



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: **Tuesday, April 05, 2022**
File No: ACU-21-072

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

Applicant(s): Link Phillippi, President of Rough & Ready Lumber LLC
PO Box 340
Selma, OR 97538

Staff Planner: Chris MacWhorter, Contract Planning Staff

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, April 20, 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: 29200
Map Number: 23S1219D0-00600

Property Owner: LEWIS N KRAUSS FAMILY TRUST

Situs Address: No Situs Address

Acreage: 11.78 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
LAKESIDE AIRPORT CONICAL ZONE (ALC)
NATURAL HAZARD - LANDSLIDE (NHLND)
NATURAL HAZARD - TSUNAMI (NHTHO)

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

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

The application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is 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: Chris MacWhorter Date: Tuesday, April 05, 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: Comments Received

Exhibit E: Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

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

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

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

- o. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
 - p. The applicant shall submit a geologic hazard assessment report, compliant with Section 4.11.150, prior to requesting a zoning compliance letter or provided a letter that the dwelling will not be in the hazards area.
3. **ADVISORY STATEMENT:** There are multiple template dwellings applications on the private road. The third address on this private road will require a road name application and readdressing of the two other existing addresses.

EXHIBIT "B"
Vicinity Map



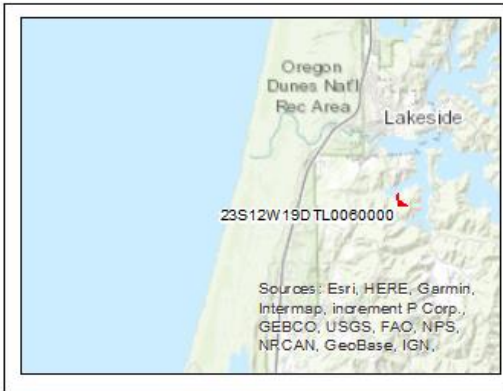
COOS COUNTY PLANNING DEPARTMENT

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

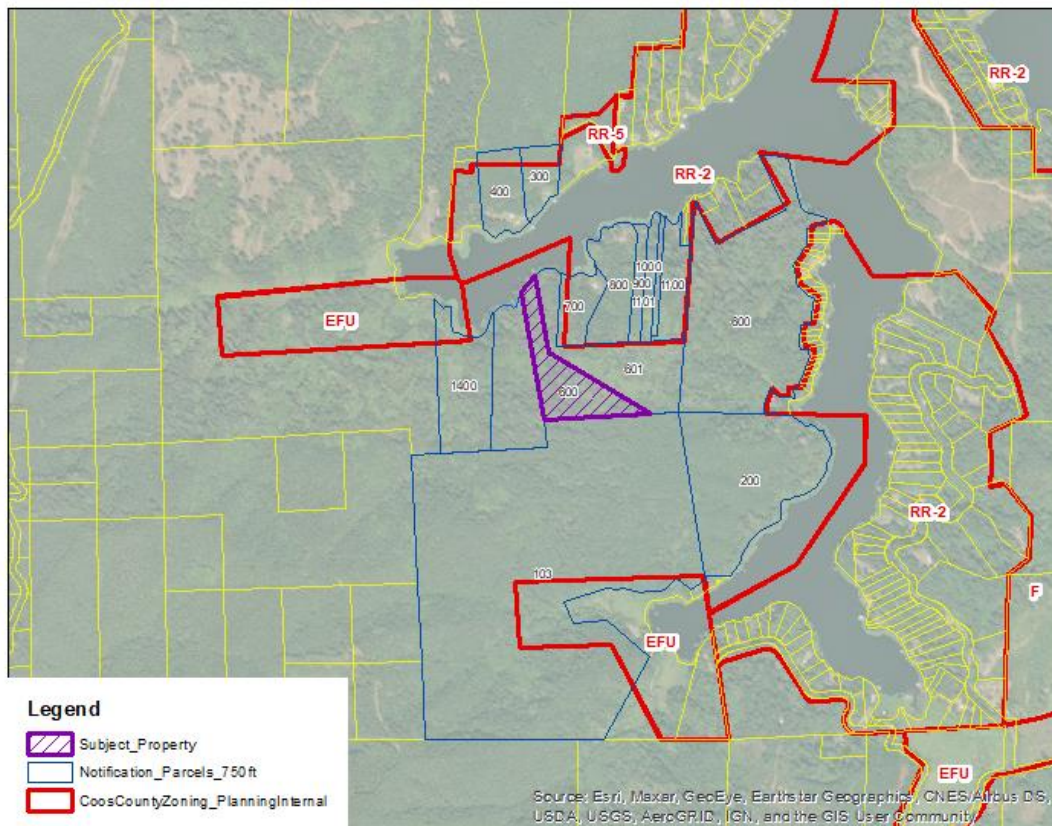
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File:	ACU-21-071
Applicant/ Owner:	Link Phillippi Rough & Ready Lumber LLC
Date:	March 2, 2022
Location:	Township 23S Range 12W Section 19D TL 600
Proposal:	Administrative Conditional Use



