



NOTICE OF LAND USE DECISION

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

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

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

Date of Notice: **Thursday, February 17, 2022**
File No: ACU-21-069

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

Applicant(s): Rodney D. Taylor
1180 4th St. NE
Bandon, OR 97411

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Friday, March 04, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.***

Subject Property Information

Account Number: 99918733 (Northern Portion)
Map Number: 28S143400-00101 (Northern Portion)

Property Owner: TAYLOR, RODNEY D.

Situs Address: No Situs Address

Acreage: 20.65 +/- Acres

Zoning: EXCLUSIVE FARM USE (EFU)
FOREST (F)

Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
NAT HAZARDS EARTHFLOW & SLUMP (HZE)

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

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

The application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Chris MacWhorter, Contract Planning Staff 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. The applicant will be required to contact the Coquille Indian Tribe to schedule a monitor a minimum of 72-hours prior to project start time.
- q. The applicant shall either submit a plot plan that clearly identifies the area of development outside of the Very High – Existing Landslide area or submit a conditional use with the correct report as described in Section 4.11.150.

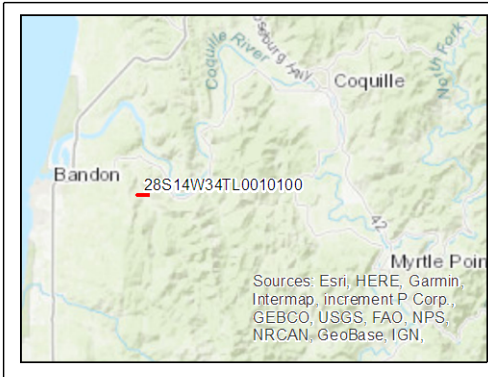
3. **ADVISORY STATEMENT:** There is one existing dwelling and one other application on the private road. The third address assigned on this private road will require a road name application and readdressing of the two other existing addresses.

EXHIBIT "B"
Vicinity Map

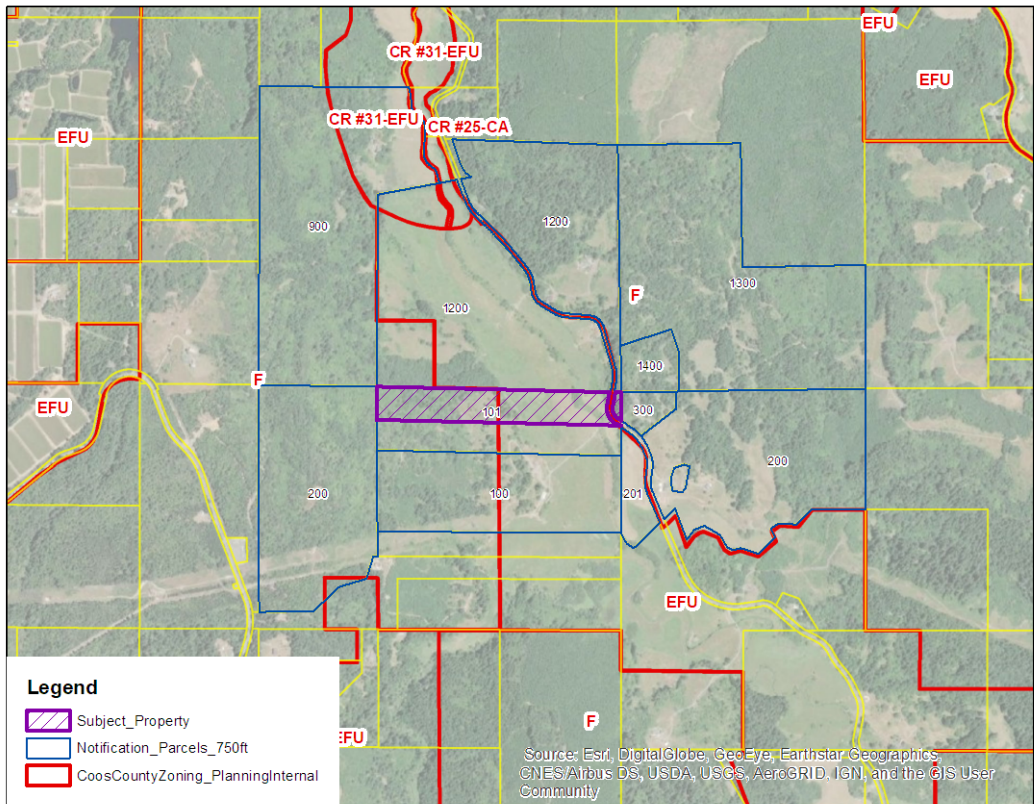


COOS COUNTY PLANNING DEPARTMENT

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-21-069
Applicant/ Owner:	Rodney Taylor Same as applicant
Date:	December 17, 2021
Location:	Township 28S Range 14W Section 34 TL Port. of 101
Proposal:	Administrative Conditional Use



Template Map



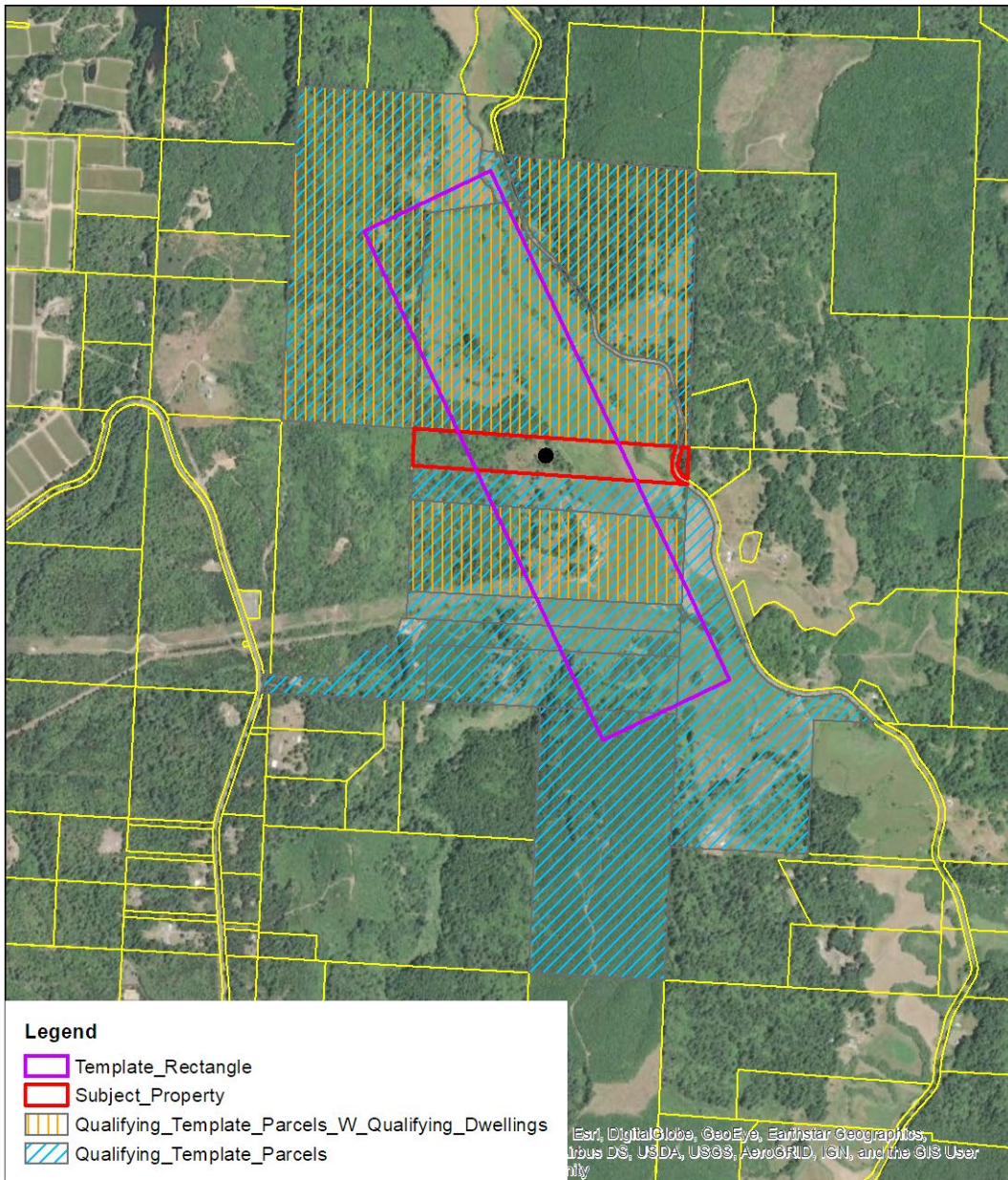
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**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

