



STAFF REPORT

MATTER DETAILS – AGENDA ITEM IV.

FILE NUMBERS: AM-21-004/RZ-21-004/ACU-21-086

APPLICANT: Laura Davis
11609 NE Finn Hill Loop
Carlton, OR 97111

CONSULTANTS: Troy Rambo
mandrllc@frontier.com

SUMMARY PROPOSAL: Plan Amendment and Rezone and two Conditional Use Requests. The first request is to change in the Plan Map from Agriculture to Forest with a Mixed Use Overlay. Amend the Zone map from Exclusive Farm Use (EFU) to Forest / Mixed Use (F/MU). A Conditional Use Request for a Forest Template Dwelling.

STAFF CONTACT: Amy Dibble, Planner II
adibble@co.coos.or.us

PUBLIC HEARING DATE: December 2, 2021 at 7:00 P.M.

HEARINGS BODY: Coos County Planning Commission

**THIS MEETING MAY BE ATTENDED THROUGH THE GOTOMEETING PLAT FORM.
Planning Commission**

Thu, Dec 2, 2021 7:00 PM - 10:00 PM (PST)

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Access Code: 588-742-533

Submission of Written Evidence

- a. Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- b. Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- c. E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- d. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.

e. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]

Testimony shall be submitted by the deadline provided at the hearing or the close of the record.

**STAFF REPORT
FINDINGS OF FACT AND RECOMMENDATIONS**

I. APPLICABLE CRITERIA

The landowner, Laura Davis, is requesting a rezone of 37 acre tract of land located approximately 3 miles Northeast of the City of Myrtle Point, Oregon. The subject property is currently zoned EFU. The landowner wishes to change the zone designation Exclusive Farm Use (EFU) to Forest (F) with a "Mixed Use" (Agriculture) overlay. The subject is located North of North Fork Road and West of Echo Valley Road.

The proposal is for an Amendment to the Coos County Comprehensive Plan Map and the Coos County Official Zoning Map by Rezoning the subject property from the current Plan Map Designation Agricultural to Forest and included in the Mixed Use Overlay and amend the Official Zone Map Designation from Exclusive Farm Use to Forest/Mixed Use subject to Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I - Policy 5.4 Plan Implementation Strategies; Volume I, Part II, 3.2(5) Forest Lands, Implementation Strategies; Oregon's Statewide Planning Goals & Guidelines - Goal 3 - Agricultural Lands; and Goal 4 - Forest Lands.

The request for a Forest Template Dwelling subject to CCZLDO § 4.6.120 § 4.6.120(9)(B)(II) - Review Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Template Dwelling; § 4.6.120(9)(C) - Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Additional Criteria for all Dwellings Allowed in the Forest and Forest Mixed Use Zones; § 4.6.130 Additional Criteria for all New and Replacement Dwellings and Structures In Forest; and § 4.6.140 Development and Siting Criteria.

Key definitions:

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.*

HIGH-VALUE FARMLAND: *"High-value farmland" means land in a tract composed predominantly of soils that are:*

- A. Irrigated and classified prime, unique, Class I or Class II; or*
- B. Not irrigated and classified prime, unique, Class I or Class II.*

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

FOREST LAND: *Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.*

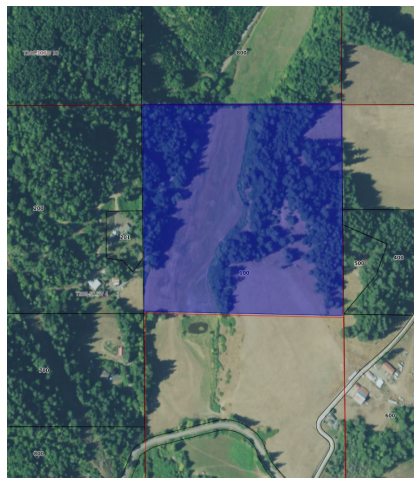
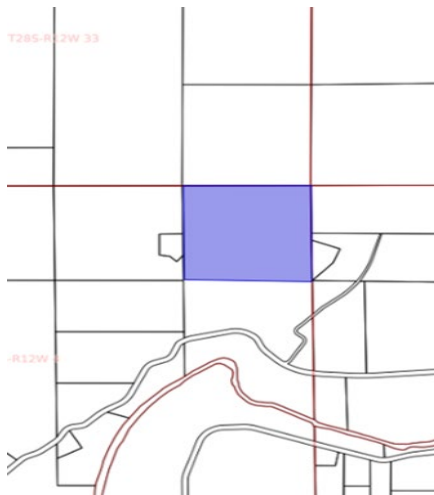
II. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: According to the application the property owner is seeking approval to rezone the subject property from Exclusive Farm Use (EFU) to Forest with a Mixed Use Overlay (FMU). This will change the plan designation for Agriculture to Forest and amend the Plan Maps from Exclusive Farm Use to Forest with a Mixed Use Overlay.

The applicant is also requesting to requalify the dwelling to a Template (Forest Dwelling).