Template Map



COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900

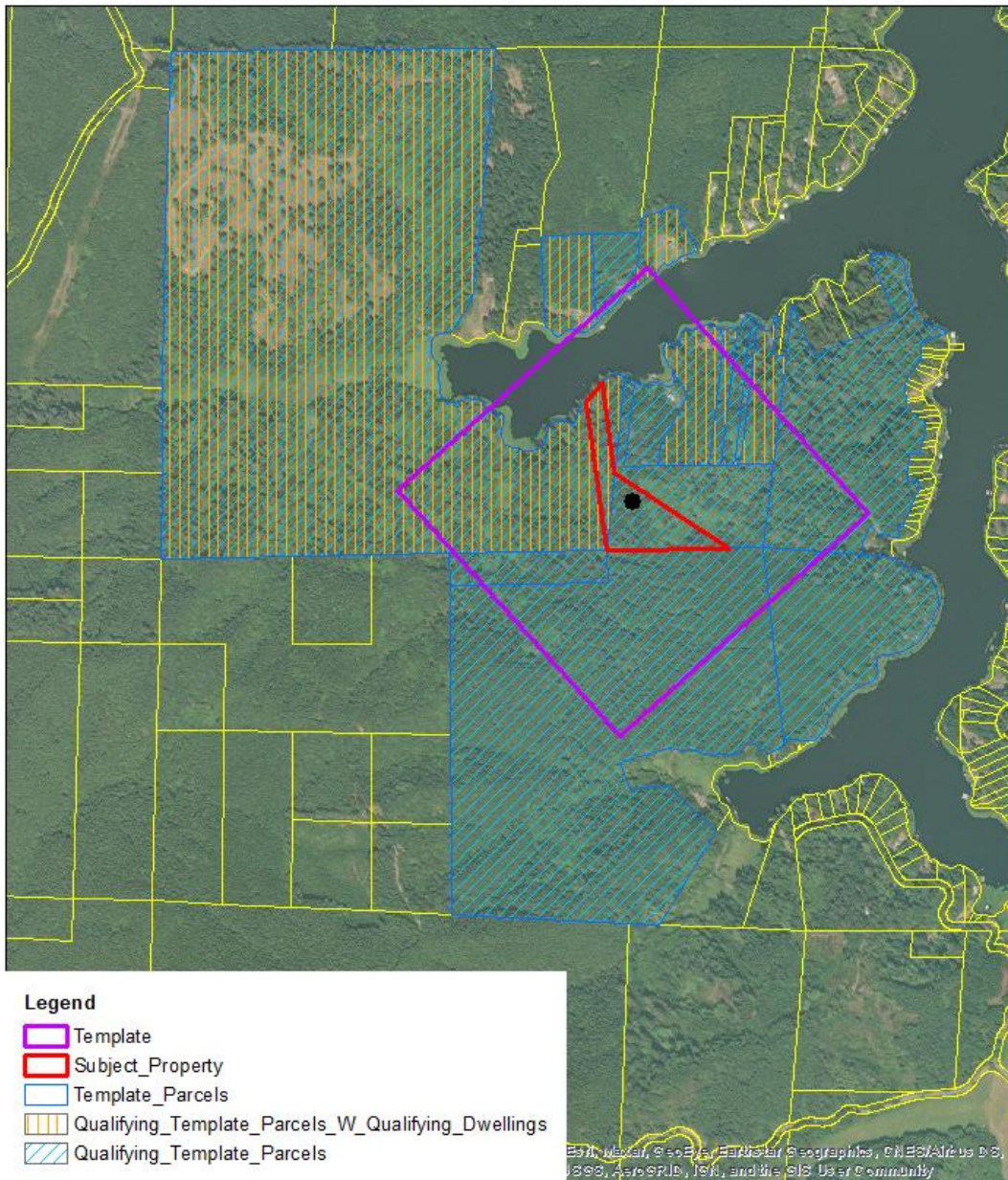


EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

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

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

B. BACKGROUND/PROPERTY HISTORY:

On March 25, 2020, a discrete parcel application (D-21-001) was filed for T23S R12W Section 19 Tax Lot 1400, T23S R12W Section 19D Tax Lot 600, T23S R12W Section 30 Tax Lot 200 & T23S R13W Section 24 Tax Lot 100. The discrete parcel application found that these tax lots at the time contained eight (8) parcels. The discrete parcel determination was issued May 7, 2020.

On March 11, 2021, a property line adjustment application (PLA-21-008) was submitted to reconfigured the parcel into the current configuration. The property line adjustment was approved on August 30, 2021.

On March 11, 2021, a property line adjustment application (PLA-21-009) was submitted to reconfigured the parcel into the current configuration. The property line adjustment was approved on August 30, 2021.

C. LOCATION: The subject property is located south of the City of Lakeside off a private unnamed access road, which accesses Hilltop Drive. The northern property line abuts Devore Arm of Tenmile Lake.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

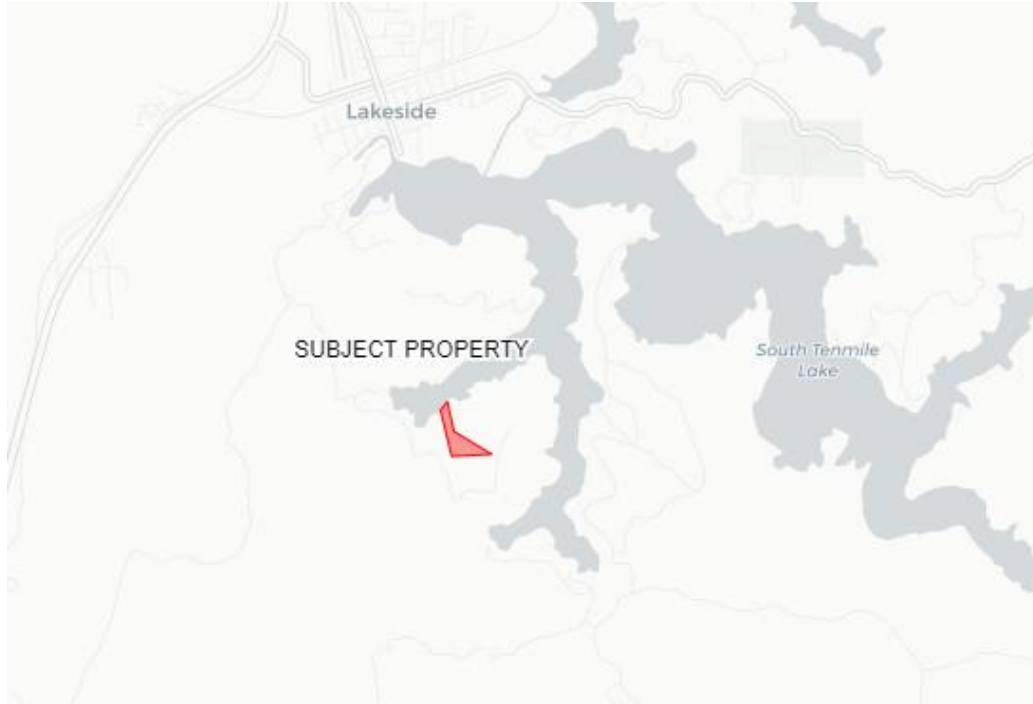
Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

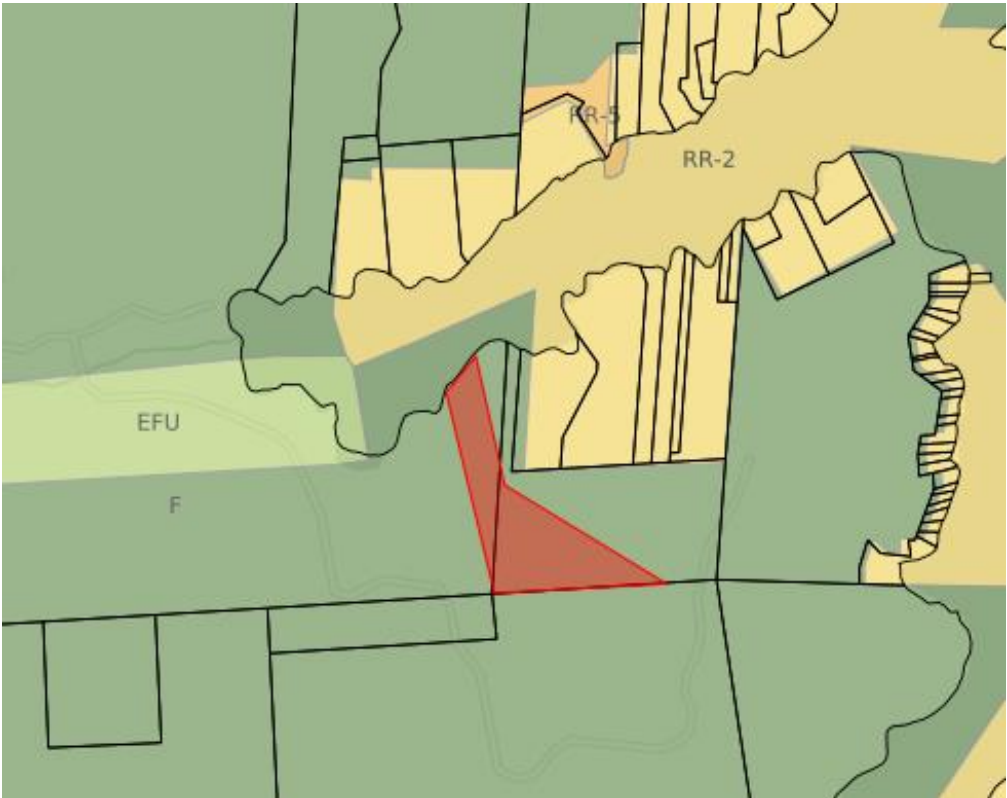
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

