX LOT 102 - 26S 12W 31A - ACCT.# 495809 - 13.80 AC.



Screenshot: Not to Scale





c. **COMMENTS:**

- d. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands prior to the release of the decision. Their response can be found in Exhibit D.
- e. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- f. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the local tribes prior to the release of the decision.
- g. **LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract with Deed Document No. 69-41835, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The current configuration is due to an approved Property Line Adjustment (PLA-07-50).

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>(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 property is made up of 42 – Nestucca-Willanch complex, 54E – Templeton silt loam, 52F – Salander silt loam, and 63C – Wintley silt loam. The volume of wood fiber per year for 52E is 186 cubic feet per acre per year for Douglas-fir species.



42-Nestucca-Willanch complex.

This map unit is in depressional areas of flood plains. Slope is 0 to 3 percent. The native vegetation is mainly conifers, shrubs, forbs, 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.

This unit is 45 percent Nestucca silt loam and 40 percent Willanch fine sandy loam. The Willanch soil generally is along old stream channels, and the Nestucca soil is in areas further away from the old channels. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of well drained sandy soils and Nehalem and Coquille soils. Included areas make up about 15 percent of the total acreage.

The Nestucca soil is deep and somewhat poorly drained. It formed in alluvium. Typically, the surface layer is mottled, dark brown and very dark grayish brown silt loam 14 inches thick. The subsoil is mottled, dark grayish brown silty clay loam 26 inches thick. The substratum to a depth of 60 inches or more is mottled, olive brown silty clay.

Permeability of the Nestucca soil is moderately slow to a depth of 40 inches and slow below this depth. Available water capacity is about 4.0 to 8.5 inches. Effective rooting depth is 60 inches for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. The water table is at a depth of 12 to 24 inches from December to April. Runoff is very slow, and the hazard of water erosion is slight. This soil is subject to frequent periods of flooding in winter.

The Willanch soil is deep and poorly drained. It formed in alluvium. 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.

Permeability of the 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 Sitka spruce, western hemlock, red alder, and black cottonwood. The understory vegetation is mainly Pacific dogwood, Pacific willow, slough sedge, soft rush, and skunkcabbage.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer of the Nestucca soil to compaction, wetness, the hazard of flooding, droughtiness in summer, and, for the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil.

Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

Drainage and irrigation are needed for maximum production of crops. Tile drainage can be used to lower the water table if a suitable outlet is available.

Frequent periods of flooding restrict the use of this unit in winter. Protection from flooding is impractical.

Supplemental irrigation is needed in summer because of low rainfall. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water needs to be applied at a slow rate over a long period to ensure that the root zone is properly wetted. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

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 spring. Excess forage in spring can be used as silage.

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.

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

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

Typically, the surface layer is dark reddish brown silt loam 26 inches thick. The upper 14 inches of the subsoil is dark reddish brown silt loam, and the lower 25 inches is dark reddish brown and reddish brown silty clay loam. In some areas the dark-colored surface layer is less than 20 inches thick. Included in this unit are small areas of Millicoma soils.

Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Salander soil is moderate. Available water capacity is about 15.5 to 21.0 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

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

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, and western redcedar. The understory vegetation is mainly western swordfern, evergreen huckleberry, salmonberry, thimbleberry, and vine maple.

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

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

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

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

This map unit is in capability subclass VIe.

52F-Salander silt loam, 50 to 75 percent slopes.

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

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

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

Permeability of this Salander soil is moderate. Available water capacity is about 15.5 to 21.0 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production and wildlife habitat.

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, and western redcedar. The understory vegetation is mainly western swordfern, evergreen huckleberry, salmonberry, thimbleberry, and vine maple.

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

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

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. 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. 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.

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

This map unit is in capability subclass VIIe.

63C-Wintley silt loam, 8 to 15 percent slopes.

This deep, well drained soil is on high terraces. It formed in alluvium. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 420 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 220 days.

Typically, the surface is covered with a mat of undecomposed leaves, needles, and twigs 1 inch thick. The surface layer is dark brown silt loam 4 inches thick. The upper 12 inches of the subsoil is dark brown silty clay loam, and the lower 31 inches is strong brown silty clay and silty clay

loam. The substratum to a depth of 60 inches or more is dark yellowish brown very gravelly loam. In some areas the dark-colored surface layer is 10 inches thick or more.

Included in this unit are small areas of McCurdy soils and soils on steep terrace escarpments. Also included are small areas of soils that are similar to this Wintley soil but have a gravelly subsoil and a gravelly substratum at a depth of 20 to 40 inches. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Wintley soil is moderately slow. Available water capacity is about 8.0 to 9.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used for hay and pasture and homesite development.

The vegetation in areas not cultivated is mainly Douglas fir, western hemlock, western redcedar, red alder, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, Pacific rhododendron, trailing blackberry, western swordfern, and Oregon oxalis.

If this unit is used for hay and pasture, the main limitations are the susceptibility of the surface layer to compaction, droughtiness in summer, and, for the curing of hay, high humidity. Grazing when the soil is moist results in compaction of the surface layer and poor tilth. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

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.

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 spring. Excess forage in spring can be used as silage.