B. BACKGROUND/PROPERTY HISTORY:

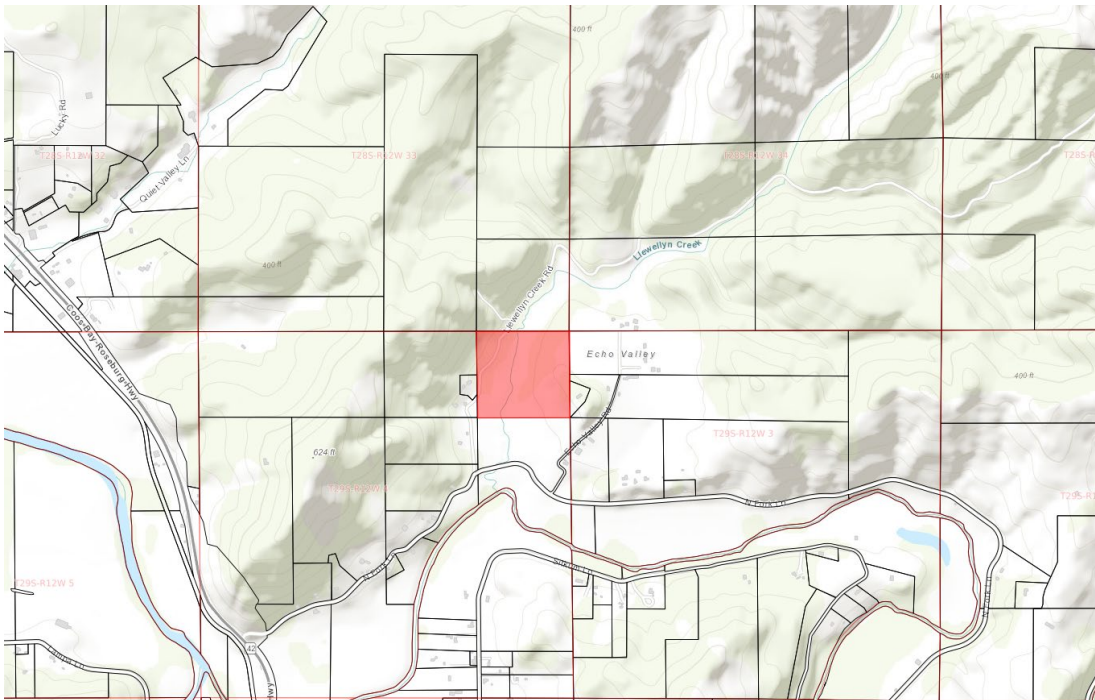
This property was determined to be a lawfully created unit of land through a Lawfully Established Parcel Determination Application (D-21-001).



Troy Rambo, Registered Professional Surveyor submitted an application to certified that the portion of a tax lot is described in a separate deed document (Volume 284 Page 735 recorded March 9, 1961) prior to applicable planning, zoning or subdivision or partition ordinances that would prohibit the creation.

A pre-application meeting was held on this property in 2020. Department of Land Conservation and Development stated they had no objection as long as the soils could meet Forest Soils.

C. LAND TOPOGRAPHY AND SOIL TYPE:



Surrounding Properties

The adjacent lands are Zoned RR-5, EFU and Forest.

Land Topography and Soil Type

The subject property can be used for either timberland or farming if adequate water is available. The slopes of the subject property are 3% to 7%. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 47.3% of soil type 13E (Dement silt loam - 30% to 50% slopes), 20.5% soil of type 34 (Langlois silty clay loam - flood plain), 4.3% of soil type 47B (Pyburn silty clay - 0% - 8% slopes), 11.2% of soil type 48 (Quosatana silt loam - 0% - 3% slopes), 11.2% of soil type 63B (Wintley silt loam - 0% - 8% slopes) and 5.5% of soil type 63D (Wintley silt loam - 15% to 30% slopes).

68% of the of the above listed soils will grow trees while the remainder of the soil types are located in the flood plain. Based on the 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

Based on these growth rate, these soils will support both agricultural, if water is available, and forest production which would comply with the Forest Mixed Use classification.

Current Property Use:

The subject property is vacant and is growing Douglas fir trees and grass.

Statewide Planning Goals

Pursuant to Statewide Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil types listed above, the subject property is predominantly forestland by both use and definition.

The soil type also is suitable for agricultural uses pursuant to Statewide Planning Goal 3, therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay.

III. BASIC FINDINGS:

A. SUBJECT PROPERTY INFORMATION:

Account Number:	1111700
Map Number:	29S120400-00100
Property Owner:	DAVIS, LAURA LOUISE C/O LARSEN FAMILY TRUST 54135 ECHO VALLEY RD MYRTLE POINT, OR 97458-7617
Situs Address:	53921 ECHO VALLEY RD MYRTLE POINT, OR 97458
Acreage:	78.72 Acres
Zoning:	EXCLUSIVE FARM USE (EFU) FOREST (F)
Special Development Considerations and overlays:	FLOODPLAIN (FP) FOREST MIXED USE (MU) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - EROSION - RIVER BANK EROSION (NHERR) WET MEADOW WETLAND (WM) WETLANDS (WET)

B. LOCATION: The subject property is located north of the City of Myrtle Point accessed off an existing easement via Echo Valley Road.

C. ZONING: - This property is zoned Exclusive Farm Use (EFU) and Forest (F) with a Mixed Use (MU) overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

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.

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.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

EXCLUSIVE FARM USE (EFU)