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

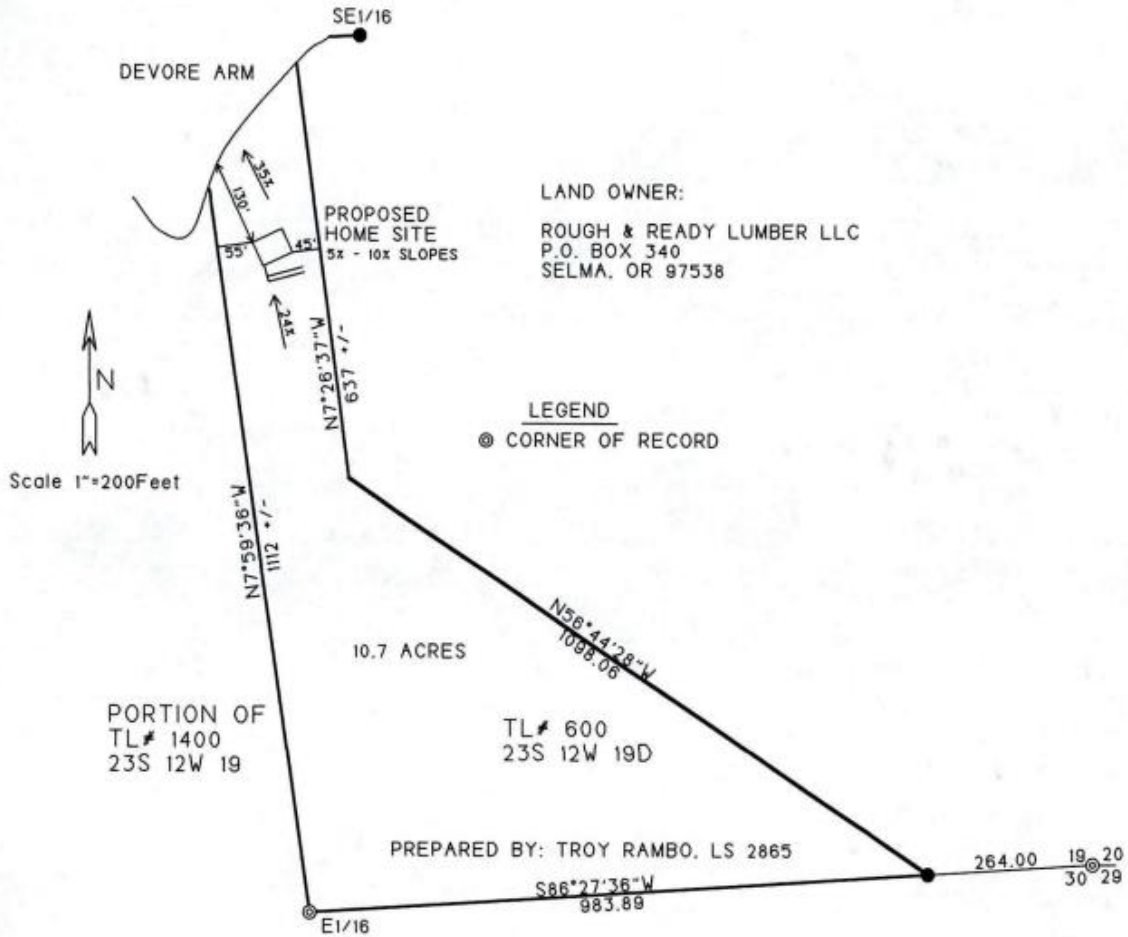
E. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcel is located south of the City of Lakeside. The access to the subject property is over a private unnamed access road. The northern property line of the subject property abuts Devore Arm of Tenmile Lake. The parcel was created by deed or land sales contract prior to planning regulations. Staff made the determination that the parcel was discrete on May 7, 2020 thru Discrete Parcel application D-20-001. The origin of the parcel traces to Parcel 2 of Deed #83-1-5811 in the County records. The property line was further adjusted with PLA-21-008 & PLA-21-009, which was approved by Staff on August 30, 2021





PLOT PLAN - PORTION OF SECTION 19,
T.23S., R.12W., W.M., COOS COUNTY, OREGON



Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands and the Oregon Department of Aviation prior to the release of the decision. ODA did not send a response for this application, however ODA response for an adjacent application by the same applicant. Seth Thompson, ODA Aviation Planner, offered the following comments for ACU-21-071: *“At this time, the precise location of the proposal does not appear to be established. However, an aeronautical evaluation may be required for the proposed structure. Please notify the ODA of future applications for this proposal to allow the ODA to request an aeronautical evaluation if needed”.*

Oregon DSL offer the following comments: *“This response is for Tax lot 600 and 350 feet of adjacent tax lot 1400 to the west. Please refer to response for WN2021-1189. It appears that a homesite, position on TL 1400 overlooking the lake, as shown in the submitted site plan, will not impact wetlands or other waters of the state. The position is high enough above the water to avoid any wetlands that may be adjacent to the lake. Tennile Lake is jurisdictional and is a state-owned water. A lease or registration is*

required to occupy the submersed or submersible lands of the lake. At this location the lake is not designated Essential Salmonid Habitat”.

WN2021-1189 Response *“It was difficult to determine exactly what was requested because tax lots were not specified outright and the site boundaries were not provided in relation to existing tax lots or other spatial context. I evaluated tax lot 600 and approximately 300 feet on the eastern side of tax lot 1400 where it is adjacent to 600. It does not appear that construction of a home on the north end of these properties overlooking the lake would impact wetlands or other waters of the state. There may be a headwater stream on tax lot 600 farther east. Please note that Tenmile Lake is state owned. A lease or registration is needed from our department to occupy the submersed or submersible lands of the lake. This assessment does not include access, but it appears that if an access road approached from the south along the high ridge and entered tax lot 600 heading directly north, that would not impact surrounding streams. This arm of Tenmile Lake is not designated Essential Salmonid Habitat”.*

Comments can be found in Exhibit D.

- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the Tribes prior to the release of the decision and none were received.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

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.b, through a prior land use decision. The parcel was found discrete thru a prior planning application D-20-001.

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.