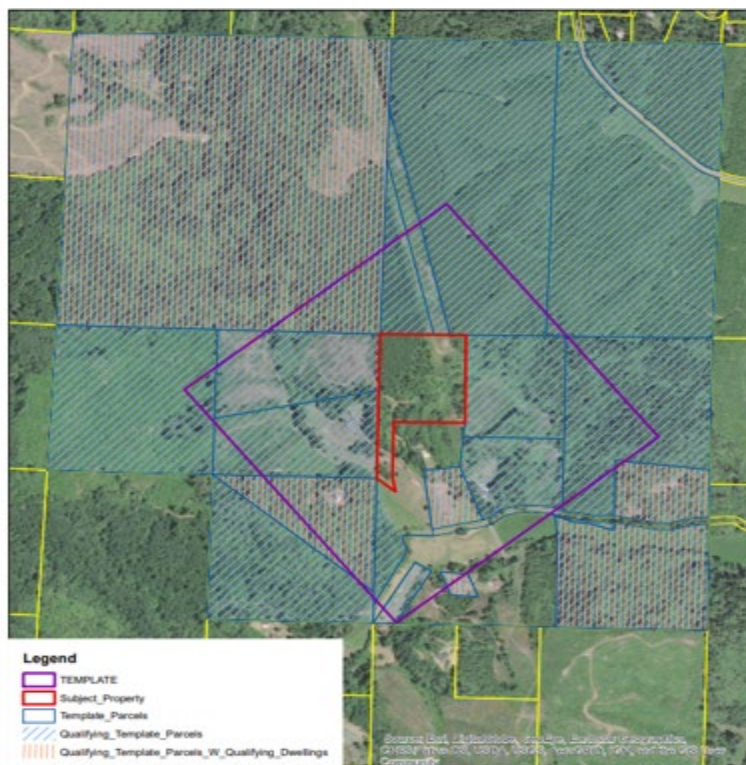
Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion.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

If this unit is used for homesite development, the main limitation is the moderately slow permeability. Septic tank absorption fields do not function properly during rainy periods. The limitation of moderately slow permeability may be overcome by increasing the size of the septic tank absorption field. Absorption lines should be installed on the contour.

The risk of erosion is increased if the soil is left exposed during site development. Careful planning of road location can minimize the amount of cutting and filling required. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. Plant cover can be established and maintained through proper fertilizing, seeding, mulching, and shaping of the slopes. Topsoil can be stockpiled and used to reclaim areas disturbed during construction. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass Ille.

This property is not part of a tract. There are no other dwellings or deed restrictions on the property that would prohibit a dwelling being sited. The property is not within the Urban Growth boundary. The parcel is less than 60 acres in size. The property does not touch a road created before 1993 or perennial stream. The application will require that a square template test will be used. There will need to be 11 parcels with 3 dwellings that were created before Jan. 1, 1993. The property passed the template test with 16 parcels that were created prior to 1993 and 5 dwellings that were sited prior to 1993. The template that was applied to the property is shown below.



Therefore, staff is able to determine the application request complies with the requirement of this section.

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

- i. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*

- i. *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. As a condition of approval, the applicants shall submit a stocking survey report to the Coos County Assessor's office prior to requesting a Zoning Compliance Letter.

- ii. *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 roof. 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 is relatively flat and will not be sited on a slope of greater than 40 percent. The proposed location must not exceed slopes over 40 percent.

- c. *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

Response to SECTION 4.6.110(9)(C)(1)(b)(C): The applicants state that the water supply will be from a well and not a Class II stream. 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 property is located within the Sumner RFPD. Therefore, this criterion has been addressed.

- 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): This is not applicable see prior finding.

- 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): The applicants state that they will install spark arresters on any chimney. 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 the owner will provide and maintain the primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned and or controlled by the owner consistent with the requirements of Section 4.6.140.9 and 4.6.140.10.10. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.

- ii. (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.

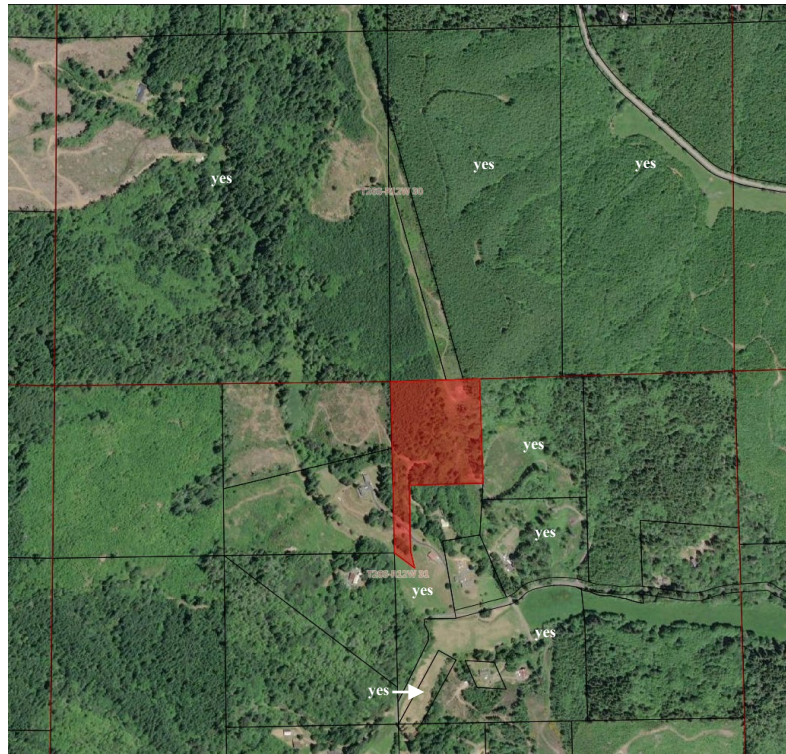
SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest

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): According to the applicants' plot plan, the proposed Dwelling site will be located approximately 160 feet from the southern, 340 feet from the eastern, approximately 350 feet from the western property line. Staff estimates the proposed dwelling location is 575 to 600 feet from the northern property line.