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

- A. PROPOSAL:** According to the application the property owner is seeking approval for a 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 November 18, 2009 a Lawfully Created Discrete Parcel Determination (D-09-013) for filed for T28S R14W Section 34 Tax Lot 100. The discrete parcel application found that the tax lot 100 at the time contained seven (7) parcels. The discrete parcel determination was issued December 8, 2009. The subject property was created by Book 34, Page 628.
- C. LOCATION:** The subject property is located east of the City of Bandon off Bear Creek Road which accesses off Highway 42S.
- D. ZONING:** - This property is zoned a combination of Exclusive Farm Use and Forest with a Mixed-Use Overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

Exclusive Farm Use (EFU)

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

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special

tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

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

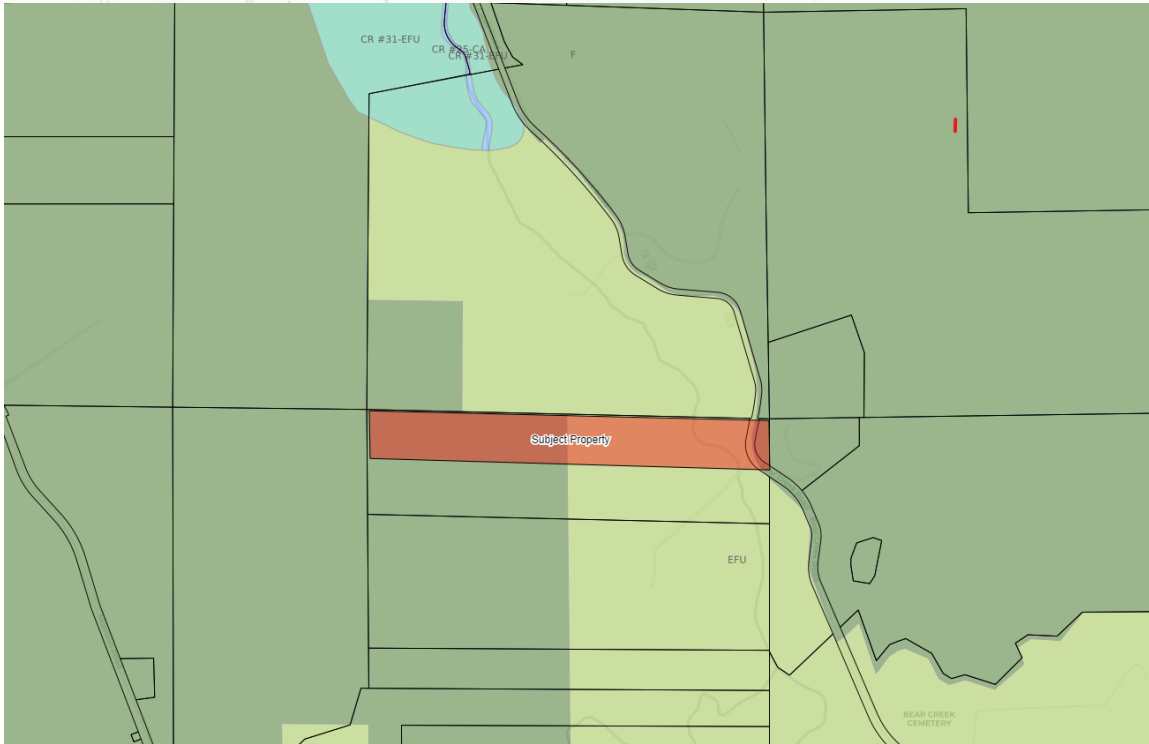
- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV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

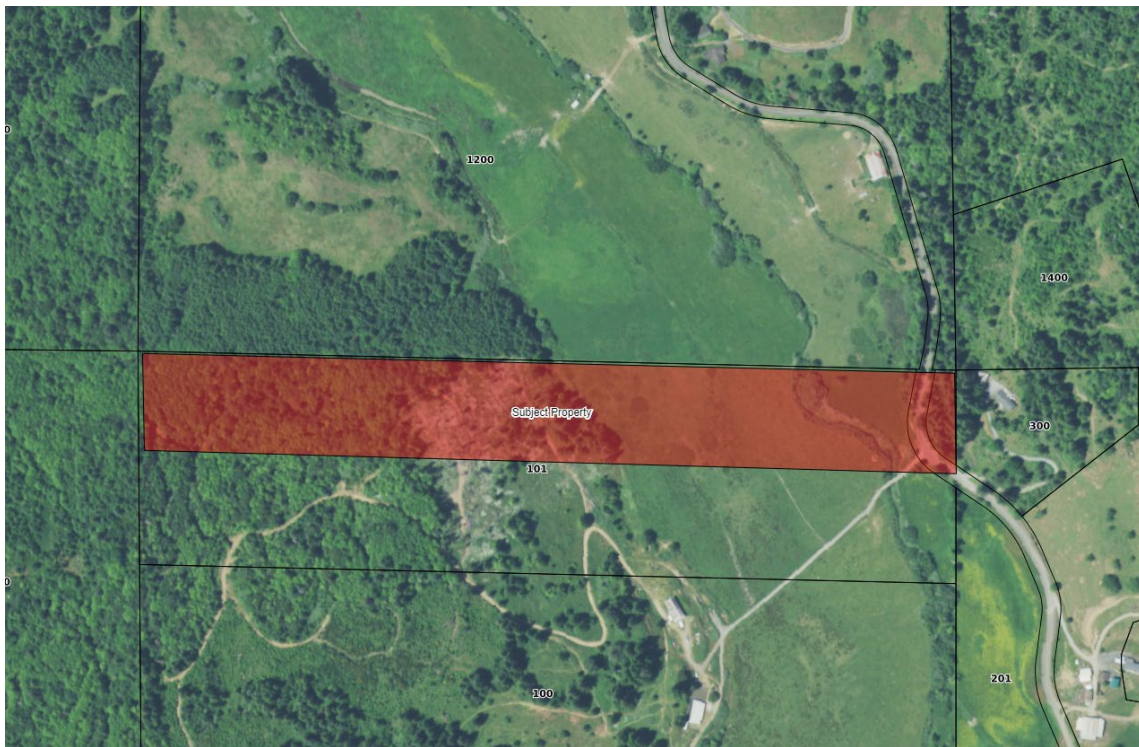
The secondary criterion for establishing the "Agricultural Lands Inventory" was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation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