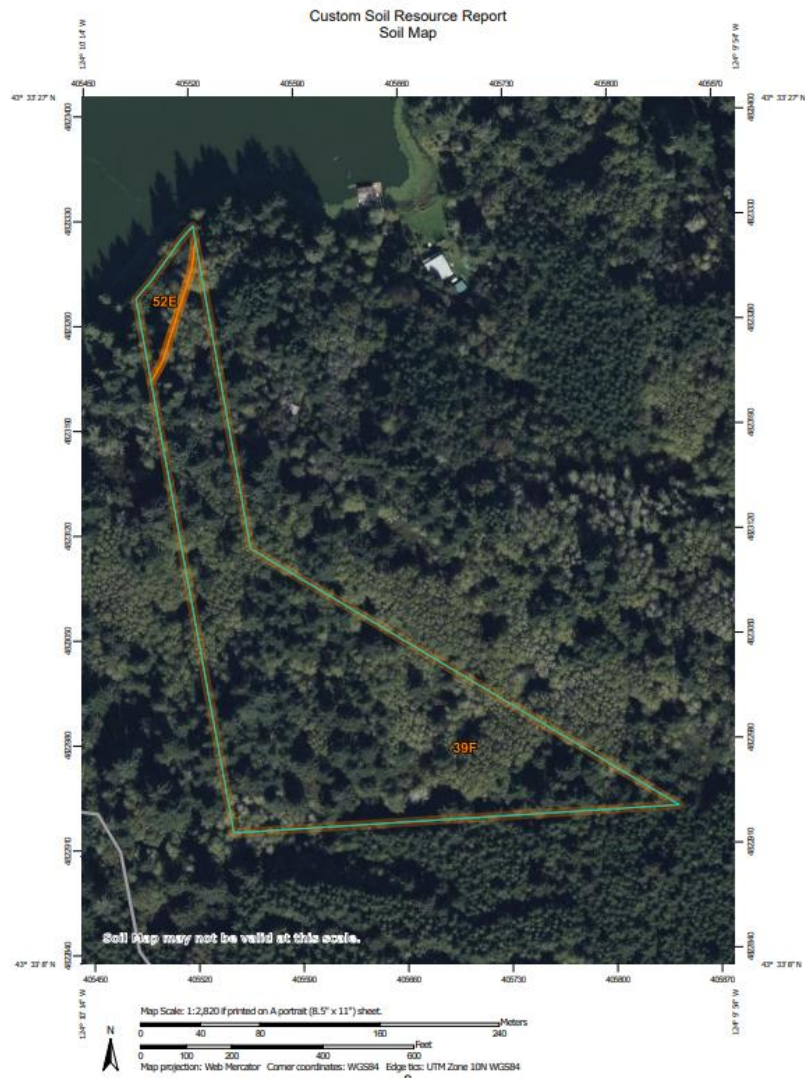
<i>Use</i>	<i>TR</i>	<i>Subject to</i>
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</i>		
<i>63. Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	<i>ACU</i>	<i>(9)(B)(II), (9)(C)</i>

- *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
39F	Millicoma-Templeton complex, 50 to 75 percent slopes	9.8	95.7%
52E	Salander silt loam, 30 to 50 percent slopes	0.4	4.3%
Totals for Area of Interest		10.3	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
39F—Millicoma-Templeton complex, 50 to 75 percent slopes				
Millicoma	Douglas-fir	119	172.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	—	—	
	Sitka spruce	—	—	
	Tanoak	—	—	
	Western hemlock	—	—	
Templeton	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	—	—	
	Sitka spruce	169	257.00	
	Western hemlock	161	257.00	
	Western redcedar	—	—	
52E—Salander silt loam, 30 to 50 percent slopes				
Salander	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Sitka spruce	177	272.00	
	Western hemlock	162	257.00	
	Western redcedar	—	—	

39F-Millicoma-Templeton complex, 50 to 75 percent slopes.

This map unit is on side slopes and ridgetops of mountains. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 55 percent Millicoma gravelly loam and 25 percent Templeton silt loam. The Millicoma soil is on narrow ridgetops and steeper side slopes, and the Templeton soil is on broad ridgetops and less sloping side slopes. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Salander soils. Also included are small areas of deep soils that have a clay loam subsoil and moderately deep soils that average less than 35 percent rock fragments. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

The Millicoma soil is moderately deep and well drained. It formed in colluvium derived dominantly from sandstone. Typically, the surface is covered with a mat of undecomposed needles, leaves, and twigs 3 inches thick. The surface layer is very dark brown and very dark

grayish brown gravelly loam 18 inches thick. The subsoil is dark brown very gravelly loam 17 inches thick. Partially weathered sandstone is at a depth of 35 inches.

Permeability of the Millicoma soil is moderately rapid. Available water capacity is about 3 to 6 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

The Templeton soil is deep and well drained. It formed in colluvium derived dominantly from sedimentary rock. Typically, the surface layer is very dark brown and dark brown silt loam 16 inches thick. The subsoil is reddish brown, yellowish red, and strong brown silty clay loam 26 inches thick. Soft, weathered, fractured siltstone is at a depth of 42 inches.

Permeability of the Templeton soil is moderate. Available water capacity is about 8.0 to 17.5 inches. Effective rooting depth is 40 to 60 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used for timber production and wildlife habitat.

This unit is suited to the production of Sitka spruce and Douglas fir. Among the other species that grow on the unit are western hemlock, western redcedar, and red alder. The understory vegetation is mainly salal, salmonberry, cascade Oregongrape, western swordfern, and vine maple.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Millicoma soil. 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 184 cubic feet per acre per year.

On the basis of a 50-year site curve, the mean site index for Douglas fir is 120. On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180 on the Templeton soil. At the culmination of the mean annual increment (CMAI), the production of 50-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 270 cubic feet per acre per year.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer of the Templeton soil to compaction, steepness of slope, the hazards of erosion and windthrow, and plant competition. Highlead or other cable logging systems are most suitable.

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 gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Locating roads on midslopes results in large cuts and fills and thus removes land from production. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope

and reduces the potential for sedimentation. Sitka spruce, a shallow rooted tree, commonly is subject to windthrow.

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 Sitka spruce, Douglas fir, and western hemlock seedlings.

This map unit is in capability subclass VIIe.

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

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

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

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

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

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

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

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

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

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

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

This map unit is in capability subclass VIe.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 39F-Millicoma-Templeton complex and 52E-Salander silt loam soil type. Based on the plot plan, the dwelling appears to be located in the 39F soil type. The volume of wood fiber per year for 39F is 186 cubic feet per acre per year for Douglas-fir species in the Templeton soil type.

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.b, through a prior land use decision. 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 not touch a road created before 1993 or perennial stream. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant stated “*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 12 parcels within the 160 acre square ranging from 0.27 acres to 123.00 acres of which are zoned F, EFU & RR-2. 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*”.

Staff used the 160-acre square for the template test. Staff found that the multiple parcels under the same ownership of the landowner identified as, had created dates after 1993:

**Township 23S, Range 12W, Section 19D, Tax Lot 600
Township 23S, Range 12W, Section 19D, Tax Lot 601
Township 23S, Range 12W, Section 19, Tax Lot 1400
Township 23S, Range 12W, Section 19, Tax Lot 1500**

While these parcels have a created date of 2021. 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 there were multiple property line adjustments since 1993; Staff found that the original parcel configuration within the 160-acre template rectangle had sufficient number of parcels with dwellings. Staff also finds that tax lot 600, 601, 1400 & 1500 were not reconfigured for the purposes of meeting the criteria of a template test on the subject property.

