



NOTICE OF LAND USE DECISION

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

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

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

Date of Notice: **Wednesday, February 16, 2022**

File No: ACU-21-060

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

Applicant(s): Gant Family Farms Chris MacWhorter
PO Box 765 PO Box 677
Bandon, OR 97411 Bandon, OR 97411

Staff Planner: Crystal Orr, Planner I

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, March 03, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.***

Subject Property Information

Account Number: 1209502
Map Number: 29S140900-01400

Property Owner: GANT FAMILY FARMS
PO BOX 765
Situs Address: BANDON, OR 97411-0765

Acreage: 40.22 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: BANDON AIRPORT CONICAL ZONE (ABC)
BANDON AREA OF MUTUAL INTEREST (BMI)
FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)

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

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

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

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

The application, staff report and any conditions can be found at the following link:

<https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: _____ Date: Wednesday, February 16, 2022 .
Crystal Orr, Planner I

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

Exhibit E: Comments Received

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

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

- e. 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.
- f. 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.
- g. 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.
- h. Section 4.6.140(7) All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.
- i. 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.
- j. 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.

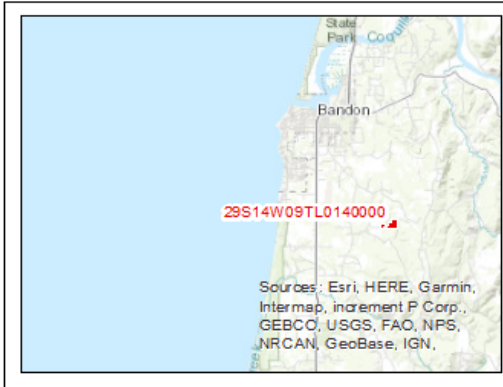
- k. Section 4.6.140(11) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
- l. Section 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).
- m. 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.
- n. 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.
- o. 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.
- p. 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.
- q. 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.
- r. As a condition of approval, the property must be vested in a different ownership than the dwelling located T29S-R14W TL600