E. SITE DESCRIPTION AND SURROUNDING USES:

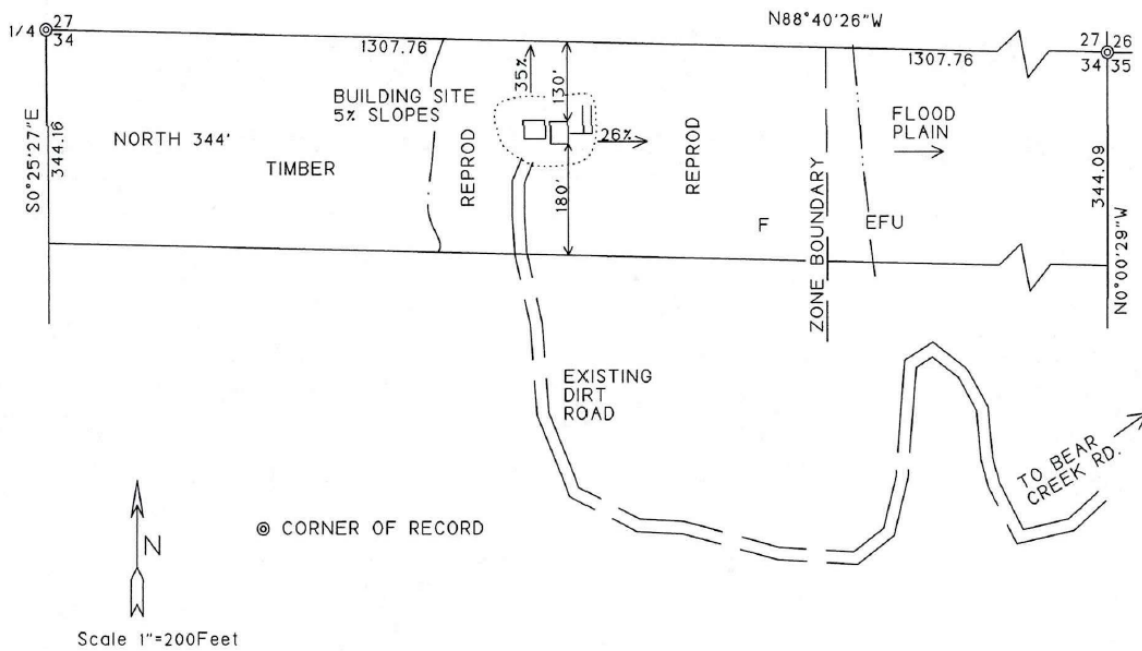
The subject parcel is located east of the City of Bandon off Bear Creek County Road. Bear Creek road connects to Highway 42S. Highway 42S is the major route between the City of Bandon and City of Coquille. The parcel was created by deed or land sales contract prior to planning regulations. Staff made the determination that the parcel was discrete on December 8, 2009 thru Discrete Parcel application D-09-013. The origin of the parcel traces to Book 34, Pg 628 in the County records.

Subject Property





ROD TAYLOR PLOT PLAN
 NORTH 344' TL# 101 - 28S 14W 34 - ACCT# 99918733 - 20 ACRES +/-



Maps are not to scale

ACU-21-069

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands prior to the release of the decision and none were received.
- 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 required request for comments from the Coquille Indian Tribe prior to the release of the decision. The Tribe responded on November 4, 2021 that *“Due to the proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72-hours in advance of anticipated project start time.”*

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 files to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

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

FINDING: The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was found discrete thru application D-09-013.

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 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.

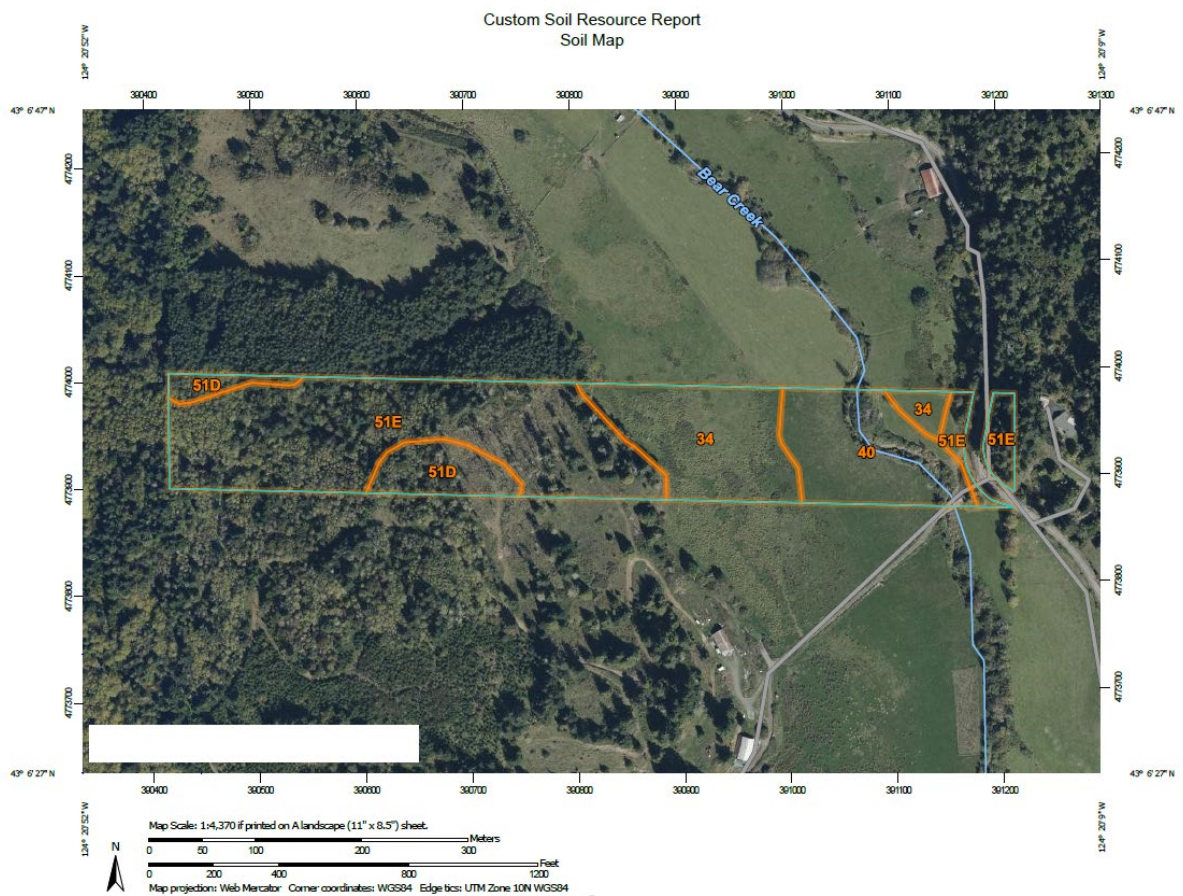
<i>Use</i>	<i>TR</i>	<i>Subject to</i>
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>		
<i>63. Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	<i>ACU</i>	<i>(9)(B)(II), (9)(C)</i>

- *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
34	Langlois silty clay loam	4.4	21.5%
40	Nehalem silt loam	3.8	18.2%
51D	Rinearson silt loam, 0 to 30 percent slopes	1.9	9.1%
51E	Rinearson silt loam, 30 to 50 percent slopes	10.6	51.1%
Totals for Area of Interest		20.6	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>	
34—Langlois silty clay loam				
Langlois	—	—	—	—
40—Nehalem silt loam				
Nehalem	Douglas-fir	124	186.00	Douglas-fir, Sitka spruce, Western hemlock, Western redcedar
	Red alder	—	—	
	Sitka spruce	—	—	
	Western hemlock	—	—	
	Western redcedar	—	—	
51D—Rinearson silt loam, 0 to 30 percent slopes				
Rinearson	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	132	200.00	
	Red alder	—	—	
	Western hemlock	—	—	
51E—Rinearson silt loam, 30 to 50 percent slopes				
Rinearson	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	132	200.00	
	Red alder	—	—	
	Western hemlock	—	—	

34 – Langlois silty clay loam.

