



# Coos County Land Use Permit Application

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

FILE NUMBER: ACU-21-041

Date Received: 6/10/21 Receipt #: 226234 Received by: A. Dibble

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) Christopher & Tonya Davis

Mailing address: 94546 North Way Lane, North Bend, OR 97459

Phone: 541-294-1208 Email: ctdavis1@gmail.com

Township: 24S Range: 13W Section: 12 1/4 Section: 0 1/16 Section: 0 Tax lots: 1100 & 1102  
Select Select Select Select Select

Tax Account Number(s): 166700 Zone: Select Zone Forest (F)  
Tax Account Number(s) 166702 Exclusive Farm Use (EFU)

B. Applicant(s) Same as owner

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

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

C. Consultant or Agent: None

Mailing Address \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

### Type of Application Requested

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

### Special Districts and Services

Water Service Type: On-Site (Well or Spring)  Sewage Disposal Type: On-Site Septic   
School District: North Bend  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



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

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

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

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

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

Christopher S. Davis      Louise A. Davis



Amy, thanks for your help. I emailed the complete submit to your email address.

*Sony*

COOS COUNTY  
 PLANNING DEPARTMENT  
 LAND USE FEE SCHEDULE  
 EFFECTIVE OCTOBER 1, 2019  
 Order #19-08-056L

FEE DESCRIPTION	FEE
Hourly Rate	\$130.00
Rebilling for invoices that are 30 days past due	\$20.40
Appeals of	
Administrative Decision - ORS 215.416(11)(b)	\$250.00
Planning Commission (HBCU)	\$2,550.00
Board of Commissioner (Public Hearings)	\$2,500.00
Conditional Use *	
Administrative Conditional Use (ACU)	\$1,480.00
Hearings Body Conditional Use (HBCU)	\$2,600.00
Modification of Conditions for ACU	\$893.00
Modification of Conditions for HBCU	\$1,785.00
Plan modification prior to a decision	\$300.00
Reconsideration of ACU Decision	\$893.00
Reconsideration of Board Decision	\$1,632.00
Remand Hearing	\$3,500.00
Variance	\$1,480.00
*For reviews, unless otherwise deferred to the Planning Commission or called-up by the Board of Commissioners, the base fee will be charged at the time the application is filed. The applicant is responsible for actual cost of that review. If the Board of Commissioners appoints a hearings officer the applicant shall be billed for actual time of planning services, materials and hearings officer cost.	
Compliance Determination (CD)	\$306.00
Comprehensive Plan Amendments	
Map/Text Amendment	\$3,570.00
Cost of M56 notice will be billed to applicant in addition to standard fee	
EFU to F/MU or F/MU to EFU	\$2,600.00
Cottage Industry/Home Occupation	
Requiring an ACU	\$1,479.00
Not requiring an ACU	\$306.00
Yearly Renewal	\$55.00
Discrete Parcel Review (Lawfully created parcels)	\$600.00
Extension Request	\$600.00
Floodplain Review not requiring a a notice of decision	\$500.00
Requiring a notice of decision	\$875.00
Land Divisions (Partitions, Subdivisions, PUD)	\$1,530.00
Medical/ Family Hardship Dwelling	
Requiring an ACU	\$875.00
Not Requiring an ACU	\$325.00
Two year renewal	\$55.00



**ACCESS INFORMATION**

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

Property Address: \_\_\_\_\_

Type of Access: Select \_\_\_\_\_

Name of Access: \_\_\_\_\_

Is this property in the Urban Growth Boundary? Select \_\_\_\_\_

Is a new road created as part of this request? Select \_\_\_\_\_

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-\_\_\_\_\_



June 2, 2021

Coos County Planning Department  
Attn: Amy Dibble  
250 N Baxter  
Coquille, OR 97423

We currently own tax account 166702 (tax lot 1102), 166700 (tax lot 1100) and 167600 (tax lot 500) totaling just over 180 acres. (Exhibit A) Upon approval of the Administrative Conditional Use Review (application attached), we would like to submit an application for a property line adjustment so that approximately 17 acres (formerly tax account 166704) from the north side of North Way Lane will be included in tax lot 1100 which would leave about 40 acres on tax lot 1102 (Exhibit B). This will allow us to sell tax lot 1102 which includes the home and ag buildings.

