



NOTICE OF LAND USE DECISION

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

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

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

Date of Notice: **Thursday, January 20, 2022**
File No: ACU-21-039/ACU-18-024

Proposal: Request for Single Family Dwelling, with Accessory Structure, in the Forest Zone.

Applicant(s): Harvey Wilcox
69968 Highway 101
North Bend, OR 97459

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Friday, February 04, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **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: 63503
Map Number: 23S132600-03102

Property Owner: HARVEY AND KATHERINE WILCOX TRUST

Situs Address: 70298 HIGHWAY 101 NORTH BEND, OR 97459

Acreage: 9.32 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: BEACHES/DUNES - LIMITED (BDL)
BIRD SITE MEETS GOAL 5C REQ RMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)

This notice shall be posted from January 19, 2022 to February 4, 2022

NATURAL HAZARD - EROSION - WIND EROSION (NHERW)
NATURAL HAZARD - TSUNAMI (NHTHO)

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

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

The application, staff report and any conditions can be found at the following link:

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

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

Reviewed by: Amy Dibble Date: Wednesday, January 19, 2022 .
Amy Dibble, Planner II

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received

Exhibit E: Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
 - c. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - d. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
 - e. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rives then this is not applicable.
 - f. Section 4.6.140(7) All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the

applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.

- g. Section 4.6.140(9) Fire Siting Standards for New Dwellings: a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback. b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- h. Section 4.6.140(10) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.
- i. Section 4.6.140(11) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
- j. Section 4.6.140(12) If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- k. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
- l. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
- m. Section 4.6.140 (16) Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991.
- n. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.

- o. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
- p. 4.11.129 Beaches and Dunes
 - I. Two silt fences be placed 20 feet apart between the proposed development and the Clear Lake riparian buffer
 - II. A simple series of check dams along the existing path will be adequate to insure minimal to no impact to the lake during construction.

EXHIBIT "B"
Vicinity Map



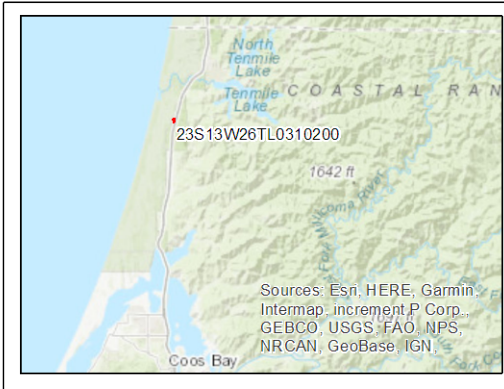
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



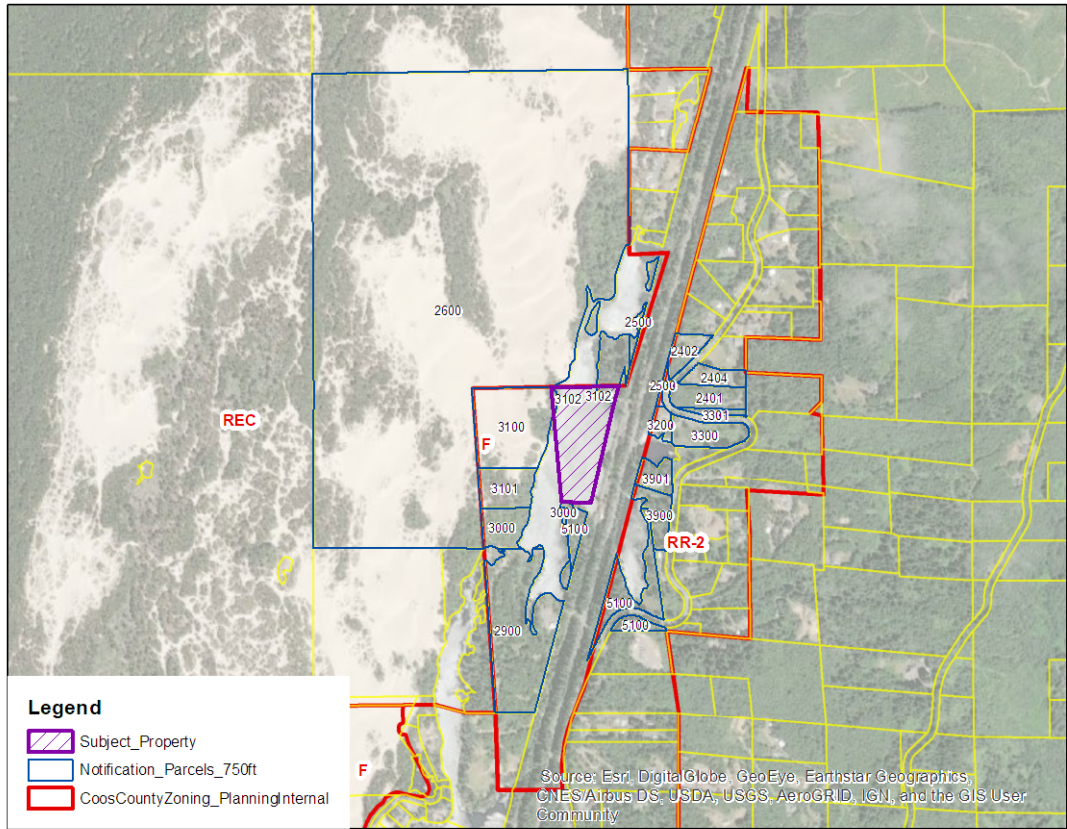
File: ACU-21-039

Applicant/ Owner: Harvey Wilcox
Harvey and Katherine Wilcox Trust

Date: December 16, 2021

Location: Township 23S Range 13W
Section 26 TL 3102

Proposal: Administrative Conditional Use



Template Map



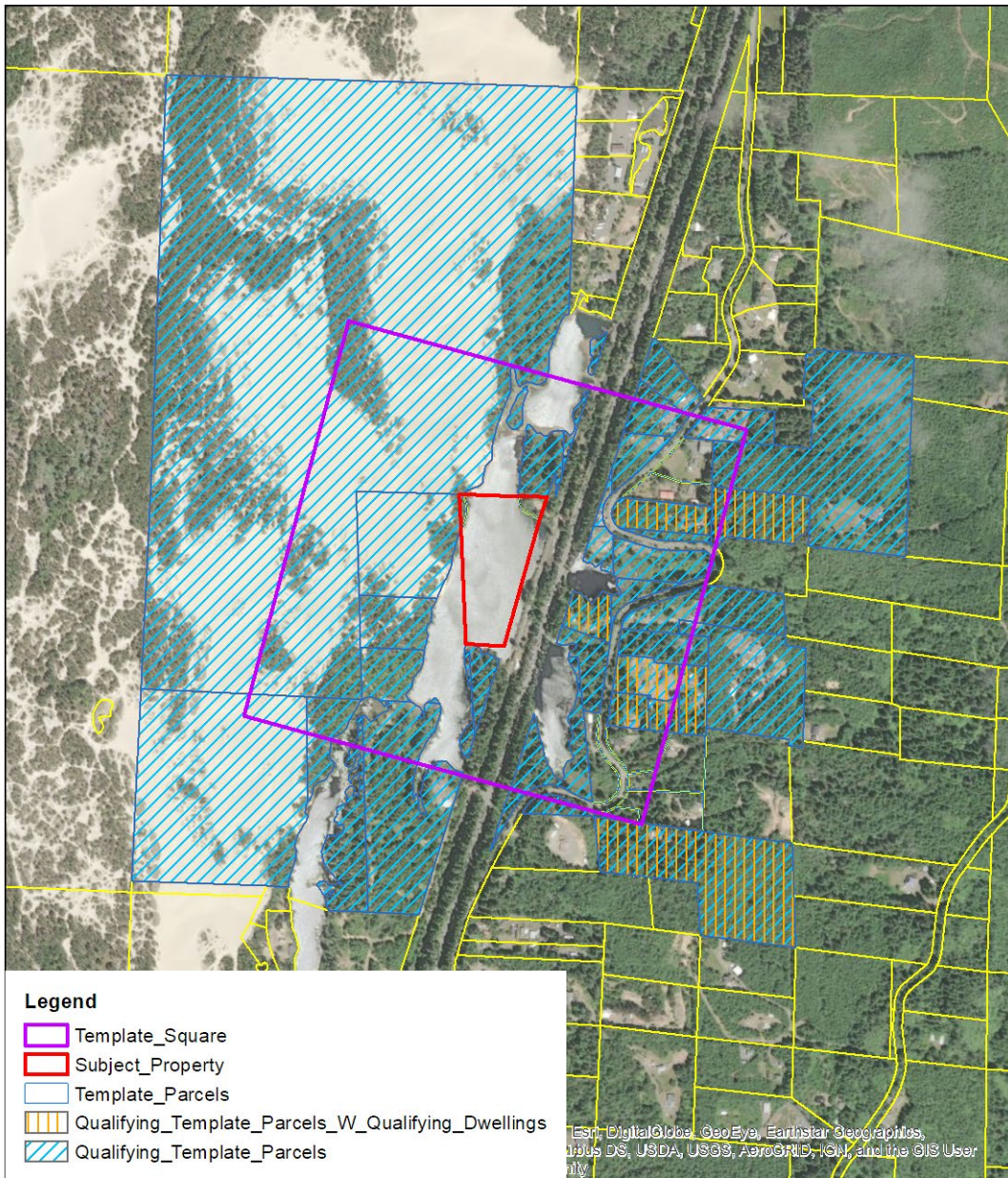
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TDD (800) 735-2900



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

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

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

B. BACKGROUND/PROPERTY HISTORY:

On May 8, 2018, a request for an Administrative Conditional Use for a Forest Template Dwelling was submitted and development with the Beaches and Dunes and Coastal Shoreland Boundary (File No. ACU-18-023 and ACU-18-024). At that time staff was unable to determine if the property was lawfully created. The applicant withdrew this request and asked the county to hold the application on October 15, 2018 until such time the property could be shown to be lawfully created. The property was originally included as part of tax lots 2600 and 3100 but a survey left this area unaccounted for in 1997.

On March 1, 2021, a Property Line Adjustment application (PLA-21-005) was submitted. Tax lot 3102 was illegally created. A Lawfully Created Parcel Determination was approved for a piece of property abutting this lot that was not given a tax lot number because it was believed to be completely submerged lands owned by the State of Oregon. The applicant has purchased that piece of property and completed a Property Line Adjustment was completed to take in Tax lot 3102 creating a lawfully created unit of land and allowing an application for a *Single Family Dwelling* to move forward. The property line adjustment approval was issued June 9, 2021.

On March 8, 2021, a septic evaluation request (SR-21-017) was received for the subject property. On March 23, 2021, clearance for septic site evaluation only was authorized with a Zoning Compliance Letter ZCL-21-077.

The current application was received on June 4, 2021 but deemed incomplete until the Property Line Adjustment Deed was recorded and adequate plot plan was submitted. The information was provided on October 12, 2021. However, the plot plan was not revised to show the entire property because most of it is submerged lands. Staff accepted this and put the application in line for review.

C. LOCATION: The subject property is located southwest of the City of Lakeside directly accessing Highway 101. The subject property has already been addressed 70298 Highway 101, North Bend, OR 07459 thru AD-15-002.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

Exclusive Farm Use (EFU)

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

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

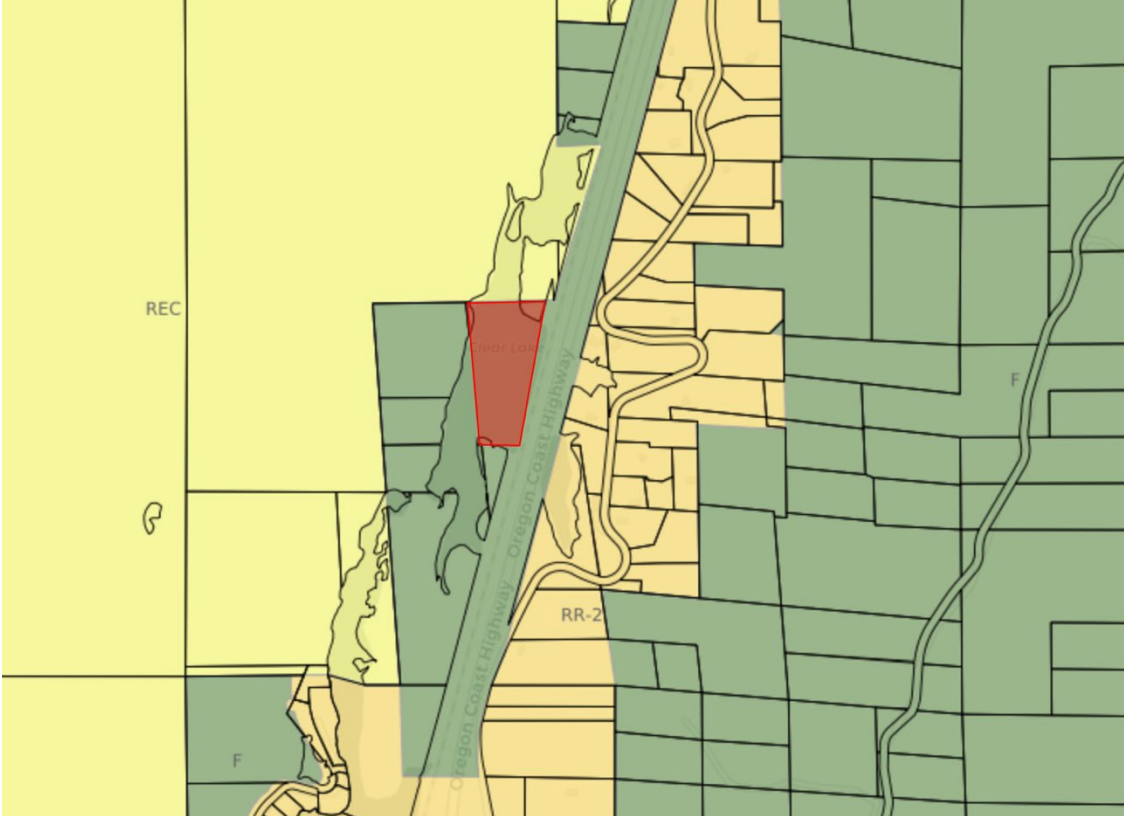
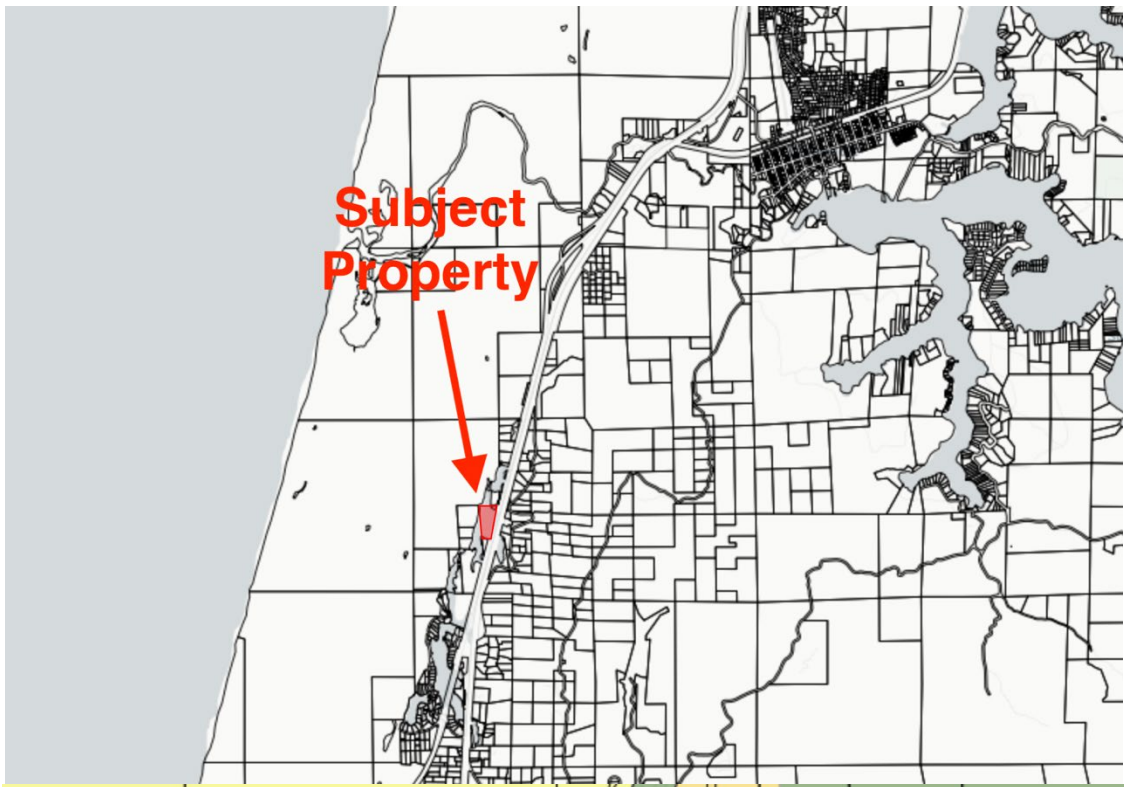
According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the “Agricultural Lands Inventory” was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural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