This deep, very poorly drained soil is in depressional areas of flood plains and on old tidal flats. It formed in recent alluvium. Slope is 0 to 1 percent. The native vegetation is mainly hardwoods, shrubs, forbs, and conifers. Elevation is 0 to 20 feet. The average annual precipitation is 50 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is mottled, dark grayish brown silty clay loam 10 inches thick. The upper 20 inches of the substratum is dark grayish brown and dark gray silty clay, and the lower part to a depth of 60 inches or more is dark gray clay. In some areas the surface layer is peaty.

Included in this unit are small areas of Chetco and Nestucca soils. Also included are small areas of Coquille soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Langlois soil is slow. Available water capacity is about 2.5 to 4.5 inches. Effective rooting depth is 60 inches or more for water-tolerant plants, but it is limited by the water table for non-water-tolerant plants. The water table fluctuates between the surface and a

depth of 36 inches below the surface from. November to March. Runoff is slow, and the hazard of water erosion is slight. This soil is subject to frequent periods of flooding in winter.

This unit is used mainly for hay and pasture and for wildlife habitat.

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

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

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

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

Drainage is needed to lower the water table. Water on or near the surface can be removed by use of open ditches and tide gates. Wetness and flooding restrict grazing in winter. The choice of plants is limited to those that withstand periodic inundation.

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

Fertilizer is needed to ensure optimum growth of grasses. Grasses respond to nitrogen. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition. Rotation grazing increases the production of forage and helps to control weeds. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass IVw.

40 – Nehalem silt loam.

This deep, well drained soil is on flood plains. It formed in alluvium. Slopes are 0 to 3 percent. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 10 to 40 feet. The average annual precipitation is 50 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is dark brown silt loam 12 inches thick. The subsoil is brown silt loam 17 inches thick. The substratum to a depth of 60 inches or more is brown silty clay loam.

Included in this unit are small areas of Nestucca, Coquille, and Langlois soils. Also included are small areas of soils that are similar to this Nehalem soil but have a sandy loam subsoil. Included areas make up about 20 percent of the total acreage.

Permeability of this Nehalem soil is moderately slow. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. This soil is subject to frequent periods of flooding in winter during prolonged rainstorms. The water table is at a depth of 36 to 60 inches from December to April.

This unit is used for hay and pasture.

The vegetation in areas not cultivated is mainly Douglas fir, western hemlock, Sitka spruce, western redcedar, red alder, and Oregon myrtle. The understory vegetation is mainly evergreen huckleberry, tall Oregon grape, western swordfern, and Oregon oxalis.

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

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

Frequent, brief periods of flooding restrict the use of this unit in winter. Protection from flooding is impractical (fig. 12).

High humidity and frequent periods of rainfall late in spring prevent the production of high-quality hay. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

This map unit is in capability subclass IIIw.

51D – Rinearson silt loam, 0 to 30 percent slopes.

This deep, well drained soil is on ridgetops and side slopes of mountains. It formed in residuum and colluvium derived dominantly from sedimentary rock. The native vegetation is mainly

conifers, shrubs, forbs, and hardwoods. Elevation is 300 to 1,000 feet. The average annual precipitation is 60 to 85 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 6 inches thick. The upper 12 inches of the subsoil is dark reddish brown silt loam, and the lower 24 inches is reddish brown and dark reddish brown silty clay loam. Weathered sandstone is at a depth of 42 inches.

Included in this unit are small areas of Dement and Remote soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Rinearson soil is moderate. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used mainly for timber production and wildlife habitat. It is also used for homesite development and livestock grazing.

This unit is suited to the production of Douglas fir. Among the other species that grow on the soil in the unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, trailing blackberry, western swordfern, and Oregon oxalis.

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

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment damages the soil less and helps to maintain productivity.

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

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

If this unit is used for livestock grazing, the main limitation is the susceptibility of the surface layer to compaction. Grazing cattle when the soil is moist results in compaction of the surface

layer, poor tilth, and excessive runoff. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.

In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of slope in the steeper areas and an inadequate water supply.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion. Rotation grazing increases the production of forage and helps to control weeds and brush.

If this unit is used for homesite development, the main limitations are slope in the steeper areas and depth to bedrock. Some areas of the soil in this unit generally are too steep for proper operation of septic tank absorption fields. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep. Because of the depth to bedrock, onsite investigation is needed so that the absorption fields can be located where the soil depth is greatest.

Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. In summer, supplemental irrigation is needed or lawn grasses and vegetable gardens.

This map unit is in capability subclass Vle.

51E – Rinearson silt loam, 30 to 50 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 300 to 1,000 feet. The average annual precipitation is 60 to 85 inches, the average annual air temperature is 50 to 53 degrees F, and the average frost-free period is 180 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 6 inches thick. The upper 12 inches of the subsoil is dark reddish brown silt loam, and the lower 24 inches is reddish brown and dark reddish brown silty clay loam. Weathered sandstone is at a depth of 42 inches.

Included in this unit are small areas of Dement and Remote soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Rinearson soil is moderate. Available water capacity is about 7.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

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

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, trailing blackberry, western swordfern, and Oregon oxalis.

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

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

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

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

This map unit is in capability subclass V1e.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 34 – Langlois silt loam, 40 – Nehalem silt loam, 51D – Rinearson silt loam, and 51E – Rinearson silt loam soil type. Based on the plot plan, the dwelling appears to be located in the 51E soil type. The volume of wood fiber per year for 51E is 200 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) though (7). Subsection (2) has been removed:*

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

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

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

The applicant stated *“The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1,1993. There are a minimum of 11 parcels within the 160 acre square ranging from 4.78 acres to 146.50 acres of which are zoned F, EFU and CREMP. Six of these parcels have pre -1993 dwellings.”* Staff used the 160 acre square for the template test. Staff could not reproduce this result and no evidence was submitted by the applicant.

However, the subject property touches Bear Creek County Road. Staff verify on historical tax lot maps that Bear Creek County Road existed prior to January 1, 1993. Staff proceeded to use the rectangle 160 acre template allowed subject (9)(B)(II)(5). Staff found that ten of these parcels existed prior to the January 1, 1993 in their current configuration.

Staff found that the parcel identified as Township 28S, Range 14W, Section 34, Tax Lot 102 has a created date of August 20, 2018 thru 2018-7953. While this parcel has a created date of 2018. Oregon LUBA thru Landwatch Lane County vs Lane County, LUBA No. 2016-082 provided clarity on how to interpret the meaning of what the Oregon Legislatures meant by “*least eleven other ‘lots or parcels that existed on January 1, 1993, are’ within the 160-acre area*”. This LUBA case also provided instructions on how property line adjustments and partitions were to be handled. LUBA basically determined the Legislative meant that parcel configuration created on, or before, January 1, 1993 could be used to determine if the template test is met. While tax lot 102 has had two property line adjustments since 1993; Staff found that the original parcel configuration was indeed within the 160 acre template rectangle. Therefore, Staff counted tax lot 102 as a parcel for meeting the template test. Staff also found that tax lot 102 was not reconfigured for the purposes of meeting the criteria of a template test on the subject property.

Of the eleven parcels with the 160 acre template rectangle. Staff found that at least three parcels had dwellings created before January 1, 1993. Section 34 – tax lot 100 has a 1978 dwelling; section 27 – tax lot 900 has a 1910 dwelling; section 27 – tax lot 1200 has a 1990 dwelling, 1926 dwelling, and the 2001 dwelling was a replacement dwelling of a pre-1993 dwelling.

Therefore, staff determined the application request complies with the requirement of this section.

