



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: **Wednesday, February 16, 2022**

File No: ACU-21-064

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

Applicant(s): Billie Thomas
54090 Morrison Rd
Bandon, OR 97411

Staff Planner: Chris MacWhorter, Contract Planning Staff

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Tuesday, March 01, 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: 1031702
Map Number: 28S143300-01401

Property Owner: THOMAS, BILLIE

Situs Address: No Situs Address

Acreage: 10.00 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: BANDON AREA OF MUTUAL INTEREST (BMI)
FOREST MIXED USE (MU)
MUNICIPAL WATERSHED (WTR)
NATIONAL WETLAND INVENTORY SITE (NWI)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County

This notice shall be posted from February 16, 2022 to March 3, 2022

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: _____ **Date: Wednesday, February 16, 2022** .
Chris MacWhorter, Contract Planning Staff

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

Exhibit E: Comments Received

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
 - c. 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. Tax lot 1401 and 1701 shall be consolidated into one tax lot as they are one unit of land pursuant to the 2015 determination.

- 3. **ADVISORY STATEMENT** - The Department of States Lands advised the following statement *“The proposed home location avoids the tributary of Ferry Creek that flows through this property. All future ground disturbance should stay above the high bank of the creek to avoid any adjacent wetlands that may be present adjacent to the creek. Any present or future improvements planned for the private road crossing of the creek south of the homesite should minimize placement of the fill material in the creek below the ordinary high water line. Per state law, you are allowed a total of 50 cubic yards of removal and fill before needing a permit, but the Corp of Engineers (regulating federal waters) does not allow this (FYI)”*.

ADVISORY STATEMENT: There is one existing dwelling and one other application on the private road. The third address assigned on this private road will require a road name application and readdressing of the two other existing addresses.

EXHIBIT "B"
Vicinity Map

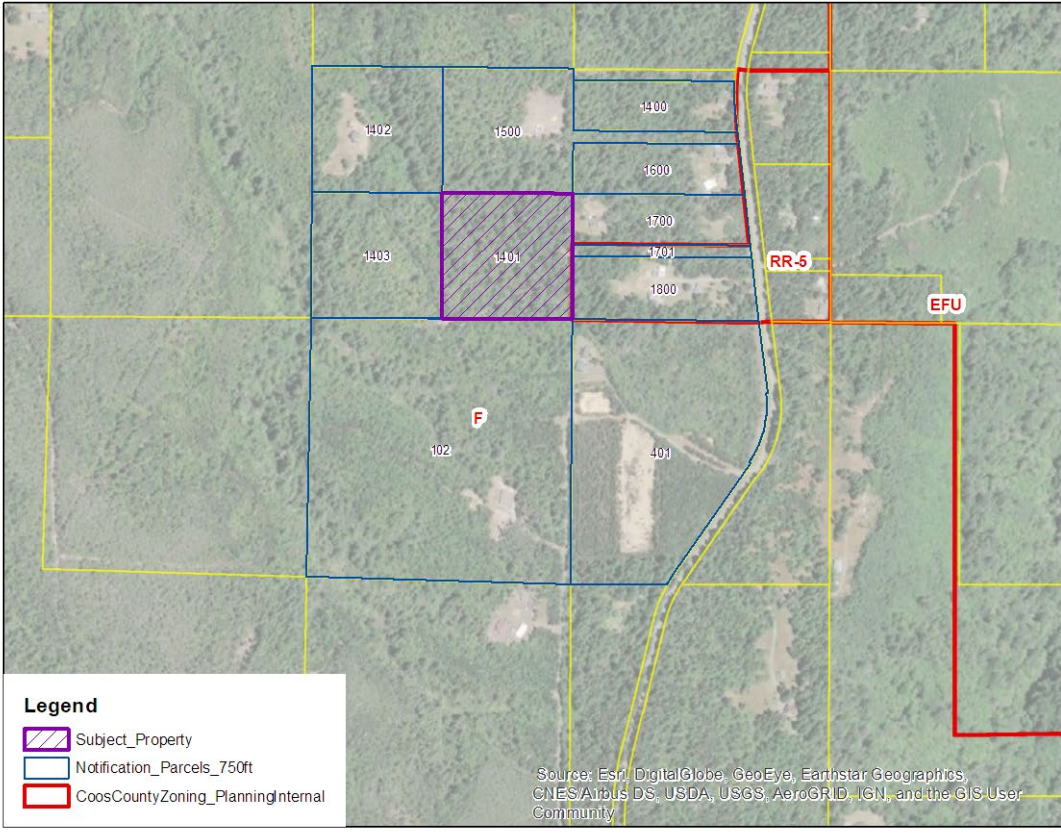


COOS COUNTY PLANNING DEPARTMENT

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-21-064
Applicant/ Owner: Billie Thomas
Date: December 16, 2021
Location: Township 28S Range 14W Section 33 TL 1401
Proposal: Administrative Conditional Use



Template Map



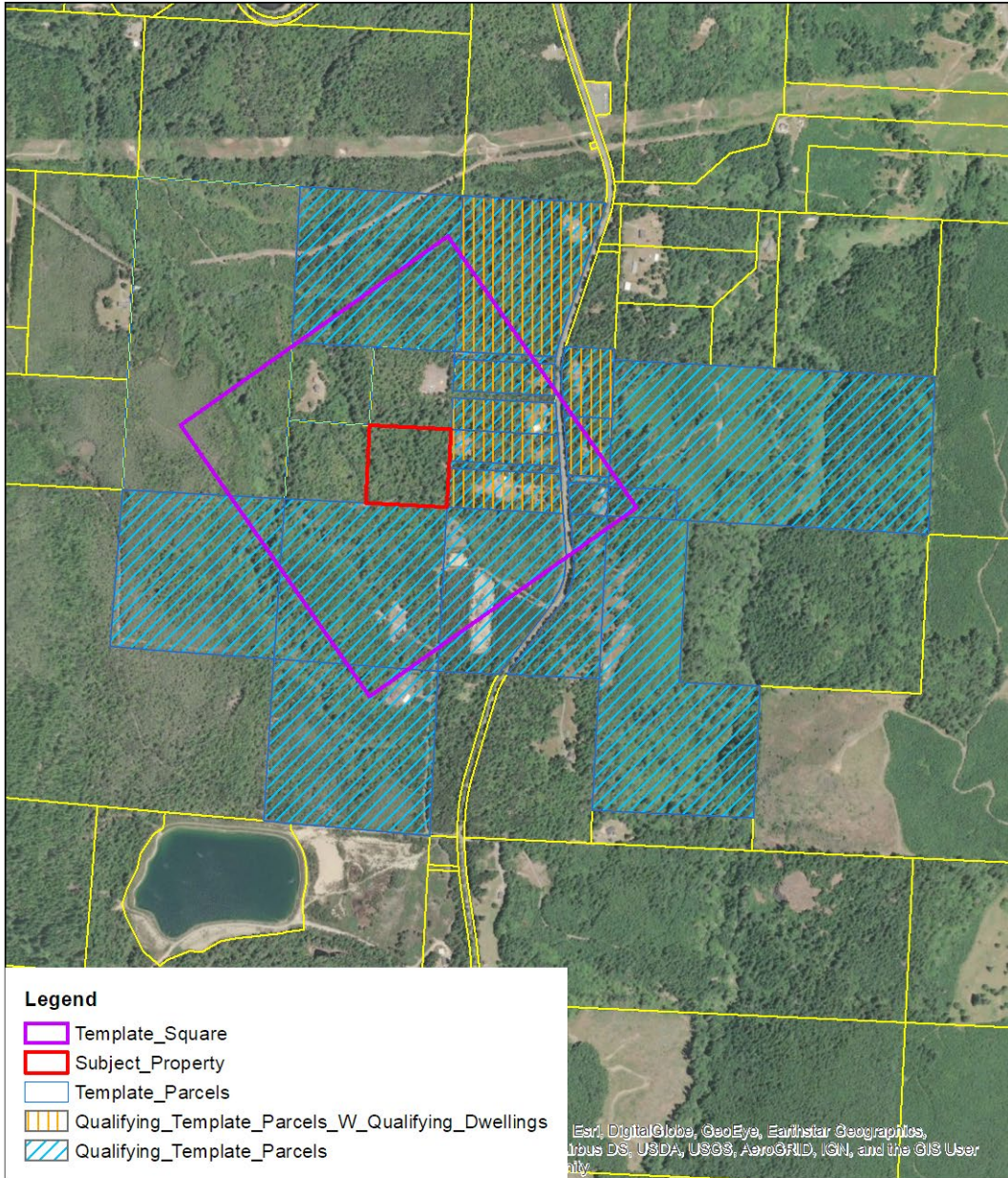
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



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

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

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

B. BACKGROUND/PROPERTY HISTORY:

On August 31, 1989, an administrative conditional use application (ACU-87-64) was approved for a forest template dwelling which tied together tax lot 1401 & 1701.

On October 2, 1989, an administrative conditional use application (ACU-89-59) was approved for a forest template dwelling which tied together tax lot 1400, 1401, 1402, & 1403.

On March 19, 1991, a zoning compliance letter (VL-91-100) was issued for a single family dwelling. However, no development was constructed.

On April 1, 1996, a letter (PE-96-06) stating that template test was perform on the subject parcel and met the criteria at the time. This was an information letter only. No land use decision was issued.

On November 18, 1996 an administrative condition use application (ACU-96-036) was approved for forest template dwelling that tied together parcels T28S R14W Section 33 Tax Lot 1401, 1402, and 1403. The dwelling was constructed on tax lot 1402. On February 3, 2015 a discrete parcel application (D-14-10) for Map Number T28S R14W Section 33 Tax Lot 1401/1701 was denied. The denial was based on two factors. One the properties were tied together for planning purposes and the other was 1401 and 1701 were described on one deed. It was determined that These two tax lots made up one lawfully created unit of land. In 2016 a subsequent application was filed for a template dwelling to requalify just tax lot 1402 for a dwelling removing the condition of approval that tied the properties together. This did not change the fact the tax lots 1401 and 1701 are were considered one property.

On July 16, 2015, a property line adjustment application was approved authorizing a single adjustment between tax lots 1401 and 1403. However, 1401 and 1701 are still one lawfully created unit of land.

On December 20, 2016 an application for a template dwelling was reviewed and approved. The application was not implemented and has since expired.