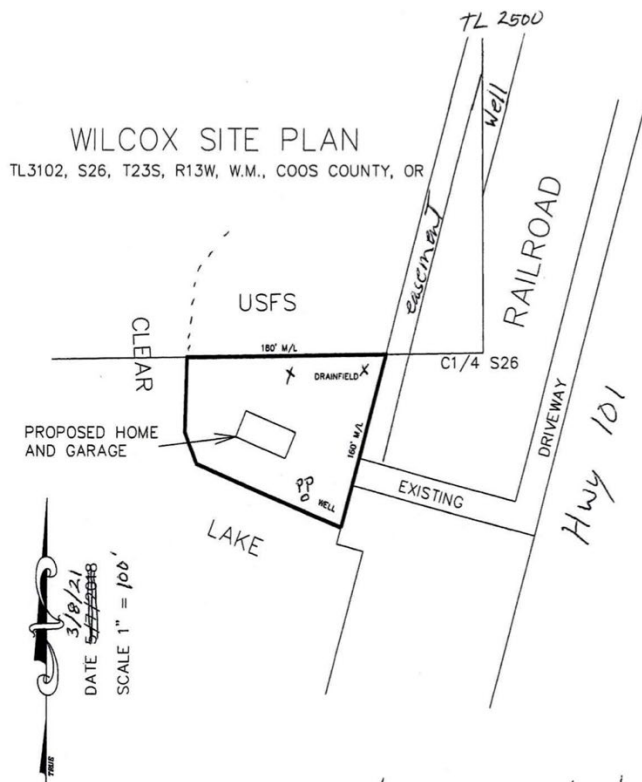
- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV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

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

E. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcel is located southwest of the City of Lakeside directly off Highway 101. Highway 101 is the major route that runs north to south on the Oregon coast. The parcel was created by deed or land sales contract prior to planning regulations.





Legend
 x Test pit
 well - proposed
 PP - existing power

*The only existing development
 is an existing powerpole*

Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of Fish and Wildlife and Oregon Department of State Lands prior to the release of the decision. Oregon Department of Fish and Wildlife did not provide any comments. Oregon Department of State Lands provide comments which are addressed below.
- b. **PUBLIC COMMENTS:** This property did not require any request for public comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.

All comments can be found in Exhibit E.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

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

FINDING: The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was found discrete thru application PLA-21-005.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) in the Forest Mixed Use Zone pursuant. The application also requests an accessory structure, please see findings below in this application.

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

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

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

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

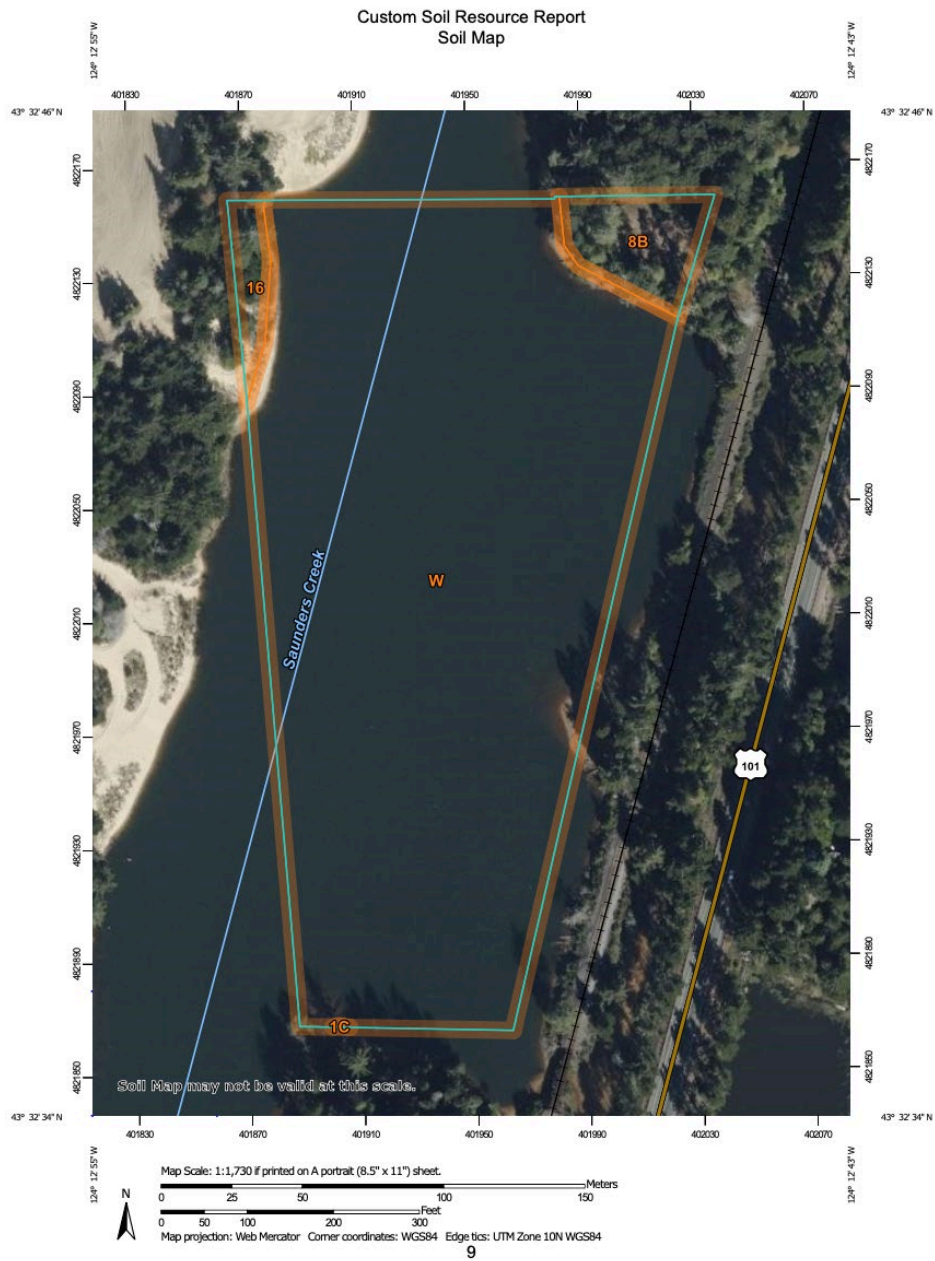
Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63. Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU	(9)(B)(II), (9)(C)

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

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1C	Bandon sandy loam, 7 to 12 percent slopes	0.0	0.0%
8B	Bullards sandy loam, 0 to 7 percent slopes	0.4	4.5%
16	Dune land	0.2	1.9%
W	Water	8.3	93.6%
Totals for Area of Interest		8.9	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
1C—Bandon sandy loam, 7 to 12 percent slopes				
Bandon	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Port orford cedar	—	—	
	Red alder	—	—	
	Shore pine	94	86.00	
	Sitka spruce	142	200.00	
	Western hemlock	134	200.00	
	Western redcedar	—	—	
8B—Bullards sandy loam, 0 to 7 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
	16—Dune land			
Dune land	—	—	—	—
W—Water				
Water	—	—	—	—

C--Bandon sandy loam, 7 to 12 percent slopes.

This deep, well drained soil is on dissected marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 25 to 300 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface is covered with a mat of decomposed organic litter 1 inch thick. The surface layer is dark grayish brown sandy loam 5 inches thick. The upper 25 inches of the subsoil is dark reddish brown sandy loam and loam, and the lower 13 inches is pale brown, cemented, sandy material. The substratum to a depth of 60 inches or more is yellowish brown loam.

Included in this unit are small areas of Bullards and Blacklock soils. Included areas make up about 20 percent of the total acreage.

Permeability of this Bandon soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 2 to 6 inches. Effective rooting depth is 18 to 36 inches. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

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

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 137. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, western hemlock, and Sitka spruce seedlings.

If this unit is used for homesite development, the main limitations are the very slow permeability and the hazard of erosion. Use of septic tank absorption fields is limited by the very slow permeability. Because of the very slow permeability of the cemented layer, onsite sewage disposal systems often fail or do not function properly during periods of high rainfall. The limitation of very slow permeability can be overcome by increasing the size of the absorption field.

Erosion is a hazard in the steeper areas of this unit. Only the part of the site that is used for construction should be disturbed. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. Structures to divert runoff are needed if buildings and roads are constructed.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but in amounts small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture

rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

If this unit is used for recreational development, the main limitation is the very slow permeability. The use of recreational facilities may be restricted during wet periods unless the cemented layer is ripped to permit more rapid internal drainage.

This map unit is in capability subclass Ille.

8B-Bullards sandy loam, 0 to 7 percent slopes.

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

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

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

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

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

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Maintaining the understory is essential in controlling erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.

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

If this unit is used for homesite development, the main limitation is droughtiness in summer. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.

If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.

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

This unit is well suited to recreational development. It has few limitations.

This map unit is in capability subclass Ille.

16-Dune land.

Dune land consists mainly of hills and ridges of shifting fine and medium textured sand. It formed in eolian deposits derived dominantly from deflation basins adjacent to coastal beaches. Slope is 0 to 30 percent. Areas of Dune land do not support vegetation. Elevation is 5 to 100 feet. The average annual precipitation is 50 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Included in this unit are small areas of Waldport soils, some of which have a thin surface layer, and Heceta soils. Included areas make up about 20 percent of the total acreage.

Permeability of Dune land is very rapid. Runoff is slow. and the hazard of water erosion is slight. The hazard of soil blowing is severe.

This unit is used for recreation. The hazard of soil blowing and the instability of the areas limit the unit for most kinds of recreational development. It is suitable for low-intensity uses such as hiking and horseback riding and for off-road vehicle traffic.

This map unit is in capability subclass VIIIe.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 1C – Bandon sandy loam, 8B – Bullards sandy loam, and 16 – Dune land soil types. Based on the plot plan, the dwelling appears to be located in the 8B soil type. The volume of wood fiber per year for 8B is 143 cubic feet per acre per year for Douglas-fir species.

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

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) through (7). Subsection (2) has been removed:
 - (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
 - (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
 - (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 - (6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
 - (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

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

The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. There are no restrictions or other dwellings on the parcel that would prevent a dwelling from being built. The parcel is less than 60 acres. The property does touch a road created before 1993 or perennial stream. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant stated “There are 29 tax lots shown on the Assessor map within a 160 acre square centered on the property after the PLA of Tax Lot 3102 into the property I purchased from Jolene Poppe.

2600, 2500, 1703, 1704, 2400, 2402, 2404, 2501, 2401, 3301, 3200, 3300, 3800, 3901, 3900, 4000, 4100, 4200, 4300, 5002, 5003, 5004, 5100, 2900, 2701, 3000, 3101, 3100, 3102

TL3301 was a property line adjustment and does not count as a discrete parcel. TL's 3100, 3101 and 3102 were created without following the partition rules so they only count as one discrete parcel. The property I purchased from Jolene Poppe does not have a tax lot assigned yet but has been certified as discrete.

This leaves a total of 27 discrete parcels. The forest template rules require 11 parcels within a 160 acre square so It easily meets the rules.

TL2400 has a home built in 1956, TL2401 has a home built in 1978, TL3901 has a home built in 1952, TL4100 has a home built in 1975 and TL4200 has a home built in 1973.

There are 5 homes within the 160 acre square that were built before Jan 1, 1993. The forest template rules require at least 3 homes within the 160 acre square so the requirement Is met”.

Staff used the 160-acre square for the template test. Staff reproduced a similar result, as shown above in the template map, and verified that the subject property meets the template test requires of 11 parcels with 3 dwellings.

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

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

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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is less than 10 acres in size; therefore, the criteria does not require a stocking survey.