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

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

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

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

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

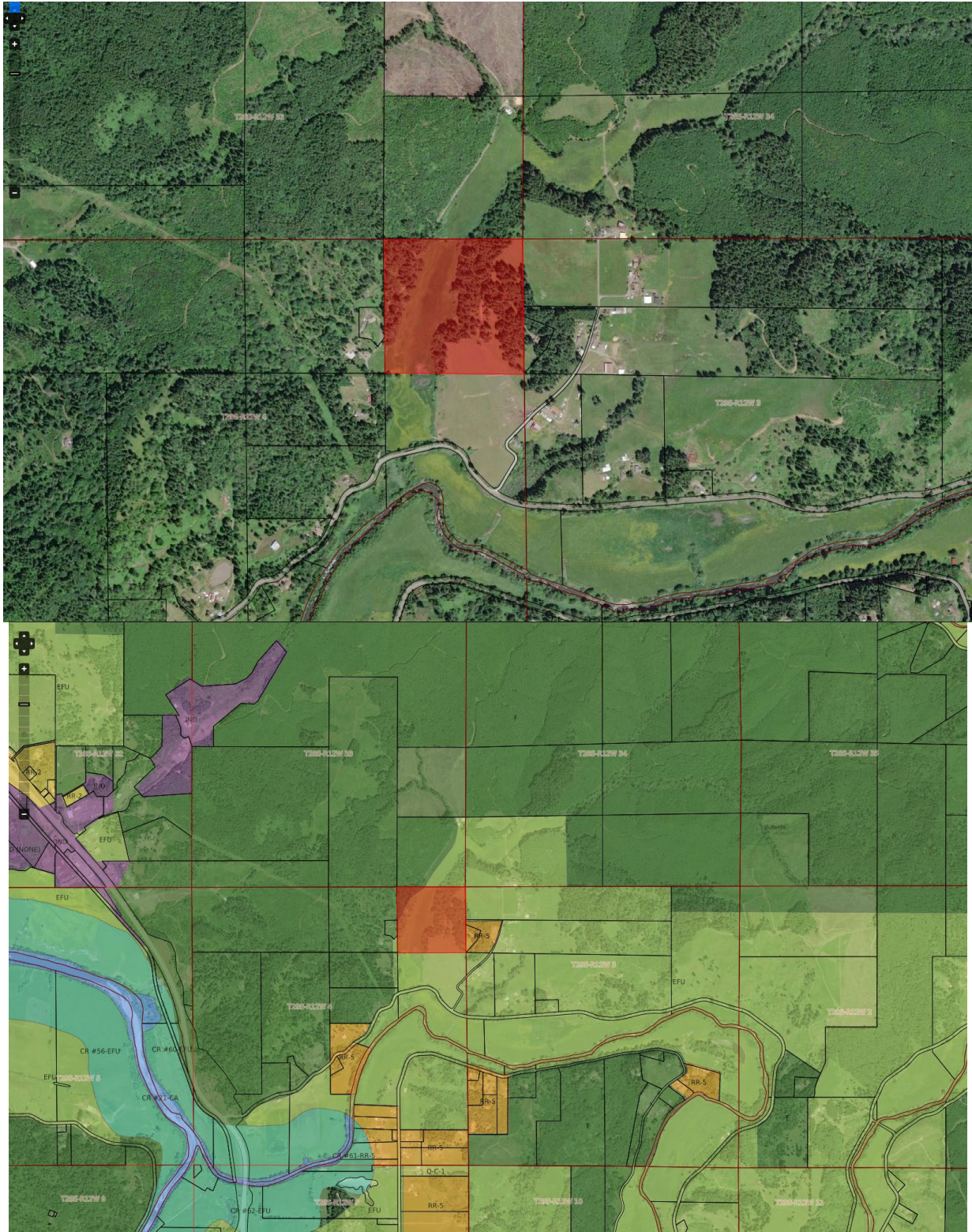
D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

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

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does include inventoried Special Development Consideration and/or Overlay as being located within the Floodplain, National Wetlands this requires that notification be provided to the Oregon Department of State Lands. The development is located outside of the floodplain.

- E. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is split zoned with the majority being zoned Exclusive Farm Use (EFU) and the northwestern corner being zoned Forest (F). The property contains approximately 37 acres, is undeveloped and consists of pastureland and trees with Llewellyn Creek running through it. The adjacent property to the north is split zoned EFU and F appears to have been logged and replanted, has pasture land and a dwelling. The adjacent properties to the east are zoned EFU and Rural Residential -5 (RR-5). The property zoned EFU consist half of pasture land and half treed and contains a dwelling, accessory structures and agricultural buildings. The properties zoned RR-5 are treed with cleared areas around the residential development. The adjacent property to the south is zoned EFU consists mainly pastureland with spare trees and contains a dwelling and agricultural structures. The adjacent properties to the west are zoned F, one is smaller and is cleared and contains residential development, while the larger property is treed with cleared areas around the residential development.



F. NOTICE REQUIREMENT: This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS

197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

G. REVIEW PERIOD: This application was submitted on September 23, 2021. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

H. COMMENTS:

a. PUBLIC AGENCY : This property required that notification be provided to the Oregon Department of State Lands to the release of this decision. Staff received a response on October 20, 2021. The Department of State Lands was unable to determine if wetlands would be disturbed during development and the applicant shall work with them at the time of development to ensure there are no compliance issues.

As explained earlier in the report DLCD did comment through the pre-application process but they had no objections.

b. PUBLIC COMMENTS: A notice of hearing was mailed to properties owners within 500 feet on November 12, 2021 and published in the *World News Paper* on November 19, 2021. No comments have been received as of the date of this report.

c. LOCAL TRIBE COMMENTS: The property did not require any request for comments to be sent to the tribes.

IV. FINDINGS AND CONCLUSIONS:

AMENDMENT / REZONE CRITERIA

Coos County Zoning and Land Development Ordinance (Ordinance)

- **ARTICLE 5.1 REZONES**

- **SECTION 5.1.200 REZONES:**

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

• **SECTION 5.1.220 PROCESS FOR REZONES:**

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

• **SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:**

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
 - b. The development of the site must conform to certain specified standards; or
 - c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
 - ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
 - iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
 - iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

• **SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

RECOMMENDED FINDING: Staff has followed the procedures and has reviewed the proposal. This is the investigation report referred to as the Staff Report. Staff recommends that the Planning

Commission finds that the proposed rezone will conform to the comprehensive plan as the soils support Forest with a Mixed Use overlay. The rezone will have no effect on the conformity of the parcel. This property was part of a larger tract but at this time the tract has been separated lawfully and this unit of land no longer represents the management of the land supported by the soils. Prime forestland in Coos County is usually reserved for large tract lands and all others contain the Mixed Use overlay to allow for both farm and forest. It would be consistent to apply the Mixed Use Overlay. The applicant has submitted findings to address these criteria.