C. LOCATION: The subject property is located east of the City of Bandon off Morrison Road, which accesses off Highway 42S.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT
SECTION 4.2.500 RESOURCE ZONES

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

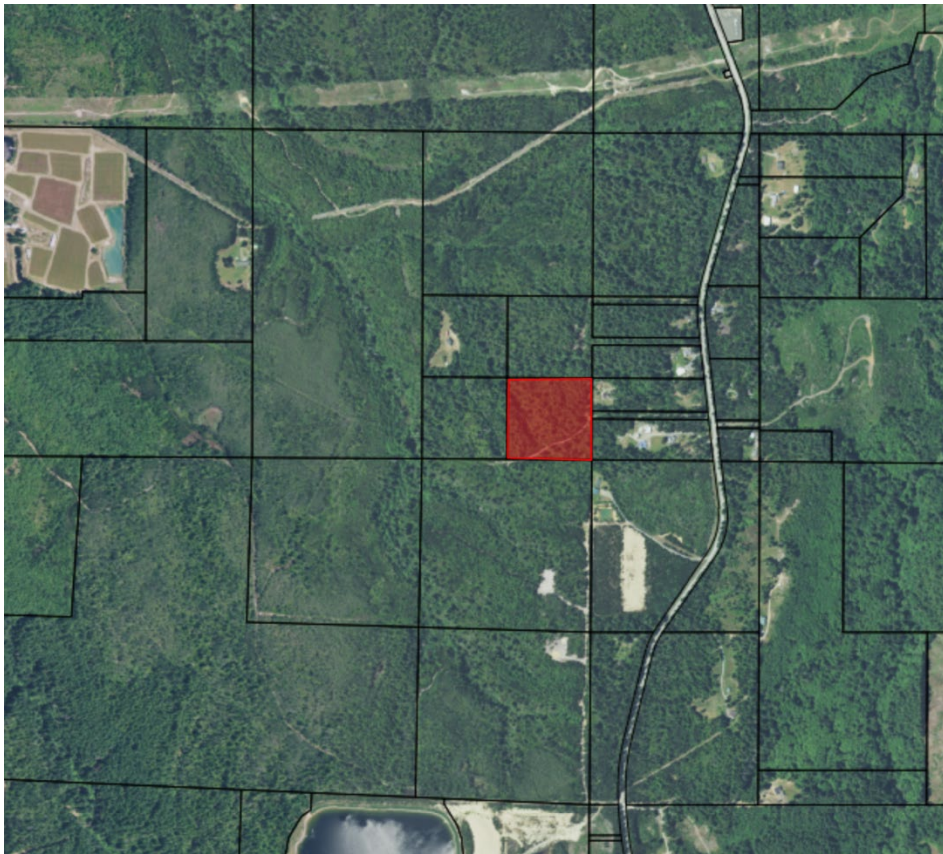
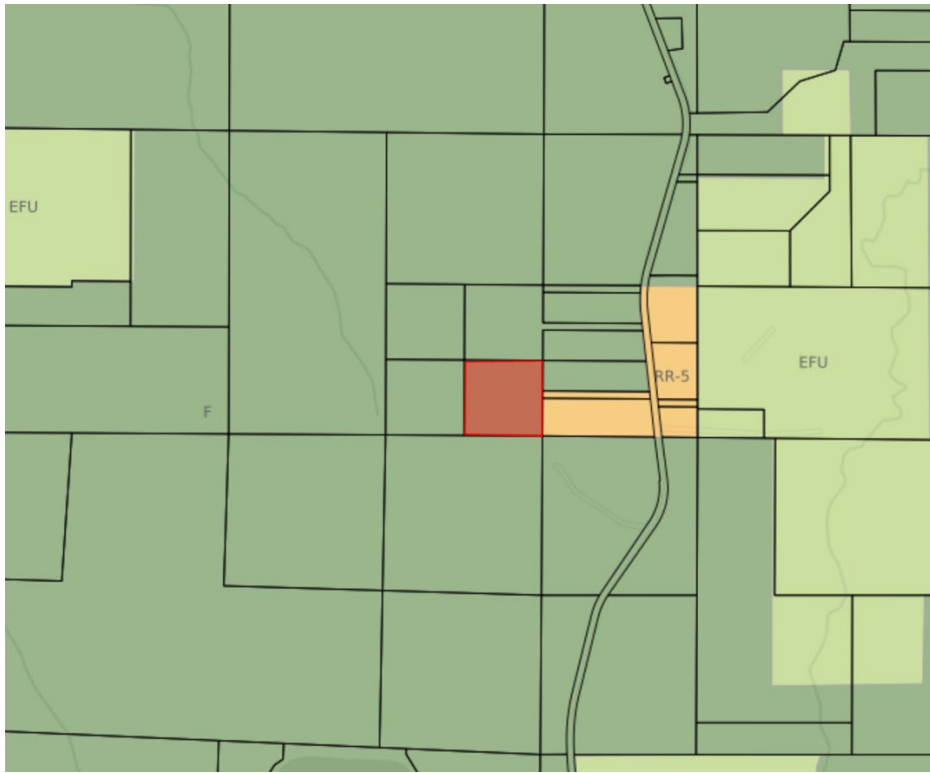
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

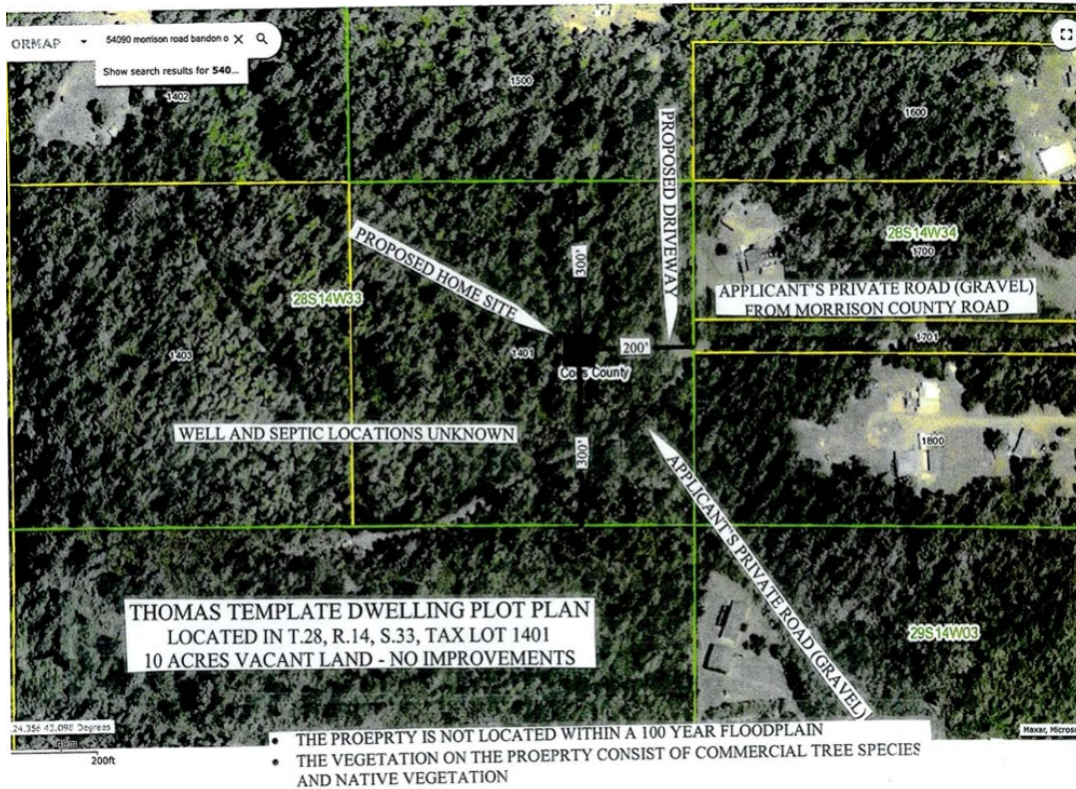
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest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

E. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcel is located east of the City of Bandon off Morrison County Road. Morrison Road connects to Highway 42S. Highway 42S is the major route between the City of Bandon and City of Coquille. The parcel was created by deed or land sales contract prior to planning regulations.







F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments be sent to Oregon Department of State Lands prior to the release of the decision. OR DSL responded *"The proposed home location avoids the tributary of Ferry Creek that flows through this property. All future ground disturbance should stay above the high bank of the creek to avoid any adjacent wetlands that may be present adjacent to the creek. Any present or future improvements planned for the private road crossing of the creek south of the homesite should minimize placement of the fill material in the creek below the ordinary high water line. Per state law, you are allowed a total of 50 cubic yards of removal and fill before needing a permit, but the Corp of Engineers (regulating federal waters) does not allow this (FYI)"*.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.

Comments can be found in Exhibit D.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: Staff has reviewed the property history and the county finds 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.

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 did not specify any additional development requests; therefore, no other development proposals were reviewed.

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 not 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.

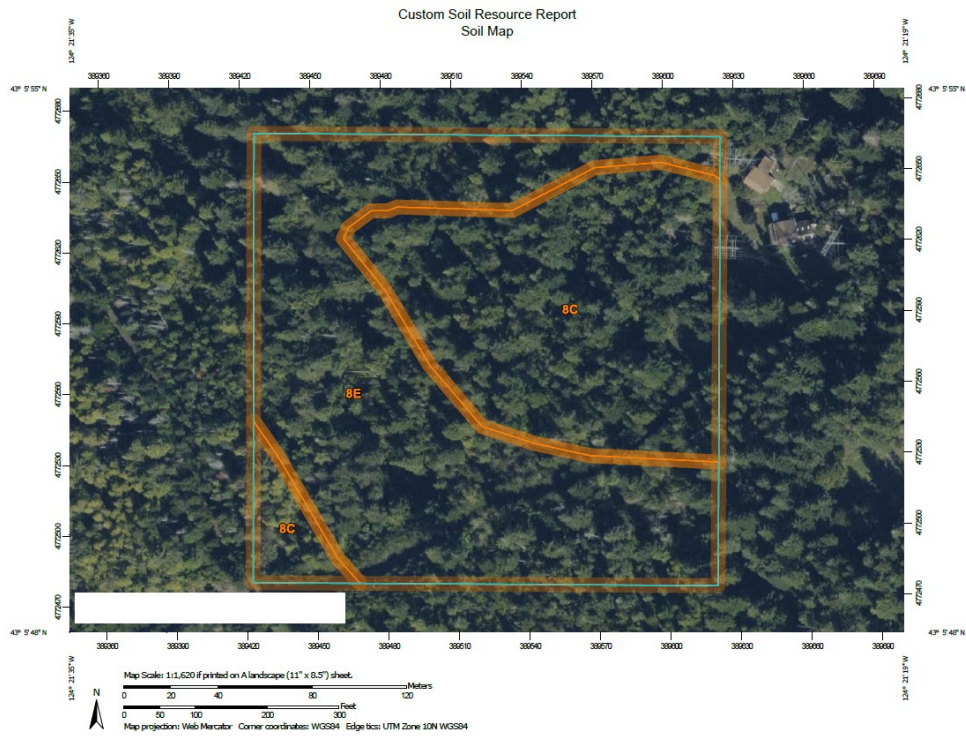
Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	(9)(B)(II), (9)(C)

- 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
8C	Bullards sandy loam, 7 to 12 percent slopes	4.0	42.9%
8E	Bullards sandy loam, 30 to 50 percent slopes	5.3	57.1%
Totals for Area of Interest		9.3	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>	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	
8E—Bullards sandy loam, 30 to 50 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

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

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

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

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

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

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

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

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

The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff.