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

Section 4.6.110(9)(C)(1)(b)(B): requires that the dwelling will not be sited on a slope of greater than 40 percent. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope of the building development site as 9.84 degrees, which is approximately 17% in slope.



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

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well. As a condition of approval, a water supply requirement form shall be submitted and signed off by the State Watermaster. Therefore, this has been addressed.

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

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

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

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

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

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

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

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

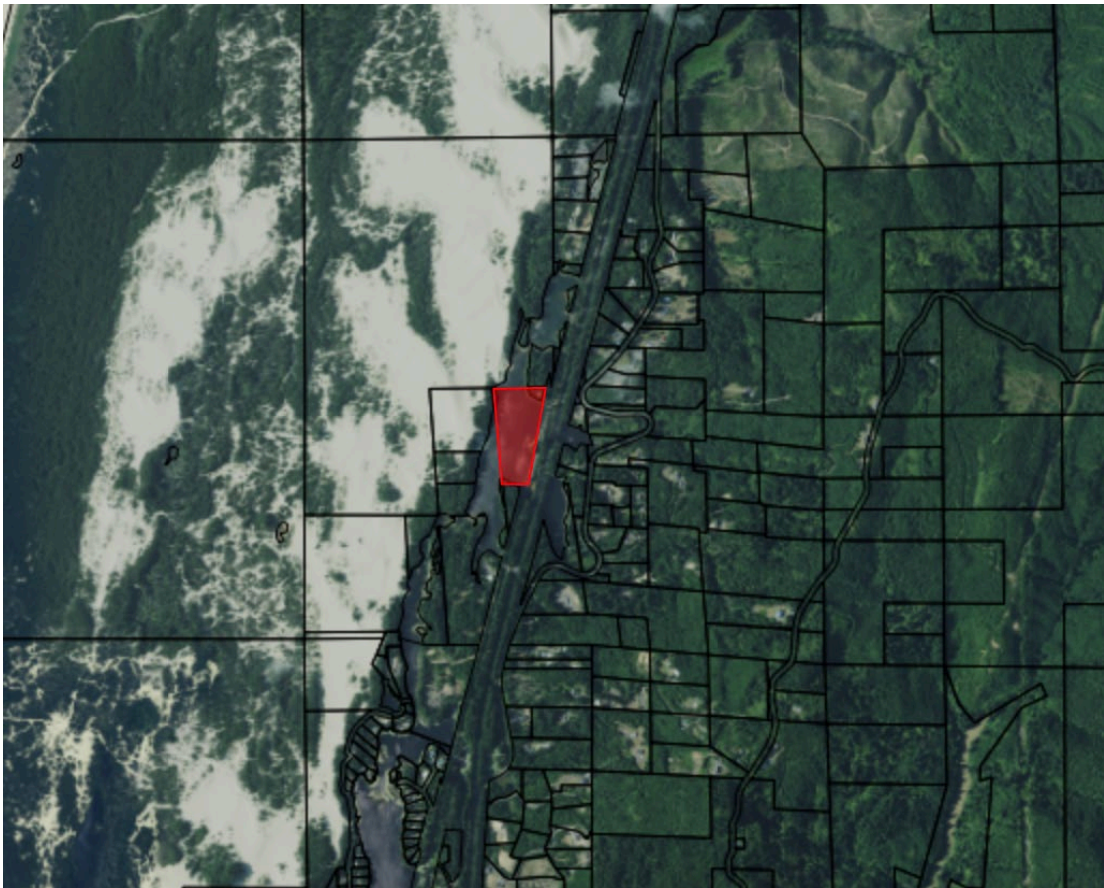
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found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

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

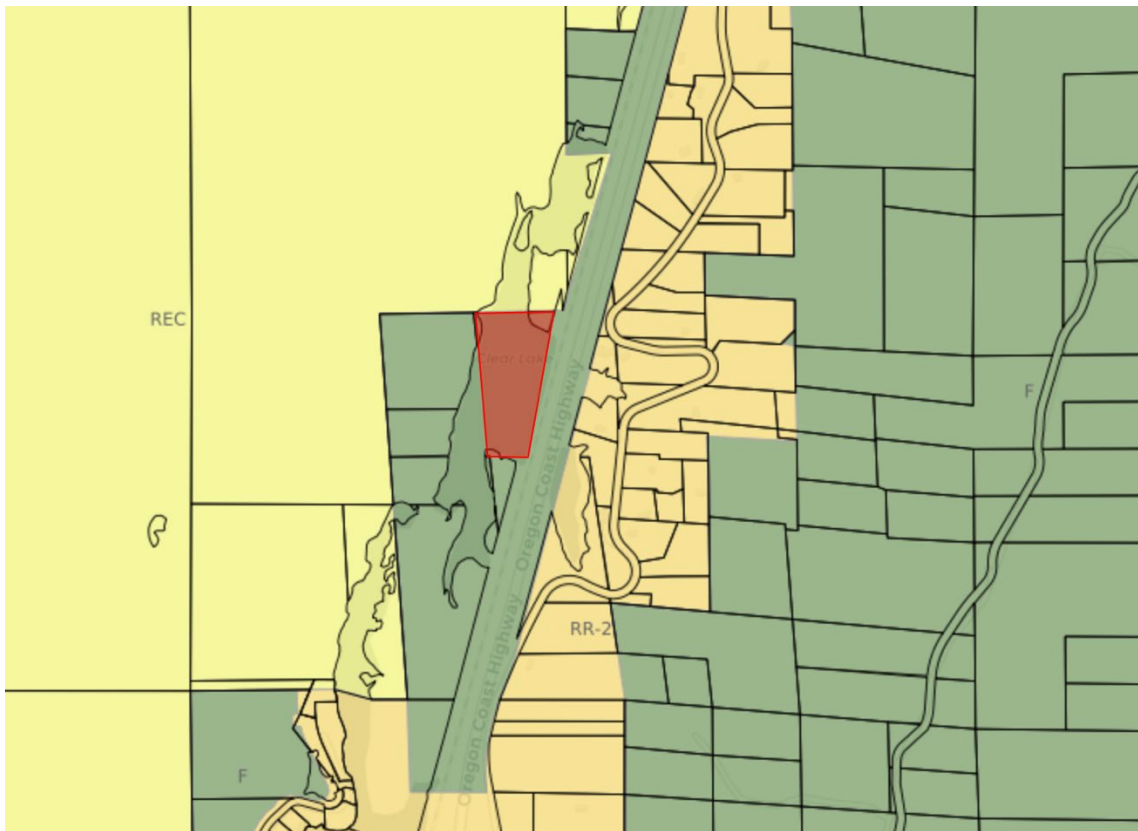
¹*For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

- Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
- a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
- 4. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
- 5. Approval of a dwelling shall be subject to the following requirements:*
- (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The proposed homesite is approximately located in the northeast corner of the subject property, as shown on the applicants plot plan. Staff estimates the proposed homesite is approximately 60 feet from the northern property line. The house site is located approximately 80 feet from the eastern boundary of the property. Staff estimates that the proposed homesite is approximately 55 feet away from Clear Lake.

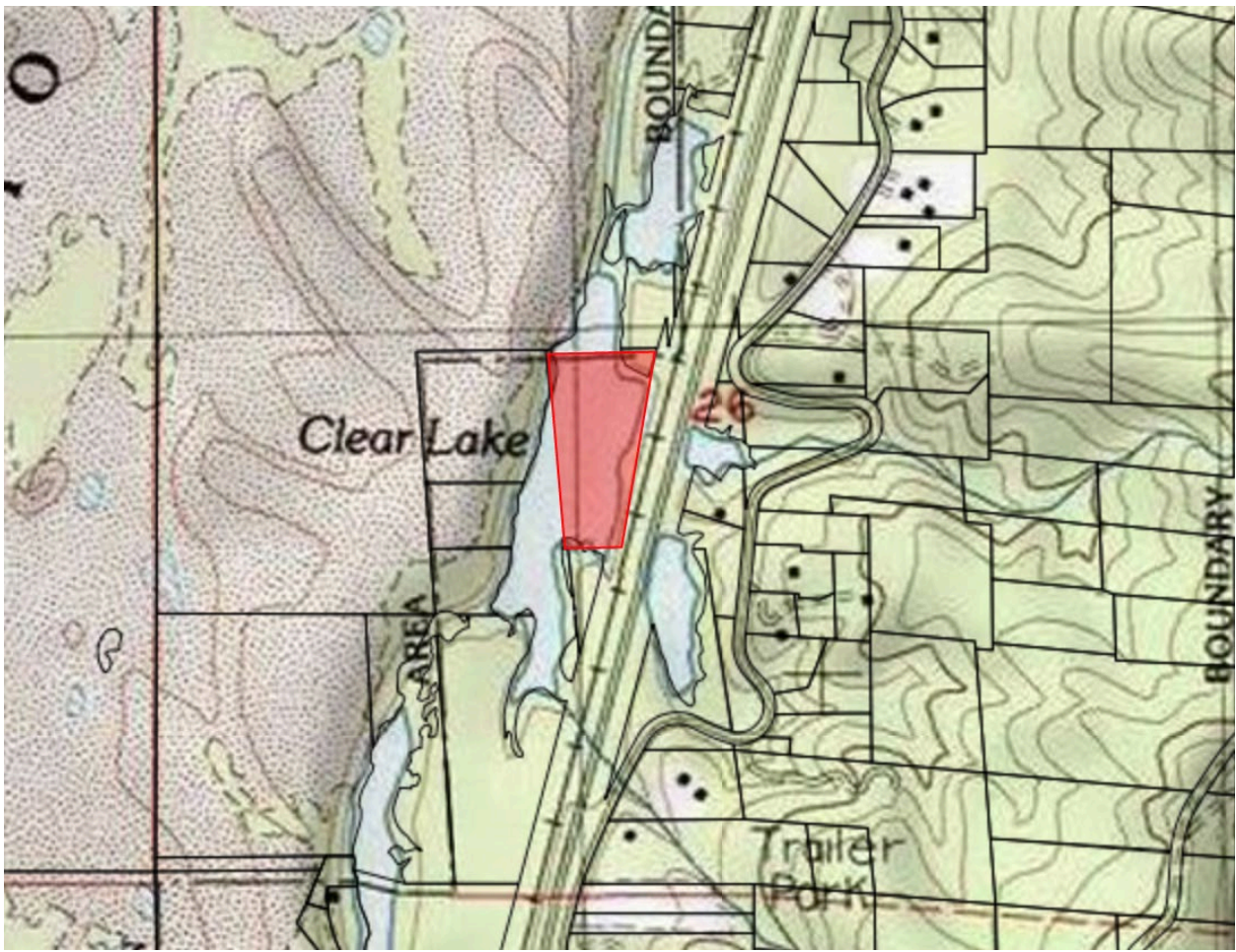


The above map shows the properties nearby. The subject property is southwest of the City of Lakeside. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The siting of the proposed dwelling shall meet these criteria. There are no nearby agricultural lands. The timbered lands to the south (ODOT) and the West (USFS ODNRA) are across Clear Lake from the building site. The timbered USFS ODNRA lands to the north and the railroad (CBR) lands to the east should have their ability to manage their timber enhanced due to the access road constructed for this property. The siting of the proposed dwelling (see attached plot plan) will minimize any adverse impacts associated with timber management on both the adjoining lands and this tract.”.*

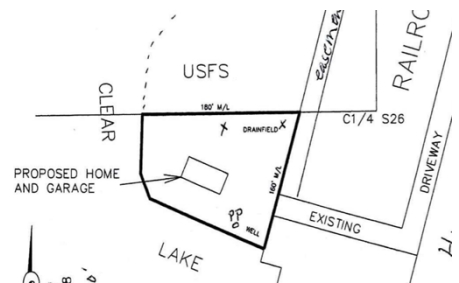


When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The *Anderson v. Coos County*, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres. But based on the zoning map above, Staff finds the proposed homesite is approximately 60 feet away from recreation zoned lands. While tax lot 3100 is directly west of the subject property, this parcel is owned by the US Forest Service. The USFS is managing these lands as part of the Oregon Dunes National Recreation Area. Therefore, Staff does not expect there will be a need for forest management herbicide aerial applications.

Staff could not find any commercial forestry or agricultural within the nearby vicinity of the subject property. Recreation use is the primary use of the area north and west of the subject property. The areas south and east of the subject property are being used primarily for residential development. Therefore, Staff determined that the proposed dwelling will not have any significant effects on adjacent farm and forest operations.



Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property contains only ½ acre of developable land in the northeast corner. Given the small size of the developable portion of the subject property, any development on the subject property will need to be placed in the northeast corner of the property and there appears to be no reasonable way to minimize lands removed for non-resource development.



Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. Staff must analyze the topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large-scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicant indicated the building site will be placed in the middle of developable portion of the northeast corner of the subject property. Based on the topographic map, the applicant appears to be planning on building on a bench overlooking Clear Lake. Also avoiding a longer driveway is recommended. The applicant’s plot plan indicates the plan is only to develop a driveway of approximately 100 feet. The third factor to address is the vegetive fuels on the subject property. Based on the submitted plot plan, the applicant will be required to install an 80 primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicant is not required to place a buffer on lands not own by the applicant. The applicant is not authorized to remove any vegetation or develop within the protected 50 ft buffer of the Clear Lake.

As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff believes that the proposed development on adjacent farmlands and forests will be mitigated.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicant stated that the water source *“will be a well and the well constructor’s report will be submitted to the County upon completion of the well”*. The applicant is required to submit the well contractor's report. Water Resources Department verification is required that no water use permit is required for the proposed uses. The approval of this project will be conditional on this.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. Access to the subject property is via private access provide by Coos Bay Rail Link. The applicant submitted the required agreement. Staff determine road maintenance responsible is identified in the agreement, see below:

16. OTHER PROVISIONS:

- (a) For the duration of this Occupancy, LICENSEE shall maintain the roadway and crossing including, but not limited to, keeping crossing flange ways free of ice and snow, or any other debris which may interfere with the safety or movement of trains. If LICENSEE fails to maintain said crossing as required and such failure results in damage to Railroad equipment and/or delay in movement of trains, LICENSOR may order the work to be performed at LICENSEE'S sole expense. LICENSEE shall be solely responsible for the cost of any delay in the movement of trains resulting from the presence or maintenance of said crossing and shall promptly pay any invoices rendered by LICENSOR for such costs.
- (b) LICENSEE, so long as it owns and occupies a minimum one lot served by said crossing may sub-license this use to the buyers of each of the other lots so served and shall immediately report the names of said buyers to LICENSOR. Buyers must submit an application for their use of this Private Grade Crossing on an individual basis, however, LICENSOR shall have no duty or obligation to said Buyers jointly or severally under this agreement and Buyers granted by LICENSEE shall not survive this agreement.