COOS COUNTY COMPREHENSIVE PLAN

Volume I Part I

- **Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states:**
Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:
 - a. *That the proposed rezone would be at least as effective at conserving the resource as the existing zone,*
 - b. *That the proposed rezone would not create a non-conforming use,*
 - c. *That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences. Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land": Comprehensive Plan Map designation so as to correspond to the new zone, as approved.*

Implementation of this policy shall include conducting a "rezone public hearing".

This strategy recognizes:

- a. *That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;*
- b. *That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.*

RECOMMENDED FINDING:

The application request complies with these criteria.

Volume I Part II

- **3.2 Forest Lands, Implementation Strategies - 5**

There are basically two different types of forest areas in Coos County. These are (i) prime forest areas, and (ii) mixed farm-forest areas. Certain non-farm uses not allowed in the former may be allowed as conditional uses in the latter. The two types of forest land are described in greater detail, as follows:

(i) "Prime Forest Area". These areas or parcels are typically large contiguous blocks of undeveloped land which are managed exclusively for timber production with some ancillary forest uses. Intensive forest management is practiced within this classification. A parcel or area subject to this classification will be preserved primarily for forest uses.

(ii) “Mixed Farm-Forest Area”. These areas 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 ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The mixed use areas are identified at a scale of 1”=2 miles on the “Mixed Agricultural-Forest Use Areas” Comprehensive Plan inventory map. A change in the boundary of the “mixed use” inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

- 1) Mixed use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.
- 2) Mixed use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
- 3) Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

- **Oregon Administrative Rule 660-006-0057 Rezoning Land to an Agriculture/Forest Zone**

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

RECOMMENDED FINDING: Based on soils it shows that 68% of the property has a high site index for forest and the rest is farm soils of statewide importance. Given that 68% of the of the soils will grow trees while the remainder of the soil types are located in the flood plain. Based on the 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

Therefore, based on the evidence and onsite report provided staff finds that this property meets the criteria for a rezone. The proposal is consistent with the intent of the Comprehensive Plan and Ordinance. Staff does not find a conflict with this request.

ADMINISTRATIVE CONDITIONAL USE - FOREST TEMPLATE CRITERIA

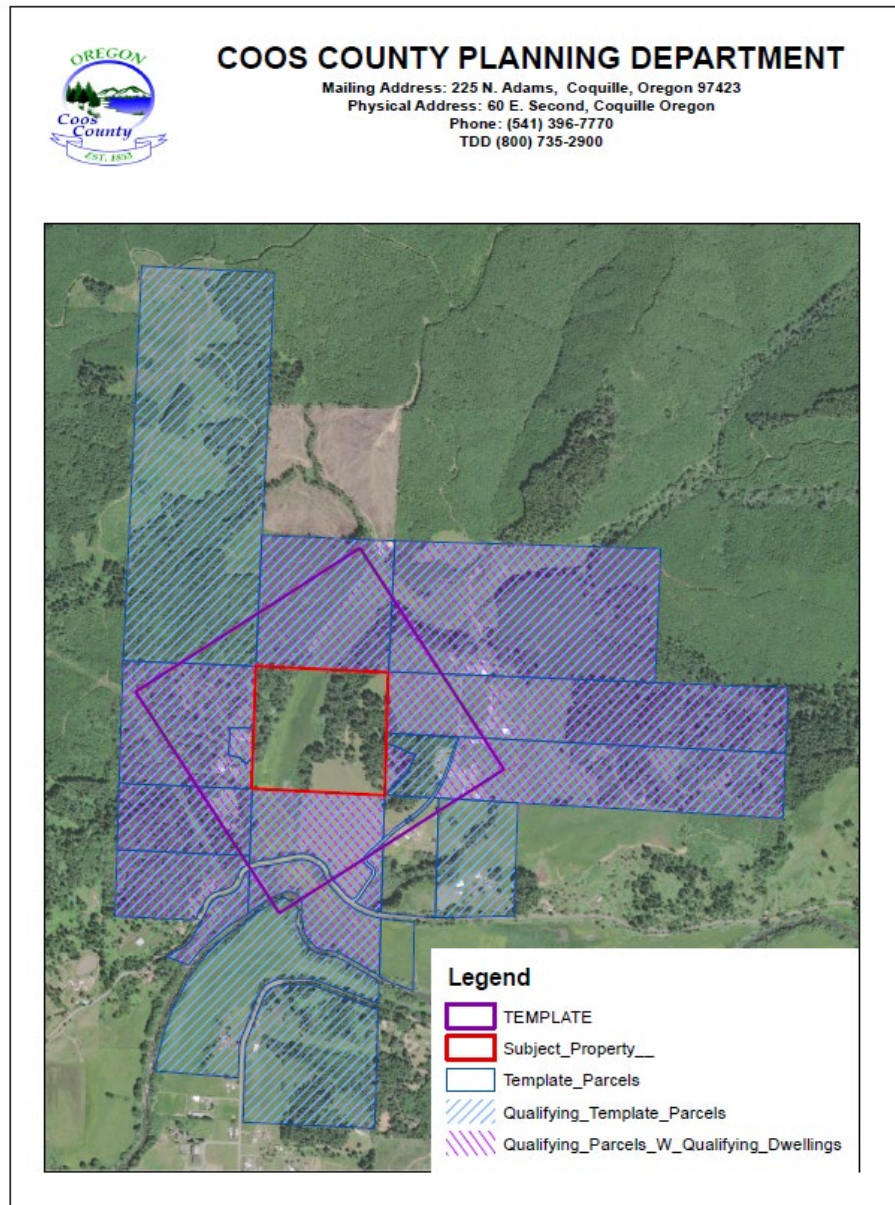
SECTION 4.6.120 Review Standards

- **(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.**
(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (2) (Reserved)
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

RECOMMENDED FINDING: According to the applicant's findings the subject properties are capable of producing more than 85 cubic feet per acre per year; therefore, requiring eleven (11) lots

or parcels and three (3) dwellings that existed prior to January 1, 1993. Staff applied the 160 acre square template with the subject property located in the center. The results show more than enough dwellings and parcels to qualify.