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

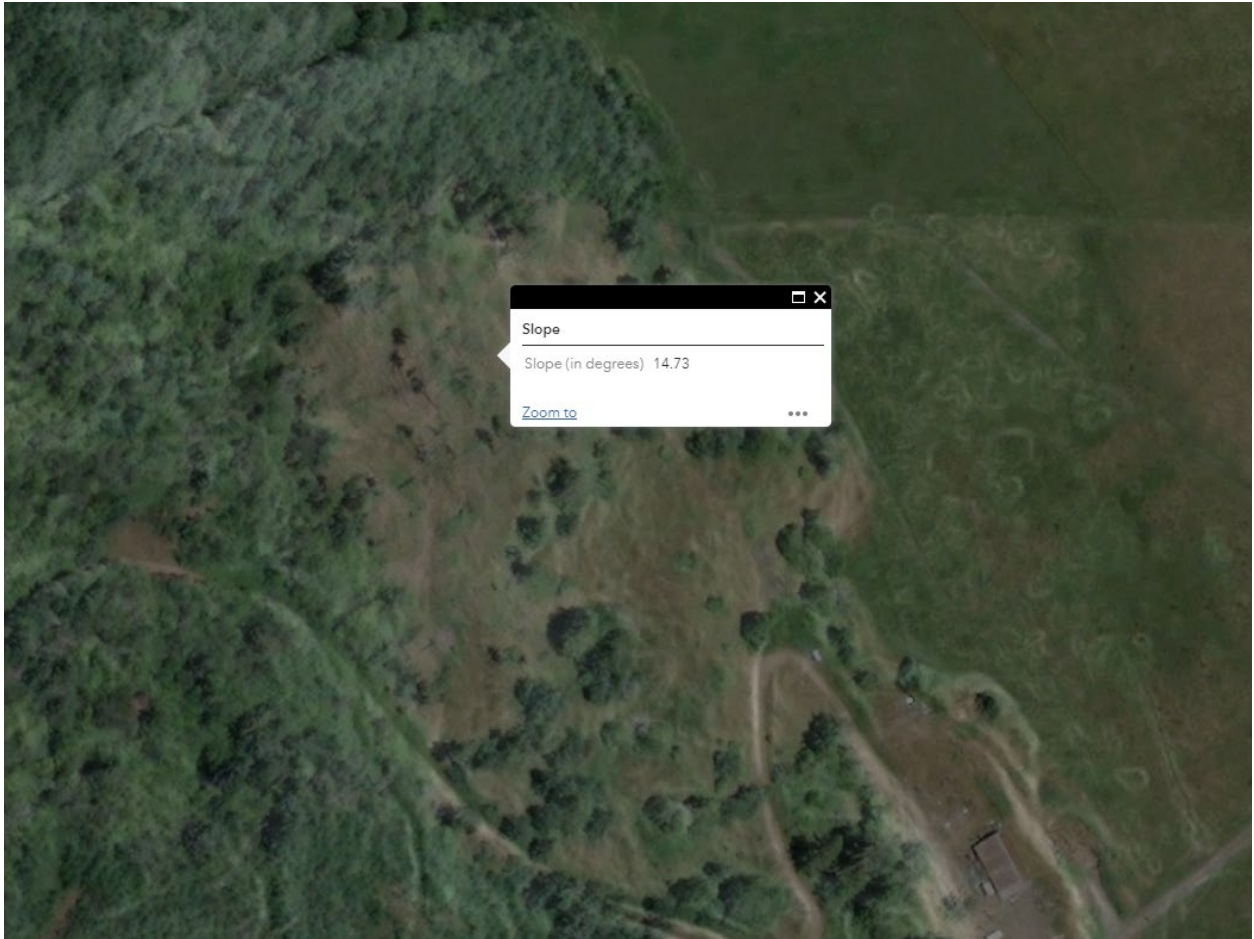
- 1. A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
 - (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is more than 10 acres in size; therefore, the criteria does require a stocking survey. Planning Staff relies on the County Assessor’s Office to confirm this has been complied with.

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 *“property has variable slopes. The proposed home site is located on a relatively flat ridge top”*.

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 14.73 degrees, which is 26.29% in slope.



Staff concurs with the topography map that the development site 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 and not a class II stream. 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 they will comply with this section. This will be a condition of approval. Therefore, the criterion has been addressed.

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

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.*

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.*

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

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 more than 130 feet from the northern property line. The house site is located approximately 180 feet from the southern boundary of the property. Staff estimates that the proposed homesite is approximately 1000 feet away from the western boundary and 1600 feet away from the eastern boundary.



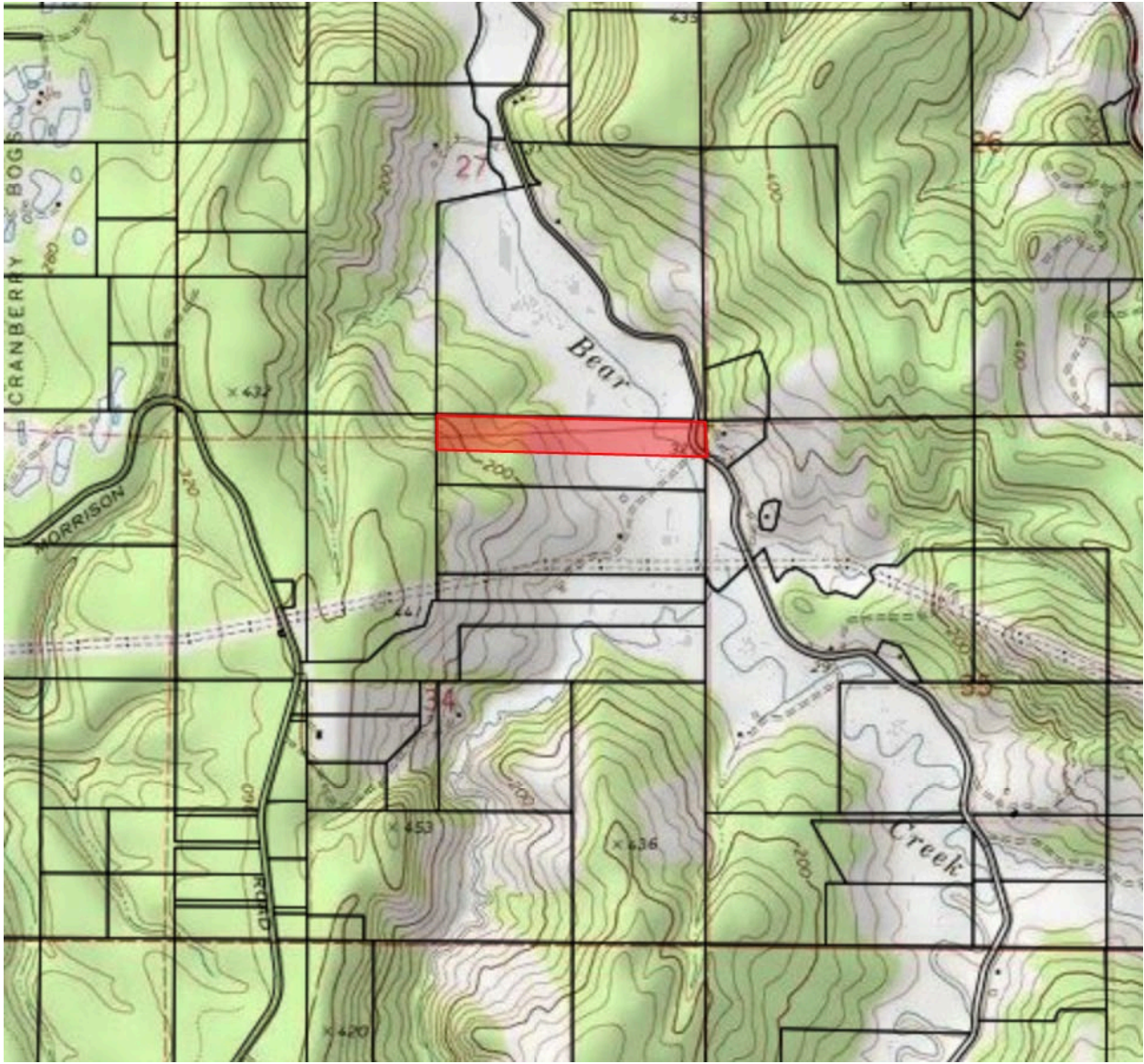
The above map shows the properties nearby. The subject property is located Bear Creek road, east of the City of Bandon. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“the home site will be located close to the Northern boundary of the subject property on a ridge top. The proposed site is relatively flat and part of a landing that was used for timber harvesting. The site will be cleared to the extent to meet the required fire break setbacks. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands”*. The applicant did not provide any other additional information about resources uses on the adjacent lands.