Therefore, this criterion has been addressed.

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

All The criteria found in SECTION 4.6.130 have been addressed.

○ *Section 4.6.140 Development and Siting Criteria:*

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

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

- development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*
2. *Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
 3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
 4. *Off-Street Parking and Loading: See Chapter VII.*
 5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
 6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
 7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
 8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*

- b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 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

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

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

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

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

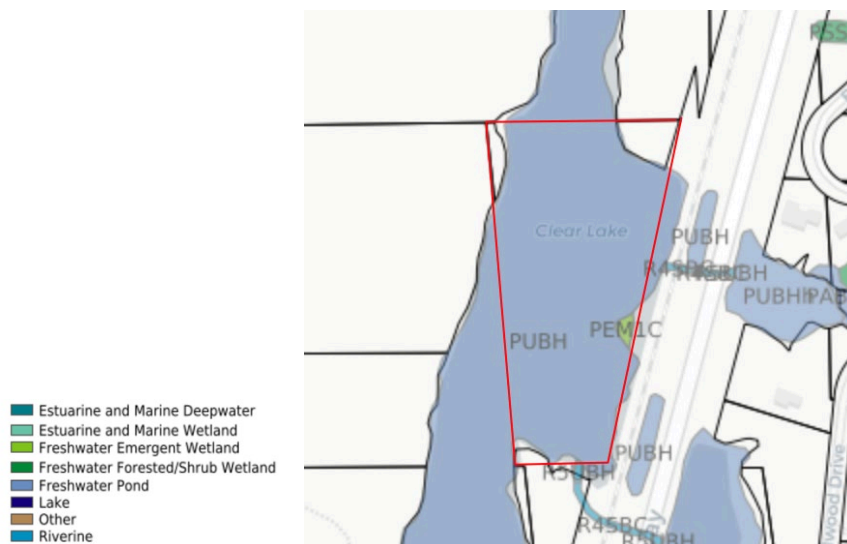
Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.

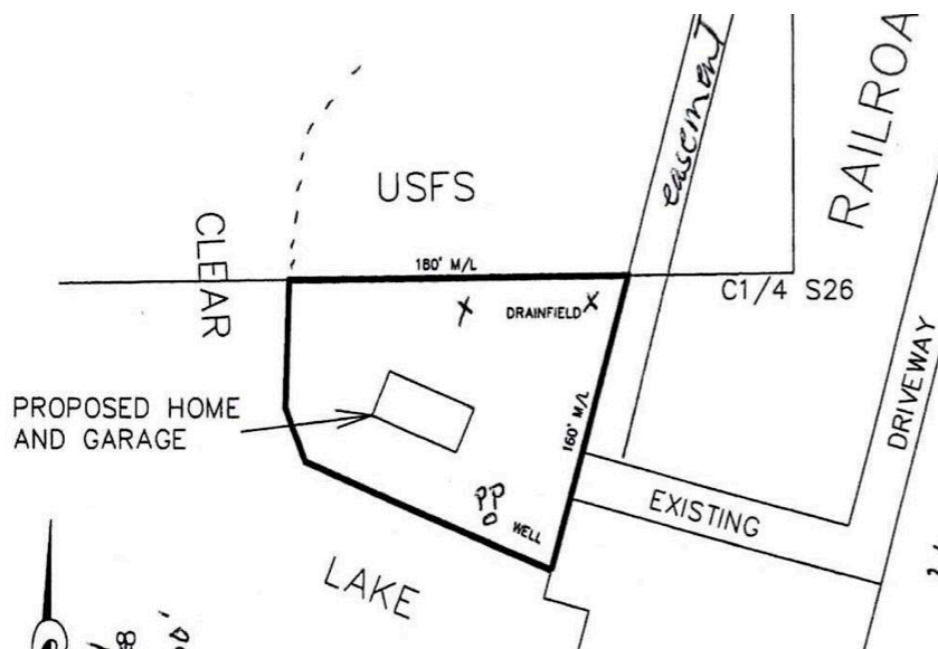
Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any new fences, hedges, or wall. Therefore, this criterion does not apply.

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

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

Section 4.6.140(6) requires a setback from any wetland. There are mapped wetlands or water bodies requiring protection on the subject property.





Based on the plot plan, the proposed development appears to be 50 ft from Clear Lake. Additionally, the applicant stated the proposed development is outside of 50 feet of the Clear Lake. Therefore, this criterion has been addressed.

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

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

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that all fire requirements “will be followed when the home is built”. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicant’s attached engineering report states that the dwelling site is “gently sloped except for a short vegetated hump on the east, and 70% to 20% vegetated slopes descending from the cleared building area to Clear Lake”. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 9.84 degrees, which is 17.34% in slope. The applicants will need to maintain 80 feet of primary fuel-free break to the standards identified above. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. The applicant stated, and will not be able to, disturb the vegetation within 50 feet of Clear Lake. This criterion will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated “all fire safety requirements will be met when the home is constructed”. As a condition of approval,

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

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. Reviewing aerial photos, Staff did find a water source (Clear Lake) meeting this criterion on the subject property. However, that would require disturbing the riparian vegetation. Staff therefore determines that resource protection of Clear Lake has a greater value to Comprehensive Plan than this fire criteria requirement. Therefore, this criterion has been addressed.

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

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

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

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

4.11.129 Beaches and Dunes (Policy 5.10)

The Beaches and Dunes map has inventoried the following:

- *Beaches and Dunes*
 - o *Suitable for most uses; few or no constraints (Does not require a review)*
 - o *Limited Suitability; special measures required for most development*
 - o *Not Suitable for Residential, commercial or Industrial Structures*

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled "Development Potential within Ocean Shorelands and Dunes" and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

a. Limited Suitability: "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. *Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:*
 - a) *The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
 - b) *The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
 - c) *The need for methods for protecting the surrounding area from any adverse effects of the development; and*
 - d) *Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*
- ii. *Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:*
 - a) *Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
 - b) *The exposure of stable and conditionally stable areas to erosion;*
 - c) *Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
 - d) *Any other development actions with potential adverse impacts.*

FINDING: The applicant submitted a geological site investigation report by Ralph Dunham, an Oregon license Professional Engineer. The report was dated May 10, 2017, and was part of the original Beaches and Dunes application ACU-18-024. Mr. Dunham visited and inspected the site on April 24, 2017. The proposal is to construct a single-family dwelling, accessory structure, and associated site development of these uses. Mr. Dunham did provide an accurate description of the surrounding uses and a clear description of the proposed dwelling.

Mr. Dunham further provided information on the site's terrain and current vegetation. The site was already cleared of roughly 2/3 of the primary vegetation before the 2017 site visit. Mr. Dunham goes on to state that *"due to the fact the majority of the property is already cleared, minimal impact would be anticipated due to additional erosion associated with development. In fact, other than short term issues, development would actually stabilize the currently raw soils due to landscaping, control of runoff and sealing of the ground surface. Current vegetation buffers Clear Lake and should be maintained"*.

In regard to the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation. Mr. Dunham note that approximately 55% to 67% of the site has already been cleared of existing vegetation. He did note that *"it is anticipated that minimal to no disturbance of the current existing vegetative buffer along the lake will be disturbed at this time"*. Mr. Dunham did specifically note that, depending on season, that two consecutive levels of silt fence spaced 20 feet apart would be appropriate. While Mr. Dunham went to explain some more hypothetical conditions. Staff finds it

reasonable to require two silt fences be placed 20 feet apart between the proposed development and the Clear Lake riparian buffer.

Mr. Dunham notes that, due to the gentle slope of the subject properties and adjoining properties, there is little anticipated chance of the development creating wind-blown or water erosion. Mr. Dunham noted that *“a simple series of check dams along the existing path will be adequate to insure minimal to no impact to the lake during construction”*. This will be made a condition of approval.

Mr. Dunham noted that in his opinion that *“the installation of this new development of this site has no adverse long-term impacts, on short-term impacts expected to exist for a maximum of six months until vegetation is well established on site. It is my opinion that this home replacement will actually have positive effects on all of the concerns listed in Coos County’s Dunes and Coastal Shorelands plan implementation strategies with fire exception of very temporary construction period for placement of fire new home”*. The only other recommendations he made was that the development comply with *“current building and construction code requirements”* to minimize effects of hazards. These requirements are implemented by State agencies in Coos County.

Therefore, Staff finds that based on the geologic site investigation report by Mr. Ralph Dunham, PE, that the proposed development will have minimal effects on the subject property and adjoining neighboring lands when implementing the recommendations of the geologic report.

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

The Coastal Shoreland Boundary map has inventoried the following:

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

Purpose Statement:

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

- i. Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*

f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*

FINDING: The applicant is proposing a single-family dwelling and associated accessory structure within the Forest Mixed Use overlay zone. The subject property has multiple other overlay zones, including the Coastal Shoreland Boundary. Additional findings for compatibility of the proposed dwelling and Coastal Shoreland Boundary are below.

ii. *A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

a) *Site Review and Approval Criteria.*

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

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

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

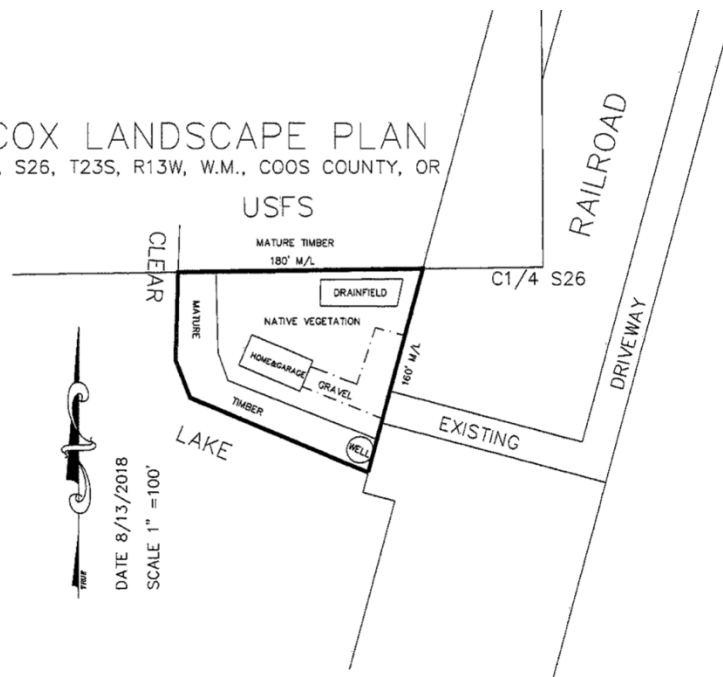
These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended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

1. *Landscaping*

a. *The landscape shall be such to minimize soil erosion and lessen the visual impact;*

FINDING: The applicant is proposing to leave the 50 feet riparian buffer around Clear Lake. The applicant noted the rest of the property has been cleared of a majority of the vegetation approximately 9 years ago. This area has been left to grow naturally.

WILCOX LANDSCAPE PLAN
TL3102, S26, T23S, R13W, W.M., COOS COUNTY, OR



The applicant noted a few shrubs may be planted by home but most of the subject property will be native vegetation. Therefore, this criterion has been met.

b. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

FINDING: The applicant noted the only adjacent development is the neighboring railroad. When reviewing the area, Staff finds that there will be little potential for future development in this particular area. There is scatter residential development along the southern side of the Clear Lake. Other dunal lakes have been developed with residences along those lakes.

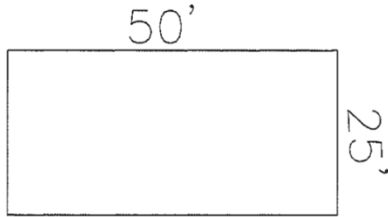
2. *Structures*

a. *Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*

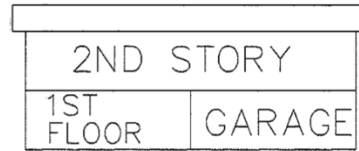
FINDING: The applicant noted that there are no buildings within sight of the subject property or the driveway that leads to the property. The applicant stated that *“the new buildings will be placed so as to harmoniously relate to the terrain”*.

WILCOX ARCHITECTURAL PLANS

TL3102, S26, T23S, R13W, W.M., COOS COUNTY, OR



PLAN VIEW



SIDE VIEW

Staff finds that proposed development will be place on a relatively small area of the subject property, closest to the existing known access, on a relatively flat bench, and outside of the 50 feet riparian buffer.

b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

FINDING: There are no existing buildings on the subject property. The applicant notes the proposal is for a new two-story home with enclosed garage. Considering the shape and smaller portion of the subject property where development could be place, the need for onsite septic installation, the distance between the drain field locations and the onsite private well, the lack of any substantial residential development on adjoining neighboring properties. Therefore, Staff determines there is no reasonable need for enclosure of any space in conjunction with existing or proposed buildings.

3. Drives, Parking and Circulation

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

FINDING: The access driveway is a frontage road along the existing Coos Bay Rail Link. The developable portion of the subject property is limited to a specific access point. The applicant stated that sufficient fire truck and turnaround access will be provided. The applicant will need to submit a signed off from the County Roadmaster prior to requesting a Zoning Compliance Letter. The County Road Department will verify this criterion is sufficient during this process.

4. Surface Water Drainage

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

FINDING: First, the applicant correctly notes that there are no public storm drainage systems within miles of the subject property. The developable portion of the subject property is a relatively flat bench. The proposal is to leave the steeper 50 feet riparian management area next to Clear Lake untouched. The applicant stated the plan will be to pipe the roof drains over to the bank for water dispersion. Staff finds that there is no evidence presented that this proposal would result in a negative effect. The applicant stated that the proposed drainage plan will not negatively affect the adjoining neighboring properties. Given the fact the proposed development site drains towards Clear Lake, the applicant stated that the 50 foot riparian management area will be left untouched, and the applicant owns a significant portion of Clear Lake. Therefore, Staff finds that the criteria for surface water drainage has been met.