We would then like to build a new home, garage and ag buildings on the western portion of tax lot 1100. A Forest Template Dwelling test was conducted and on October 6, 2020 we were notified that CCZLDO Section 4.6.120(II)(1)(c) would be satisfied using the property's current configuration (Exhibit C). We will minimize the impact to the land by using an existing dike for our driveway and locating the dwelling and ag buildings within an already established clearing. (Exhibit D) Those buildings would include one approximately 3,000 sq ft single family dwelling, one 2,880 sq ft shop, one 1,600 sq ft barn and one 2,400 sq ft equipment shed.

Tax lot 1100 consists of both bottom land and hillside which typically is used to graze cattle and growing trees. The building site will be located up on the top of the hillside, not located on a slope.

Thank you for your consideration.

Sincerely,

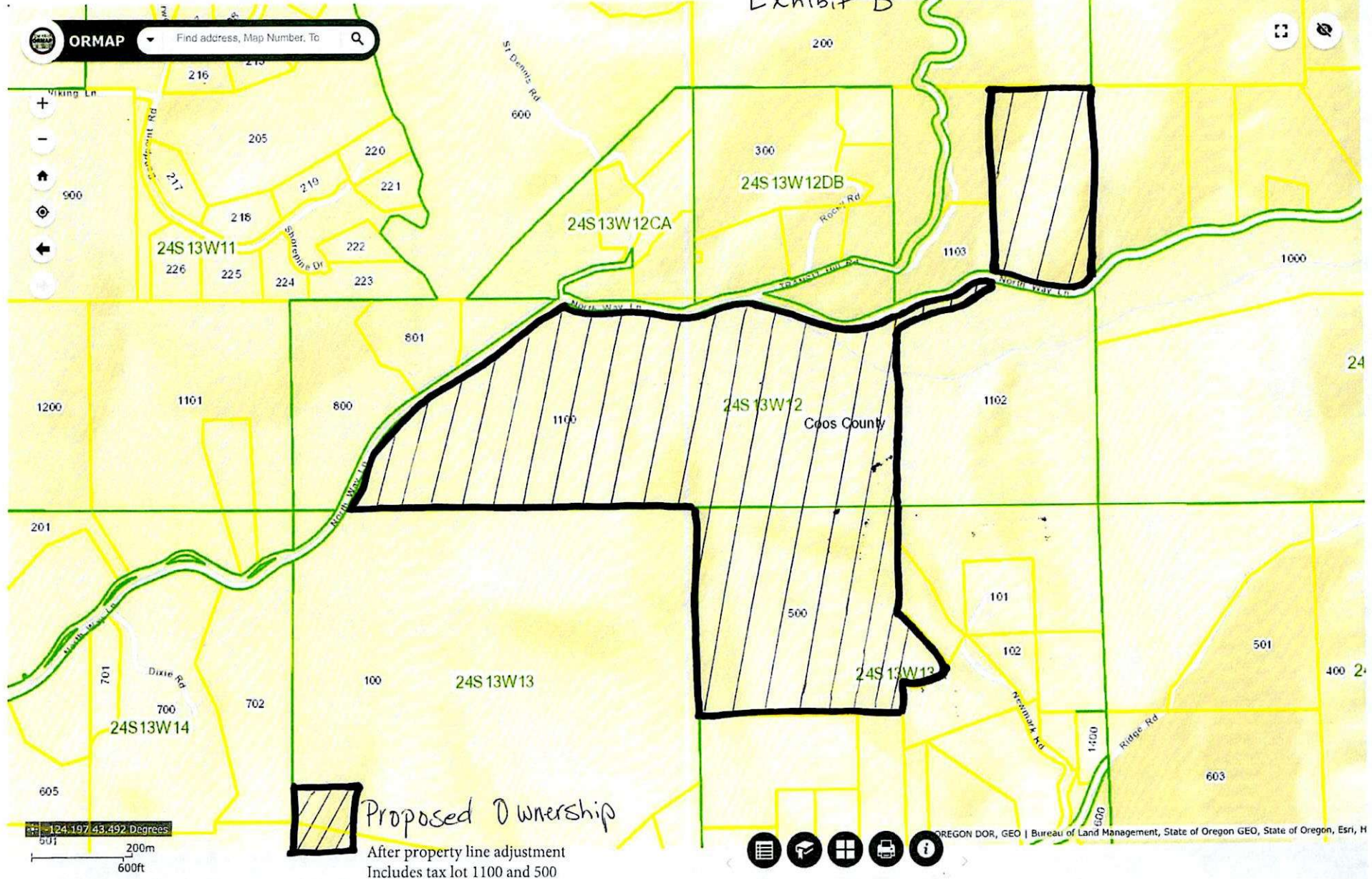
Christopher and Tonya Davis







ORMAP Exhibit B



**Proposed Ownership**  
 After property line adjustment  
 Includes tax lot 1100 and 500



# Exhibit C



## Coos County Planning Department

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

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October 6, 2020

Christopher & Tonya Davis  
94546 North Way Lane  
North Bend, OR 97459

RE: Research Request R-20-010 on property located at Township 24S, Range 13W, Section 12/13A, Tax Lot 1100, portion of 1102/500

Mr. & Mrs. Davis:

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

The applicable CCZLDO criteria for the template test are:

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

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



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

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

**Tax Lots 1100 and 500**

Minimum of eleven (11) required pre-1993 parcels within a 160 acre square:	MET (12 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre square:	MET (5 dwellings)

<b>Tax Lots 1100, portion of 1102 and 500</b>	
Minimum of eleven (11) required pre-1993 parcels within a 160 acre square:	MET (11 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre square:	MET (4 dwellings)