Based on the map above, Staff estimates the proposed homesite is 130 feet away from the forestlands that may be harvested for commercial 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 estimates the timber stand located to the north on tax lot 1200 is only 15 acres in size. The rest of tax lot 1200 on the south side of Bear Creek County Road appears to be used for livestock grazing or hay production. 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 slopes 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.

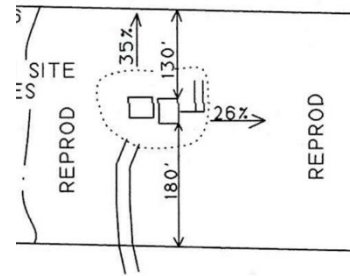


There is a large of bottom land used for agricultural production in Bear Creek. The applicant did not identify whether there is active livestock grazing on these lands, or the lands were being utilized for hay production. The dwelling is located in the forest zone. By placing the dwelling up on the ridge, there should not be an adverse effect on agricultural uses in the Exclusive Farm Use zones.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is rather narrow at only 344 ft. 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 a younger timber reproduction stand. Given the narrow width of the subject property, any development on the subject property will need to be placed in the middle of the property and there appears to be no reasonable way to minimize lands removed for non-resource development.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. Staff must analyze the topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicant indicated the building site will be placed on a ridge line. Also avoiding a longer driveway is recommended. While neither of these elements appear to be implement with the development proposal. Staff believes the narrow rectangular shape and rugged topography of the parcel is the cause of this. 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 130 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 water source will be from a source authorized in accordance with Water Resources Department's administrative rules. 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. Access to the subject property is via private access identified on the subject parcel's deed #2021-12018.

Maintenance and the cost of maintenance of all of the real estate described in this easement shall be the responsibility of the Grantor and the Grantee, their heirs and assigns, based on actual use of the roadway.

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

Therefore, this criterion has been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are more than 10 acres on the subject property; therefore, a stocking survey is required. Assessor's Office will be notified of this proposed development by the Planning Department.

All The criteria found in SECTION 4.6.130 have been addressed.

- *Section 4.6.140 Development and Siting Criteria:*

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

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*
2. *Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*

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

Table 1 – Minimum Primary Safety Zone

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

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

12. *If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).*
13. *The dwelling shall not be sited on a slope of greater than 40 percent.*
14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*
15. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.*
16. *Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.*
17. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

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

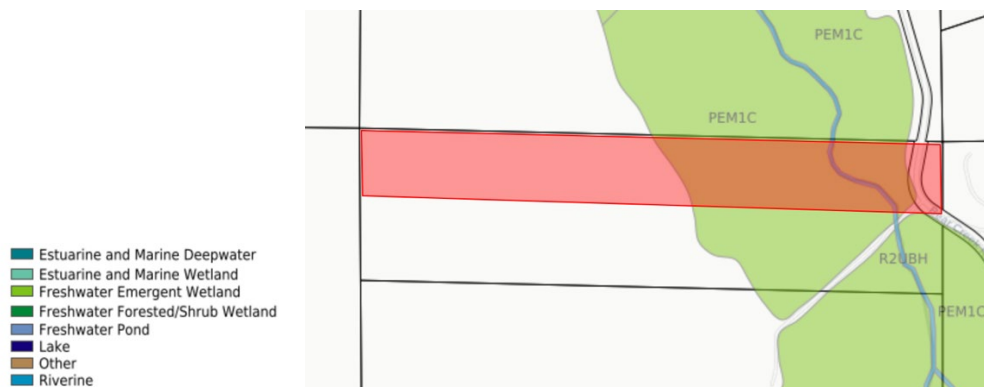
Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.

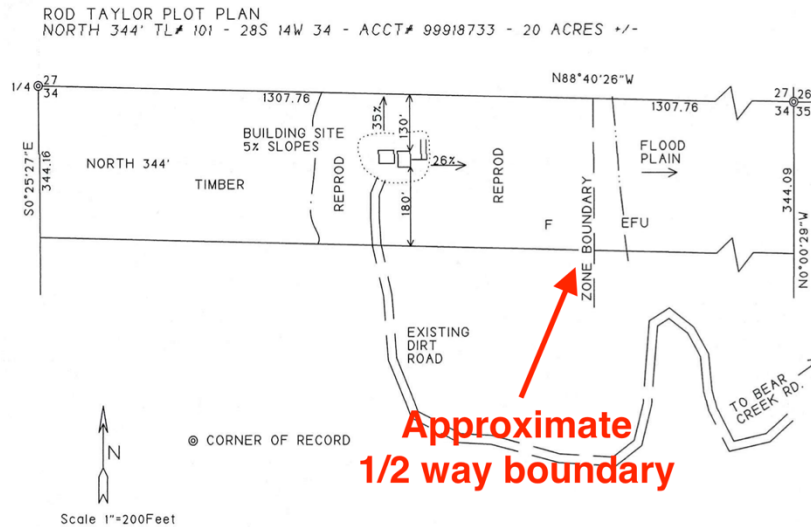
Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any new fences, hedges, or wall. The applicant indicated the existing fences on the property are being for livestock. Therefore, this criterion does not apply.

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

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

Section 4.6.140(6) requires a setback from any wetland. There are mapped wetlands or water bodies requiring protection within 50 feet of the proposed development.





The applicant's plot plan is not drawn to scale. Staff mark the approximate 1/2 way point between the western and eastern boundaries. Once the viewer looks at the plot plan in perspective compared to the overall shape of subject property, and then looks the location of the wetland. The plot plan does indicate that the proposed development will be outside of the mapped wetlands. Therefore, this criterion has been addressed.

Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the 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 applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient 3/4 inch hose. The applicants state that they will provide and maintain a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building set back. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicant states that the dwelling site is around 0 to 5%. 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 14.73 degrees, which calculates to 26.29% in slope. The applicants will need to maintain 130 feet of primary fuel-free break to the standards identified above. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. 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 they will use non-combustible or fire-resistant roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. Reviewing aerial imagery, 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 easement to the parcel is included in the subject property's deed #2021-12018.

TOGETHER WITH an easement for ingress and egress utilizing existing roadways and bridge.

The easement clearly states the access is over existing road and bridge. The applicant did not address how the private road shall provide adequate access for firefighting equipment. As per CCZDLO Section 7.1.400 Bridge Standards, as a condition of approval, the applicant shall provide the County proof from a registered professional engineer that certifies the bridge is safe and that it meets or exceeds H-20 AASHTO loading requirements.

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 Concert 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 has been addressed.

4.11.128 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7)

The Historical/Archeological maps have inventoried the following:

- *Historical;*
- *Area of Archaeological Concern;*
- *Botanical; and*
- *Geological Resources.*

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

b. Areas of Archaeological Concern: Coos County shall continue to refrain from wide-spread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

i. This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).

ii. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.

1) The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:

a) Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;

b) Township, range, section and tax lot(s) numbers; and

c) Specific directions to the property.

2) The Planning Department will forward the above information including a request for response to the appropriate tribe(s).

3) The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.