Staff finds at least fifteen (15) parcels with the 160-acre template rectangle were created before January 1, 1993. Staff found that at least six (6) of these parcels had dwellings created before January 1, 1993. A map of template square and qualifying parcels may be found above.

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

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

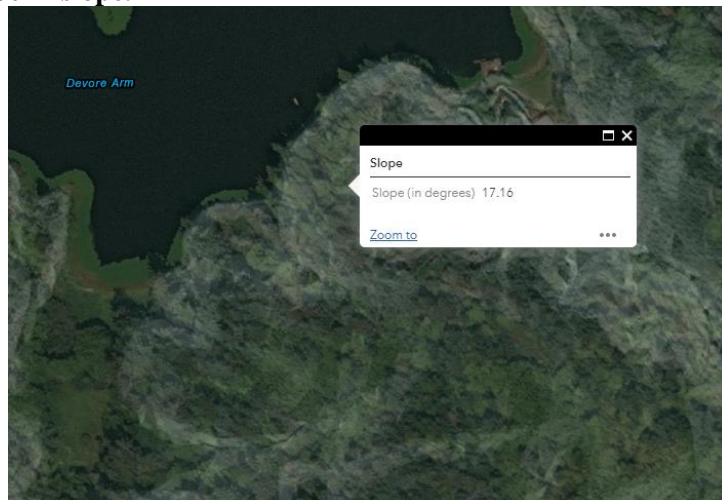
1. A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
 - (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is 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 *“The property has steep slopes. The proposed home site is located on a relatively flat bench”*.

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 17.16 degrees, which is 30.88% in slope.



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

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well 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 subject property is not within a rural fire protection district. Therefore, this criterion is addressed below.

Section 4.6.110(9)(C)(1)(b)(E) The subject property is not within a rural fire protection district. The applicant submitted the following letter.



P.O. Box 340
245 Deer Creek Road
Selma, OR 97538
Phone (541) 597-2003

Rough & Ready Lumber LLC
Perpetua Forests Company

September 30, 2021

Jeremy Roberts, Chief
Lakeside RFPD
P.O. Box 243
Lakeside, OR 97449

Dear Chief Roberts

Rough & Ready Lumber LLC owns property along Tenmile Lake on the Devore Arm near Lakeside. We are developing properties with lake frontage as shown on the attached drawing and would like to be included in the Lakeside Rural Fire Protection District. We eventually plan to build road access to the properties but they are currently accessed by water only.

Could you please review and let us know if these properties can be included in the Lakeside RFPD?

Thank you


Link Phillippi, President
Rough & Ready Lumber LLC
P.O. Box 340
Selma, OR 97538

Therefore, this criterion has been addressed.

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): The subject property is not currently within a rural fire protection district. The applicant requested to be annexed into the Lakeside RFPD. As a condition of approval, if the subject property is not successfully annexed into a RFPD. Then the applicant must install a minimum of two 2500-gallon water storage tanks that are dedicated to be used for fire protection. Therefore, this has been addressed.

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

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

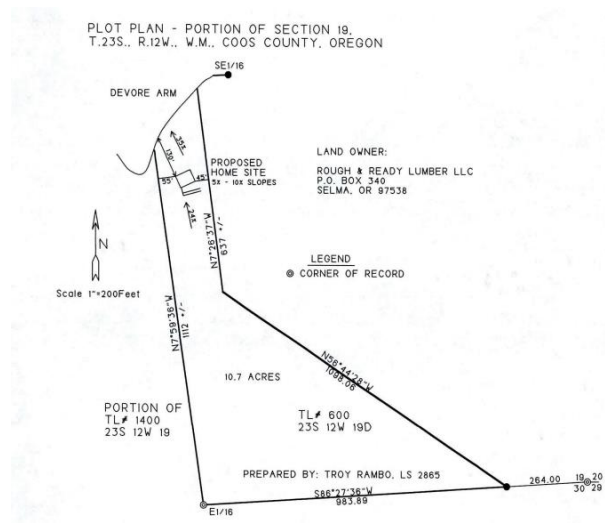
1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) The amount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

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

permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

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

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The proposed homesite is located approximately at the north end of the subject property, as shown on the applicants plot plan. The northern property line is the Devore Arm of Tenmile Lake. Based on the plot plan, the applicant's proposal is 130 feet from the northern property line. There is a Coastal Shoreland Boundary overlay zone on the subject property. The CSB is at least 100 feet from the edge of the MHHW line. Staff finds the proposed location is outside of the CSB. Staff believes that Oregon Forest Practices Act would require at least a similar 100 foot riparian buffer of harvesting from the lake as well. The proposed dwelling is located only 45 feet from the northeastern property line and 55 feet from the northwestern property line.





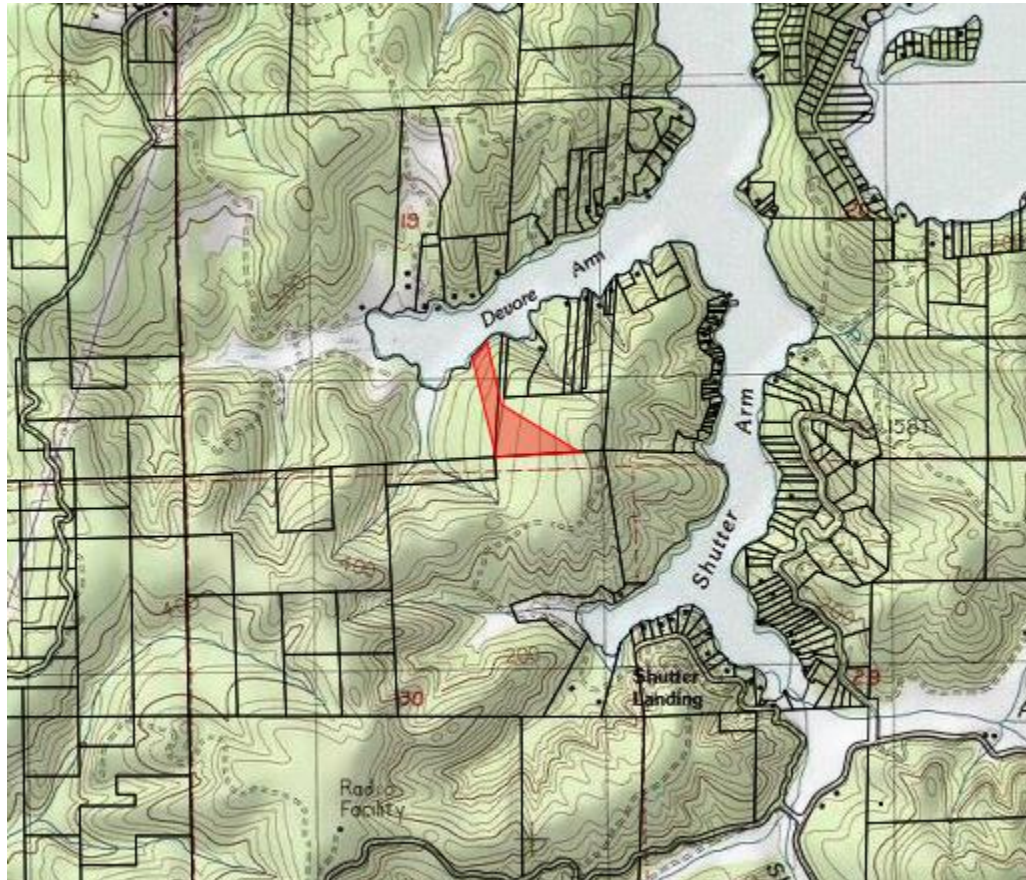
The above map shows the properties nearby. The subject property is located off an unnamed private road, south of the City of Lakeside. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The property owner is creating a new home site. The area proposed is located on a fairly flat bench located outside of the high landslide area. The proposed site is also located 130 feet +/- from the highwater line of Ten Mile Lake. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The applicant is using the proposed site which requires a minimal of trees to be removed; therefore, the removal of forest lands used to site access roads, service corridors, the dwelling and structures will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.”*. The applicant did not provide any other additional information about resources uses on the adjacent lands.