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

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



Sincerely,

*Amy Dibble*

Amy Dibble, Planner II

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





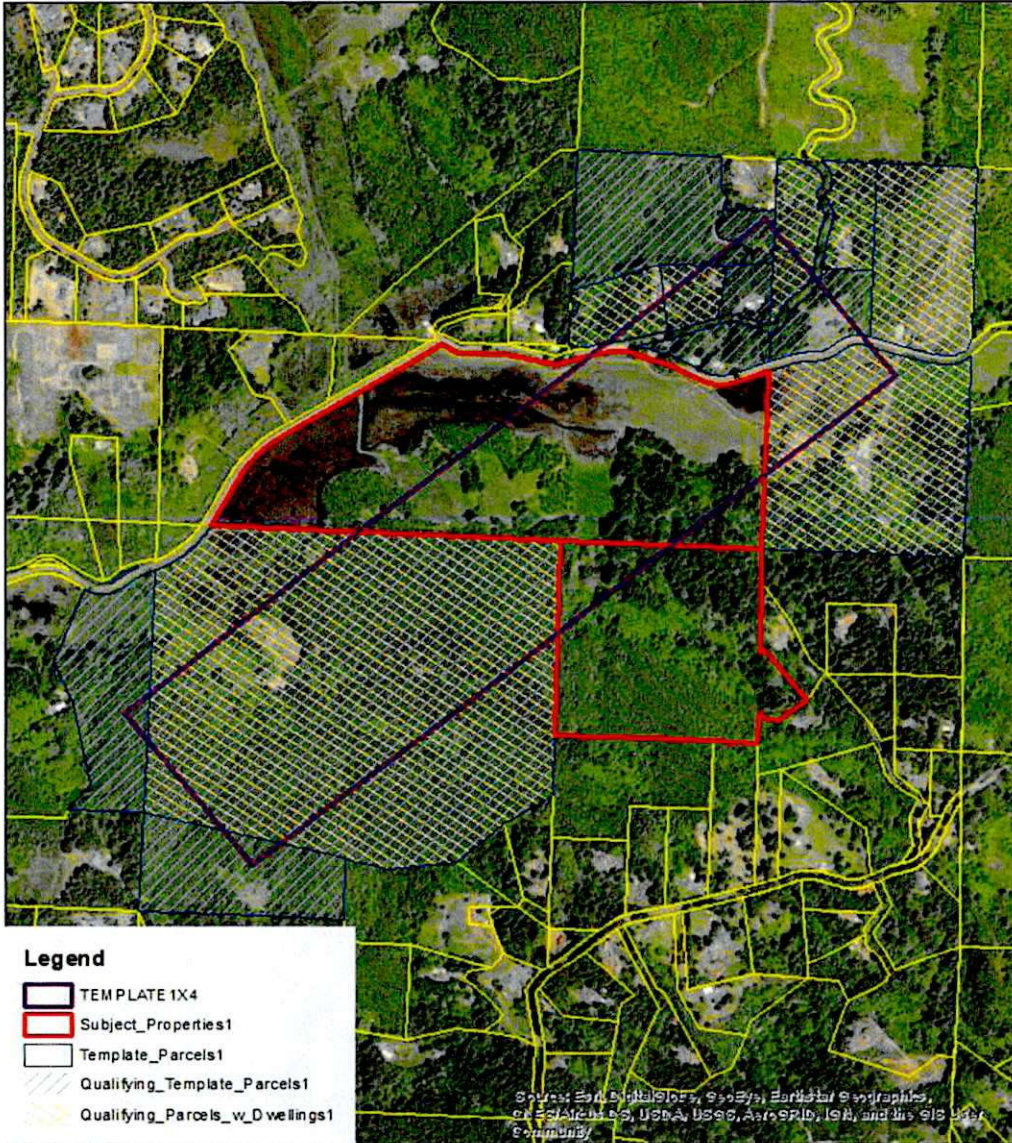
## COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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







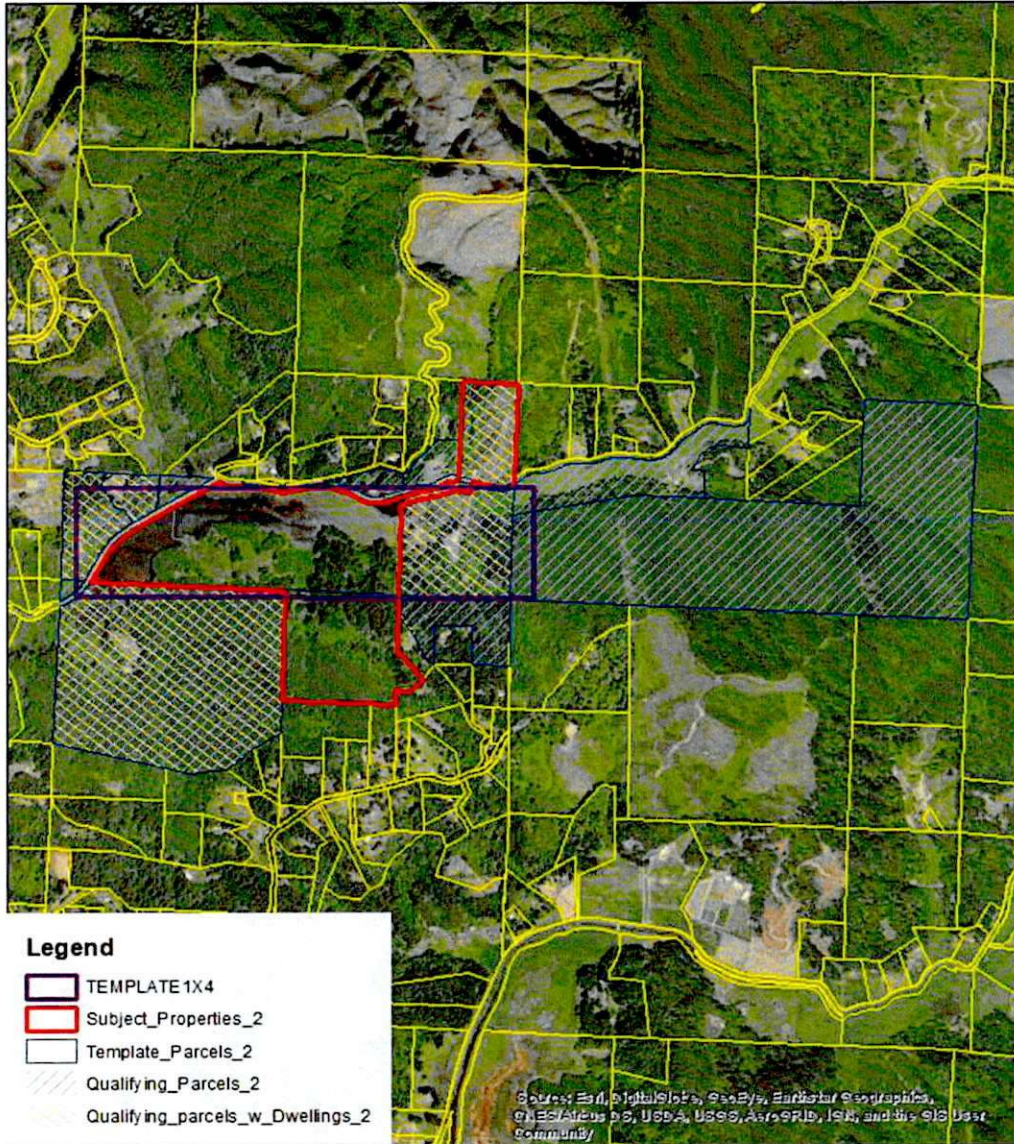
# COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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