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

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

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

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

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

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

This map unit is in capability subclass Ille.

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

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

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

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

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

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

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

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

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

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

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

If this unit is used for recreational development, the main limitations are slope and the hazard of erosion. Slope limits the use of areas of this unit mainly to a few paths and trails, which should extend across the slope.

The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion.

This map unit is in capability subclass Vle.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 8C – Bullards sandy loam and 8E – Bullards sandy loam soil type. Based on the plot plan, the dwelling appears to be located in the 8C soil type. The volume of wood fiber per year for 8C 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. An administrative condition use application (ACU-96-036) for approved for forest template dwelling that tied together parcels T28S R14W Section 33 Tax Lot 1401, 1402, and 1403. There will need to be a modification to ACU-96-036 to remove condition of approval #1 that ties the parcels together for the purposes of siting the existing dwelling on tax lot 1402 prior to requesting a zoning compliance letter. The parcel is less than 60 acres. The property does not 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 *“Attached is evidence in the form of current assessment maps showing 17 parcels within or touching the 160 acre template centered on the subject property. Also attached are copies of original zoning maps created prior to January 1, 1993, verifying that a minimum of 15 of the 17 parcels existed at that time. Also included is assessment information verifying that a minimum of four of the 15 parcels (tax Lots 1700, 1400, 1600, and 400 contain dwellings that were built prior to January 1, 1993”.*

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.*

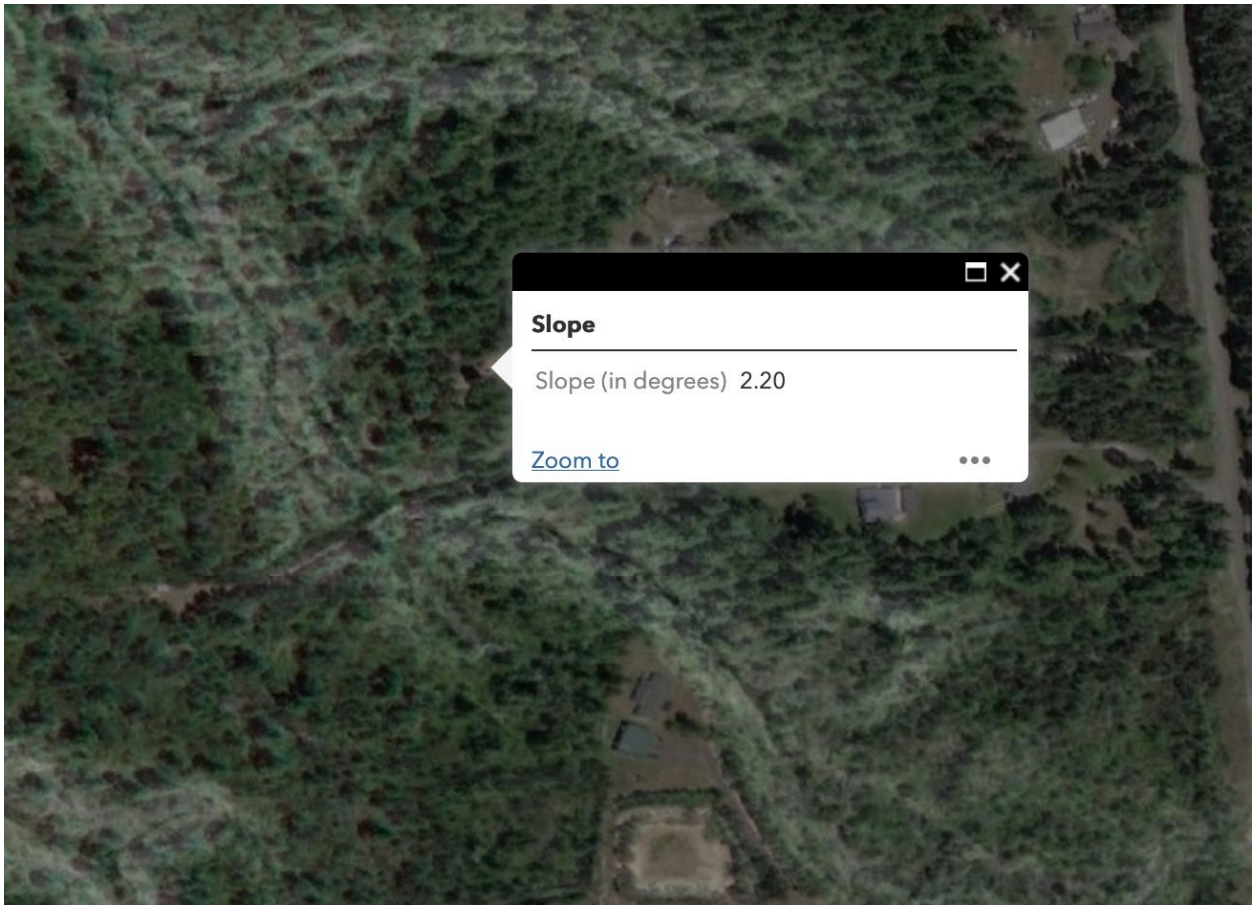
1. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
 - (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor 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. According to Coos County Assessor records, the property is 10.00 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. The applicants states that the “no portion of the dwelling site exceeds a 10% grade, including the area surrounding the dwelling site.”

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 2.20 degrees, which is 3.84% 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 Bandon RFPD. Therefore, this criterion has been addressed.

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

Section 4.6.120(9)(C)(1)(b)(F) requires that any chimney constructed will have a spark arrester installed. The applicants have stated “if the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester”. 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 property owner will construct and maintain a 30 foot primary safety zone”. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.

2. (a) *If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system,*

on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.

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

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

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

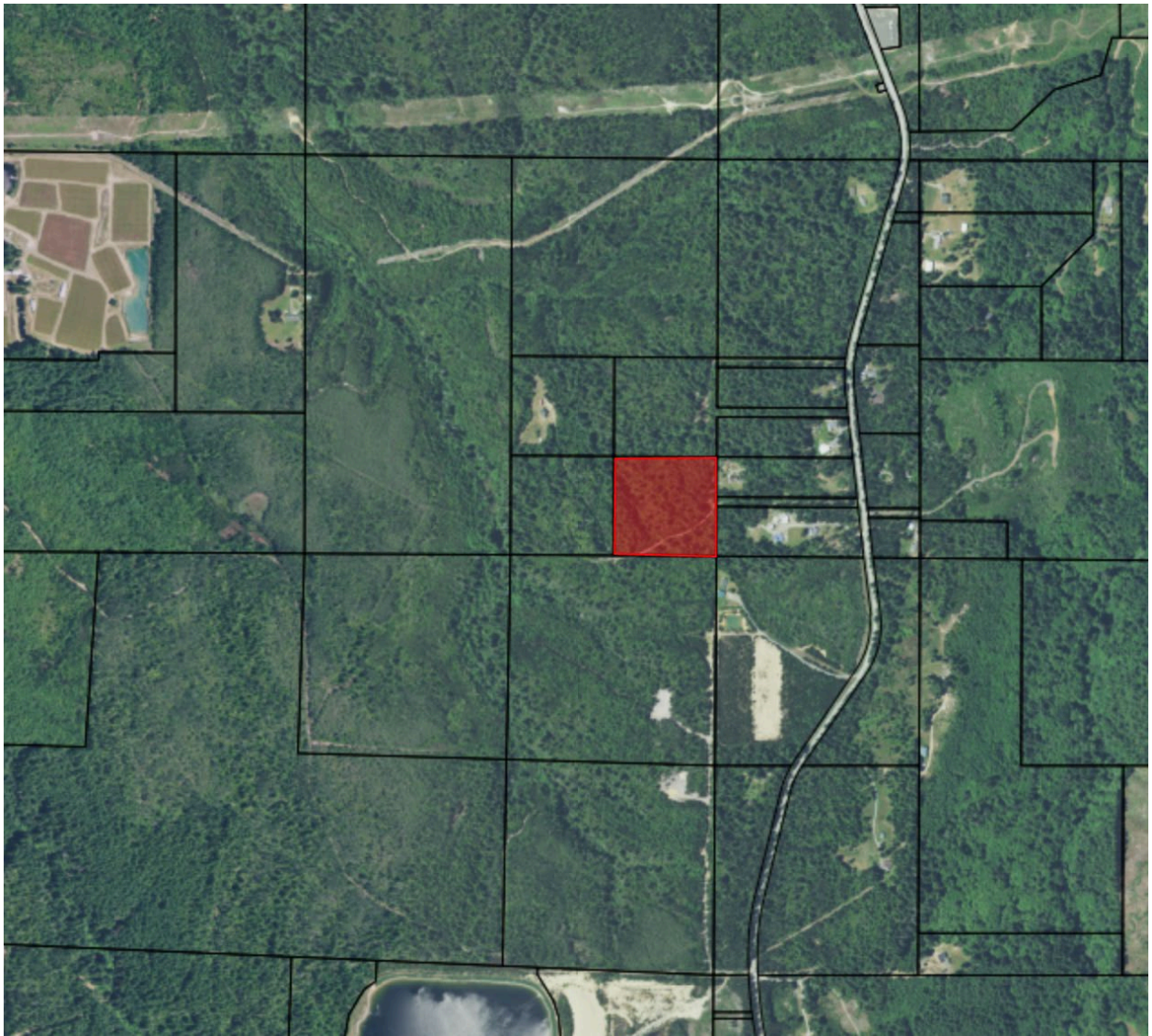
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found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

- 1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) The risks associated with wildfire are minimized.**
- 2. Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
- 3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**
- 4. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use*

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.*

- 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 located approximately in the middle of the subject property, as shown on the applicants plot plan. The proposed homesite is approximately 300 feet from the northern and southern property line. The house site is located approximately 200 feet from the eastern boundary of the property. Staff estimates that the proposed homesite is approximately 350 feet away from the western boundary.