Based on the aerial photos, there appears to be reforested lands on the adjacent parcel to the south. 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.

The parcel located to the south of the subject property appears to be utilized for commercial timber. Staff estimated that the timber stands are approximately 150 acres in size. This parcel has the potential for aerial herbicide treatments. However, Staff estimates these timber stands are located over 1050 ft from the proposed dwelling location.

The parcels toward the west, and the parcel towards the east, of the subject property currently have template dwellings applications under review. There are commercial timber resources on these properties as well. However, these parcels are all under 40 acres in size, so Staff finds it reasonable to conclude that the preferred method of vegetation control will be using groundside herbicide methods.

According to the topographic map below, the adjacent parcels appear to have slopes above 35%, so cable harvesting methods would be preferred. Based on ODF Land Use Notes, the preferred safety distance from cable harvesting to dwellings is a 500 feet buffer. The dwelling is located in the northern portion of the subject property overlooking the lake. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels towards the south. Staff does not find that the location of the dwelling will not affect the harvesting potential of the adjacent parcel towards the east given the strange shape of parcels. These parcels were changed by recent approved property line adjustments. Minimizing the ability of land to be commercial timber harvested is not an approval criterion for property line adjustment.

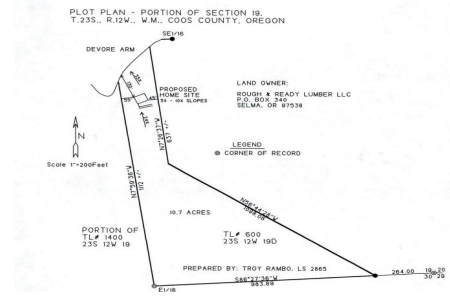


Based on reviewing aerial photos and planning department records, Staff did not find any farming on nearby lands.

The subject property is odd shape. Given the location of the proposed dwelling is located on the northern portion of the property. Given that based on topographic map, there is only southern triangle that is potentially harvestable using cable harvesting without cutting harvest corridors on the adjacent parcel. Staff finds the proposed location minimizes the amount of land is taken out of resource production.

Therefore, Staff finds the applicant's proposed location minimizes the effects of the proposed dwelling on farming & forest practices on the subject property, as well on nearby lands.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is oddly shaped and consists of triangular shaped south portion and rather narrow northern rectangle only approximately 150 ft wide. The plot plan did not indicate where the road will be place. Therefore, Staff could not definitely conclude how the applicant’s proposal minimizes the amount land removed for access roads. Therefore, Staff is not finding this application minimizes the amount of land removed for the proposed dwelling.



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 “*The proposed site is also located 130 feet +/- from the highwater line of Ten Mile Lake*” and there are steep slopes (35%) that are up below and moderate (24%) slopes above of the proposed dwelling, based on the submitted plot plan. Avoiding long driveways are also recommended. The applicant did not indicate the road to the proposed dwelling. However, the applicant indicated that the subject property will access Hilltop Drive. Staff is estimating is at least 1.5 miles of road will need to constructed to connect from the subject property to Hilltop Drive. While neither of these elements appear to be implement with the development proposal. Staff believes the irregular parcel shape and rugged topography of the subject location is the cause of this. The third factor to address is the vegetive fuels on the subject property. Based on the slope information of the Oregon LiDAR Viewer map, 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. The plot plan indicates a proposed structure only 130 feet from the northern property line. Because of the shore, the vegetation buffer will remain moist throughout the year, reducing the chance of fire spreading. In the riparian vegetation protection zone, the applicants did not provide any evidence of trees that were considered a safety hazard or erosion hazard. In this application, the applicants are not proposing any water dependent uses; they are not proposing shoreline stabilization measures; they are not planning agricultural operations; and there are no pre-existing structures associated with this application. Within the Coastal Shoreland Boundary, any removal of riparian vegetation requires a conditional use permit. Staff finds that primary or secondary fuel breaks will not be required in the CSB, since the riparian vegetation buffer provides a sufficient natural barrier against the spread of fire (applicable LUBA opinion Lovinger v. Lane County 51 OR LUBA 29 allows this finding). Staff finds that these measures will mitigate the effects of the proposed dwelling on the riparian vegetation protection zone (CSB) The applicant is not authorized to install fire break into the Coastal Shoreland Boundary.

As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff finds that the proposed development on adjacent farmlands and forests will be mitigated if the applicant places the development at the location identified on the plot plan.

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. The applicant did not provide an access easement or road maintenance agreement for the subject property. Therefore, as a condition of approval, the applicant will be required to comply with this requirement before a valid final zoning compliance letter may be issued.

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>
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.

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

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

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

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

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

Section 4.6.140(6) requires a setback from any wetland. There are mapped wetlands or water bodies requiring protection on, or adjacent to the subject property. However, this rule only requires 50 feet of protection. This 50-foot buffer is entirely inside the Coastal Shoreland Boundary overlay zone. The applicant is not allowed to developed, or remove vegetation within the CSB zone at this time. Therefore, this criterion is not applicable.

Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The applicant indicated the subject property is not within a fire district. However, based on Assessor's records, Staff finds that the proposed dwelling will be located within the Lakeside 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. While the applicants did request to have alternative forms of fire protection considered. Staff has found that the subject property is located within a fire district. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient $\frac{3}{4}$ 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 $\frac{3}{4}$ 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 5 to 10%. 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 17.16 degrees, which is 30.88% 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 photos, Staff did not find any water sources meeting this criterion on the subject property. Therefore, this criterion has been addressed.

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

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

Section 4.6.140(16) requires adequate access for firefighting equipment. The applicant did not provide any easements or road maintenance agreements for the road to the subject property.

If the private access road involves a bridge, then 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, to the minimum standards for “Local Residential serving four or more dwellings 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 Concrete 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
Local Residential serving four or more dwelling	3	0-600	60'	24'	20'	10"	2" Optional	12%	56 deg	13.5'	500'

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.

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

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

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)
The Coastal Shoreland Boundary map has inventoried the following:

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

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal

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

Coos County shall consider:

- i. "Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
- ii. "Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
- iii. "Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
- iv. "Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
- v. "Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*

c. Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

FINDING: The applicant's plot plan identified the proposed house site was approximately 130 feet from the high ordinary water line. Attached below is a map of the Coastal Shoreland Boundary on the subject property.