EXHIBIT "B"
Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



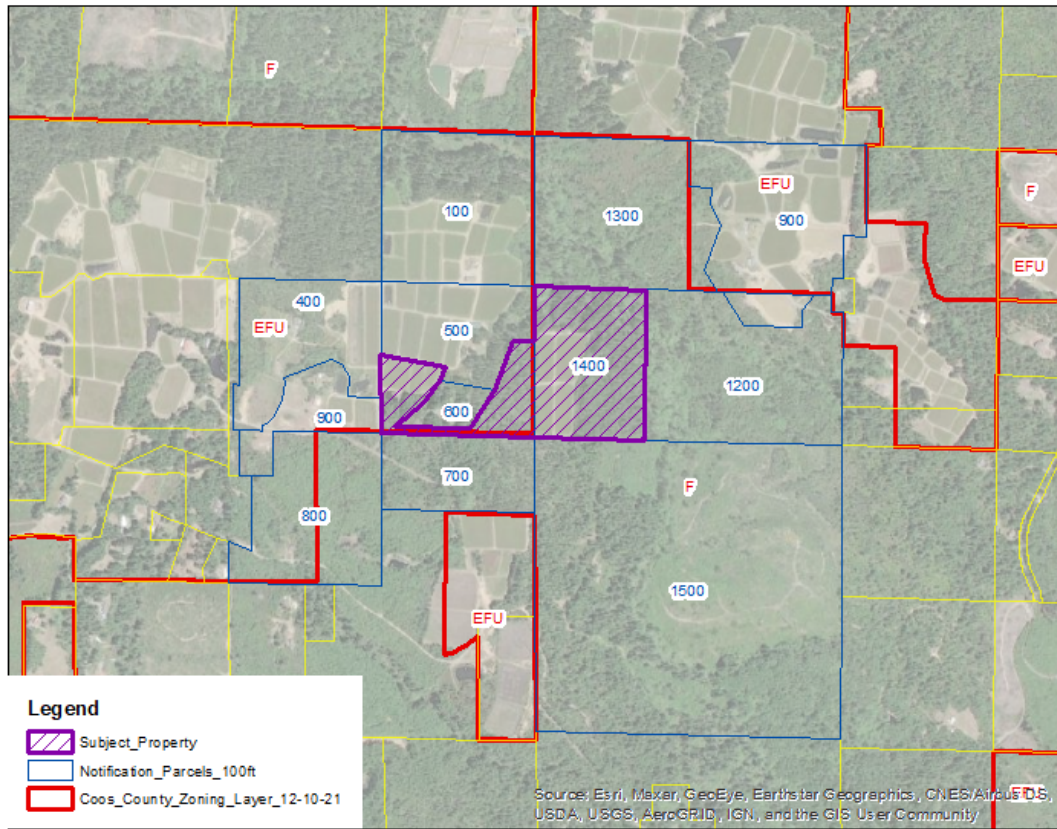
File: ACU-21-060

Applicant/
Owner: Gant Family Farms

Date: February 15, 2022

Location: Township 29S Range 14W
Section 9 TL 1400

Proposal: Administrative Conditional Use



Template Map

Map_No	Parcel_No	Parcel < 1993	Dwelling < 1993
29S14W08	400	Y	
29S14W08	500	Y	Y
29S14W08	600	Y	Y
29S14W08	700	Y	
29S14W08	800	Y	Y
29S14W08	900	Y	Y
29S14W09	700	Y	
29S14W09	800	Y	
29S14W09	1100	Y	Y
29S14W09	1200	Y	
29S14W09	1201	Y	
29S14W09	1500	Y	
29S14W09	1700	Y	