The proposal for a Template Dwelling will only be permitted if the rezone is approved. There are no deed restrictions that would prohibit a dwelling to be sited.

- ***(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.*

RECOMMENDED FINDING The subject property is more than 10 acres; therefore, a stocking survey report is required to be submitted to the Coos County Assessor's Office.

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

RECOMMENDED FINDING: The applicant states that the dwelling will have a fire retardant roof.

Therefore, this criterion has been addressed.

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

RECOMMENDED FINDING: The applicant states that the property has steep slopes to the north and west of the proposed homesite; however, the homesite is relatively flat with 0-5 percent slopes. Staff concurs that the approximate area of the dwelling appears to be fairly flat.

Therefore, this criterion has been addressed.

- (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.*

RECOMMENDED FINDING: The applicants states that the water source for the dwelling will be from a well.

Therefore, this criterion has been addressed.

- (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.*

RECOMMENDED FINDING: The applicant states that the subject property is located within the Myrtle Point Rural Fire Protection District.

Therefore, this criterion is satisfied.

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

RECOMMENDED FINDING: The applicant states that if the proposed dwelling has a chimney a spark arrester will be installed.

Therefore, this criterion has been addressed.

(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.*

RECOMMENDED FINDING: The applicant states that the primary fuel-free break and secondary break areas will be maintained surrounding the Single Family Dwelling. The plot plan indicates that there is adequate space to be able to maintain the fuel-free break.

Therefore, 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]*

RECOMMENDED FINDING: The applicant states that the subject property is within the Myrtle Point Rural Fire Protection District and there is no need for alternative fire protections or additional water supply.

These criteria have 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.*

RECOMMENDED FINDING: The property owner is creating a new home site, The area proposed is located in a portion of an existing field that is flat. It is also located east of Llewellyn creek. It is centrally located between the western and eastern property boundaries. The proposed site requires

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.*

no trees to be removed; thus minimizing the removal of forest land for site access roads, service corridors, the dwelling and accessory structure. The proposed structures will be built in close proximity to each other. The fuel free setbacks will be satisfied and maintained which will ensure risks of 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.*

RECOMMENDED FINDING: The *Single Family Dwelling* will be sited towards the southern portion of the property centrally located west to east with the access road and accessory structure being in close proximity.

- (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.*

RECOMMENDED FINDING: The applicants acknowledge and will provided 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 by way of a water well report. 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.

- (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.*

RECOMMENDED FINDING: The applicant states that the access is by way of a private driveway off of Echo Valley Road and the private driveway will be maintained by the property owner.

- (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.*

RECOMMENDED FINDING: This property is larger than 10 acres in size therefore, a restocking survey will be required.

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.

- a. 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.*

RECOMMENDED FINDING: There are no new parcels being created through this request; therefore, this criterion is not applicable.

- b. 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.*

RECOMMENDED FINDING: Based on the submitted Plot Plan the Single Family Dwellings will meet the minimum road setback.

Therefore, this criterion has been met.

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

RECOMMENDED FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

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

RECOMMENDED FINDING: A Driveway/Access/Parking Verification Permit application (DR-21-134) has been submitted must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.

Therefore, this criterion has been addressed.

e. 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.

RECOMMENDED FINDING: The applicant has acknowledged and will file in the deed of records of Coos County a Forest Management Covenant for both subject properties prior to receiving a Zoning Compliance Letter. The covenant covers both accepted farm and forest practices.

Therefore, this criterion has been addressed.

- f. 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.*

RECOMMENDED FINDING: According to the plot plan the proposed dwelling will be 150 feet from Llewellyn Creek. Notification has been provided to the Oregon Department of State Lands and they provided the following response:

“It is not possible to determine from an offsite assessment whether there are no wetlands in the project area. It is also unclear where the project area is located because the road is shown as going through the house on the submitted site plan, and the tax lot is not shown to its southern extent for spatial reference. Is the “existing road” North Bank Lane? Llewellyn Creek is designated Essential Salmonid Habitat. Therefore, a site inspection is needed (as described above) before any ground disturbing work is initiated. There are wetlands on the property that are likely state jurisdictional, including the pond on the west side of Llewellyn Creek to the north.

Therefore, this criterion has been met.

- g. 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.*

RECOMMENDED FINDING: The subject property is located within the boundaries of the Myrtle Point Rural Fire Protection District.

Therefore, this criterion has been met.

- h. 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.*

RECOMMENDED FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criterion has been addressed.

i. 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.*

RECOMMENDED FINDING: Proof shall provided that a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter prior to the issuance of a zoning clearance letter. This shall be provided for both of the subject properties.

Therefore, this requirement has been addressed.

j. 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

RECOMMENDED FINDING: According to the soils on the property the dwelling is within an area identified as having soils that are comprised of 47B-Pyburn silty clay that typically have percent 0 to 8 percent slopes and 63B-Wintley silt loam that typically have 0 to 8 percent slopes. This concurs with the applicants' assessment that the proposed home and accessory structure sites are relatively flat. However, , the applicants also recognize the fact that the property has steep slopes to the north and west of the proposed homesite. The plot plan shows that the setbacks are 230 feet from the southern property line and 575 feet from the eastern property line; therefore, more than satisfying the firebreak setbacks.