4) It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.

iii. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:

1) Paving over the sites;

2) Incorporating cluster-type housing design to avoid the sensitive areas; or

3) Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

iv. This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: Notice was sent to the Coquille Indian Tribe for comment. Comments were received that “due to the proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72-hours in advance of anticipated project start time”. As a condition of approval, the applicant will be required to contact the Coquille Indian Tribe to schedule a monitor a minimum of 72-hours prior to project start time.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

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

Purpose Statements:

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

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

b. *Landslides and Earthquakes*

Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

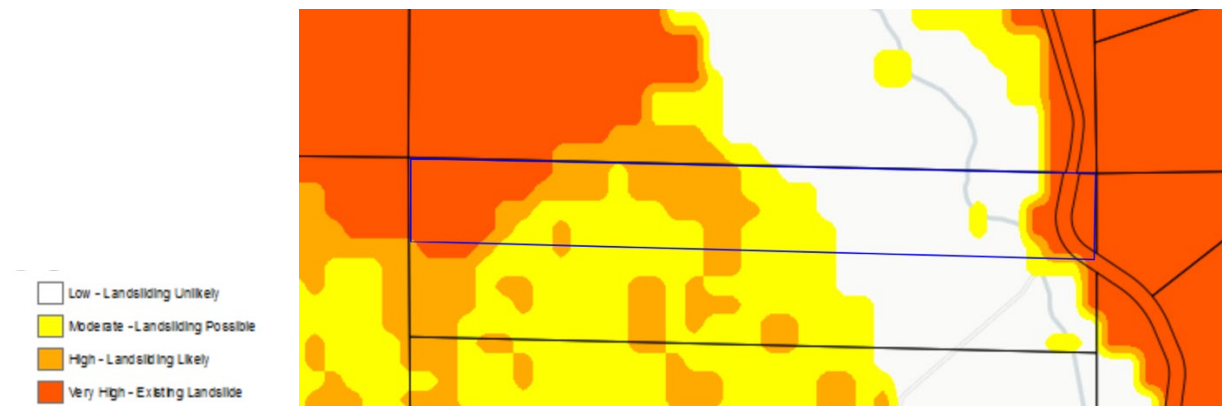
4.11.150 *Geological Hazards special development Review Standards*

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant’s expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;*
- b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or*
- c. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed profession then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.*

FINDING: The applicant did not address this overlay. Staff verified the property has lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”



As a condition of approval, the applicant shall either submit a plot plan that clearly identifies the area of development outside of the Very High – Existing Landslide area or submit a conditional use with the correct report as described in Section 4.11.150.

OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.211 AUTHORIZATION

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

SECTION 4.11.212 FINDINGS OF FACT

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

SECTION 4.11.231 LANDS TO WHICH THIS OVERLAY ZONE APPLIES

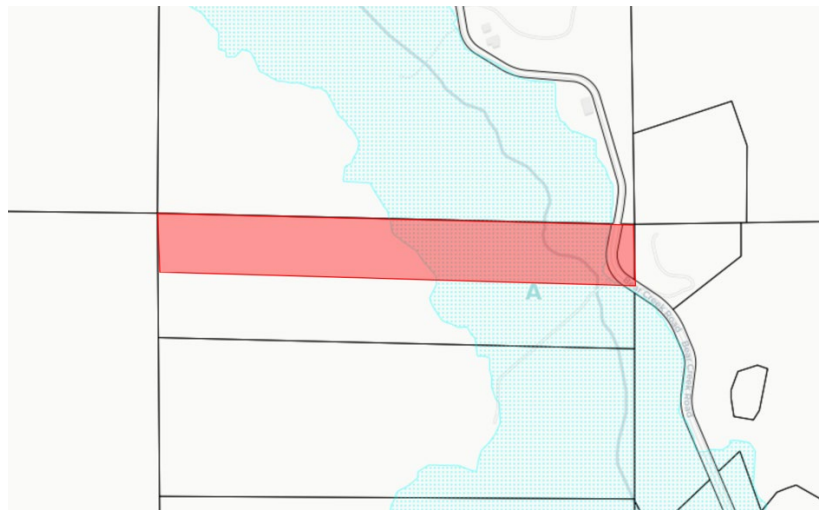
This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Coos County that have been identified on the Flood Insurance Maps dated March 17, 2014 as described in Section 4.11.232.

SECTION 4.11.232 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

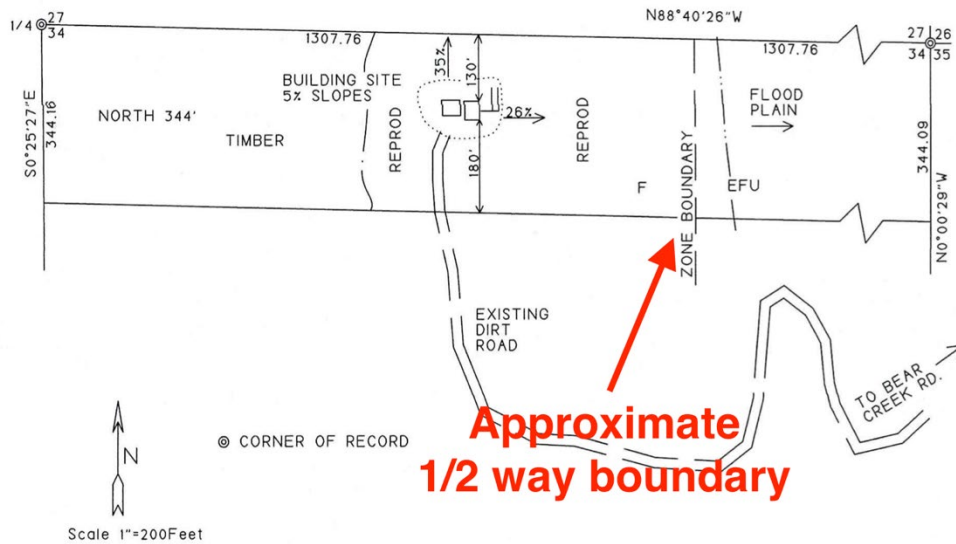
The areas of special flood hazard identified by the Federal Insurance & Mitigation Administration in a scientific and engineering report entitled “The Flood Insurance Study for Coos County, Oregon and Incorporated Areas” revised December 7, 2018, with accompanying Flood Insurance Maps are hereby adopted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

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

- FEMA Flood Maps, FEMA
-  Base Flood Elevation
-  Floodway
-  500-year Floodplain
-  100-year Floodplain



ROD TAYLOR PLOT PLAN
 NORTH 344' TL# 101 - 28S 14W 34 - ACCT# 99918733 - 20 ACRES +/-



The applicant's plot plan is not drawn to scale. Staff mark the approximate 1/2 way point between the western and eastern boundaries. Once the viewer looks at the plot plan in perspective compared to the overall shape of subject property, and then looks the location of the 100-year floodplain. The plot plan does indicate that the proposed development will be outside of the mapped 100-year floodplain. Therefore, this criterion has been addressed.

IV. DECISION

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

V. EXPIRATION:

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

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

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

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

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

EXHIBIT "D"
Application



Coos County Land Use Permit Application

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

FILE NUMBER: ACU-21-069

Date Received: 10/28/21 Receipt #: 228469 Received by: MB

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

LAND INFORMATION

A. Land Owner(s) Rodney D. Taylor
Mailing address: 1180 4th St. NE, Bandon, OR 97411
Phone: 541-404-6825 Email: rod@ussurveysupply.com

Township: 28S Range: 14W Section: 34 ¼ Section: Select 1/16 Section: Select Tax lots: North 344 feet to TL# 101
Select Select Select Select Select

Tax Account Number(s): 99918733 Zone: Select Zone Forest Mixed Use (FMU)
Tax Account Number(s): _____ Exclusive Farm Use (EFU)

B. Applicant(s) Same as Land Owner
Mailing address: _____
Phone: _____

C. Consultant or Agent: Troy Rambo
Mailing Address P.O. Box 809, North Bend, OR 97459
Phone #: 541-751-8900 Email: mandrllc@frontier.com

Type of Application Requested

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

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
School District: Bandon Fire District: Bandon RFPD

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

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

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

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

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

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

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



Coos County Land Use Application - Page 2

ACCESS INFORMATION

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

Property Address: 0 Bear Creek Road

Type of Access: County Road

Name of Access: Bear Creek Road

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

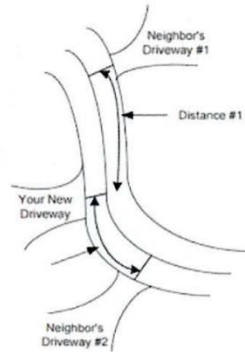
File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR
NEW DRIVEWAY: shared driveway with 54974 Bear Creek Rd.