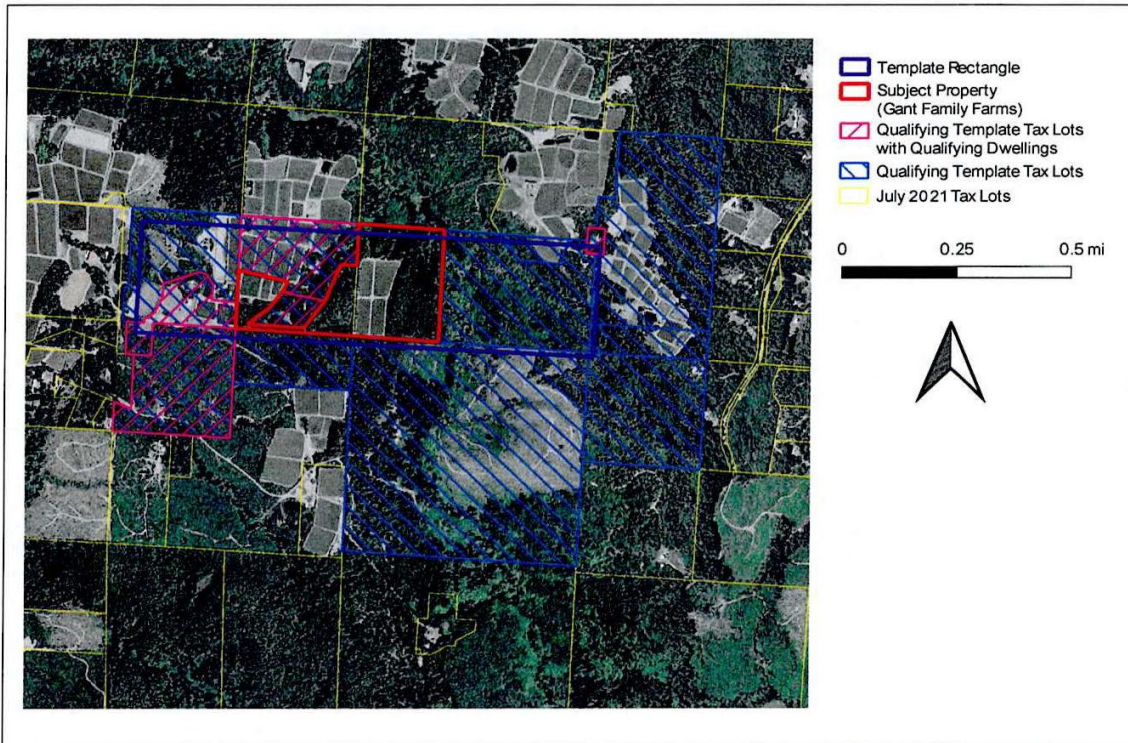


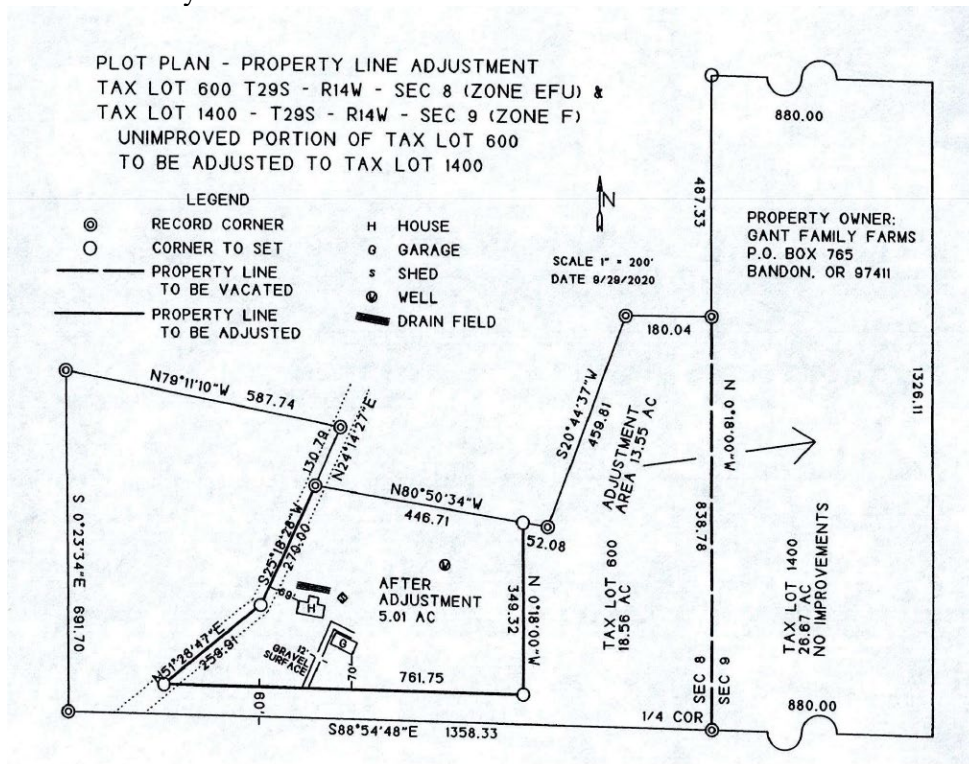
EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

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

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

B. BACKGROUND/PROPERTY HISTORY:

On November 23, 2020 a Property Line Adjustment (PLA-20-027) was approved with tax lot 600 in Section 8 which gave the parcel its current configuration. The Property Line Adjustment Deed was recorded July 13, 2021, at this time the deed has not been worked by the Coos County Assessor's Office. Parcel 1400 contains a portion of property within section 8 and will most likely be given a separate tax lot number, but this does not mean that the tax lot is a lawfully created unit of land.



C. LOCATION: The subject property is located southeast of the City of Bandon, off of City Circle Lane, which is accessed via Coos County- maintained public road Rosa Road.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT
SECTION 4.2.500 RESOURCE ZONES

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

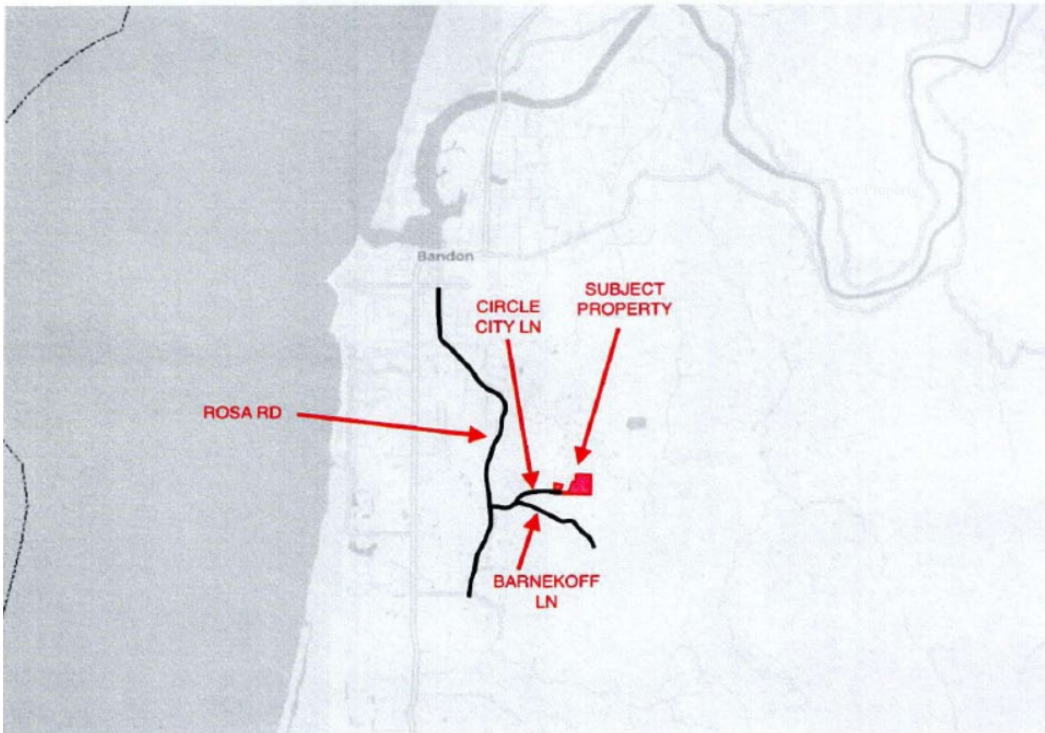
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