Therefore, this criterion has been addressed.

- k. 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.*

RECOMMENDED FINDING: The applicant states that the proposed dwelling will fire resistant roofing materials.

Therefore, this criterion has been addressed.

- l. 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).*

RECOMMENDED FINDING: The subject property does not have a water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression.

Therefore, this criterion is not applicable.

- m. The dwelling shall not be sited on a slope of greater than 40 percent.*

RECOMMENDED FINDING: The dwelling is not sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

- n. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

RECOMMENDED FINDING: The applicant states that if the proposed dwelling has a chimney a spark arrester will be installed.

Therefore, this criterion has been addressed.

- o. 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.*

RECOMMENDED FINDING: The subject property is located within the Myrtle Point Rural Fire Protection District.

Therefore, this criterion has been met.

- p. 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.*

RECOMMENDED FINDING: The subject property is within Myrtle Point Rural Fire Protection District. The driveway and access shall meet the minimum standards of Chapter VII which allow emergency vehicles to enter the property. At the time of road inspection prior to receiving a zoning compliance letter the Roadmaster or his designee will ensure the standards are met to ensure adequate access is provided for firefighting equipment.

- q. Access to new dwellings shall meet road and driveway standards in Chapter VII.*

RECOMMENDED FINDING: The subject property is within Bandon Rural Fire Protection District. The driveway and access shall meet the minimum standards of Chapter VII which allow emergency vehicles to enter the property. The applicants have submitted a Road/ Driveway Access Verification Permit (DR-21-134) and this shall be signed off by the Road Department prior to receiving a Zoning Compliance Letter.

RECOMMENDED 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. CCZLDO Section 4.6.130(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. An email from the Assessor's Office that states you have complied is acceptable.
 - d. 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.
 - e. 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.
 - f. 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.
 - 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.
3. Shall comply with the recommendations set forth in the comments received from the Oregon Department of State Lands.



Coos County Planning Department - Application and justification
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Date <u>9/23/21</u>
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File No. <u>AMRZ-F01-04</u>

AMENDMENT/REZONE APPLICATION
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: LAURA DAVIS Telephone: 503-803-6640
 Address: 11609 NE FINN HILL LOOP
CARLTON, OR 97111

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

If other than the owner, please give the owner's name and address:

B. DESCRIPTION OF PROPERTY:

Township 29S Range 12W Section 4 Tax Lot NE 1/4 OF THE NE 1/4
 Account No. 1111700 Lot Size 37 ACRES Zoning District EFU
 Existing Use FARM/FORREST - VACANT

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: Fmu

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:
 Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? _____
 Explain and provide documentation: _____

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan? _____
 Explain: _____

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? _____
 Explain: _____

c. Will the rezone comply with other adopted plan policies and ordinances? _____
 Explain: _____

(3) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledge¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO [Article 5.1](#).

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

¹ "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is “physically developed” to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is “irrevocably committed” to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A “reasons exception” addressing the following standards is met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 ½” x 11” paper. If proposed structures are not know then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consistent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

LSD

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

LSD

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

LSD

As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

LSD

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Laura K Davis
Applicant(s) Original Signature

Applicant(s) Original Signature

9.21.21
Date

² Property owner” means the owner of record, including a contract purchaser

APPLICANT'S EXHIBIT "A"

LAURA DAVIS TO FOREST PLAN AMENDMENT AND REZONE NE1/4 of the NE1/4 of Section 4, T.29S., R.12W., W.M. Coos County, Oregon

INTRODUCTION

Overview

The landowner, Laura Davis, is requesting a rezone of 37 acre tract of land located approximately 3 miles Northeast of the City of Myrtle Point, Oregon. The subject property is currently zoned EFU.

The landowner wishes to change the zone designation Exclusive Farm Use (EFU) to Forest (F) with a "Mixed Use" (Agriculture) overlay. The subject is located North of North Fork Road and West of Echo Valley Road.

Surrounding Properties

The adjacent lands are Zoned RR-5, EFU and Forest.

Land Topography and Soil Type

The subject property can be used for either timberland or farming if adequate water is available. The slopes of the subject property are 3% to 7%. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 47.3% of soil type 13E (Dement silt loam – 30% to 50% slopes), 20.5% soil of type 34 (Langlois silty clay loam – flood plain), 4.3% of soil type 47B (Pyburn silty clay – 0% - 8% slopes), 11.2% of soil type 48 (Quosatana silt loam – 0% - 3% slopes), 11.2% of soil type 63B (Wintley silt loam – 0% - 8% slopes) and 5.5% of soil type 63D (Wintley silt loam – 15% to 30% slopes).

68% of the of the above listed soils will grow trees while the remainder of the soil types are located in the flood plain. Based on the 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

Based on these growth rate, these soils will support both agricultural, if water is available, and forest production which would comply with the Forest Mixed Use classification.

Current Property Use:

The subject property is vacant and is growing Douglas fir trees and grass.

State Wide Planning Goals

Pursuant to State Wide Land Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil types listed above, the subject property is predominantly forestland by both use and definition.

The soil type also is suitable for agricultural uses pursuant to State Wide Planning Goal 3, therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay.

Pursuant to Appendix 1, Volume 1 Policy 5.4(8) of the Coos County Comprehensive Plan, State Wide Planning Goals 3 and 4, the applicable Oregon Administrative Rule 660-006-0057, the applicant hereby requests a change of the current zone designation from Exclusive Farm Use (EFU) to Forest (F) with a mixed use agricultural overlay. The proposed zone change will better support the predominant forest use and the subordinate agricultural traits of the subject property.