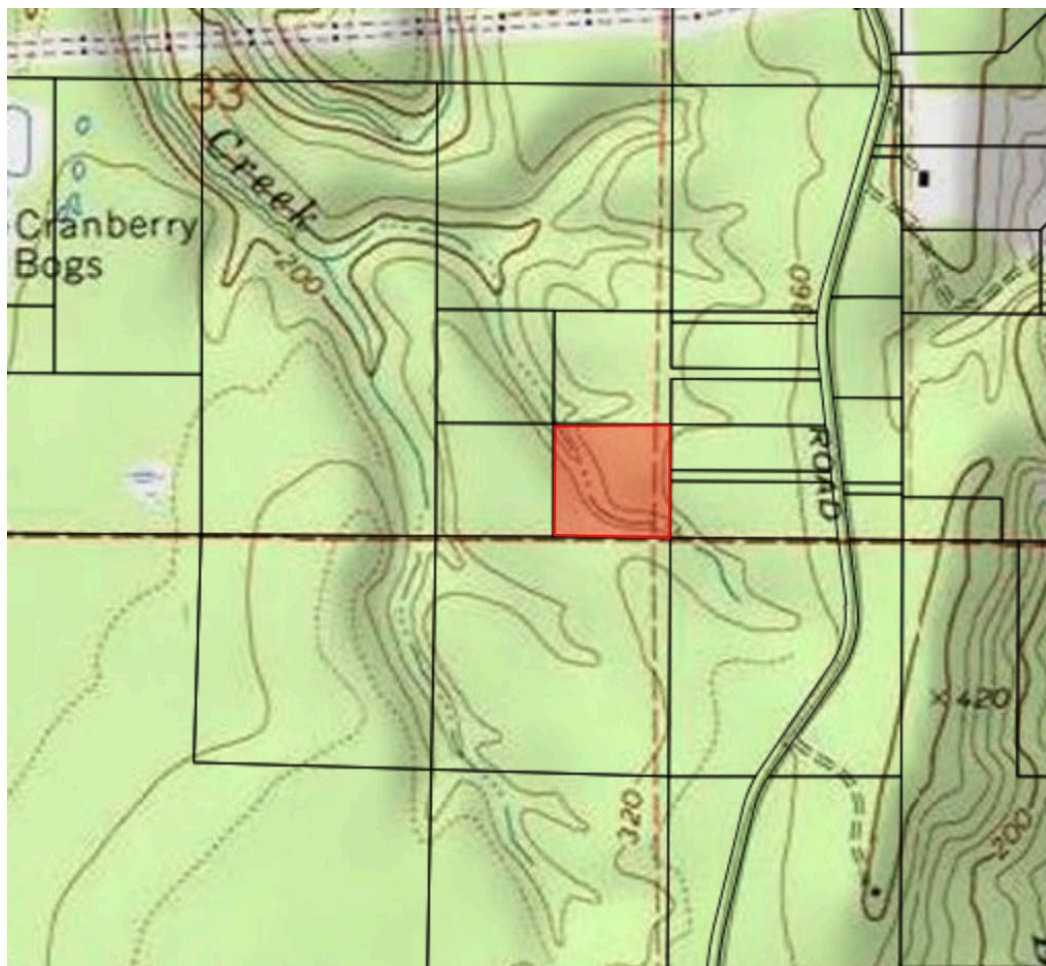
The above map shows the properties nearby. The subject property is located off Morrison Road, east of the City of Bandon. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The subject property contains 10 acres and is therefore limited with regard to establishing substantial buffers between the proposed residential use and adjacent lands. With that said, there are no commercial agricultural uses adjacent to or nearby the subject property. Although adjacent lands to the north and east are zoned for forest use, the development pattern consists of small lot residential uses. The land to the west contains small lots with an existing residential uses and a proposed residential use. The land to the south consists of a private 40 acre parcel with a residential use. Although the property is likely to contain commercial tree species, it is clearly not being managed for Commercial forest use. The proposed dwelling will not be located directly adjacent to the southerly parcel and there is an access road between the dwelling site and the adjacent parcel. There is no reason to believe that the proposed dwelling will in any way prohibit forest practices from occurring on the adjacent parcel”*.

Based on the map above, Staff estimates the proposed homesite is 300 feet away from the forestlands that may be harvested for commercial timber. Staff is not sure why the parcel located to the south *“is clearly not being managed for Commercial forest use”*, as stated by the applicant. Based on aerial imagery, this adjacent property appears to be mostly covered with ‘reprod’ stage timber.

When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The *Anderson v. Coos County*, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

While there are active forestlands on the adjacent lands. Staff finds that it is reasonable to conclude ground-based herbicide treatments would be utilized on this timber stand. The parcel located to the south of the subject property has similar characteristics. The parcels located towards the west have the potential for aerial herbicide treatments. Staff estimates these timber stands are located over 1000 ft from the proposed dwelling.

According to the topographic map below, the adjacent parcels appear to have a slope above and below 35%, so a combination of cable and groundside harvesting methods would be preferred. Groundside timber harvests are typically confined to the harvest unit. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels.



The applicant stated *“there are no commercial agricultural uses adjacent to or nearby the*

Subject property". Based on reviews of the aerial imagery and zoning maps, Staff finds that this statement is accurate for the subject property. Staff did not find any evidence that there will be agricultural uses on adjacent lands in the future.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is a square shape, which is 10 acres in size. The plot indicates that the road will proceed a little over half of the subject property's width and the dwelling will be placed in the middle of timber stand. Given the relatively little acreage of the subject property, any development on the subject property will need to be placed in the middle of the property to meet setback requirements for SB1602 aerial spraying regulations. There appears to be no reasonable way to minimize lands removed for non-resource development. Therefore, Staff finds this criterion has been addressed.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. The applicant stated that they "*will comply with all statutory fire siting and safety requirements to assure that risks associated with wildfires are minimized*". Staff still must analyze whether the risks associated with wildfires are minimized. Staff makes these findings based on the subject property's 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 near the center of the property. Also avoiding a longer driveway is recommended. Based on the plot plan and attached topographic map, the applicant appears to be placing the dwelling on a relatively flat site. Staff finds this location will minimize effects of fire risk. 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 a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff believes that the proposed development on adjacent farmlands and forests will be mitigated.

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

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. The applicant stated that the "*access to the subject property is by way of an existing private road from Morrison County Road #62. The access does not cross a road that is owned or maintained by ODF, BLM, or USFS*". Based on reviews of the County tax lot map, Staff concurs that the access to the subject property is over a separate private parcel. However, the applicant failed to provide an access easement to the subject property. Therefore, this criterion has not been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are 10 acres on the subject property; therefore, a stocking survey is not required.

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.

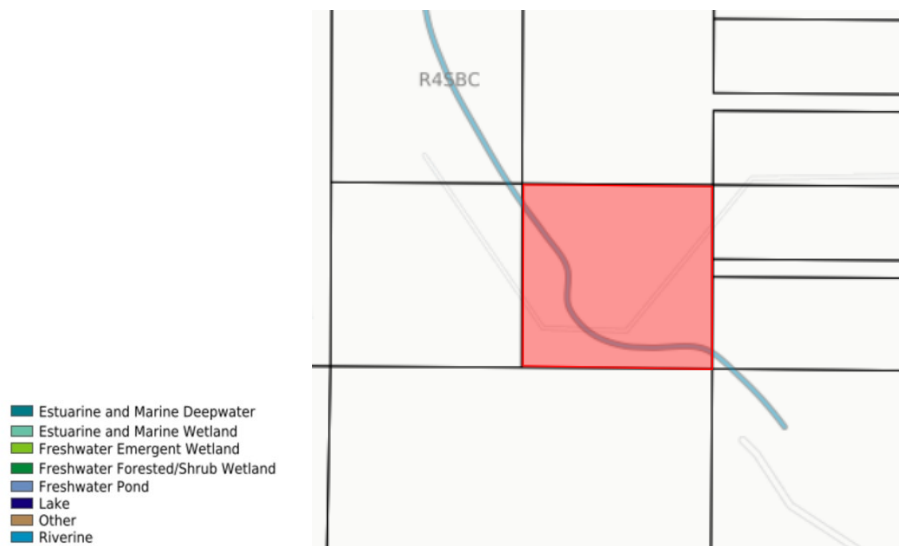
Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.

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 no mapped wetlands or water bodies requiring protection within 50 feet of the proposed development.



Therefore, this criterion is not applicable.

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

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Bandon Rural Fire Protection District. 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 *“the property owner at the time of development shall construct and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building Setback”*. 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. 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 2.20 degrees, which is 3.84% in slope. The applicants will need to maintain 30 feet of primary fuel-free break to the standards identified above. 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 that *“all new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit”*. 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 not find any water sources meeting this criterion on the subject property. Therefore, this criterion has been addressed.

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

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

Section 4.6.140(16) requires adequate access for firefighting equipment. The applicant did not provide an easement to the subject property. The applicant will be required to provide proof of access prior to the issuance of a zoning compliance letter.

This application will require the roadway to be built, or upgraded, the minimum standards for “Roadways serving a maximum of 3 dwellings units” as per CCLDZO Chapter 7 Table 7.2 A

MINIMUM STANDARDS FOR NEW ROADS AND DRIVEWAYS IN RURAL TABLE 7.2 A

Classification of Roadway	Figure # Typical Cross-section	Average Daily Traffic	Right-of-Way Width	Sub grade Width	All-Weather Travel Surface	Construction		Maximum Grade	Centerline Maximum Degree of Curvature	Vertical Unobstructed Clearance	Minimum Access spacing
						Compacted Rock Depth	Asphalt/Concrt Depth				
Driveways	1	-	-	14'	12' (20' apron if intersects major collector or Arterial)	-	2" Optional	18%	-	50'/200'	-
Roadways serving a maximum of 3 dwelling units	2	0-150	40'	16'	12'	8" Min	2" Optional	18%	56 deg	13.5'	50'/200

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.