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.*



The map above shows the surrounding properties. The majority of the properties are smaller in size and not viable for commercial timber production. There are eight (8) parcels within the notification area (750 feet) that are receiving forest/ farm tax deferrals (indicated above), three (3) of which have residential development, these are the parcels staff considers when determining whether the proposal of a dwelling will have the least impact on farm or forest practices. The dwelling is proposed to be sited in the southern central portion of the property. This location is a five to six hundred feet away the northern property line which the adjacent land is being used for utilized for timber production or as agricultural lands. The applicants has stated that they will meet all firebreaks and that the dwelling is proposed to be built to have the least impact on surrounding properties.

(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 is utilizing an existing resource road, and a deeded easement. The proposed development is being sited at the end of the existing resource road. The access to the parcel is off a private driveway off of a deeded easement recorded as 2021-00659. The easement accesses directly onto which is a Boones Creek Lane (County road).

(d) The risks associated with wildfire are minimized.

Response to SECTION 4.6.130(1)(d) - Various measures will be taken to keep the wildfire risk to a minimum, including: building the dwelling on a relatively short section of drive for both safety and fire prevention reasons, maintaining primary and setback fuel breaks, and situating the dwelling on a relatively flat part of the property.

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

Response to SECTION 4.6.130(1)(d) and 4.6.130(2) – The risks associated with wildfire will be minimized by the continual proper maintenance of the fuel free firebreak setback. The homesite will be located within close proximity to the driveway making it easy for fire suppression and adding an additional buffer. The provided plot plan illustrates that the setbacks from the neighboring properties will be more than satisfied.

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 an authorized source under the administrative rules established by the Oregon Water Resource Department. If a well is constructed, the applicants are required to submit the contractor's report. Water Resources Department verification is required that no water use permit is required for the proposed uses. The approval of this project will be conditional on this.

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) – There is a private access via 2021-00659, which is a recorded road and utility easement. The easement provided with the application indicates that road maintenance agreements have been recorded.

3. **Maintenance and Repair. The Easement Strip shall be constructed by Grantee at Grantee's cost and expense. Once constructed the Easement Strip shall be maintained in its then present condition as of the date the construction of the roadway is completed equally by the Grantor and Grantee.**

This criterion has therefore 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) – There are more than 10 acres on the property; therefore, a stocking survey is needed. Before requesting a Zoning Compliance Letter, applicants must submit a completed stocking survey to the Coos County Assessor's office. The Assessor's office will be notified of this requirement by the Planning Department.

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 parcel was created lawfully as it was created by deed prior to 1986.

- 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 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: There is a wetland overlay on the subject property. Oregon Department of State Lands was notified of the request for comments. In response, DSL explained that the proposed dwelling site would not impact any wetlands or state waters.

- 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 dwelling will be located within the Sumner Rural Fire Protection District; therefore, this criterion has been satisfied.

- 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:*
 - j. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - k. 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;*
 - l. 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*
 - m. 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 applicants shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.

- 9. Fire Siting Standards for New Dwellings:*
 - n. 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.

- o. 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. Therefore, this requirement has been addressed.

10. Firebreak:

- p. 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.
- q. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- r. 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

Response to SECTION 4.6.140.10: The plot plan indicates that the dwelling will be located in an area containing soils of 52E-Salander silt loam that typically slopes 30 - 50 percent. As per the applicants, the building site is flat and the plot indicates a slope of less than five percent. As a result of reviewing topography maps, Staff was unable to determine exactly where the parking, septic tank, or reserve drainfields were located to determine how steepness of the site overall. Using the LiDar staff was able to determine that some of the area that may be more than 10%; therefore, to

ensure compliance with the Firebreak before a Zoning Compliance Letter is issued, a detailed plot plan will need to be submitted as 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 property has no water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression. Therefore, this criterion is not applicable.

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 information from application shows the proposed dwelling and other structures will not be sited on a slope greater than 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 located within the Sumner Rural Fire Protection District. 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 ensure the standards are met to ensure adequate access is provided for firefighting equipment. 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.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit “A”.

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

- *Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*
 - *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
 - *First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
 - *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - *The applicable residential development statute has not been amended following the approval of the permit; and*
 - *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
 - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Saturday, August 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

Sumner Rural Fire Protection District

Planning Commission

Board of Commissioner

EXHIBIT "D"
Comments


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2021-0513

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-032	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
26S	12W	31	A	102

Street Address
Boone Creek Rd
Address Line 2
City
Postal / Zip Code

State / Province / Region
Country
Coos

Latitude
43.278353

Longitude
-124.16926

Wetland/Waterway/Other Water Features

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

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

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

Your Activity

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

Applicable Oregon Removal-Fill Permit Requirement(s)

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

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

Closing Information

Additional Comments

The proposed home location will not impact wetlands or waters of the state. There may be wetlands associated with Boone Creek on the far south end of the parcel, but these are not near the proposed project.