The applicant’s proposal did mention the development of a dock, which would be within the Coastal Shoreland Boundary. However, the applicant followed up within a clarification email that no development will happen in CSB at this time. The CSB in this area is approximately 100 feet. As a condition of approval, the applicants shall not remove any vegetation within the Coastal Shoreland Boundary.

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.

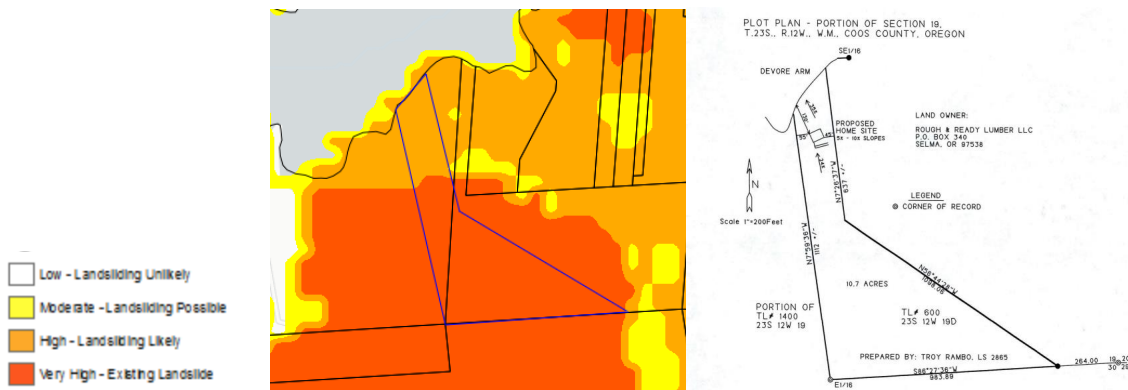
4.11.150 Geological Hazards special development Review Standards

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.” Staff finds the location of the dwelling will be within the High-Landsliding Likely overlay zone.



As a condition of approval, the applicant shall submit a geologic hazard assessment report, consistent with the requirements of Section 4.11.150, prior to requesting a zoning compliance letter.

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

FINDING: The proposed use is not regulated by the Tsunami section of the CCZLDO. Thus, this criterion is not applicable.

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.*

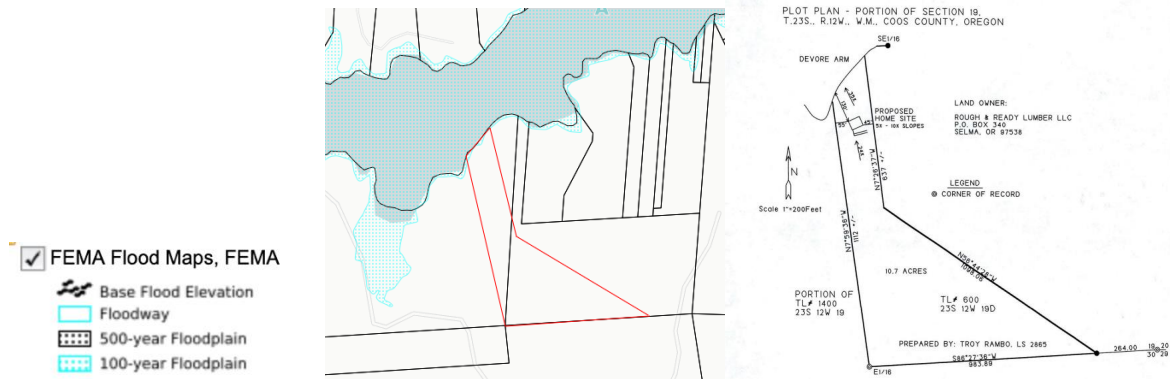
SECTION 4.11.231 LANDS TO WHICH THIS OVERLAY ZONE APPLIES

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.



The plot plan does indicate that the proposed development will be outside of the mapped 100-year floodplain. Therefore, this criterion has been addressed.

FLOATING ZONE: AIRPORT SURFACES

SECTION 4.11.300 Purpose:

The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport’s vicinity. An obstruction may affect future instrument approach minimums and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

Finding for Section 4.11.300: Staff notified the Oregon Department of Aviation (ODA) of the proposed dwelling. ODA did not send a response for this application, however ODA response for an adjacent application by the same applicant. Seth Thompson, ODA, responded thru electronic mail on November 8, 2021, that ODA offered the following comments for ACU-21-071: “At this time, the precise location of the proposal does not appear to be established. However, an aeronautical evaluation may be required for the proposed structure. Please notify the ODA of future applications for this proposal to allow the ODA to request an aeronautical evaluation if needed”. Therefore, the criterion for the airport overlay zone have been met.

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.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Monday, April 20, 2026. Currently, this application will not qualify for an extension change in template dwelling law on November 1, 2021.

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: Lakeside Rural Fire Protection 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" Comments Received


Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2021-1190

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-072	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
23S	12W	19	D	undetermined

Street Address
Address Line 2
City
Lakeside
Postal / Zip Code
97449

State / Province / Region
OR
Country
Coos

Latitude
43.556217

Longitude
-124.170144

Wetland/Waterway/Other Water Features ⬆

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

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

The property includes or is adjacent to state-owned waters.

Your Activity ⬆

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

Applicable Oregon Removal-Fill Permit Requirement(s)



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

Closing Information



Additional Comments

This response is for Tax lot 600 and 350 feet of adjacent tax lot 1400 to the west. Please refer to response for WN2021-1189. It appears that a homesite, positioned on TL 1400 overlooking the lake, as shown in the submitted site plan, will not impact wetlands or other waters of the state. The position is high enough above the water to avoid any wetlands that may be adjacent to the lake. Tenmile Lake is jurisdictional and is a state-owned water. A lease or registration is required to occupy the submersed or submersible lands of the lake. At this location the lake is not designated Essential Salmonid Habitat.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

11/24/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300

EXHIBIT "E"
Application

2



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-21-072

Date Received: 10/28/21 Receipt #: 228668 Received by: UMB
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) Rough & Ready Lumber LLC
Mailing address: P.O. Box 340, Selma, OR 97538
Phone: 541-287-0456 Email: linkp@rmlumber.com
Township: 23S Range: 12W Section: 19 ¼ Section: D 1/16 Section: Select Tax lots: not assigned yet
Select Select Select Select Select
Tax Account Number(s): portion of 29200 Zone: Select Zone Forest Mixed Use (FMU)
Tax Account Number(s) & 28500 Forest Mixed Use (FMU)

B. Applicant(s) Link Phillippi, President of Rough & Ready Lumber LLC
Mailing address: P.O. Box 340, Selma, OR 97538
Phone: 541-287-0456 Email: linkp@rmlumber.com

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

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

Special Districts and Services
Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
School District: North Bend Fire District: Select Fire District

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.
Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

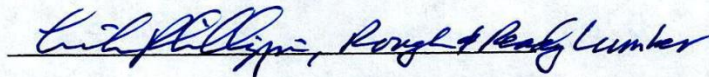
- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County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