5. *Utility Service*

- a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. *Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

FINDING: The applicant is proposing to install underground power lines from the existing pole on the railroad right of way to the proposed home. The applicant is not proposing any telephone line service at this time. The applicant does not appear to be requesting utility development to be placed above ground. Staff also notes that any future substantial installations of utility improvements will trigger additional reviews of proposed said developments. The applicant is proposing to install an onsite septic treatment system. Therefore, Staff finds the applicant has addressed all applicable criteria.

b) *Application Submittal and Review Procedure.*

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

- a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
- b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
- c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
- d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
- e. *An application request which shall include:*
 - 1) *Name and address of applicant;*
 - 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
 - 3) *Address and legal description of the property;*
 - 4) *Statement explaining the intended request;*
 - 5) *The required fee; and*
 - 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*

FINDING: Staff found that during completeness review process that all applicable documents were submitted prior to this review. Therefore, these criteria have been addressed.

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

FINDING: The Planning Director has waived the requirements for a full landscaping and architectural plans. The applicant submitted a rough landscaping plan and an architectural drawing that was sufficient for resource review.

4.11.131 Significant Wildlife Habitat (Balance of County Policy 5.6)

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

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

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

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

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

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

b. *5b Bird Sites protection shall consider the following to be "5b" resources, pursuant to the inventory information available in this Plan and OAR 660-16-000(5)(b):*

- *Osprey Nesting Sites*
- *Snowy Plover Habitat (outside the CREMP)*
- *Spotted Owl Nesting Sites*

This policy recognizes the requirements of OAR 660-16. Coos County's Planning Staff is unable to perform ground verification; therefore, the County relies on ODFW for the applicable information.

Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5b" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion as to whether the development is likely to produce significant and unacceptable impacts upon the "5b" resource. Oregon Department of Fish and Wildlife staff shall respond prior to any development.

FINDING: Staff notified and requested comments from ODF&W on June 2, 2021. No comments or concerns were received from ODF&W. Therefore, Staff concludes that the proposed development will not have adverse effect on protected bird habitat.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

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

Purpose Statements:

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

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

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

FINDING: See additional findings below in Floodplain section 4.11.232.

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

4.11.260 Tsunami Hazard Overlay Zone (Background)

The Tsunami Hazard Overlay zone is designed to serve as the principal implementation mechanism for land use measures addressing tsunami risk. As the name indicates, it is designed to be applied in the form of an overlay zone, i.e. in combination with underlying base zones. The boundaries of the overlay would correspond to the area of the jurisdiction subject to inundation from a local source tsunami indicated in § 4.11.265 below.

Oregon Statewide Planning Goal 7 envisions a process whereby new hazard inventory information generated by federal and state agencies is first reviewed by the Department of Land Conservation and Development (DLCD). DLCD then notifies the County of the new information, and the County has three years to respond to the information by evaluating the risk, obtaining citizen input, and adopting or amending implementation measures to address the risk. The County has not received notice from DLCD but has taken the proactive role in working with DLCD to address tsunami hazards.

This section of the ordinance places restrictions and limitations on certain categories of uses. These limitations apply primarily to uses which present a high potential for life safety risk, or to uses which provide an essential function during and after a disaster event. ORS 455, which is implemented through the state building code, currently prohibits certain facilities and structures in the tsunami inundation zone as defined by the Oregon Department of Geology and Mineral Industries as indicated in Section 4.11.245 below. The overlay incorporates the requirements that can be limited through the land use program. Nothing in this ordinance is meant to conflict with the State Building Code but will focus on integration of development and improvement of evacuation infrastructure into the land use and development review process.

Coos County does not house the building codes program and; therefore, Coos County lacks certain enforcement authority over the Oregon Structural Specialty Code as explained in OAR 632-005-0070 exemption responsibility. This section of the ordinance is not meant to obstruct the authority of the structural code.

These provisions establish requirements to incorporate appropriate evacuation measures and improvements in most new development, consistent with the Coos County Tsunami Evacuation Facility Improvement Plan. Coos County Planning has worked with Coos County Emergency Management in planning for emergency preparedness and developing hazard mitigation plans.

The maps that will be used to implement this section of the Coos County Zoning and Land Development ordinance are the 2012 Tsunami Inundation Maps produced by Oregon Department of Geology and Mineral Industries. The maps will be printed and filed as part of the Coos County Comprehensive Plan.

The series of maps consists of a Small (S), Medium (M), Large (L), Extra Large (XL) and Extra-Extra Large (XXL), with the XXL indicating the worst case scenario. When a size is identified in the section it includes all smaller sizes. For an example if a facility is regulated in an L tsunami inundation event then it includes all M and S tsunami inundation mapped areas.

4.11.270 Tsunami Hazard Overlay Zone (Purpose, Applicability and Uses)

4. Prohibited Uses

Unless authorized in accordance with subsection 6, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

- a. In areas identified as subject to inundation from the L magnitude local source tsunami events set forth on the TIM, the following uses are prohibited:
 - i. Hospitals and other medical facilities having surgery and emergency treatments area as;
 - ii. Fire and police stations;
 - iii. Hospital and other medical facilities having surgery and emergency treatment areas;
 - iv. Structures and equipment in government communication centers and other facilities required for emergency response;
 - v. Building with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or childcare centers;
 - vi. Buildings for colleges or adult education schools with a capacity of greater than 500 persons; and
 - vii. Jails and detention facilities
- b. In areas identified as subject to inundation from the M magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - i. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - ii. Emergency vehicle shelters and garages;
 - iii. Structures and equipment in emergency preparedness centers;
 - iv. Standby power generating equipment for essential facilities;
 - v. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons;
 - vi. Medical facilities with 50 or more resident, in capacitated patients;
 - vii. Manufactured home parks, of a density exceeding 10 units per acre; and
 - viii. Hotels or motels with more than 50 units.
- c. Notwithstanding the provisions of Article 5.6 of the Coos County Zoning and Land Development Ordinance, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming. The Tsunami Hazard Overlay is, in general, not intended to apply to or regulate existing uses or development.

FINDING: The proposal is for a dwelling; dwellings are not a prohibited use. Therefore, this criterion is not applicable to the proposal.

OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.211 AUTHORIZATION

The State of Oregon has been delegated the responsibility through local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Coos County does ordain as follows:

SECTION 4.11.212 FINDINGS OF FACT

1. The flood hazard areas of Coos County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

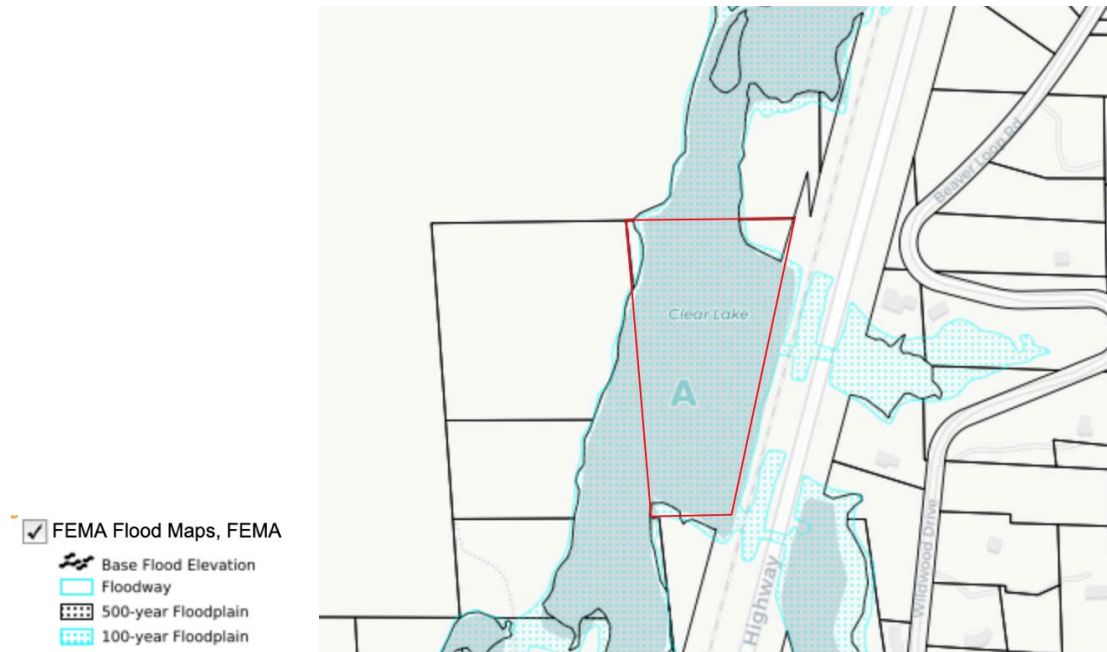
SECTION 4.11.231 LANDS TO WHICH THIS OVERLAY ZONE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Coos County that have been identified on the Flood Insurance Maps dated March 17, 2014 as described in Section 4.11.232.

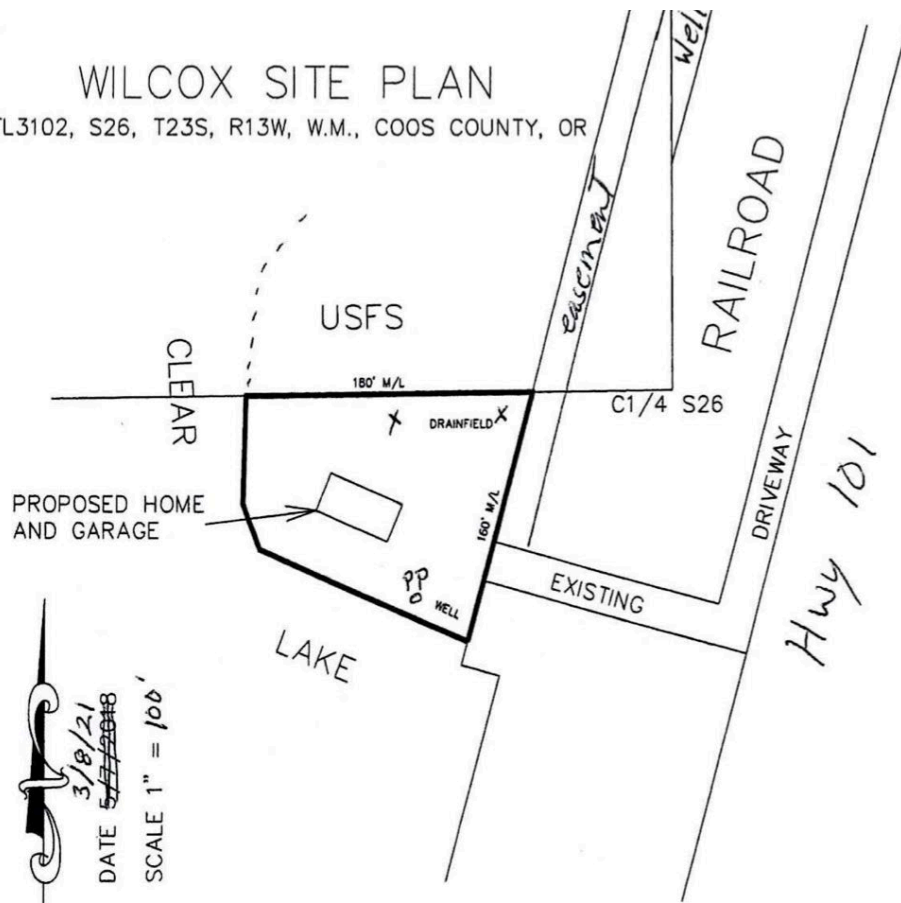
SECTION 4.11.232 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance & Mitigation Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County, Oregon and Incorporated Areas" revised December 7, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at location. The best available information for flood hazard area identification as outlined in Section 4.11.243.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.11.243.2.

FINDING: There is regulated mapped floodplain on the subject property.



WILCOX SITE PLAN
 TL3102, S26, T23S, R13W, W.M., COOS COUNTY, OR



Based on the plot plan and the floodplain map, Staff finds that the proposed development will be outside of the mapped 100-year floodplain. Therefore, this criterion has been addressed.

IV. DECISION

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

V. EXPIRATION:

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

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

i. *First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.*

1. *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final*

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

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

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Friday, February 04, 2022.

VII. NOTICE REQUIREMENTS:

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

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

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



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0645

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-039	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
23S	13W	26		3102

Street Address

70298 Hwy 101

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.545774

Longitude

-124.213079

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 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

It appears that the eastern part of this tax lot where the home is proposed is upland except the lowest elevations along Clear Lake. The home, as shown on the submitted site plan, is away from and elevated above the shoreline and therefore will not impact the lake or potential adjacent wetlands. The lake is designated Essential Salmonid Habitat, and any impact below the ordinary high water line or within any adjacent wetlands would require a permit.

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

6/30/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#
WN2021-0645

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-039	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
23S	13W	26		3102

Street Address 70298
H# 101
Address Line 2

City	State / Province / Region	County	Zip Code
		Coos	

Latitude	Longitude
43.545774	-124.213079

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17 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.

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

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

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Response

Date

6/30/2021

Response by:

Lynne McAllister

Response

Phone:

503-986-5300

Ref # ACU-18-
023
PER J.B.



Coos County Land Use Permit Application

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

Template Dwelling + Beaches + Dunes

FILE NUMBER: ACU-21-039

Date Received: 6/3/21 Receipt #: 200512 Received by: JR

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) Harvey and Katherine Wilcox Trust

Mailing address: 69968 Highway 101, North Bend, OR 97459

Phone: (541) 759-4467 Email: h.andk.wilcox@hughes.net

Township: 23S	Range: 13W	Section: 26	¼ Section: Select	1/16 Section: Select	Tax lots: not assigned yet
Select	Select	Select	Select	Select	3102

Tax Account Number(s): not assigned yet Zone: Select Zone Forest (F)
Tax Account Number(s) Please Select

B. Applicant(s) Harvey Wilcox

Mailing address: 69968 Highway 101, North Bend, OR 97459

Phone: (541) 759-4467

C. Consultant or Agent:

Mailing Address

Phone #: Email:

Type of Application Requested

- | | | |
|--|--|---|
| <input type="checkbox"/> Comp Plan Amendment | <input 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: Select type of Water Service Sewage Disposal Type: Select type of Sewage System
School District: Select School District Fire District: Select Fire District

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

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

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: 70298 Highway 101, North Bend, OR 97459

Type of Access: Private Easement - Provide Easemen Name of Access: unnamed private rd

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-20-

Wilcox template forest dwelling application

The subject property is currently TL3102 of Section 26, T23S, R13W, W.M. I assume the tax lot number will change after my property line adjustment is completed.