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

5/28/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300



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

FILE NUMBER: AC4-21-032

Date Received: 4/30/21 Receipt #: 224358 Received by: _____

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

LAND INFORMATION

A. Land Owner(s) Virgil & Melody Stemmerman

Mailing address: 61717 Edwards Mills Road, Coos Bay, OR 97420

Phone: _____ Email: virgilstemmerman@hotmail.com

Township: 26S Range: 12W Section: 31 ¼ Section: A 1/16 Section: Select Tax lots: 00102
Select Select Select Select Select

Tax Account Number(s): 495809 Zone: Select Zone Forest Mixed Use (FMU)
Tax Account Number(s) _____ Please Select

B. Applicant(s) Virgil & Melody Stemmerman

Mailing address: 61717 Edwards Mills Road, Coos Bay, OR 97420

Phone: _____ virgilstemmerman@hotmail.com

C. Consultant or Agent: Troy Rambo

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

Phone #: 541-751-8900 Email: mandrllc@frontier.com

Type of Application Requested

- | | | |
|--|---|---|
| <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: Sumner RFPD

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

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.

X  

ACCESS INFORMATION

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

Property Address: 0 Boone Creek Road

Type of Access: Private Easement - Provide Easement Name of Access: Boone Creek Road

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

By signing the application I am authorizing Coos County Roadmaster or 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 OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: _____

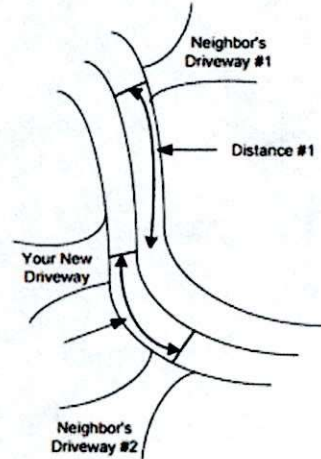
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: _____

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

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: _____

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: _____

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



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:

SEE ATTACHED MAP

This application is not required.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