- 1. approx 3,000 sq ft home
- 2. approx 2,880 sq ft shop
- 3. approx 2,400 sq ft AG
- 4. approx 1,600 sq ft AG
- 5. Leach field

All structures at least 75' from property lines

Vegetation : pasture land & tree farm



11/20/2020

ORMAP 94546 north way lane, north be X Q

Show search results for 945...

ORMAP

Exhibit D - part two

24S 13W12DB

24S 13W12CA

South Way Ln

TRANSIT WAY BL

North Way Ln

801

Existing Dike /  
Future Driveway

24S 13W12

1100

Building  
Area

Coos County

Topography

24S13W13

208 ft

24S 13W13A

500

252 ft

24S13W14

43.19443495 Degrees

100m  
300ft



REGISTRATION, GEO | Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon



RECORDING REQUESTED BY:



300 W Anderson  
Coos Bay, OR 97420

COOS COUNTY, OREGON 2016-007505

\$61.00

08/31/2016 01:12:43 PM

Terri L.Turi, Coos County Clerk

Pgs=4

**GRANTOR'S NAME:**

Harry C. Davis and Victoria L. Davis

**GRANTEE'S NAME:**

Christopher S. Davis and Tonya L. Davis

**AFTER RECORDING RETURN TO:**

Christopher S. Davis and Tonya L. Davis  
94548 North Way Lane  
North Bend, OR 97459

**SEND TAX STATEMENTS TO:**

Christopher S. Davis and Tonya L. Davis  
94548 North Way Lane  
North Bend, OR 97459

188700, 187800 and 188702

84548 North Way Lane, North Bend, OR 97459

**AFTER RECORDING  
RETURN TO  
Ticor Title Company  
300 West Anderson Ave. - Box 1075  
Coos Bay, OR 97420-0233**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Harry C. Davis and Victoria L. Davis and Harry C. Davis and Victoria L. Davis dba Davis Land and Cattle Company, Grantor, conveys and warrants to Christopher S. Davis and Tonya L. Davis, as tenants by the entirety, Grantees, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