This application is for a single family dwelling and garage/shop. The property is zoned Forest but it qualifies for a template dwelling as a conditional use.

There are no other dwellings on the tract.

There are no deed restrictions which do not allow a dwelling.

There are 27 discrete parcels within a 160 acre square centered on the property (see attached map and parcel count). This exceeds the minimum number of 11 shown in the CF/Ac/Yr table.

There are 5 dwellings within a 160 acre square centered on the property that were existing before January 1, 1993 (see attached map and dwelling count). This exceeds the minimum number of 3 shown in the CF/Ac/Yr table.

Section 4.6.130 findings-

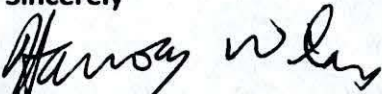
- 1. The siting of the proposed dwelling shall meet these criteria. There are no nearby agricultural lands. The timbered lands to the south (ODOT) and the West (USFS ODNRA) are across Clear Lake from the building site. The timbered USFS ODNRA lands to the north and the railroad (CBR) lands to the east should have their ability to manage their timber enhanced due to the access road constructed for this property. The siting of the proposed dwelling (see attached plot plan) will minimize any adverse impacts associated with timber management on both the adjoining lands and this tract. The amount of forest lands used to site roads, service corridors, the dwelling and any other structures has been kept to the minimum necessary. All fire requirements will be followed when the home is built.**
- 2. The home site will be setback as far as possible from the lake and the adjoining parcels. There are no existing buildings to cluster near. The building site is located near the existing railroad access road. The site is located so as to minimize adverse effects on timber growth.**
- 3. The water source will be a well and the well constructor's report will be submitted to the County upon completion of the well. All of the homes within Section 26 are supplied by wells. The wells in this area are mostly 50' to 75' deep and supply more than enough water for a residence.**
- 4. The access road is across railroad property as per the attached railroad permit. The property owner is responsible for maintenance of the road.**
- 5. Approval of a dwelling shall be subject to the following additional requirements:**

- a. Most of this property is located under Clear Lake (the State does not claim Clear Lake). The upland portion of the property west of Clear Lake is mature timber and will not be affected by the proposed dwelling. The upland portion of this property lying east of Clear Lake currently has 40 mature trees and 100+ seedlings. This upland portion is about 1/3 acre. At 250 trees per acre this portion of the property would need 83 trees which it currently exceeds.
- b. I have no problem with the County notifying the Assessor.
- c. The parcel is less than 10 acres so this does not apply.
- d. If the Assessor determines that the property no longer falls under the forest land designation after the dwelling is built than I assume he will remove it from forest assessment.
- e. I have no problem with signing and recording this document if I am approved for a dwelling.

Section 4.6.140 Development and Siting Criteria:

I have no problem with any of these criteria and will implement all that apply when constructing the dwelling. The property is located within the Hauser RFD. All fire safety requirements will be met when the home is constructed.

Sincerely



Harvey Wilcox

69968 Hwy 101

North Bend, OR 97459

(541) 759-4467

h.andk.wilcox@hughes.net

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

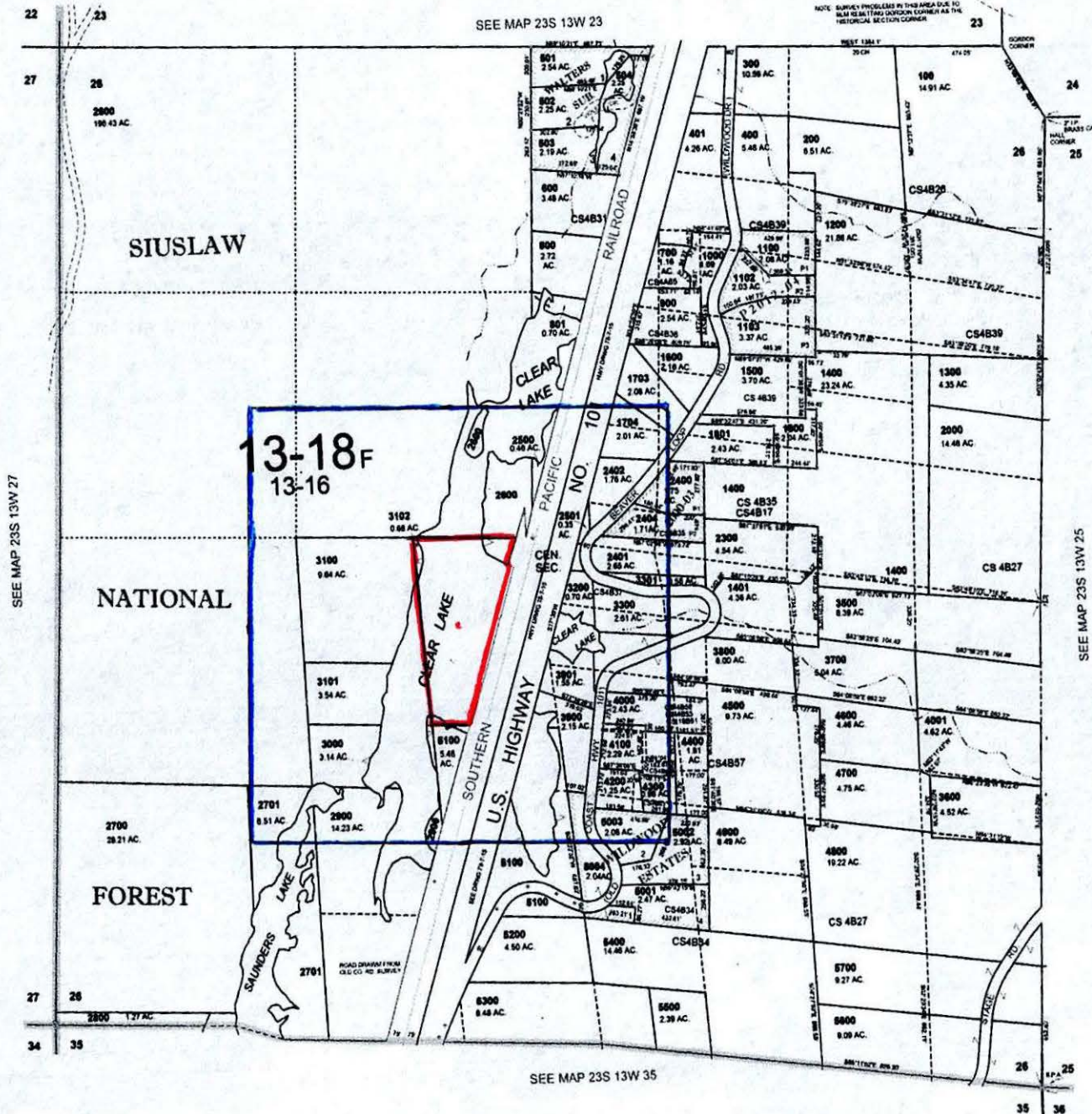
SECTION 26 T23S R13W W.M.
COOS COUNTY

1" = 400'

23S 13W 26

CANCELLED NO.

- 2301
- 1900
- 2100
- 2200
- 3400
- 3401
- 1700
- 2403
- 5101
- 5601
- 5701
- 5600M1
- 5700M1
- 4901
- 5000
- 5701
- 1701
- 1702
- 3601
- 4301
- 4001
- 4002
- 4003
- 500
- 4004
- 1101
- 1201
- 4302



03-25-2019

23S 13W 26

ACU-21-039 / ACU-18-024

Wilcox template count

There are 29 tax lots shown on the Assessor map within a 160 acre square centered on the property after the PLA of Tax Lot 3102 into the property I purchased from Jolene Poppe.

2600, 2500, 1703, 1704, 2400, 2402, 2404, 2501, 2401, 3301, 3200, 3300, 3800, 3901, 3900, 4000, 4100, 4200, 4300, 5002, 5003, 5004, 5100, 2900, 2701, 3000, 3101, 3100, 3102

TL3301 was a property line adjustment and does not count as a discrete parcel. TL's 3100, 3101 and 3102 were created without following the partition rules so they only count as one discrete parcel. The property I purchased from Jolene Poppe does not have a tax lot assigned yet but has been certified as discrete.

This leaves a total of 27 discrete parcels. The forest template rules require 11 parcels within a 160 acre square so it easily meets the rules.

TL2400 has a home built in 1956, TL2401 has a home built in 1978, TL3901 has a home built in 1952, TL4100 has a home built in 1975 and TL4200 has a home built in 1973.

There are 5 homes within the 160 acre square that were built before Jan 1, 1993. The forest template rules require at least 3 homes within the 160 acre square so the requirement is met.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 26 T23S R13W W.M.
COOS COUNTY

1" = 400'

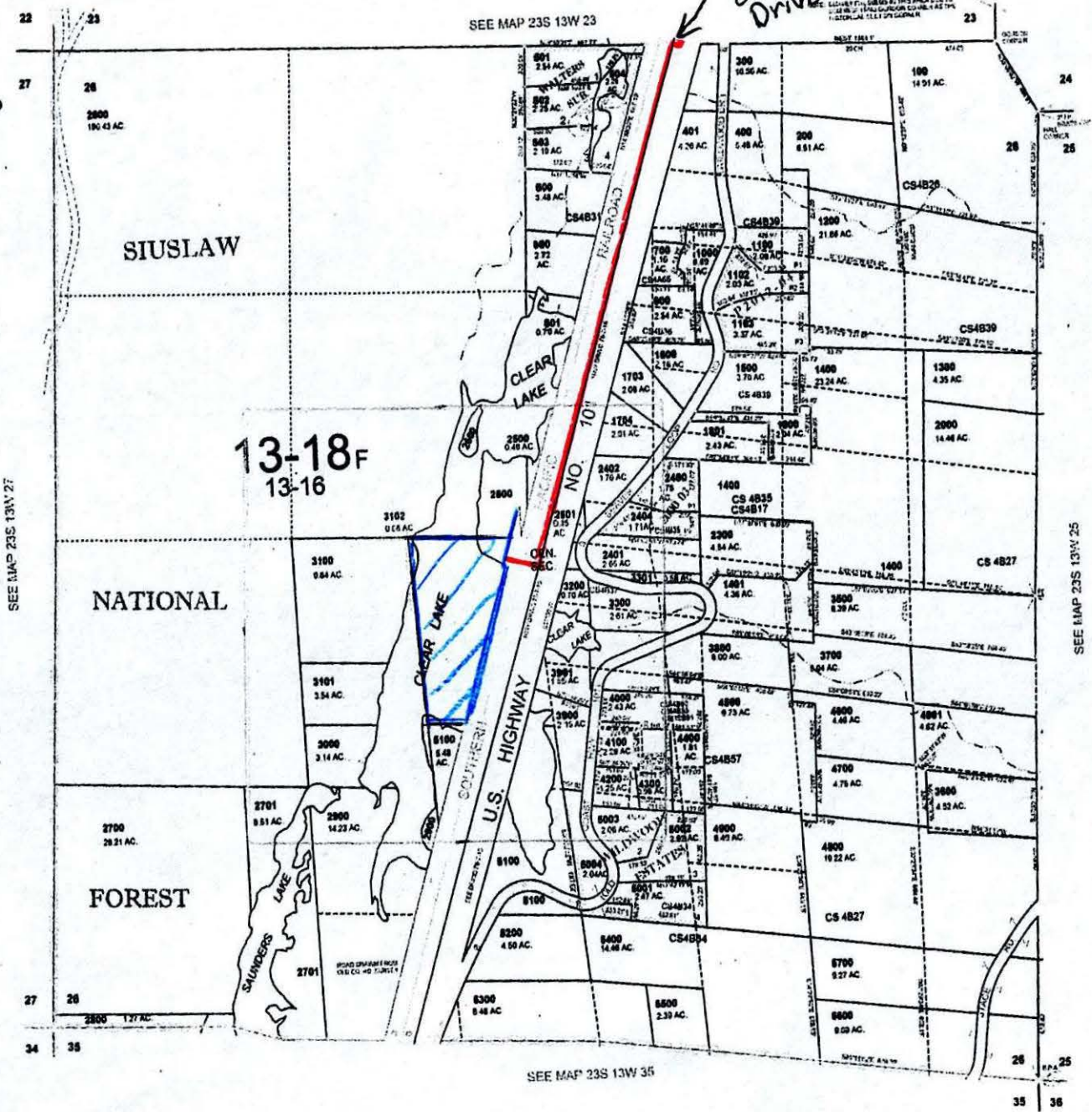
23S 13W 26

CANCELLED NO.