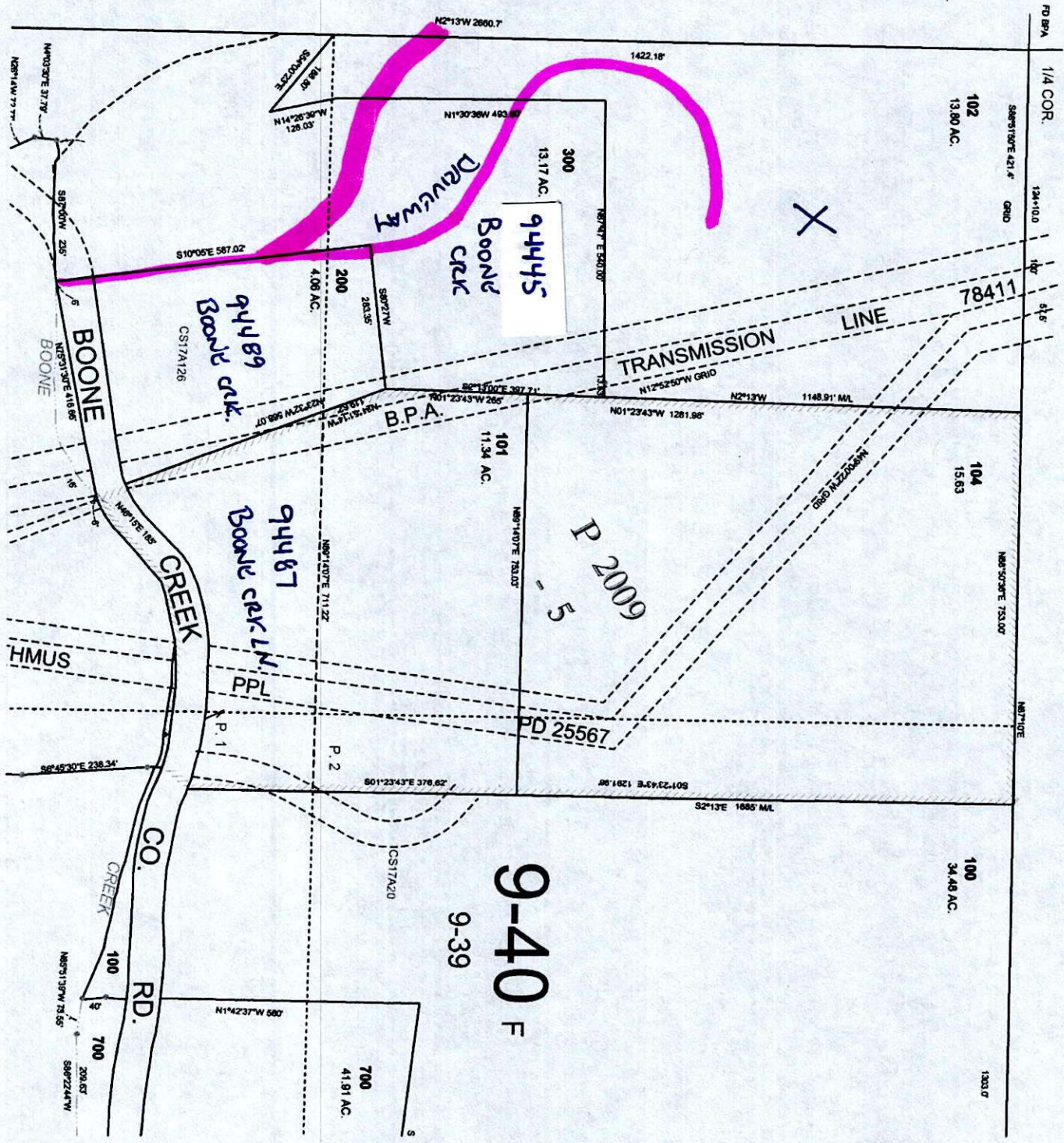
NE1/4 SEC.31 T26S R12W W.M.
COOS COUNTY

1" = 200'

SEE MAP 26S 12W 30

SEE MAP 26S 12W 31

T.L. 200
94443
Boone Crk



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 Well

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 Heath Division to make an appointment.

Additional Comments:

April 21, 2020

Coos County Planning Dept.

Subject Properties - T.L. 102 - 26S 12W 31A

Applicant/Owner:

Virgil & Melody Stemmerman
61717 Edwards Mills Road
Coos Bay, OR 97420

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

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

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

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

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

- **The attached Soil Classification letter shows the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of tax lot 102 in Township 26S Range 12W Section 31A and consist of 13.80 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 13 parcels within the 160 acre square ranging from 1.11 acres to 159.00 acres of which are zoned F and EFU. Four of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

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

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

- (E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- (F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

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

- **The property is less 13.80 acres therefore a stocking survey is required. The timber stocking is fair to good. The power transmission line easements total 2.3 acres.**
 - **The dwelling will have a fire retardant roof.**
 - **The property has steep slopes North of the proposed home site. The proposed home site is relatively flat.**
 - **The property is located within the Sumner Rural Fire Protection District.**
 - **The water source for this property will be from well and not a Class II stream. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.**
 - **If the proposed dwelling has a chimney, a spark arrester will be installed.**
 - **The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.**
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

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

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

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST

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

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby^{III} or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document

binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Response to SECTION 4.6.130

- **The property owner is creating a new home site. The area proposed appears to be an old landing on a flat ridge top with a road already constructed. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The applicant is using an existing site which requires little to no trees to be removed; therefore, the removal of forest lands used to site access roads, service corridors, the dwelling and structures has been minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access is a private driveway off of Boone Creek County Road. The private driveway is maintained by the property owners and there is a maintenance agreement in place.**
- **The subject property was logged a many years ago and will meet the minimum stocking requirements.**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

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

6. **Riparian Vegetation Protection.** Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during

fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

9. Fire Siting Standards for New Dwellings:

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

10. Firebreak:

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

Table 1 – Minimum Primary Safety Zone

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

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

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

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

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

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

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **No riparian vegetation will not be disturbed during the development of the site.**
- **The property is within the Sumner Rural Fire Protection District. No additional fire protection is required.**
- **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
- **The slope on the proposed home site is between 0% to 5% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is within the Sumner RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

Exhibit "A"

Beginning at a 5/8" iron rod set per Coos County Survey 17B73, said iron rod marking the Center-North 1/16 corner of Section 31, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon, thence South 54°00'23" East 188.80 feet to a 5/8" iron rod;
Thence North 14°26'39" West 128.03 feet;
Thence North 1°30'36" West 493.60 feet to a 5/8" iron rod;
Thence North 87°47'00" East 540.00 feet to a 5/8" iron rod;
Thence continuing North 87°47'00" East 13.53 feet, more or less, to the East boundary of that parcel described per Deed Inst. #2007-5558.
Thence along the East boundary of that parcel, North 2°13'00" West to the Northeast corner of that parcel described per Deed Inst. #2007-5558;
Thence along the North line of Section 31, Westerly 875.11 feet to the North 1/4 corner of said Section 31;
Thence Southerly along the North-South centerline of said Section 31 to the point of beginning.

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After recording return to:
Virgil and Melody Stemmerman
61717 Edwards Mill Road
Coos Bay, OR 97420

Roadway and Utility Easement

Virgil Stemmerman and Melody Stemmerman, husband and wife, Grantors, conveys to Virgil Stemmerman and Melody Stemmerman, husband and wife, Grantee.