**PARCEL 1:** A parcel of land lying South of the North Slough County Road and being a portion of the East 1/2 of the SE 1/4 of Section 12, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; said parcel also being a portion of that parcel described in Microfilm Reel No. 77-1-498, Deed Records of said Coos County and more specifically described as follows: Beginning at a 1 inch iron pipe at the Section corner common to Sections 12 and 13, said Township 24 South, Range 13 West and Sections 7 and 18, Township 24 South, Range 12 West; thence North 88° 48' 50" West 1,310.44 feet along the Section line common to said Sections 12 and 13 to a 1 inch iron rod at the Southwest corner of the SE 1/4 of said SE 1/4; thence North 0° 25' 24" East 1,170 feet, more or less, along the North/South centerline of said SE 1/4 to a point on the Southerly right of way of said County Road; thence Easterly 1,360 feet, more or less, along said right of way to a point on the Section line common to said Sections 7 and 12; thence South 100 feet, more or less, along said common Section line to a 1 inch iron pipe; thence continuing South 634.31 feet along said Section line to a 1 inch iron rod; thence continuing South 634.31 feet along said Section line to the point of beginning.

The above described parcel is based on that survey by Ronald Durham, dated June 14, 1972, Map No. CS 7B10 and pursuant to a minor land partition dated April 28, 1988.

**PARCEL 2:** All that real property described per Deed recorded as Coos County, Oregon, Instrument 2000-727 lying Easterly of the following described adjusted line: Beginning at a 5/8 inch iron rod which bears North 48° 09' 38" West 811.35 feet from the South one-sixteenth corner on the East line of Section 12; thence South 00° 00' 00" West 404.89 feet to a 5/8 inch iron rod set 30 feet Northerly from the existing centerline of North Slough County Road.

**PARCEL 3:** All that portion of the SW 1/4 of the SE 1/4 and of the South 1/2 of the SW 1/4, which lies South of the County Road in Section 12, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

**ALSO:** The NW 1/4 of the NE 1/4 of Section 13, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

**ALSO:** Beginning at a point 894.8 feet South of the quarter quarter corner on the North line of the NE 1/4 of Section 13, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence South along the quarter quarter Section line 384 feet; thence South 82° East 59 feet; thence North 83° East 78 feet; thence North 59° East 219 feet; thence North 42° West 430 feet; thence South 58° West 40 feet to the place of beginning, being a portion of the NE 1/4 of the NE 1/4 of said Section 13.

Consideration in the amount of \$650,000.00



**STATUTORY WARRANTY DEED**  
(continued)

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$650,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

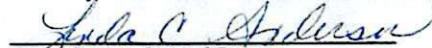
Dated: 8-29-16

  
Harry C. Davis, individually and for Davis Land and Cattle Company

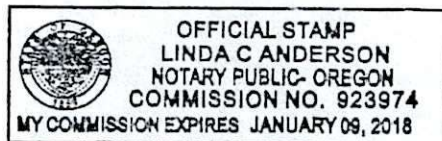
  
Victoria L. Davis, individually and for Davis Land and Cattle Company

State of Oregon  
County of DESCHUTES

This instrument was acknowledged before me on 8-29-2016 by Harry C. Davis and Victoria L. Davis and Harry C. Davis and Victoria L. Davis dba Davis Land and Cattle Company.

  
Notary Public - State of Oregon

My Commission Expires: 01-09-2018





**EXHIBIT "A"**  
**Exceptions**

**Subject to:**

Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016/2017.

Tax Identification No.: 166700, 167600 and 166702

The Land has been classified as Farm, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

The Land has been classified as Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the area commonly known as  
public streets, roads, alleys, highways..

Affects: Tax Lot 1100, 1102 - Section 12

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of North Slough, in the event the boundary of said North Slough has been artificially raised or is now or at any time has been below the high watermark, if said North Slough is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of North Slough, or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of North Slough.

The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the North Slough.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of North Slough.

Notwithstanding the covered risks as set forth in the policy, the company does not insure against loss or damage by reason of a lack of a right of access to and from the Land.