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

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

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

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

Type of Access: Select

Name of Access: Boat Access

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 # _____

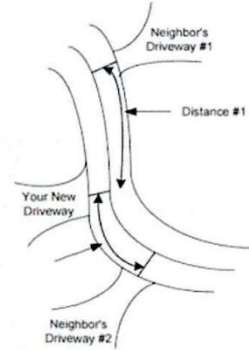
File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR
NEW DRIVEWAY: No Road at this time

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:

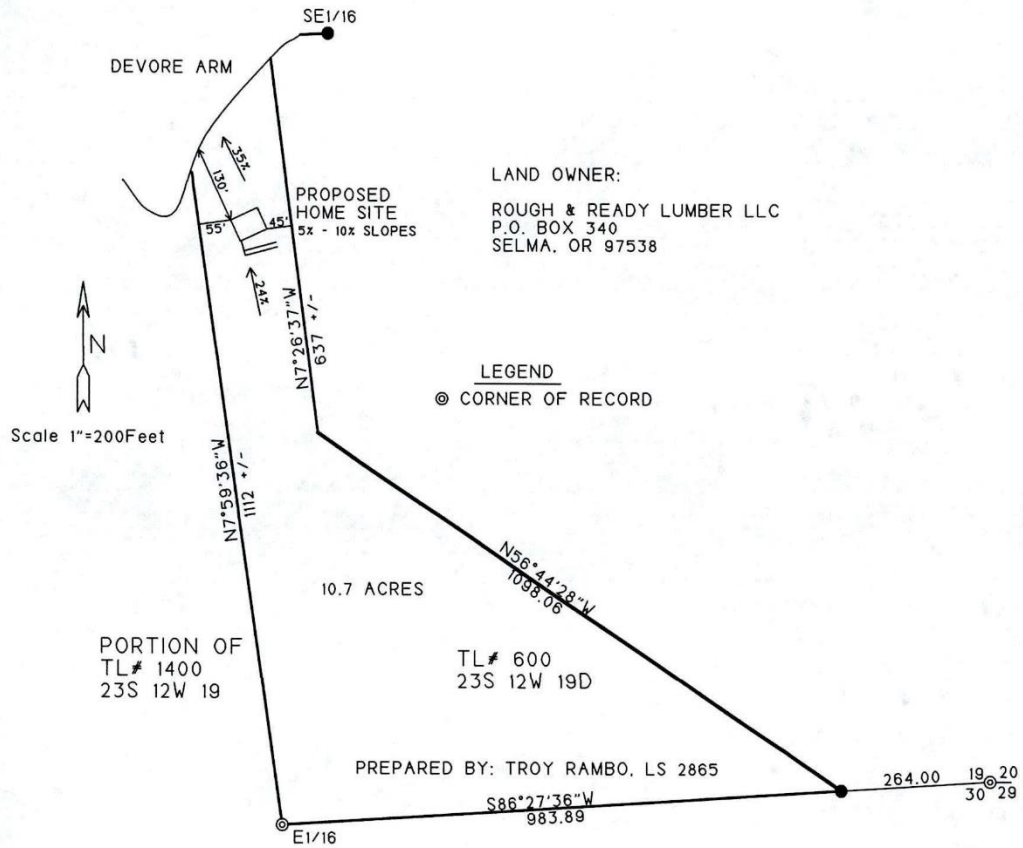
Staff Reviewing Application: _____

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:

PLOT PLAN - PORTION OF SECTION 19,
T.23S., R.12W., W.M., COOS COUNTY, OREGON



October 22, 2021

Coos County Planning Dept.

Subject Property – A portion of T.L.# 1400 of Section 19 and a portion of T.L.# 600 of Section 19D, all in T.23S., R.12W., W.M., Coos County, Oregon

Applicant/Owner:

Rough & Ready Lumber, LLC
P.O. Box 340
Selma, OR 97538

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.
- (2) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (3) 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.
- (4) 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.
- (5) (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 (4) 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 property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located on the property 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 located in the S1/2 of the SE1/4 of Section 19, Township 23S, Range 12W and consist of 10.7 acres, more or less.**
- **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 12 parcels within the 160 acre square ranging from 0.27 acres to 123.00 acres of which are zoned F, EFU & RR-2. 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 15.6 acres, more or less. The property is growing trees.**
 - **The dwelling will have a fire retardant roof.**
 - **The property has steep slopes. The proposed home site is located on a relatively flat bench.**
 - **The property is not located within a 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 maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.**
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

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

- **The property is not within a fire district but the district has been contacted to see if the subject property could be annexed into the district. As an alternative fire protection method, two 2500 water storage tanks shall be placed so that a gravity system could be utilized in the event of a fire.**
- **Ten Mile Lake could be used for an additional water supply for fire protection.**

<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 nearby¹¹¹ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines

that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

- (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Response to SECTION 4.6.130

- **The property owner is creating a new home site. The area proposed is located on a fairly flat bench located outside of the high landslide area. The proposed site is also located 130 feet +/- from the highwater line of Ten Mile Lake. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The applicant is using the proposed site which requires a minimal of trees to be removed; therefore, the removal of forest lands used to site access roads, service corridors, the dwelling and structures 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.**
- **Currently the access to the subject tract is by water craft. The future plan is to open up an existing road to provide road access to the subject property via Hilltop Road.**
- **The subject property is being used timber production and will meet the minimum stocking requirements.**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. **Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.**
2. **Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.**
3. **Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.**
4. **Off-Street Parking and Loading: See Chapter VII.**

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

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

Table 1 – Minimum Primary Safety Zone

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

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection

pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

13. The dwelling shall not be sited on a slope of greater than 40 percent.
14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
 - **There are currently no roads.**
 - **There are no fences on the property.**
 - **Driveway/Access/Parking Permit – N/A – Watercraft access only at this time. A future road for access is planned.**
 - **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
 - **No riparian vegetation will not be disturbed during the development of the site.**
 - **The property is not within a Rural Fire Protection District but has been applied for. Two 2500 gallon storage are proposed for additional fire protection.**
 - **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
 - **The slope on the proposed home site is between 0% to 5% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
 - **The proposed dwelling use non-combustible or fire resistant roofing materials.**
 - **Ten Mile Lake could be used as an additional water supply that exceeds 4,000 gallons.**
 - **The dwelling will not be sited on a slope of greater than 40 percent.**
 - **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- Access – currently only by watercraft.**



Rough & Ready Lumber LLC
Perpetua Forests Company

P.O. Box 340
245 Deer Creek Road
Selma, OR 97538
Phone (541) 597-2003

September 30, 2021

Jeremy Roberts, Chief
Lakeside RFPD
P.O. Box 243
Lakeside, OR 97449

Dear Chief Roberts

Rough & Ready Lumber LLC owns property along Tenmile Lake on the Devore Arm near Lakeside. We are developing properties with lake frontage as shown on the attached drawing and would like to be included in the Lakeside Rural Fire Protection District. We eventually plan to build road access to the properties but they are currently accessed by water only.

Could you please review and let us know if these properties can be included in the Lakeside RFPD?

Thank you

A handwritten signature in black ink, appearing to read 'Link Phillippi', is written over a faint, illegible printed name.

Link Phillippi, President
Rough & Ready Lumber LLC
P.O. Box 340
Selma, OR 97538