Recitals:

- A. Grantor owns those certain parcels of real property located in Coos County, Oregon, legally described in the attached Exhibit "A", attached and incorporated herein by this reference (Grantor's Parcel):
- B. Grantee owns those certain parcels of real property located in Coos County, Oregon, legally described in the attached Exhibit "B", attached and incorporated herein by this reference (Grantee's Parcel)

Grant of Easement:

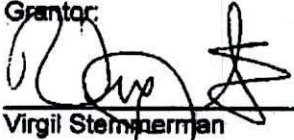
1. **Grant of Easement.** For good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive non-priority easement ("Easement") to use a strip of land across Grantor's Parcel as more particularly described on Exhibit "C". The easement granted herein shall be perpetual and shall only be terminated by an instrument in writing signed by Grantor and Grantee, or their successors and assigns, and duly recorded in the records of the county in which Grantor's Parcel and Grantee's Parcel are located. The parties' rights hereunder shall not lapse in the event of failure to use the Easement on a continuous basis.
2. **Purpose and Use.** The easement shall be used by Grantee for vehicular and pedestrian travel and the maintenance of any existing utilities or construction of any new utilities by Grantee and to allow Grantee, and their successors in interest the ability to travel across Grantor's Parcel to and from Grantee's Parcel and maintain any existing underground utilities or those constructed by Grantee under and across Grantor's Parcel to and from Grantee's Parcel. Other than on a temporary basis while Grantee is constructing the roadway, at no time shall Grantee impair, impede, interfere with or obstruct Grantor's use, and the use by Grantor's permitted assigns or successors interest, of Grantor's Parcel or the Easement Strip. Grantor specifically consents to Grantee's activities with respect to construction of the roadway, location of utilities with in the Easement Strip and all other activities Grantee requires in order to carry out and complete the construction of the roadway.

Other than as required for maintenance or repair of the Easement Strip on a temporary basis, neither Grantor nor Grantee, nor the invitees, guests or tenants of the same shall park vehicles or place any other objects within the area of the Easement, nor install any type of fence or other structure which restricts access across the Easement.

3. **Maintenance and Repair.** The Easement Strip shall be constructed by Grantee at Grantee's cost and expense. Once constructed the Easement Strip shall be maintained in its then present condition as of the date the construction of the roadway is completed equally by the Grantor and Grantee.
4. **Real Property Taxes.** The liability for any real property taxes attributable to the Easement shall be borne exclusively by the Grantor.

5. **Covenant Running With The Land.** The easement hereby granted, the restrictions hereby imposed, and the agreements herein contained shall be easements, restrictions, and covenants running with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors, and assigns, including, but without limitation, all subsequent owners of Grantor's Parcel and Grantee's Parcel and all persons claiming hereunder.
6. **Remedies.** In the event of any breach of the provisions of this Easement, the aggrieved party shall be entitled to exercise any remedy provided by law or equity, including the remedies of injunction and specific performance. In the event litigation is commenced to enforce or interpret the provisions of this Easement, including any appeal therefrom, the prevailing party shall recover from the other party, in addition to all costs and damages, reasonable attorneys' fees at trial, arbitration or upon any appeal or petition for review thereof.
7. **Authority.** Each party hereto represents and warrants to the other that they have full power and authority to execute this Grant of Easement and that when signed it shall be a legally binding document benefiting and burdening each respective parcel of real property.

Grantor:

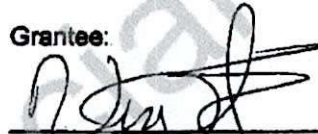


 Virgil Stemmerman



 Melody Stemmerman

Grantee:



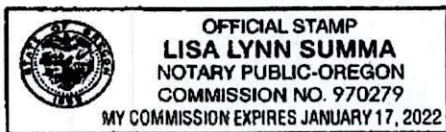
 Melody Stemmerman
 Virgil

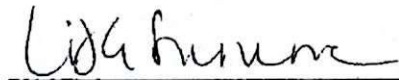


 Melody Stemmerman

STATE OF OREGON)
) ss.
 County of Coos)

This instrument was acknowledged before me on January 19, 2021 by Virgil Stemmerman.

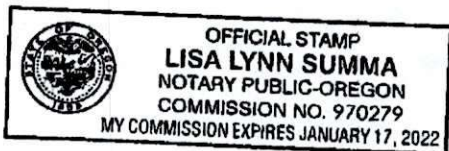




 Notary Public for Oregon
 My Commission expires: 1.17.2022

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on Jan. 19, 2021 by Melody Stemmerman.



Lisa Summa
Notary Public for Oregon
My Commission expires: 1-17-2022

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on Jan. 19, 2021 by Virgil Stemmerman.



Lisa Summa
Notary Public for Oregon
My Commission expires: 1-17-2022

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on Jan. 19, 2021 by Melody L8 Stemmerman.



Lisa Summa
Notary Public for Oregon
My Commission expires: 1-17-2022

Exhibit "A"

Beginning at a point on the North-South centerline of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, 153.36 feet North of the center of said Section 31; thence along the East boundary of a roadway, North 26° 41' 30" East 68.85 feet; thence North 25° 01' East 449.86 feet; thence North 01° 31' 30" West 55.57 feet; thence North 26° 14' West 72.77 feet; thence North 04° 03' 30" West 37.79 feet; thence North 49° 13' East 5 feet to the centerline of Boone Creek; thence Northwestery along the center of Boone Creek to a point on the West line of the Northeast quarter of said Section 31, 1422.18 feet South 02° 13' East of the North quarter corner of said Section 31, and further described in a Warranty Deed recorded January 8, 1974, bearing Microfilm Reel No. 74-1-95118-19, Records of Coos County, Oregon, from Bonnie Hill to John Harris; thence Southerly along the North-South centerline of said Section 31 to the point of beginning.