4.11.127 *Water Resources (Balance of County Policy 5.8)*

The water resources maps have inventoried the following:

- *Existing municipal watersheds;*
- *Watersheds for potential reservoir sites;*
- *Dam & Reservoir sites considered suitable by the Water Resources Department;*
- *Possible Future Reservoir sites suggested by Coos Bay-North Bend Water Board (April 4, 1985);*
- *Existing wells in the Dunes Aquifer;*
- *Approximate extent of Dunes Aquifer; and*
- *Existing Water District Withdrawal Points.*

a. *Coos County shall not permit further new residential and commercial development in rural areas where the Oregon State Water Resources Department (OSWRD), the Oregon State Environmental Quality Commission (EQC), or the Coos County Health Department has submitted compelling evidence to Coos County that water resources within that area would be irreversibly degraded by new consumptive withdrawal or by additional*

septic tank or other waste discharges. Implementation measures in such areas may include a moratorium on construction permits for new residences or new commercial uses in the identified area. If an adequate solution to resolve the problem cannot be reached, such as extension of public water to the area in conformance with this plan, the County shall initiate a process to redesignate any undeveloped land within the area to a resource designation, and shall reallocate any other plan designations on such undeveloped land to other rural areas of the County on an acreage-by-acreage basis.

b. Coos County shall protect the following dam sites identified by the Oregon Water Policy Review Board for possible future water resource development or until alternative methods of meeting water needs are developed:

- West Fork of the Millicoma River, site 223.
- South Fork of Coquille River at Eden Ridge, Site 430.
- North Fork Coquille River, Site 146A.
- Rock Creek at Rasler Creek, Site 201.
- Catching Creek, Site 101.
- Fourmile Creek, Site 158.
- Joe Ney Slough, (no site number)
- North Fork Floras Creek at Oakietown, Site 435.

(Source: Oregon State Water Resources Department) Implementation shall occur through appropriate designation on the Water Resource Map, which is an implementation measure." Interim uses shall be limited to farm and forest uses, as these do not materially interfere with the possible use of these sites for dams. This strategy recognizes: (1) the responsibility of the State Water Policy Board under ORS 536.300 to study and formulate programs for the use and control of water resources in the state, and (2) the responsibility of the county to protect potential water resources consistent with Oregon Statewide Planning Goal #5 provisions.

FINDING: Staff has not received any compelling evidence from Oregon State Water Resources Department, Oregon State Environmental Quality Commission, or Coos County Health Department that this area would be irreversibly damaged by allowing new consumptive withdrawal or by additional septic tank or other waste discharge. Staff met with City of Bandon Public Works Director, Timothy Lakey, on December 22, 2021. Mr. Lakey indicated that the City of Bandon Public Works had no concerns with the applicant's proposal at the time. 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 Tuesday, March 03, 2026.

VII. NOTICE REQUIREMENTS:

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

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

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

- 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. Signatures required below for application processing.

Billie Thomas John J Thomas

AFTER RECORDING RETURN TO:

Billie Thomas
54090 Morrison Road
Bandon, Oregon 97420

SEND TAX STATEMENT TO:

Billie Thomas
54090 Morrison Road
Bandon, Oregon 97420

Coos County, Oregon

\$91.00

2021-10690

09/22/2021 11:58 AM

Pgs=2



00139783202100106900020027

Debbie Heller, CCC, Coos County Clerk

CONSIDERATION: NONE

QUITCLAIM DEED

JOHN SANFORD THOMAS AND BILLIE THOMAS, HUSBAND AND WIFE, GRANTORS, release and quitclaim to BILLIE THOMAS, GRANTEE, all right, title and interest in and to real property situated in Coos County, Oregon, as described below:

The Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 33, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The Deed whereby the Grantors acquired title to the property to be transferred, is recorded in Microfilm Reel No. 96-09-1070, Deed Records of Coos County, Oregon.

Coos County Real Property Tax Account No. 1031702 and 1031792

The property has been surveyed and monuments set (per ORS 93.060 and 209.250) by Doug McMahn, PLS. The survey map is filed under CS 32B110, Records of the Coos County Surveyor.

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.

GRANTORS

John Sanford Thomas
JOHN SANFORD THOMAS

Billie Thomas
BILLIE THOMAS

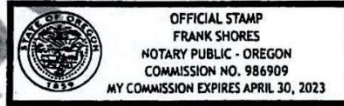
STATE OF Oregon

COUNTY OF COOS

This instrument was acknowledged before me on this 13th day of Sept, 2021 by John Sanford Thomas

Notary Public for Oregon

Frank Shores
Notary Public



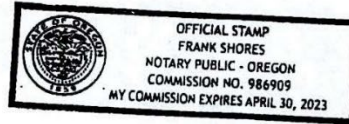
STATE OF Oregon

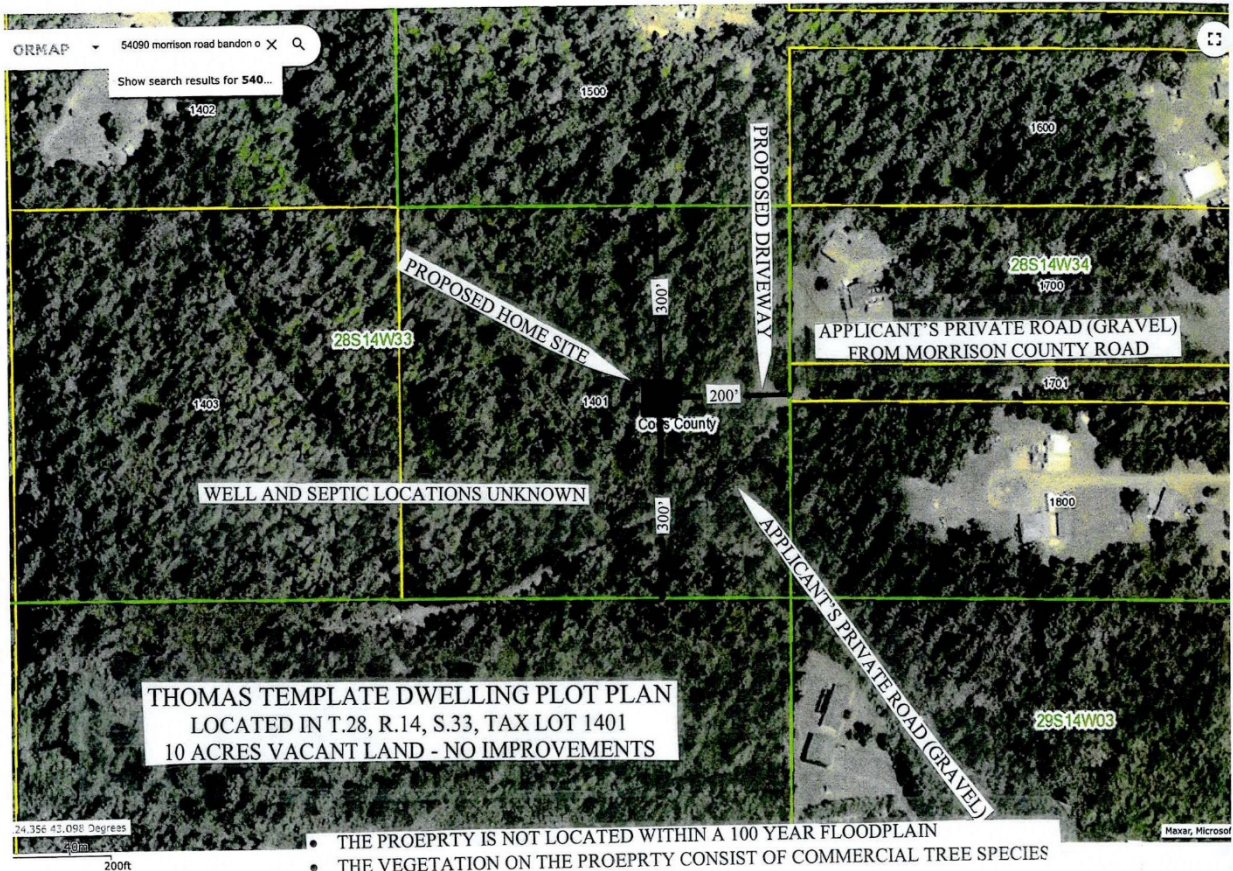
COUNTY OF COOS

This instrument was acknowledged before me on this 13th day of Sept, 2021 by Billie Thomas

Notary Public for Oregon

Frank Shores
Notary Public





- THE PROEPRTY IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN
- THE VEGETATION ON THE PROEPRTY CONSIST OF COMMERCIAL TREE SPECIES AND NATIVE VEGETATION

SCALE: 1" = 200'

APPLICANT'S EXHIBIT "A"

BILLIE THOMAS FOREST (TEMPLATE) DWELLING

LOCATED IN TOWNSHIP 28 SOUTH, RANGE 14 WEST W.M.,
SECTION 33, TAX LOT 1401

Application Requirements

A. STATEMENT OF INTENT:

The purpose of this application is to request approval for a forest (Template) dwelling in the Forest (F) zone on the property described above. Evidence has been submitted below addressing the required criteria pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO).

The subject property consists of 10.00 acres (assessment records) with access by way of a private driveway from Morrison County Road #162. The land is relatively flat and covered with a mix of commercial and non-commercial tree species and natural coastal vegetation. The property is currently vacant with no improvements. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Water Resources Department. Sanitary sewer will be from an onsite septic system that has yet to be approved.

B. PLOT PLAN:

A Plot Plan has been submitted showing all of the elements required pursuant the Coos County Land Use Permit Application.

Application Criteria and Evidence

4.6.120 Review Standards

(9)(B)(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.

APPLICANT'S RESPONSE: The property is composed of soils that are capable of producing more than 85 Cubic Feet, Per Acre, Per Year of Growth.