FINDING OF FACTS AND CONCLUSIONS

OREGON ADMINISTRATIVE RULES

OAR 660-06-057 - Rezoning Land to an Agricultural/Forest Zone

Any rezoning or plan amendment of lands from an acknowledged zone or plan designation to an Agriculture/Forest zone require a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 or 4 can be applied alone.

According to the Natural Resource Conservation Service (NRCS) survey map, there are multiple soil types within the boundaries of the subject property. For forestry purposes, on the basis of a 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest and farm with homes sited on the EFU and Forest zoned portions of the properties.

Based on the predominant forest use and soil characteristics of the subject property and adjacent properties, a conclusion can be made that the area contains a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

Volume I, Part I, Policy 5.4(8) FOREST LANDS

5.4(8) Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice versa, upon findings which establish:

- a. That the proposed rezone would be at least as effective at conserving the resource as the existing zone;

The subject property is forest land by use and definition.

- b. That the proposed rezone would not create a non-conforming use;

The subject property is currently vacant. The surrounding properties have dwellings that were established or approved from 1889 to 1986. If rezoned, the subject property would meet the template dwelling criteria under the Forest designation zoning rules.

- c. That the applicant for the proposed rezone has certified the he/she understands that the rezone, if granted, could have significant tax consequences;

The applicant is aware that if the rezone is granted, there could be significant tax consequences.

MIXED AGRICULTURAL-FOREST USE AREAS

Volume I, Part II, 3.2(5) Implementation Strategies (Appendix 1)

1. Mixed-use areas are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agriculture uses.
2. Mixed-use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
3. Mixed-use areas are those areas predominantly co-managed for both farm and forest uses.

Response: According to the Natural Resource Conservation Service (NRCS) survey

map, there are multiple soil types within the boundaries of the subject property. For forestry purposes, on the basis of a 100 year site curve, 68% of the property has a mean site index for Douglas fir of 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil

The subject property is currently zoned Exclusive Farm Use (EFU) and has been acknowledged by the State as being in compliance with State Wide Planning Goal 3. The subject property and the surrounding properties have predominantly been managed for forest and farm uses with homes sited on the EFU portions of the properties.

CONCLUSION

Based on the soil type and topography and the fact that the surrounding area is being managed for farming (grazing), forestry uses and residential purposes, a mixed-use overlay is appropriate based on the Coos County Comprehensive Plan.

FINAL CONCLUSION

Based on the submitted evidence addressing the applicable criteria for a rezone from EFU zone to F zone, a conclusion can be made that the criteria have been satisfied and that a Forest (F) zone designation with a Mixed-use overlay is appropriate for the subject property.

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:

Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? NO

Explain and provide documentation:

The purpose of this proposed rezone application is to change the resource zone designation of the subject property from Exclusive Farm Use (EFU) to Forest (F) with a Mixed-use overlay to reflect the suitability and predominant forest characteristics. A physically developed or irrevocably committed exception pursuant to Goal 2 is not required for changes from one resource zone designation to another resource zone designation, provided it can be documented that the requested zone designation satisfies the definitions prescribed by the pertaining Goal (See OAR 660-33-030(4)). Furthermore, standard farm practices are allowed outright in the Forest zone districts.

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

a. Will the rezone conform with the comprehensive plan? YES

Explain:

Evidence has been submitted addressing Appendix 1 CCCP Volume 1, Policy 5.4(8) which allows changes in zoning districts from Forestry to Agriculture and vice versa, provided adequate findings are made supporting the request. The policy recognizes "That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest uses and activities."