Also including: Beginning at a 5/8 inch iron rod set per Coos County Survey 17B73, said iron rod marking the Center-North 1/16 corner of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, thence South 54° 00' 23" East 188.80 feet to a 5/8 inch iron rod; thence North 14° 28' 39" West 128.03 feet; thence North 01° 30' 36" West 493.60 feet to a 5/8 inch iron rod; thence North 87° 47' 00" East 540.00 feet to a 5/8 inch iron rod; thence continuing North 87° 47' 00" East 13.53 feet, more or less, to the East boundary of that parcel described per Deed Inst. No. 2007-5556; thence along the East boundary of that parcel, South 02° 13' 00" East 397.71 feet, more or less, to a 5/8 inch iron rod marking the Northeast corner of that parcel conveyed to Gerald Carl and Mary Louise Napier per instrument recorded in Microfilm No. 68-10-33206, Deed Records of Coos County, Oregon; thence along the Northerly line of said Napier parcel, South 80° 27' West 283.35 feet to the Northwest corner of said Napier parcel; thence South 10° 05' East 587.02 feet along the Westerly line of said Napier parcel to a 1/4 inch iron pipe at the Southwest corner of said Napier parcel; thence South 87° 00' West 235 feet; thence North 48° 00' West 17 feet; thence North 52° 15' West 80 feet; thence North 40° 15' West 200 feet; thence North 19° 30' West 145 feet to a point on the North-South center line of said Section 31, the Southwest corner of that parcel described per Deed Inst. No. 2007-5556; thence Northerly along the North-South centerline of said Section 31 to the point of beginning.

Exhibit "B"

Beginning at a 5/8 inch iron rod set per Coos County Survey 17B73, said iron rod marking the Center-North 1/16 corner of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, thence South 54° 00' 23" East 188.80 feet to a 5/8 inch iron rod; thence North 14° 26' 39" West 128.03 feet; thence North 01° 30' 36" West 493.60 feet to a 5/8 inch iron rod; thence North 87° 47' 00" East 540.00 feet to a 5/8 inch iron rod; thence continuing North 87° 47' 00" East 13.53 feet, more or less, to the East boundary of that parcel described per Deed Inst. No. 2007-5556; thence along the East boundary of that parcel, North 02° 13' 00" West to the Northeast corner of that parcel described per Deed Inst. No. 2007-5556; thence along the North line of Said Section 31, Westerly 875.11 feet to the North ¼ corner of said Section 31; thence southerly along the North-South centerline of said Section 31 to the point of beginning.

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Exhibit "C"

A 30 foot easement located in the West half of the Northeast quarter, Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying 15 feet either side of the following described centerline:

Beginning at a point in the center of Boone's Creek County Road, from which point the Center quarter corner of said 31, bears S 27° 05' 57" W a distance of 930.34 feet; thence N 4° 15' 42" W a distance of 106.16 feet; thence N 7° 50' 26" W a distance of 239.21 feet; thence N 8° 01' 26" W a distance of 60.75 feet; thence N 12° 36' 45" W a distance of 69.86 feet; thence N 17° 02' 50" W a distance of 123.02 feet; thence N 21° 59' 28" W a distance of 80.09 feet; thence N 27° 23' 47" W a distance of 47.13 feet; thence N 55° 41' 35" W a distance of 53.26 feet; thence N 37° 22' 58" W a distance of 73.12 feet; thence N 49° 01' 06" W a distance of 73.74 feet; thence N 30° 29' 35" W a distance of 54.18 feet; thence N 4° 10' 12" W a distance of 56.51 feet; thence N 2° 29' 24" W a distance of 14.51 feet to a point on the boundary of that property described per Inst. No. 2020-11803, Coos County, Oregon Deed Records.

Also, a 10 foot wide utility easement beginning at an existing pole located Northerly 710 feet, more or less, from the above described centerline point in Boone's Creek County Road, lying on the Easterly side of the herein described 30 foot easement; thence Northwesterly to the said 30 foot easement.