Attached is evidence in the form of current assessment maps showing 17 parcels within or touching the 160 acre template centered on the subject property. Also attached are copies of original zoning maps created prior to January 1, 1993, verifying that a minimum of 15 of the 17 parcels existed at that time.

Also included is assessment information verifying that a minimum of four of the 15 parcels (tax Lots 1700, 1400, 1600, and 400 contain dwellings that were built prior to January 1, 1993.

(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.

APPLICANT'S RESPONSE: None of the parcels used to satisfy the required criteria are located within an Urban Growth Boundary.

(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.

APPLICANT'S RESPONSE: It is believed that there are no identified special considerations or natural hazards that preclude residential development on the subject property. Because the property qualifies with the "acknowledged provisions" of the CCZLDO for a forest dwelling, the proposed use is deemed to be in compliance with all state and local provisions of law.

(b) Unless it complies with the requirements of ORS 215.730.

APPLICANT'S RESPONSE: This criterion is redundant and unnecessary as the provisions of ORS 215.730 are specifically addressed under CCZLDO 4.6.130 and 4.6.140 below.

(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.

APPLICANT'S RESPONSE: The subject tract consists of one parcel of land. A copy of the current deed of record has been submitted with the application showing that there are no restrictions prohibiting residential development. More specifically, the parcel has not been utilized to qualify a dwelling under the large tract standards and therefore no development restrictions have been imposed pursuant to ORS 215.750(3).

(d) If the tract on which the dwelling will be sited includes a dwelling.

APPLICANT'S RESPONSE: There is currently no residential dwelling on the tract (parcel).

(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.

APPLICANT'S RESPONSE: A 160 acre square was utilized to qualify the subject parcel.

(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.

APPLICANT'S RESPONSE: A 160 acre square was utilized to qualify the subject parcel.

(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]

APPLICANT'S RESPONSE: This criterion is not applicable.

NOTE: Section 4.6.120(9)(c) "Additional Criteria for all Dwellings allowed in the Forest and Forest Mixed Use Zones," is addressed at the bottom of this document.

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 or adjoining forest or agricultural lands;

APPLICANT'S RESPONSE: The subject property contains 10 acres and is therefore limited with regard to establishing substantial buffers between the proposed residential use and adjacent lands. With that said, there are no commercial agricultural uses adjacent to or nearby the subject property. Although adjacent lands to the north and east are zoned for forest use, the development pattern consists of small lot residential uses. The land the west contains small lots with an existing residential uses and a proposed residential use.

The land to the south consists of a private 40 acre parcel with a residential use. Although the property is likely to contain commercial tree species, it is clearly not being managed for commercial forest use. The proposed dwelling will not be located directly adjacent to the southerly parcel and there is an access road between the dwelling site and the adjacent parcel. There is no reason to believe that the proposed dwelling will in any way prohibit forest practices from occurring on the adjacent parcel.

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

APPLICANT'S RESPONSE: The subject property contains 10 acres and is surrounded (except to the south by other small lot residential uses. On its own, the parcel is not suitable for commercial farm or forest use, and because it is surrounded by other small lot residential uses, it cannot reasonably be consolidated with other lands for the purpose of establishing a commercial

resource/farm or forest use. When fire safety buffers are established around the proposed dwelling, there is no reason why commercial timber on the undeveloped portion the parcel could not be harvested.

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

APPLICANT'S RESPONSE: The proposed dwelling will be located in relatively close proximity to the access road and the dwelling and accessory structures will be consolidated to a common area. Therefore, the development impact to the parcel will be minimized.

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

APPLICANT'S RESPONSE: The applicant will comply with all statutory fire siting and safety requirements to assure that risks associated with wildfires are minimized.

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

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

APPLICANT'S RESPONSE: This criteria has been sufficiently addressed above or within the "Applicant's Response" elsewhere in this application.

(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
- (d) 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.

APPLICANT'S RESPONSE: The domestic water source will be from an onsite well that is exempt under Oregon Department of Water resources regulations. A contractors report will be provided 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.

APPLICANT'S RESPONSE: Access to the subject property is by way of an existing private road from Morrison County Road #162. The access does not cross a road that is owned or maintained by ODF, BLM, or USFS.

(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.

APPLICANT'S RESPONSE: The subject property contains an adequate number of commercial tree species to meet current DOF stocking requirements. The property does not contain more

than 10 acres and is therefore exempt under this criterion(c). The owner, as a requirement of law, will record a non-remonstrative agreement to farm and forest practices prior to residential development.

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.

APPLICANT'S RESPONSE: There is no partition or subdivision proposed. This is not applicable.

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.

APPLICANT'S RESPONSE: The site plan clearly show that the dwelling meets the road setback.

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

APPLICANT'S RESPONSE: There are no fences, hedges or walls proposed.

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

APPLICANT'S RESPONSE: There are no requirements for off-street parking or loading zones and therefore this criterion is not applicable.

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.

APPLICANT'S RESPONSE: As a "Requirement of Approval" to this application, the applicant will be responsible for recording a deed covenant or written contract with the County Clerk, or its equivalent, that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.

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.

APPLICANT'S RESPONSE: There are no wetlands, streams, lakes or rivers located within 50 feet of proposed dwelling.

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.

APPLICANT'S RESPONSE: The subject property is located within the Bandon Rural Fire Protection District.

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;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- 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;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

- 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

APPLICANT'S RESPONSE: There is no water diversion proposed for fire suppression other than from the applicant's domestic water source. The domestic water source will be from an on-site well which is exempt from permitting under the Oregon Water Resources Department regulations.

- 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.

APPLICANT'S RESPONSE: There is currently no body of water or stream available for fire suppression purposes.

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.

APPLICANT'S RESPONSE: The property owner at the time of development shall construct 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.

APPLICANT'S RESPONSE: There is no existing pond, swimming pool, stream or lake available for fire suppression.

10. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
- b. 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.

APPLICANT'S RESPONSE: The owner at the time of development shall establish and maintain a 30 foot primary firebreak as described in subsection (b) around all structures, including decks.

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

APPLICANT'S RESPONSE: The owner shall maintain a garden hose capable of reaching the perimeter of the primary safety zone at all times.

- d. 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.

<i>Table 1 – Minimum Primary Safety Zone Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0

10%	30	50
20%	30	75
25%	30	100
40%	30	150

APPLICANT'S RESPONSE: The locations of the dwelling and surrounding area is relatively flat and at no point exceeds a 10% grade. The property owner will construct and maintain a 30 foot primary safety zone.

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.

APPLICANT'S RESPONSE: All new and replacement structures will use non-combustible or fire resistant roofing materials 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).

APPLICANT'S RESPONSE: There is currently no water source exceeding 4000 gallons existing on the subject property.

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

APPLICANT'S RESPONSE: No portion of the dwelling site exceeds a 10% grade, including the area surrounding the dwelling site.

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

APPLICANT'S RESPONSE: If the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

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.

APPLICANT'S RESPONSE: Access to the subject property is by way of a private road extending from Morrison County Road. There are no bridges within the private road extending from Morrison Road. The private road was constructed to a standard adequate for firefighting equipment in conjunction with its development for access to a prior forest dwelling.

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

APPLICANT'S RESPONSE: The applicant will meet road and driveway standards pursuant to Chapter VII CCZLDO.

Section 4.6.120(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(5)

(b) The dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(11)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(13)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(3)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(7)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(7)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(14)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(10)

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

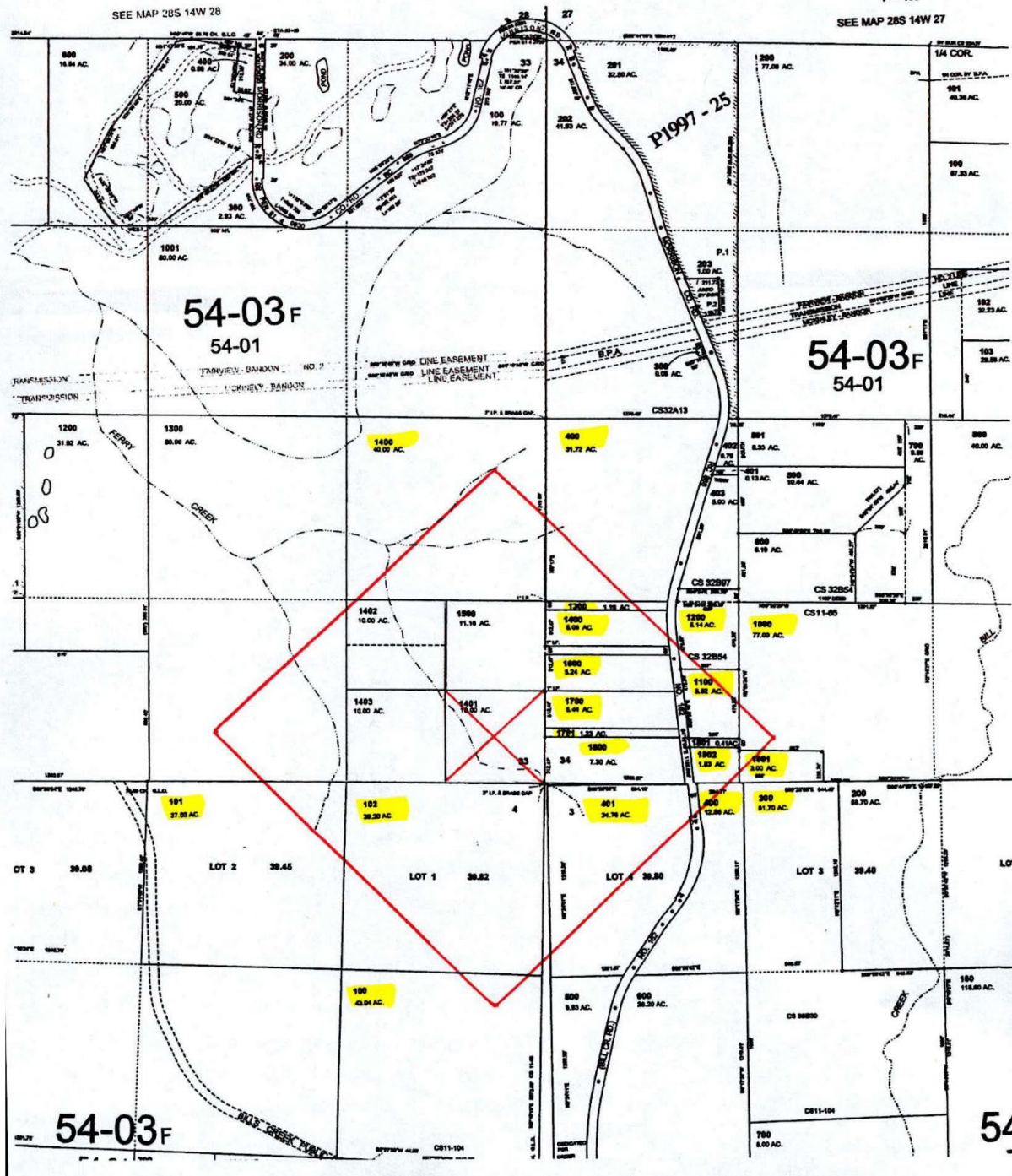
APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(8)