Affects: Tax Lot 500 S13A

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: West Coast Telephone Company  
Purpose: utilities  
Recording Date: August 18, 1964  
Recording No: Book 311 Page 546

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: West Coast Telephone Company  
Purpose: utilities  
Recording Date: April 26, 1968  
Recording No: 68-04-27939

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Lincoln People's Utility District  
Purpose: utilities  
Recording Date: June 24, 1974  
Recording No: 74-06-101253

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Lincoln People's Utility District  
Purpose: utilities  
Recording Date: January 6, 1977  
Recording No: 77-01-00187



**EXHIBIT "A"**  
**Exceptions**

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Lincoln People's Utility District  
Purpose: utilities  
Recording Date: March 23, 1979  
Recording No: 79-1-3951

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: General Telephone Company of the Northwest, Inc.  
Purpose: utilities  
Recording Date: August 30, 1982  
Recording No: 82-3-7007

Minor Partition

Recording Date: June 7, 1988  
Recording No.: 88-06-0333

Agreement Antennae and Well Use Agreement

Executed by: C. Loal Smith and Dorothy Smith, husband and wife AND Mervyn L. Evans and Patricia L. Evans, husband and wife  
Recording Date: September 18, 1986  
Recording No.: 86-04-007102

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: C. Loal Smith and Dorothy B. Smith  
Purpose: Maintenance and use of the existing septic system  
Recording Date: June 8, 1988  
Recording No: 88-06-0435

Terms and Provisions of Appurtenant Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: C. Loal Smith and Dorothy Smith, husband and wife  
Purpose: roadway  
Recording Date: January 30, 1990  
Recording No: 90-1-1826

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: David C. Watz  
Purpose: roadway  
Recording Date: January 30, 1990  
Recording No: 90-1-1828

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Central Lincoln People's Utility District  
Purpose: utilities  
Recording Date: October 13, 1992  
Recording No: 92-10-0448



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

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

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

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

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

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

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

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
  - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
  - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:



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

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



A forest template dwelling test was conducted and it was determined CCZLDO Section 4.6.120(II)(1)(c) would be satisfied. Letter dated October 6, 2020 from Coos County Planning Department states that approval.

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

- (1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

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

Approximately 25,000-30,000 trees were planted in 2019 over approximately 40 acres. If additional trees are required to be planted as a condition of approval, documentation will be provided stating the tract is reasonably expected to meet Department of Forestry stocking requirements.

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

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

The proposed dwelling will have a fire retardant roof -composition shingles. All other structures will have a metal roof.

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

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

The dwelling will not be sited on a slope of greater than 40 percent. The building site is flat-access to the site is currently about 23%.

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

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

The domestic water supply will be from a well. Evidence will be provided that the domestic water supply is from a source authorized by the Water Resources Department once approval has been granted.



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

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

**The dwelling is located upon a parcel that is within the Hauser RFPD.**

(E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.

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

**Not applicable-located within a fire protection district.**

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

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

**Each chimney in the proposed dwelling will have a spark arrester.**

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

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

**We will provide and maintain a primary fuel-free break and secondary break areas on land surrounding the dwelling.**

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

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

**Response to SECTION 4.6.110(9)(C)(2)(a) & (b) – If you are requesting alternative forms of fire protection because you are outside of a Fire District and or provided with residential fire protection by contract, please provide additional solutions to fire protection. If you are within a fire district you do not need to respond to these criteria.**



**We are not requesting alternatives forms of fire protection.**

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

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

- (1) Dwellings and structures shall be sited on the parcel so that:
- (a) They have the least impact on nearby<sup>1</sup> or adjoining forest or agricultural lands;

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

**The dwelling will be sited in an existing clearing on the flat of a hill which will not require any additional removal of trees. Nearby/adjoining forest and agricultural lands will continue to be used as their current purpose.**

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

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

**By siting the dwelling in an already established clearing, no forest operations or farming practices will be impacted.**

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

**Response to SECTION 4.6.130(1)(c) – How much acreage will be removed for site access roads, service corridors, dwelling and other structures. Could less property be removed from forest lands to support the proposed development. Please make sure plot plan matches any of the proposed development. Minimizing may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.**

**Approximately 1.5 acres of forest lands will be used for site access roads, service corridors, dwelling or other structures. The access road is already established in the form of a dike that will**

<sup>1</sup> For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.



be improved to meet driveway standards. All buildings will be placed in an existing cleared area.