Unofficial
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ORMAP

Find address, Map Number, To

100

102

Coos County

26S12W31

Proposed HOME SITE

200

300

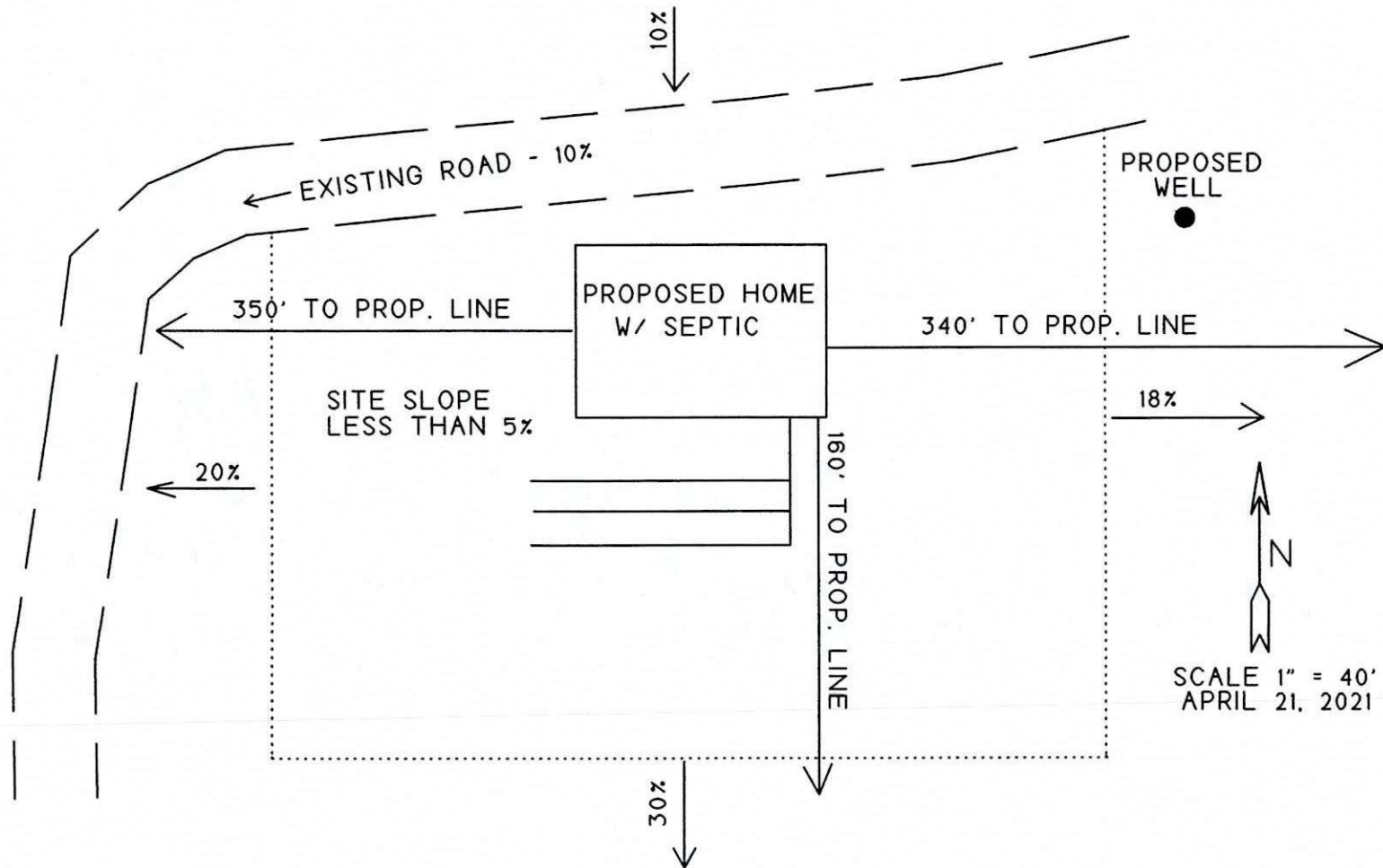
-124.165 43.280 Degrees

40m

200ft

VIRGIL & MELODY STEMMERMAN PLOT PLAN

TAX LOT 102 - 26S 12W 31A - ACCT.# 495809 - 13.80 AC.



MULKINS & RAMBO, LLC

**P.O. BOX 809
NORTH BEND, OR 97459
PHONE (541) 751-8900**

April 21, 2021

**Coos County Planning Dept.
250 N. Baxter
Coos County Courthouse
Coquille, OR 97423**

RE: Soil Classification for T.L. 102 - 26S 12W 31A – 13.80 acres

Based on Sheet Number 34 of the Soil Survey of Coos County, Oregon the subject property contains two soil types. Soil type 54E – Templeton silt loam – 30% - 50% slopes and Soil type 52F – Salander silt loam – 50% - 75% slopes.

The Soil type 54E & 52F are capable of producing average of 270 cubic feet of Sitka spruce per year and has a mean site index of 180 based on a 100 year site curve. The Soil type 54E has a mean site index for Douglas fir of 170 based on a 100 year site curve

If you have any questions, please give me a call. Thank you.

Troy Rambo

STATE OF OREGON
WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

WELL I.D. # L 63919
START CARD # 110843

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number 318
Name Shane Johnson
Address 67430 Spinnaker Rd.
City North Bend State OR Zip 97459

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 65 ft.
Explosives used Yes No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
10	0	20	Best	20	0	72	
6	20	65					

How was seal placed: Method A B C D E

Other Poured from surface

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6	+1	39	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4 1/2	-5	60		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None

Final location of shoe(s) 39'

(7) PERFORATIONS/SCREENS:
 Perforations Method Saw
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
25	65	4x5	38	4 1/2		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
42 gpm	-	65'	1 hr

Temperature of water 52 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County COOS Latitude _____ Longitude _____
Township 26 N or S Range 12 E or W. WM
Section 31 NE 1/4 SW 1/4
Tax Lot 200 Lot 200 Block _____ Subdivision _____

Street Address of Well (or nearest address) 1.4 mi on Boone Creek
SUMMIT LN LOT # 200 12d

(10) STATIC WATER LEVEL:
2 1/2 ft. below land surface. Date 9-8-03
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 42'

From	To	Estimated Flow Rate	SWL
42	65	42	28 1/2

(12) WELL LOG:
Ground Elevation +200'

Material	From	To	SWL
Red Clay	0	2	
Brown clay	2	14	
Brown claystone	14	34	28 1/2
Sandy Fractured claystone	34	65	

RECEIVED

SEP 16 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 9-7-03 Completed 9-8-03

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

WWC Number _____
Signed _____ Date _____

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

WWC Number 1689
Signed Gary Beeder Date 9-14-03