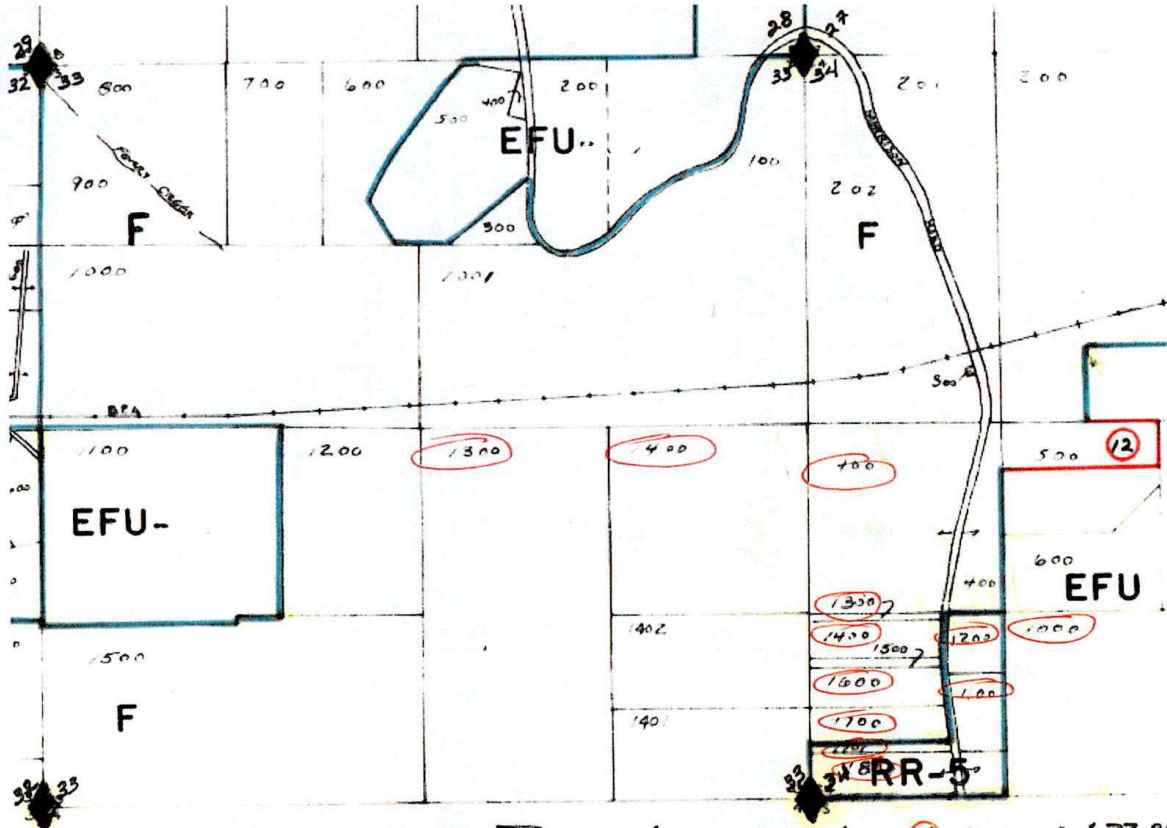
(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(8)

Billie Thomas
 SECTION 33 T28S R14W
 COOS COUNTY
 1" = 400'

SECTION 34 T28S R14W
 COOS COUNTY
 1" = 400'



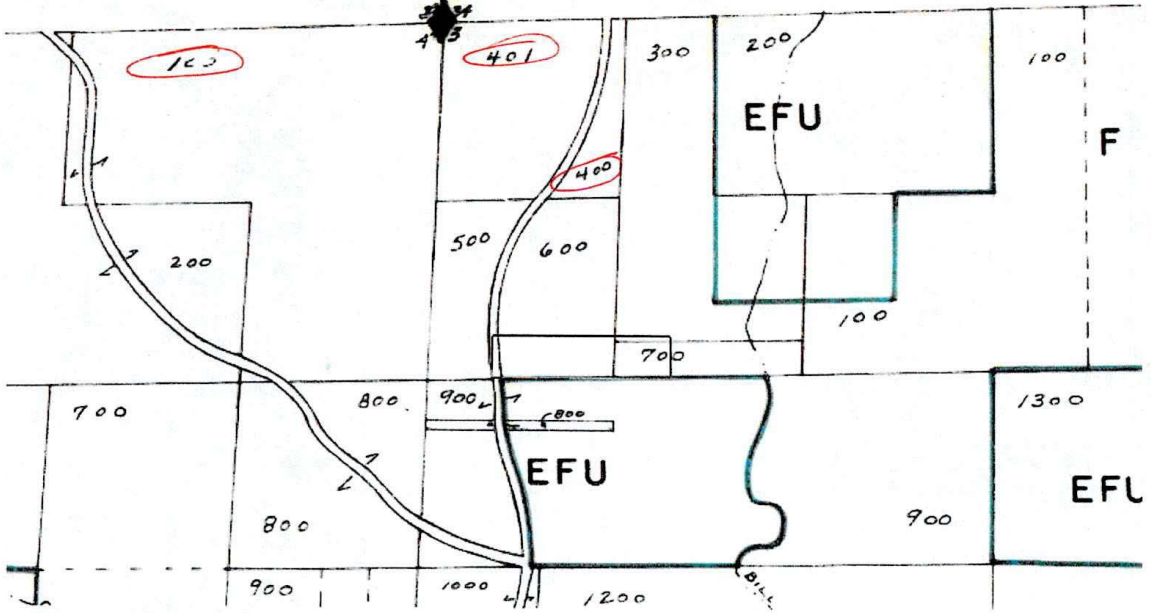


10 Coastal Shoreline Boundary Interpretation
 BY PLANNING DIRECTOR RE. 2.1.96
 Basis: FIRM 100YR FLOOD PLAIN MAP

11 AM 96-02 / RZ 96
 ORDINANCE 96-04
 ADOPTED SEPT.
 788 R14 504/c

T 29 S., R. 14 W., W.M.

1" = 800'



Coos County Property Detail

Account:	1032400	Map:	28-14-34 TL 01700
Property Class:	RESIDENTIAL - IMPROVED		
Owners:	GILLESPIE, LARRY E. 54092 MORRISON RD BANDON , OR 97411		
Situs Address:	54092 MORRISON RD , BANDON OR		
Zoning:	F	Code Area:	
Acres:	5.44	Deed Ref:	2004 37308
Sale Date:	2004-08-31	Sale Price:	\$235000
Market Improv:	\$211,320		
Market Land:	\$94,949	TAV:	\$220,381
Market total:	\$306,269	2021 Taxes:	\$2,377.87
Year Built:	1981	Living Area:	1,344
Bedrooms:	3	Baths:	1.0

Legacy Improvements:

Please note: This improvement information is several years old. Not all maintenance areas have updated improvement data. New improvement information will be included as data becomes available.

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	Code Area	RMV	Taxes	Amount Paid	Balance Due
2003	5401	\$ 5	\$ 1,643.15	\$ 1,643.15	\$ 0.00
2003	5403	\$ 5	\$ 56.01	\$ 56.01	\$ 0.00
2004	5401		\$ 1,719.71	\$ 1,719.71	\$ 0.00
2004	5403		\$ 56.54	\$ 56.54	\$ 0.00
2005	5401		\$ 1,677.64	\$ 1,677.64	\$ 0.00
2005	5403		\$ 56.53	\$ 56.53	\$ 0.00
2006	5403		\$ 56.51	\$ 56.51	\$ 0.00
2006	5401		\$ 1,701.09	\$ 1,701.09	\$ 0.00
2007	5401		\$ 1,744.54	\$ 1,744.54	\$ 0.00
2007	5403		\$ 56.55	\$ 56.55	\$ 0.00
2008	5401		\$ 1,799.28	\$ 1,799.28	\$ 0.00
2008	5403		\$ 92.65	\$ 92.65	\$ 0.00
2009	5403		\$ 66.78	\$ 66.78	\$ 0.00
2009	5401		\$ 1,818.97	\$ 1,818.97	\$ 0.00
2010	5403		\$ 66.79	\$ 66.79	\$ 0.00
2010	5401		\$ 1,855.14	\$ 1,855.14	\$ 0.00
2011	5401	\$ 110	\$ 1,909.34	\$ 1,909.34	\$ 0.00
2011	5403	\$ 110	\$ 66.87	\$ 66.87	\$ 0.00
2012	5403		\$ 66.89	\$ 66.89	\$ 0.00
2012	5401		\$ 1,782.85	\$ 1,782.85	\$ 0.00
2013	5403	\$ 118	\$ 66.92	\$ 66.92	\$ 0.00
2013	5403	\$ 174,250	\$ 66.92	\$ 66.92	\$ 0.00
2013	5401	\$ 118	\$ 1,821.86	\$ 1,821.86	\$ 0.00
2013	5401	\$ 174,250	\$ 1,821.86	\$ 1,821.86	\$ 0.00
2014	5403		\$ 1,937.04	\$ 1,937.04	\$ 0.00
2015	5403		\$ 1,924.14	\$ 1,924.14	\$ 0.00
2016	5403		\$ 1,980.96	\$ 1,980.96	\$ 0.00
2017	5403		\$ 2,046.07	\$ 2,046.07	\$ 0.00
2018	5403		\$ 2,100.03	\$ 2,100.03	\$ 0.00
2019	5403		\$ 2,156.71	\$ 2,156.71	\$ 0.00

Coos County Property Detail

Account:	1032408	Map:	28-14-34 TL 01400
Property Class:	RESIDENTIAL - IMPROVED		
Owners:	WICKSTROM, FRANK L. 54164 MORRISON RD BANDON , OR 97411		
Situs Address:	54164 MORRISON RD , BANDON OR		
Zoning:	F	Code Area:	
Acres:	5.08	Deed Ref:	
Sale Date:		Sale Price:	\$
Market Improv:	\$192,430		
Market Land:	\$94,830	TAV:	\$190,686
Market total:	\$287,260	2021 Taxes:	\$2,066.50
Year Built:	1978	Living Area:	1,540
Bedrooms:	3	Baths:	2.0

Legacy Improvements:

Please note: This Improvement information is several years old. Not all maintenance areas have updated improvement data. New improvement information will be included as data becomes available.