- 2301
- 1900
- 2100
- 2200
- 3400
- 3401
- 1700
- 2403
- 5101
- 5601
- 5701
- 5600M1
- 5700M1
- 4801
- 5000
- 5701
- 1701
- 1702
- 3601
- 4301
- 4001
- 4002
- 4003
- 500
- 4004
- 1101
- 1201
- 4302

Vicinity Map

Existing
Railroad
access
Driveway



SEE MAP 23S 13W 27

SEE MAP 23S 13W 25

SEE MAP 23S 13W 35

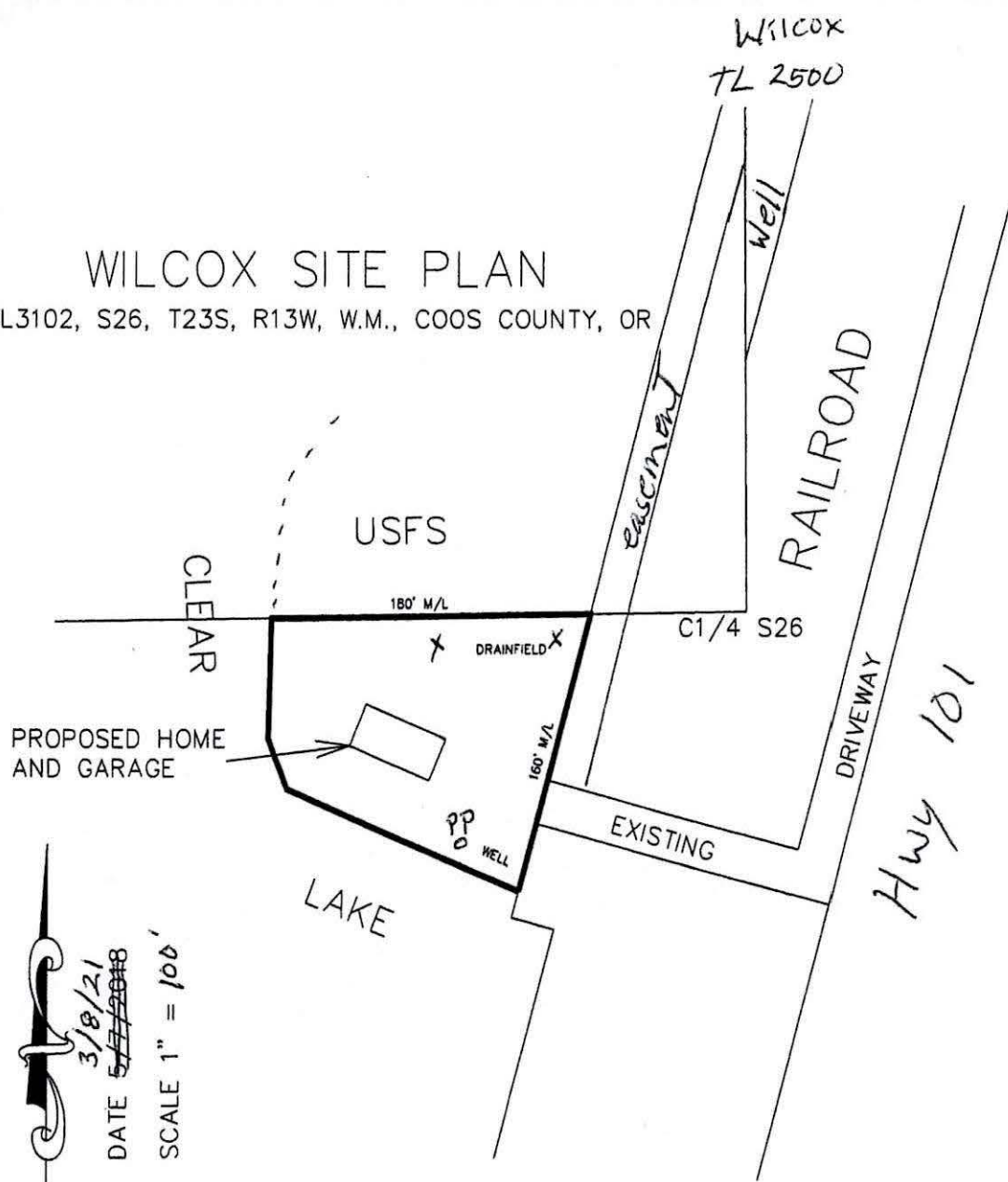
03-25-2019

23S 13W 26

ACU-21-039 / ACU-18-024

WILCOX SITE PLAN

TL3102, S26, T23S, R13W, W.M., COOS COUNTY, OR



DATE 3/8/21
~~5/17/2018~~

SCALE 1" = 100'

Legend
 x Test pit
 well - proposed
 PP - existing power

The only existing development
is an existing power pole

ACU-21-039 / ACU-18-024

Drive way Access Permit

OCCUPANCY LICENSE AGREEMENT

This Agreement (hereinafter "Agreement") made this March 13, 2012 by and between COOS BAY RAIL LINK, a division of the Oregon International Port of Coos Bay, its successors, assigns or affiliated companies (hereinafter "LICENSOR"), whose address is 125 Central Ave., Suite #300, P.O. Box 1215, Coos Bay, OR 97420, and HARVEY & KATHY WILCOX (hereinafter "LICENSEE"), whose address is 69968 Highway 101, North Bend, OR 97459.

For valuable consideration as outlined herein, the receipt of which is hereby acknowledged, LICENSOR hereby conveys to LICENSEE a license (hereinafter "Occupancy") to operate upon, along or across LICENSOR'S property as indicated below:

- A. at grade () overpass () underpass
- B. private grade crossing () public grade crossing () industrial/commercial grade crossing

Including necessary appurtenances and other related fixtures, equipment, marker posts or electric power which is in, under, upon, over or across LICENSORS property located at or near Lakeside (SW 1/4 & SE 1/4, Section 26, T23S, R13W), County of Coos, State of Oregon.

Said Occupancy to be located and described as follows:

Twenty-five foot (25') Private Grade Crossing at Mile Post 755.43 along with 2,904' x 25' asphalt roadway containing 72,600 sq. ft. in a northeasterly direction from the private grade crossing), including necessary appurtenances and other related fixtures, equipment, marker posts or electric power ("LICENSEE'S Facilities"), placed as shown on LICENSEE'S "Exhibit A" attach hereto and made a part hereof. LICENSEE'S Facilities are subordinated to all matters of record LICENSOR'S Facilities are subordinated to all matters of record and LICENSEE hereby acknowledges the title of LICENSOR in and to the property described in this agreement and agrees never to assail or resist said title. LICENSOR reserves the right to use the area three (3) feet below ground level and to enter LICENSEE'S Facilities for construction and maintenance of LICENSORS property.

THE UNDERSIGNED AGREES that the continuation of the Occupancy and use herein shall be subject to the following conditions, the default upon same could cause LICENSOR, its successors or assigns, to terminate this Agreement and to order the removal of LICENSEE'S Facilities and Occupancy. The conditions are as follows:

1. Said Agreement and Occupancy is granted contingent upon payment to LICENSOR of an Annual Fee of \$926.00. LICENSEE shall also submit a one-time agreement-processing fee of \$750.00. Billing or acceptance by Railroad of any rental shall not imply a definite term or otherwise restrict either party from canceling this Agreement as herein provided.
2. In the event that the use as set forth above is (1) materially changed (2) terminated or (3) LICENSEE'S Facilities are removed, this Agreement shall automatically terminate.
3. This Agreement or Occupancy herein granted may not be transferred, assigned or sublet to another party not signatory hereto without the prior written approval of LICENSOR. Said approval by LICENSOR, subject to LICENSEE'S satisfaction of applicable transfer of rights or assignment fees in effect at that time, shall not be unreasonably withheld.
4. LICENSOR shall not be responsible for any damage to LICENSEE'S Facilities at any time while this Agreement is in effect.

5. LICENSEE HEREBY AGREES TO INDEMNIFY, SAVE AND HOLD HARMLESS AND DEFEND LICENSOR, THEIR RESPECTIVE OFFICERS, DIRECTORS AND EMPLOYEES FROM ANY AND ALL ACTIONS AT LAW, CLAIMS, DEMANDS, LOSSES, DAMAGES, SUITS, FINES, PENALTIES, BY LICENSEE OR ANY OTHER PARTY TO RECOVER ACTUAL OR PUNITIVE DAMAGES FOR DEATH, BODILY INJURY, PERSONAL INJURY OR PROPERTY DAMAGE, WHICH MAY RESULT DIRECTLY OR INDIRECTLY FROM LICENSEE'S ACTIVITIES HEREUNDER, INCLUDING BUT NOT LIMITED TO THE SUBSEQUENT USE AND OCCUPANCY OF LICENSEE'S FACILITIES BY LICENSEE, ITS PERMITTEES, INVITEES OR ANY OTHER PERSON. THE PARTIES ACKNOWLEDGE THAT THE USE OF LICENSOR'S PREMISES IS FOR THE SOLE CONVENIENCE OF LICENSEE AND THAT LICENSOR SHALL HAVE NO DUTY TO LICENSEE, ITS OFFICERS, EMPLOYEES, AGENTS OR CONTRACTORS TO PROVIDE A REASONABLY SAFE PLACE IN WHICH TO WORK, TO PROVIDE ADEQUATE OR SAFE METHODS AND EQUIPMENT FOR THEIR WORK OR TO INSPECT OR MAINTAIN LICENSEE'S FACILITIES FOR SAID SAFE METHODS AND WORK EQUIPMENT NOR TO GIVE ANY WARNINGS OR OTHER NOTICES TO LICENSEE'S EMPLOYEES OR INVITEES REGARDING SAFETY EITHER OF LICENSEE'S FACILITIES AND RELATED WORKPLACE OR LICENSOR'S PROXIMATE RAILROAD OPERATIONS AND THAT ALL SUCH DUTIES SHALL BE ASSUMED BY LICENSEE WHO FURTHER AGREES TO DEFEND AND HOLD HARMLESS LICENSOR FROM ANY AND ALL CLAIMS ALLEGING ANY FAILURE TO PERFORM SAID DUTIES.
6. LICENSEE shall name LICENSOR, their respective officers, directors and employees, as additional insured for all risks, (including, if applicable, fire and explosion due to LICENSEE'S crossing(s), in an amount not less than Two million and no/100 dollars (\$2,000,000.00) per occurrence, Six million and no/100 dollars (\$6,000,000.00) aggregate liability and, prior to any construction project, a policy of Railroad Protective Liability Insurance in the amount of Two million and no/100 dollars (\$2,000,000.00) per occurrence, Six million and no/100 dollars (\$6,000,000.00) aggregate. Each policy shall be endorsed to provide a minimum of 10 days advance notice of cancellation to said additional insured. LICENSEE shall furnish a certified policy of insurance prior to the construction period. Said coverage shall remain in force for the duration of this Agreement. Provided, however, LICENSOR may require increases in liability coverage to equal or exceed LICENSOR'S own level of liability coverage, having regard for the circumstances. LICENSOR shall further have the right to approve the Carrier furnishing such coverage. Evidence satisfactory to LICENSOR'S General Counsel of LICENSEE'S authorized self-insurance program capable of providing for such limits, will be accepted in lieu of a policy from a commercial carrier. This clause shall not serve in any way to limit LICENSEE'S liability to the amounts of insurance required.
7. If required by LICENSOR, LICENSEE at its sole cost and expense, shall, upon completion of the construction and installation of said LICENSEE'S Facilities, furnish LICENSOR with a survey drawing, showing the final exact location of said Occupancy as constructed. The survey drawing shall indicate LICENSOR'S survey valuation station which said installation is located, and/or the position of LICENSEE'S Facilities in relation to the center line of the track and/or the centerline of the closest public street crossing said track(s). Said survey drawing to be attached to this Agreement as Licensee's Exhibit "B" and made a part hereof.
8. LICENSEE'S Facilities shall be installed to the satisfaction and approval of LICENSOR'S Engineer and all costs of LICENSOR'S Engineer and other technicians or professional consultants as may be required from time to time shall be borne by LICENSEE.
9. LICENSEE hereby agrees to reimburse LICENSOR for any and all expenses LICENSOR may incur or be subjected to, or in consequence of, the planning, negotiation, installation, construction, location, changing, alteration, relocation, operation or renewal of said Facilities, within thirty (30) days after receipt of LICENSOR'S invoice for payment.
10. In the event LICENSEE shall at any time desire to make changes in the physical or operational characteristics of said Occupancy, LICENSEE shall first secure in writing, the consent and approval of LICENSOR. All renewals, changes or additional construction after LICENSEE'S Facilities have initially been constructed, shall be authorized only after an additional CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT is approved and executed

by LICENSOR. LICENSEE agrees that such changes shall be made at LICENSEE'S sole risk, cost and expense and subject to all the terms, covenants conditions and limitation of this Agreement.

11. No other use shall be made by anyone under, across, upon and/or over the Occupancy herein described, without obtaining the prior written permission of LICENSEE, its successors or assigns; except, LICENSOR shall have access as it deems appropriate from time to time, to operate on LICENSOR property.
12. This Agreement shall continue in force indefinitely from and after the date hereof, subject, however, to the right of either party to terminate this Agreement as to the Occupancy or LICENSEE'S Facilities, or any part of LICENSEE'S Facilities, at any time, upon giving the other party thirty (30) days' notice in writing of its desire to terminate this Agreement, and indicating in said notice the extent of said facilities and facilities to which such termination shall apply. When this Agreement shall be terminated as to LICENSEE'S Facilities, or as to any part thereof, LICENSEE within thirty (30) days' after the expiration of the time stated in said termination notice, agrees at LICENSEE'S own risk and expense to remove LICENSEE'S Facilities from the property of LICENSOR, or such portion thereof as LICENSOR shall require removed, and to restore LICENSOR premises and property to a neat and safe condition, and if LICENSEE shall fail to do so within said time, LICENSOR shall have the right, but not the duty, to remove and restore the same, at the risk and expense of LICENSEE. Said restoration shall include, but not be limited to, any and all harm, damage or injury done to LICENSOR'S property and/or to any other public or private property by acts or occurrences subject to Federal, State or local environmental enforcement or regulatory jurisdiction, and shall include necessary and appropriate testing and cleanup. Nothing herein contained shall be construed as conferring any property right on LICENSEE.
13. Upon termination of this Agreement and Occupancy for any reason, all structures and alterations shall be removed from LICENSOR'S property and said property shall be returned to a physically and environmentally whole condition to the satisfaction of LICENSOR'S designated Officer or Representative, all at the sole cost and expense of LICENSEE. LICENSOR may, at LICENSOR'S sole discretion, during the removal of LICENSEE'S Facilities, require LICENSEE to conduct an environmental appraisal and report of the property formerly occupied by LICENSEE'S Facilities, All reports shall be prepared by a LICENSOR approved environmental consultant, to determine if LICENSOR'S property has been environmentally impacted by said Occupancy. All environmental reports, which are prepared subject to this clause, shall be immediately available to LICENSOR by LICENSEE. This clause shall survive termination of this Agreement.
14. LICENSEE agrees that any installation, maintenance, renewing or removal provisions referenced in this Agreement, covers only the requirements and/or specifications of installation, maintenance, renewing or removal. Any said reference shall not be construed as LICENSOR'S permission or authority for LICENSEE to enter LICENSOR'S property without first obtaining a CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT from LICENSOR, and fulfilling the requirements contained therein.
15. Execution of this Agreement shall supersede and/or cancel, as of the date first above written, any and all previous agreements, if any, related to the Occupancy and Use herein described, which may exist between the parties or their predecessors.
16. OTHER PROVISIONS:
 - (a) For the duration of this Occupancy, LICENSEE shall maintain the roadway and crossing including, but not limited to, keeping crossing flange ways free of ice and snow, or any other debris which may interfere with the safety or movement of trains. If LICENSEE fails to maintain said crossing as required and such failure results in damage to Railroad equipment and/or delay in movement of trains, LICENSOR may order the work to be performed at LICENSEE'S sole expense. LICENSEE shall be solely responsible for the cost of any delay in the movement of trains resulting from the presence or maintenance of said crossing and shall promptly pay any invoices rendered by LICENSOR for such costs.