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

**Response to SECTION 4.6.130(1)(d) – Describe how the risks associated with wildfire are minimized. This section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.**

Risks associated with wildfire are minimized because all buildings will be placed in an area that is already cleared and clustered together. The ag buildings will be constructed with metal roof and siding. All setbacks will be met from property lines.

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

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

- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

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

Upon approval of this land use action, a document will be provided stating that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules.

- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.



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

Road access is not owned or 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. Access will be from a platted road.

- (5) Approval of a dwelling shall be subject to the following requirements:
- (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
  - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

**Response to SECTION 4.6.130(5) – The Planning Department will request comments from the Assessor's Office regarding restocking. Please acknowledge that you will follow the restocking requirements.**

Approximately 25,000-30,000 trees were planted in 2019 over approximately 40 acres. If additional trees are required to be planted as a condition of approval, documentation will be provided stating the tract is reasonably expected to meet Department of Forestry stocking requirements.

**SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

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

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



development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

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



8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
  - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
  - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
  - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
9. Fire Siting Standards for New Dwellings:
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
  - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
10. Firebreak:
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
  - b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
  - c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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



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.

11. 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).
12. The dwelling shall not be sited on a slope of greater than 40 percent.
13. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
14. 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.
15. 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.
16. Access to new dwellings shall meet road and driveway standards in Chapter VII.

**Response to SECTION 4.6.140**

**Is the property a legal unit of land?**

**Minimum Lot Size of 80 acres will be met on the building site as the current size is 85.08 acres. We are proposing a property line adjustment from an already non-conforming property to add 17 acres to the 85.08 acres.**

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

**All setbacks will be met from proposed buildings to property lines/right of way lines, as shown on Exhibit D (part one).**

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

**New fencing is not proposed. Any existing fence on property will remain.**

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

**All off-street parking and loading requirements will be met. Once the Administrative Conditional Use Review has been approved, we will then obtain all necessary driveway/access/parking permits.**

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



Upon approval of land use action, a Forest Management Covenant will be acknowledged and filed in the deed records of Coos County.

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

Riparian vegetation will be maintained. Closest stream from building site is approximately 300-400 yards. The proposed driveway runs along a man made ditch but this road is an existing dike which will allow minimal disturbance of any waterway. We will place eco blocks on the west side of the dike (opposite side of the ditch) and build up the dike on that side only.

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

The proposed dwellings will be located within the Hauser Fire Protection District. This property is already serviced by this organization.

**The applicant acknowledges that they will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**

We will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI with a sufficient ¾ inch garden hose which will reach the perimeter of the primary fuel-free building setback. A stream can be provided as a secondary water supply with access within 15 feet of the water's edge. Appropriate turnaround and signage would be provided if required.

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

The primary safety zone will include mowed grasses and low shrubs. All trees located within the safety zone will be limbed up with all brush removed from beneath the trees. A sufficient garden hose will be available at all times. The building site is on an existing flat clearing-not located on a slope.

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

All proposed structures will use non-combustible or fire resistant roofing materials. The home will have composition roofing. All other structures will have metal roofing.

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



**A natural water supply (stream/ditch) is available for fire suppression which is approximately 25 feet from the driveway.**

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

**The dwelling will not be sited on a slope; the building site is flat.**

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

**If the dwelling has a chimney, each will have a spark arrester.**

**The dwelling will be within the Hauser Fire Protection District**

**All access roads will be constructed so as to provide adequate access for firefighting equipment.**

**Access will meet road and driveway standards.**