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	Code Area	RMV	Taxes	Amount Paid	Balance Due
2003	5401	\$ 1	\$ 1,268.37	\$ 1,268.37	\$ 0.00
2003	5403	\$ 1	\$ 56.00	\$ 56.00	\$ 0.00
2004	5401		\$ 1,328.73	\$ 1,328.73	\$ 0.00
2004	5403		\$ 56.10	\$ 56.10	\$ 0.00
2005	5403	\$ 13	\$ 56.09	\$ 56.09	\$ 0.00
2005	5401	\$ 13	\$ 1,296.17	\$ 1,296.17	\$ 0.00
2006	5403		\$ 56.09	\$ 56.09	\$ 0.00
2006	5401		\$ 1,314.30	\$ 1,314.30	\$ 0.00
2007	5401		\$ 1,347.85	\$ 1,347.85	\$ 0.00
2007	5403		\$ 56.09	\$ 56.09	\$ 0.00
2008	5401		\$ 1,390.15	\$ 1,390.15	\$ 0.00
2008	5403		\$ 92.20	\$ 92.20	\$ 0.00
2009	5403	\$ 18	\$ 66.33	\$ 66.33	\$ 0.00
2009	5401	\$ 18	\$ 1,405.36	\$ 1,405.36	\$ 0.00
2010	5401		\$ 1,433.30	\$ 1,433.30	\$ 0.00
2010	5403		\$ 66.33	\$ 66.33	\$ 0.00
2011	5403		\$ 66.36	\$ 66.36	\$ 0.00
2011	5401		\$ 1,476.42	\$ 1,476.42	\$ 0.00
2012	5403		\$ 66.36	\$ 66.36	\$ 0.00
2012	5401		\$ 1,514.01	\$ 1,514.01	\$ 0.00
2013	5401		\$ 1,592.83	\$ 1,592.83	\$ 0.00
2013	5403		\$ 66.36	\$ 66.36	\$ 0.00
2014	5403	\$ 163,810	\$ 1,684.91	\$ 1,684.91	\$ 0.00
2015	5403		\$ 1,689.72	\$ 1,689.72	\$ 0.00
2016	5403		\$ 1,723.07	\$ 1,723.07	\$ 0.00
2017	5403		\$ 1,779.46	\$ 1,779.46	\$ 0.00
2018	5403		\$ 1,826.15	\$ 1,826.15	\$ 0.00
2019	5403		\$ 1,875.21	\$ 1,875.21	\$ 0.00
2020	5403		\$ 1,966.90	\$ 1,966.90	\$ 0.00

Coos County Property Detail

Account:	1032403	Map:	28-14-34 TL 01600
Property Class:	RESIDENTIAL - IMPROVED		
Owners:	BLECHAR, JEFF T. & SANDRA E. 765 CAROLINE ST NE BANDON , OR 97411		
Situs Address:	54138 MORRISON RD , BANDON OR		
Zoning:	F	Code Area:	
Acres:	5.24	Deed Ref:	1996 84952
Sale Date:	1996-08-23	Sale Price:	\$124500
Market Improv:	\$58,350	TAV:	\$114,869
Market Land:	\$93,393	2021 Taxes:	\$1,271.15
Market total:	\$151,743	Living Area:	1,344
Year Built:	1979	Baths:	2.0
Bedrooms:	4		

Legacy Improvements:

Please note: This improvement information is several years old. Not all maintenance areas have updated improvement data. New improvement information will be included as data becomes available.

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	Code Area	RMV	Taxes	Amount Paid	Balance Due
2003	5403	\$ 2	\$ 56.00	\$ 56.00	\$ 0.00
2003	5401	\$ 2	\$ 812.66	\$ 812.66	\$ 0.00
2004	5401	\$ 36	\$ 872.94	\$ 872.94	\$ 0.00
2004	5403	\$ 36	\$ 56.30	\$ 56.30	\$ 0.00
2005	5403		\$ 56.28	\$ 56.28	\$ 0.00
2005	5401		\$ 851.57	\$ 851.57	\$ 0.00
2006	5401		\$ 863.50	\$ 863.50	\$ 0.00
2006	5403		\$ 56.28	\$ 56.28	\$ 0.00
2007	5401		\$ 885.56	\$ 885.56	\$ 0.00
2007	5403		\$ 56.28	\$ 56.28	\$ 0.00
2008	5403		\$ 92.39	\$ 92.39	\$ 0.00
2008	5401		\$ 913.33	\$ 913.33	\$ 0.00
2009	5401		\$ 923.32	\$ 923.32	\$ 0.00
2009	5403		\$ 66.52	\$ 66.52	\$ 0.00
2010	5401	\$ 57	\$ 941.70	\$ 941.70	\$ 0.00
2010	5403	\$ 57	\$ 66.52	\$ 66.52	\$ 0.00
2011	5403	\$ 60	\$ 66.60	\$ 66.60	\$ 0.00
2011	5401	\$ 60	\$ 968.96	\$ 968.96	\$ 0.00
2012	5403		\$ 66.59	\$ 66.59	\$ 0.00
2012	5401		\$ 961.19	\$ 961.19	\$ 0.00
2013	5401	\$ 64	\$ 982.36	\$ 982.36	\$ 0.00
2013	5401	\$ 94,060	\$ 982.36	\$ 982.36	\$ 0.00
2013	5403	\$ 64	\$ 66.60	\$ 66.60	\$ 0.00
2013	5403	\$ 94,060	\$ 66.60	\$ 66.60	\$ 0.00
2014	5401		\$ 0.00	\$ 0.00	\$ 0.00
2014	5403		\$ 1,051.61	\$ 1,051.61	\$ 0.00
2015	5403		\$ 1,035.81	\$ 1,035.81	\$ 0.00
2016	5403		\$ 1,064.37	\$ 1,064.37	\$ 0.00
2017	5403		\$ 1,098.33	\$ 1,098.33	\$ 0.00
2018	5403		\$ 1,126.40	\$ 1,126.40	\$ 0.00

Coos County Property Detail

Account: 115391 **Map:** 28-14-34 TL 00400
Property Class:
Owners: DEBELLO, MARIE
 1628 N MAIN ST PMB 308
 SALINAS , CA 93906
Situs Address: 54292 MORRISON RD , BANDON OR
Zoning: **Code Area:**
Acres: 0.00 **Deed Ref:**
Sale Date: 2016-01-16 **Sale Price:** \$0
Market Improv: \$28,740
Market Land: \$0 **TAV:** \$26,101
Market total: \$28,740 **2021 Taxes:** \$273.79
Year Built: 1975 **Living Area:** 1,440
Bedrooms: 3 **Baths:** 2.0

Legacy Improvements:

Please note: This improvement information is several years old. Not all maintenance areas have updated improvement data. New improvement information will be included as data becomes available.

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	Code Area	RMV	Taxes	Amount Paid	Balance Due
2003	5403		\$ 136.29	\$ 136.29	\$ 0.00
2004	5403		\$ 142.16	\$ 142.16	\$ 0.00
2005	5403		\$ 138.73	\$ 138.73	\$ 0.00
2006	5403		\$ 95.34	\$ 95.34	\$ 0.00
2007	5403		\$ 97.74	\$ 97.74	\$ 0.00
2008	5403		\$ 100.83	\$ 100.83	\$ 0.00
2009	5403		\$ 84.79	\$ 84.79	\$ 0.00
2010	5403		\$ 51.04	\$ 51.04	\$ 0.00
2011	5403		\$ 45.92	\$ 45.92	\$ 0.00
2012	5403		\$ 40.35	\$ 40.35	\$ 0.00
2013	5403		\$ 48.12	\$ 48.12	\$ 0.00
2014	5403		\$ 36.23	\$ 36.23	\$ 0.00
2015	5403		\$ 35.52	\$ 35.52	\$ 0.00
2016	5403		\$ 224.17	\$ 224.17	\$ 0.00
2017	5403		\$ 225.05	\$ 225.05	\$ 0.00
2018	5403		\$ 224.44	\$ 224.44	\$ 0.00
2019	5403		\$ 248.68	\$ 248.68	\$ 0.00
2020	5403		\$ 253.75	\$ 253.75	\$ 0.00

DISCLAIMER: Enhanced Data Systems, Inc. makes no representations, express or implied, as to the accuracy of the information or data contained herein. This information or data is provided with the understanding that it is not guaranteed to be correct or complete and conclusions drawn from such information are the responsibility of the user.

Information is based on data received from Coos county on or about 03-01-2017.

Automated retrieval or downloading data from this site for resale is prohibited. Terms of use are subject to change without notice.

RealWorld Real Estate and Assessor Tax Information On-line are products of:

Enhanced Data Systems, Inc.

P.O. Box 1960
 Bandon, OR 97411

For technical support and feedback please

Copyright © 1996-2004 Enhanced Data Systems, Inc.

EXHIBIT "E"
COMMENTS



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2021-1156

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-064	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
28S	14W	33		1401

Street Address

54090 Morrison Rd

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.097888

Longitude

-124.35711

Wetland/Waterway/Other Water Features

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

Your Activity

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

Applicable Oregon Removal-Fill Permit Requirement(s)

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

Closing Information



Additional Comments

The proposed home location avoids the tributary of Ferry Creek that flows through this property. All future ground disturbance should stay above the the high bank of the creek to avoid any adjacent wetlands that may be present adjacent to the creek. Any present or future improvements planned for the private road crossing of the creek south of the homesite should minimize placement of fill material in the creek below the ordinary high water line. Per state law, you are allowed a total of 50 cubic yards of removal and fill before needing a permit, but the Corp of Engineers (regulating federal waters) does not allow this (FYI).

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

11/19/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300