DISTANCE FROM DRIVEWAY #1 TO YOUR NEW
DRIVEWAY: _____
Is this driveway on the same side of the road as your
Driveway: Select

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

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW
DRIVEWAY: _____
Is this driveway on the same side of the road as your
Driveway: Select



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

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

Additional Notes or directions:

This application is not required.

SANITATION INFORMATION

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

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

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

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

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

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

Additional Comments:

GRANTEE:
Rodney D. Taylor

When recorded, please return to :
Rodney D. Taylor
1180 4th St. NE
Bandon, OR 97411

Until a change is requested, all tax statements shall be sent to the following address:
Rodney D. Taylor
1180 4th St. NE
Bandon, OR 97411

Coos County, Oregon **2021-12018**
\$91.00 10/26/2021 01:06 PM
Pgs=2



Debbie Heller, CCC, Coos County Clerk

Space above for Recorder's use only

BARGAIN AND SALE DEED

KNOW BY ALL THESE PRESENTS THAT for the valuable consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Andrew S. Taylor and Stacy J. Taylor, Grantor, does hereby bargain, sell and convey unto Rodney D. Taylor, Grantee, the following described real property, lying in the County of Coos, State of Oregon, to-wit:

That portion of NE 1/4, Section 34, Township 28 South, Range 14 West, of the Willamette Meridian, Coos County, Oregon, described as the North 344 feet of said Northeast quarter Section as described and conveyed in Coos County records, Book 34, page 37.

TOGETHER WITH an easement for ingress and egress utilizing existing roadways and bridge.

The Grantee may use the whole roadway easement for ingress and egress of vehicles and uses incidental thereto, as well as for the installation and maintenance of electrical, communication, or other utilities.

Reserving to the Grantor, his heirs and assigns, the right to use any roadway existing or constructed on the described parcel.

Maintenance and the cost of maintenance of all of the real estate described in this easement shall be the responsibility of the Grantor and the Grantee, their heirs and assigns, based on actual use of the roadway.

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

October 27, 2021

Coos County Planning Dept.

Subject Property – North 334 feet of T.L. 101 - 28S 14W 34

Applicant/Owner:

Rodney D. Taylor
1180 4th St. NE
Bandon, OR 97411

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

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

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

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

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

- **Based on the Soil Survey of Coos County, Oregon, the subject property is capable of producing 181 cubic feet per acre per year of Douglas fir wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is the North 334 feet of Tax Lot 101 in Township 28S Range 14W Section 34 and consists of 20 acres +/-.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 11 parcels within the 160 acre square ranging from 4.78 acres to 146.50 acres of which are zoned F, EFU and CREMP. Six of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

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

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

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

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

- The property is over 10 acres. Half is zoned F and the other half is zoned EFU. The F zoned portion will meet the minimum a stocking requirements.
 - The dwelling will have a fire retardant roof.
 - The property has variable slopes. The proposed home site is located on a relatively flat ridge top.
 - The property is located within the Bandon Rural Fire Protection District.
 - The water source for this property will be from well and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
 - If the proposed dwelling has a chimney, a spark arrester will be installed.
 - The owner will provide and maintain a primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.

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

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

- The property is within a fire district.
- There are no other water sources.

<p>SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST</p>
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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⁽¹⁾ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document

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

Response to SECTION 4.6.130

- The property owner is creating a new home site. The home site will be located close to the Northern boundary of the subject property on a ridge top. The proposed site is relatively flat and part of a landing that was used for timber harvesting. The site will be cleared to the extent to meet the required fire break setbacks. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.
- The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.
- The access will be a private driveway off of Bear Creek Road. Bear Creek Road is a County maintained road.
- The F zoned portion of the subject property will meet the minimum stocking requirements.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:

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

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

10. Firebreak:

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

Table 1 – Minimum Primary Safety Zone

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

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

applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Response to SECTION 4.6.140

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

ROD TAYLOR PLOT PLAN
 NORTH 344' TL# 101 - 28S 14W 34 - ACCT# 99918733 - 20 ACRES +/-

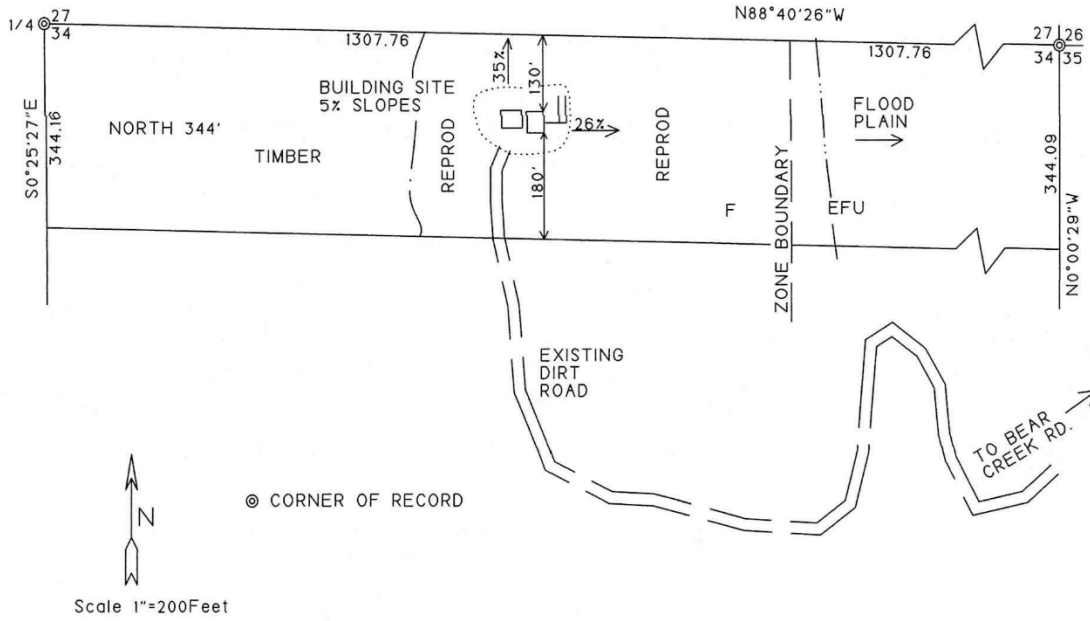


EXHIBIT “E”
Comments



COQUILLE INDIAN TRIBE

3050 Tremont Ave. North Bend, OR 97459
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847
www.coquilletribe.org

November 4, 2021

Coos County Planning Department
250 N Baxter
Coquille, Oregon 97429

Re: ACU-21-069

Project location: T28S, R14W, Section 34, TL101

Thank you for the opportunity to comment on the proposal to construct a new forest template dwelling at the above referenced location. Our records show known cultural resources within extreme proximity to the project area.

Due to the proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 808-5554 (Kassandra Rippee, Archaeologist/THPO) to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a **minimum of 72-hours** in advance of anticipated project start time.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or *private lands*. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me if you have any questions.

Masi (thank you),

Todd Martin
Tribal Historic Preservation Specialist

CRT21459