(b) LICENSEE, so long as it owns and occupies a minimum one lot served by said crossing may sub-license this use to the buyers of each of the other lots so served and shall immediately report the names of said buyers to LICENSOR. Buyers must submit an application for their use of this Private Grade Crossing on an individual basis, however, LICENSOR shall have no duty or obligation to said Buyers jointly or severally under this agreement and Buyers granted by LICENSEE shall not survive this agreement.

THIS AGREEMENT IS hereby declared to be binding upon the parties hereto.

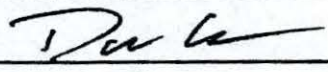
IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seals this 13th day of March 2012.

In the presence of:

LICENSOR
COOS BAY RAIL LINK
a division of Oregon International Port of Coos Bay

by: David Koch

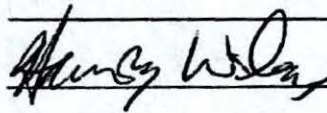
Title: Interim Chief Executive Officer

Signed: 

In the presence of:

LICENSEE
HARVEY & KATHY WILCOX

By: Harvey Wilcox

Signed: 

By: Kathy Wilcox

Signed: 

EXISTING CROSSING
APPROX. MP754.88
Grade Crossing Mile Post 754.88
Used by Frischman, Walters,
Morton & Cobb

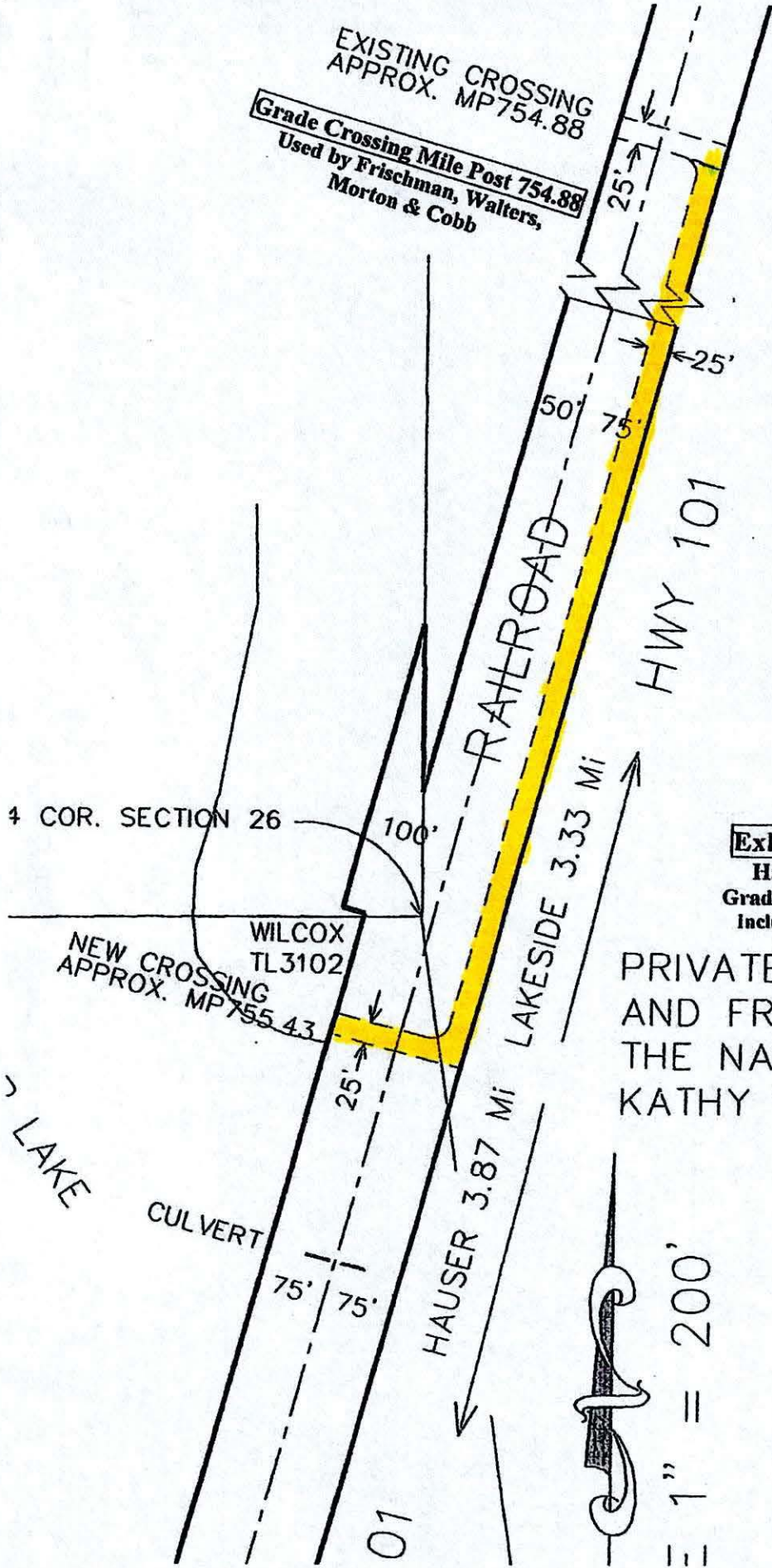
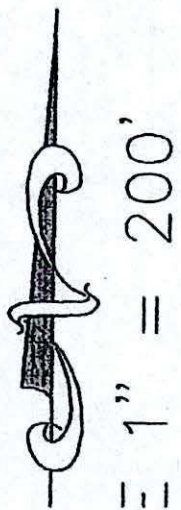


Exhibit A - CBR 110803
Harvey & Kathy Wilcox
Grade Crossing Mile Post 755.43
Including 72,600 sq. ft. Roadway

PRIVATE RAILROAD CROSSING
AND FRONTAGE STREET IN
THE NAME OF HARVEY AND
KATHY WILCOX



LEGEND

3/15/21

Jill Rolfe
Coos County Planning Director
250 N. Baxter St.
Coquille, OR 97423



Dear Jill

I am enclosing my revised application for a template dwelling conditional use. I understand that it can only be approved after my PLA is approved to remove the red flag on my property. I hope that you will accept my application at this time so that it is moving its way through the pile and is ready for review when my PLA is finished.

I have also enclosed the engineer's dune stability report on my property. The soil on this property is marine terrace and as per the report only requires the normal precautions when developing a site.

If there is anything else I can do to speed up the process please let me know.

Thank you

Harvey Wilcox
69968 Hwy 101
North Bend, OR 97459
(541) 759-4467
h.andk.wilcox@hughes.net



TELEPHONE (541) 267-2872
FAX (541) 267-0588
ralphdunham@stuntzner.com

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY - DALLAS - FOREST GROVE

May 10, 2017

Attn: Mr. Harvey Wilcox
69968 US Hwy 101
North Bend, OR 97459

RE: Beach & Dune Area Suitability Analysis for the proposed residential development of the portion of TL 3102 (T23S R13W S26) East of Clear Lake in Coos County, Oregon.

Dear Mr. Wilcox;

At your request, I am addressing the suitability of a proposed single family residential improvement, to be located on the portion of TL 3102 T23-R13-S26 east of Clear Lake in Hauser, Coos County Oregon. The subject property is identified as being with a Beaches & Dunes, Ocean and Coastal Lake Shorelands policy as stipulated in Appendix 1, Section 5.10. This policy requires suitability findings for residential development. I inspected the property on April 24th to inspect the soils, vegetation and general layout of the portion this property lying on the east side of Clear Lake. No inspection was performed related to the west side of Clear Lake.

As you are aware, the proposed development is anticipated to be a residential dwelling and appurtenant attached or detached garage/shop on the same parcel. The surrounding property is a combination natural features, with the only other adjacent development potential on the east side which is railroad right of way. Other adjoining property is lake or USFS timberlands/recreational use parcel with no physical access other than by crossing Clear Lake. Your easterly parcel is bounded by the USFS parcel to the north, Clear Lake on the south and west, and railroad right of way on the east. The site is currently gently sloped except for a short vegetated hump on the east, and 70% to 20% vegetated slopes descending from the cleared building area to Clear Lake, steepest segments near the SE corner of the property becoming more gradual descents to the NW. Cleared building pad is elevated 15-23 feet above Clear Lake which bounds two sides of the property, level with the property on the north, and as noted a short hill (10-15 feet in height) exists between the property and the cleared rail right of way. Currently 2/3 of the property is cleared of primary vegetation.

I evaluated the site based upon existing surficial soils, a short exposed cut bank on the east line of subject site and excavated adjoining banks for the driveway access into the site. The soils on the east side of Clear Lake are marine terrace deposits (as noted as expected in the Coos County Soil Survey) consisting of a gray to brown sandy loam surface soil to 8 inches in depth, tending towards a brown silty cemented sand with some gravel fragments to a depth of 3 feet, with

intermixed silty cemented sands and clean cemented sands underlying the surficial soils. Marine terrace deposits are significantly different than dune formations due to several factors, primarily the amount of cementation and silt particles incorporated in these soils limits the depth and amount of erosion. The primary purpose of these evaluations is to be addressed is the movement of sand or dune structures through wind and water erosion. The effect of the cementation creates a shallow "hardpan" is that it limits the soils available to be easily moved by wind or water erosion to primarily those surficial soils disturbed.

The following findings are based upon three assumptions:

- A. Approximately 35-40% of the property, when developed will be covered with building or paved (aggregate or other paving) surfaces.
- B. Appropriate landscaping will cover at least 80% of the area not utilized for buildings or paved structures.
- C. Limited additional disturbance will occur on the property. Although dune formations exist on the westerly side of Clear Lake, the easterly side is marine terrace deposits. If and when dune area is disturbed, appropriate retaining structures or erosion controls will be implemented to maintain the Dune formation on the property lying west of Clear lake segment of the property.

Based upon the Coos County's Plan Implementation Strategies, the site was to be evaluated for the following:

(2) i. Adverse effects the proposed use might have on the site and adjacent areas:

The proposal is to construct a residential structure(s), parking, septic system and yard area on a currently partially cleared site. The issue to be addressed is movement of the sandy soils which exist and destabilization of adjoining properties and/or movement of sandy soils onto other properties. It is noted that currently approximately three quarters of the property lying east of Clear Lake has been primarily cleared of vegetation. It should also be noted that directly adjoining properties consist of Clear Lake on the south and west, USFS timberlands on the north, and Coos Bay Rail Link right of way on the east. The USFS timberlands are well stocked with mature forest vegetation, and a strip approximately 40 feet in width which is currently vegetated exists between the subject property and the rail improvements/cleared slopes for the railway.

Current cleared area consists of a building pad approximately 80 feet in width by 120 feet in length as well as an access drive. A 35-50 foot vegetated buffer (primarily timber & associated shrub species) exists between the shoreline of Clear Lake and the cleared building pad with the exception of a 12 foot wide strip on the north west corner of the property where a lake access path has been constructed. This path is vegetated primarily in grass species. The cleared portion of the property primarily slopes north at approximately 4% and west at approximately 3% with a short 2H:1V slope for the last 10 feet of property along the east line (excepting the driveway) and natural vegetated slopes descending towards the lake on the south and west (except as noted for the path) ranging from 1.5H:1V on the Southeast to nearer 5H:1V on the NW corner.

Due to the fact the majority of the property is already cleared, minimal impact would be anticipated due to additional erosion associated with development. In fact, other than short term issues, development would actually stabilize the currently raw soils due to landscaping, control of

runoff and sealing of the ground surface. Current vegetation buffers Clear Lake and should be maintained.

(2) ii. The need for temporary and permanent stabilization programs, and maintenance of new and existing vegetation:

The existing ground as noted is currently 55%-67% cleared of vegetation, and the building pad itself is exposed soils with very light vegetation. The northern 30 feet of the property has been cleared of forest tree species and shrubs, however shrub species have re-established along with some grasses with approximately a 50% vegetative coverage in this area. This area is anticipated to be utilized for a drainfield due to its distance from the lake, therefore disturbance is likely limited to installation trenches.

It is anticipated that minimal to no disturbance of the current existing vegetative buffer along the lake will be disturbed at this time. As noted, building pad is currently primarily bare, and other than minor grading for dwelling (excavation for footings & backfill, installation of septic system and water system) minimal additional disturbance will occur. Current bare soils are stable in regards to mass movement (dune transformation) and only slight dust issues and light water erosion would be expected to occur during the construction due to disturbance. Drainage from the building site drains to the north then west to the lake along the cleared path noted above. Depending upon the season of construction, two consecutive layers of silt fence space approximately 20 feet apart across the path would be appropriate to stop minor aeolian erosion (dry season) and water borne erosion, and a series of two hay bale or rock check dams across the path during winter (high rainfall periods) would be appropriate for October through April construction. Minimal transport is expected, however some would exist and simple silt fence or maintained check dams would limit the extent of transport.

(2) iii. The need for methods for protecting surrounding area from adverse effects of the development:

Again due to the gentle slope and shallow depth of easily eroded soils, adjoining properties are not anticipated to be effected by the development other than the possibility of minor wind blown and water erosion which is possible in any development when mineral soils are exposed. The only concern due to lack of adjoining development and slope direction is Clear Lake receiving minor water borne erosion along the existing path. A simple series of check dams along the existing path will be adequate to insure minimal to no impact to the lake during construction. The disturbed area, which is not covered by a driveway or the new dwelling structure, will be vegetated with typical yard grasses or shrubs, as well as volunteer native vegetation.

(2) iv. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use:

Hazards within the development should be minimal based upon the assumption that construction will comply with current building and construction code requirements. The only existing hazard on the property is loss of vegetation due to wind throw, although the property has been cleared for some time, this hazard is therefore less likely to occur as the vegetation has adjusted to its condition. Natural slopes to the lake in the southeast corner have limited stability in a seismic event, however were and are to be left undisturbed. Water erosion from wave action over time

may cause erosion within the natural vegetation (regardless of development) therefore setbacks of any structures should be maintained based upon at least a 1.7H:1V set back distance from the shoreline. The site is elevated and situated approximately 80-85 feet above and two miles distance from the Pacific Ocean, and is not located in any current tsunami impact zone.

The installation of this new development of this site has no adverse long-term impacts, on short-term impacts expected to exist for a maximum of six months until vegetation is well established on site. It is my opinion that this home replacement will actually have positive effects on all of the concerns listed in Coos County's Dunes and Coastal Shorelands plan implementation strategies with the exception of very temporary construction period for placement of the new home.

If you have any questions, please feel free to contact me at (541) 267-2872.

Sincerely;

Ralph Dunham, PE
Project Engineer