b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? NO

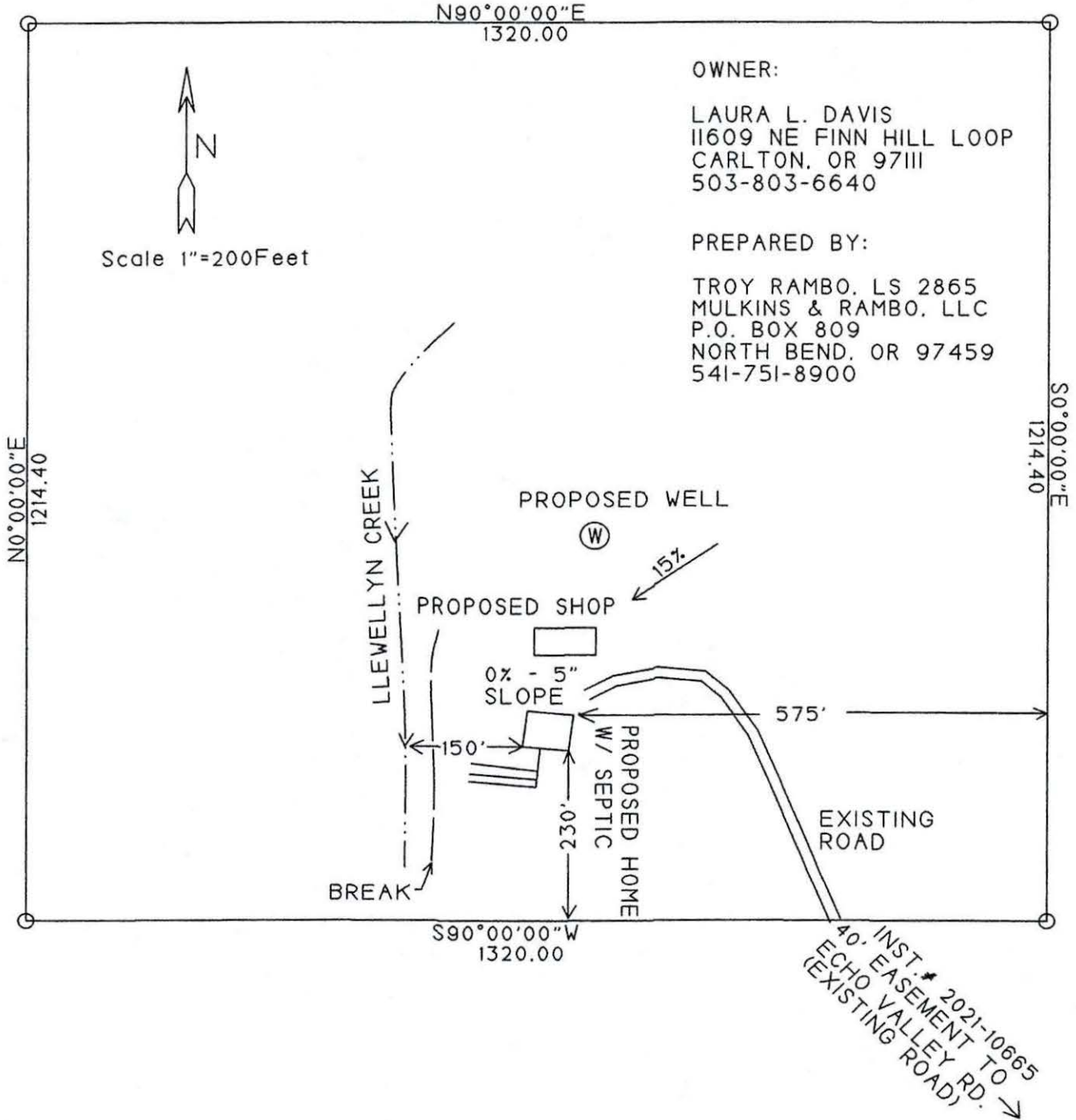
Explain:

This request is to rezone the subject property to reflect the existing forest use and subordinate agricultural characteristics. While the lands surrounding the subject property are zoned EFU, Forest and RR-5, they have been managed for both farming and forestry uses. Because agriculture and forestry are closely related, changing the resource designation will not seriously interfere with the permitted uses on nearby parcels.

c. Will the rezone comply with other adopted plan policies and ordinances? YES

The intent of this application is to adopt an appropriate zone designation for the subject property pursuant to Oregon Statewide Planning Goal 4 (Forestry) and those portions of the Coos County Comprehensive Plan and Zoning Ordinance that have been acknowledged to be in compliance with Goal 4. Substantial evidence has been submitted in this application showing compliance with both the Comprehensive Plan and Implemented Ordinance.

LAURA DAVIS PLOT PLAN
A PORTION OF T.L. 100 - THE NE1/4 NE1/4 OF SECTION 4, T.29S., R.12W., W.M.
ACCT#. 1111700 - 37 ACRES





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

ACU-21-086

PD-21-066
DR-21-134
~~CD-21-188~~

FILE NUMBER: ~~CD-21-188~~

Date Received: 9/23/21 Receipt #: 228614 Received by: MB

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

LAND INFORMATION

A. Land Owner(s) Laura Davis

Mailing address: 11609 NE Finn Hill Loop, Carlton, OR 97111

Phone: 503-803-6640 Email: davis4family@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S	12W	4	Select	Select	Portion of 100
Select	Select	Select	Select	Select	

Tax Account Number(s): 1111700 Zone: Select Zone Forest Mixed Use (FMU)
 Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Same as Land Owner

Mailing address: _____

Phone: _____

C. Consultant or Agent: Troy Rambo

Mailing Address P.O. Box 809, North Bend, OR 97459

Phone #: 541-751-8900 Email: mandrllc@frontier.com

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

Special Districts and Services

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

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

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

Wetland

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 referred 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.



September 15, 2021

Coos County Planning Dept.

Subject Property – The NE1/4 of the NE1/4 of Section 4, T.29S., R.12W., W.M. (a portion of Tax Lot 100)

Applicant/Owner:

Laura Davis
 11609 NE Finn Hill Loop
 Carlton, OR 97111

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

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

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

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

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

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

- **The attached Soil Classification letter shows 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 and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is the NE1/4 of the NE1/4 of Section 4, Township 29S, Range 12W and consist of 37 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 13 parcels within the 160 acre square ranging from 1.60 acres to 120.00 acres of which are zoned F and EFU. Eleven 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 37 acres. The area not currently used for grazing is well stocked. Some of the property was logged this summer and will be replanted this winter.
 - The dwelling will have a fire retardant roof.
 - The property has steep slopes North and West of the proposed home site. The proposed home site is relatively flat.
 - The property is located within the Myrtle Point 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 within a fire district and there is no need for alternative fire protections.
- There is no need for an additional water supply.

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

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

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby^{LI} 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 in a portion of an existing field that is flat. It is also located East of Llewellyn Creek. 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 no 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.**
- **The access is a private driveway off of Echo Valley Road. The private driveway will be maintained by the property owner.**
- **The subject property is being used for grazing and timber production. The area growing trees will meet the minimum stocking requirements. The area logged this summer will be replanted this winter.**

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.
 - The applicant will exceed the road setback.
 - There are existing livestock fences on the property.
 - A driveway/access/parking permit will be requested at the time of the application.
 - 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 within the Myrtle Point Rural Fire Protection District. No additional fire protection is required.
 - 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.
 - There is no water supply exceeding 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.
- The property is within the Myrtle Point RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.

EXHIBIT "A"

The NE ¼ of the NE ¼ of Section 4, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

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