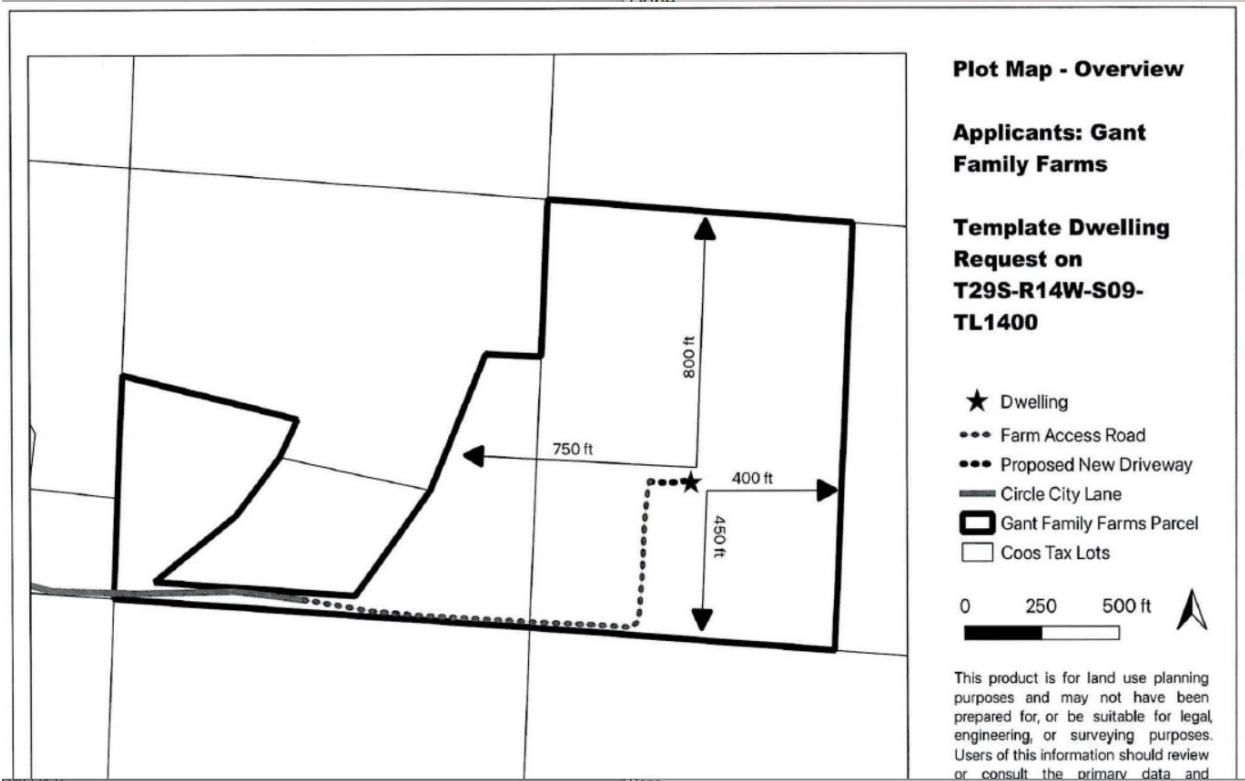
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest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

E. SITE DESCRIPTION AND SURROUNDING USES:

The subject property is located on the southwest side of Coos County near Bandon. It is situated on the east side of Rosa Road just off Circle City Lane which connects to Rosa Road via Bamekoff Lane. A Coos County Transportation Plan describes Rosa Road as a county-maintained major collector road located southeast of Bandon, measuring 4.3 miles in length.

A mix of residential, farming, and forest operation can be found on Rosa Road. Most of the agricultural operations along Rosa Road are related to cranberry farming. There are scattered ranches along Two Mile Lane, which is further south of the proposed dwelling site. This dwelling location can either access by traveling north on Rosa Road or traveling south to Two Mile Lane. Once at Two Mile Lane, the traveler will head west to Hwy 101.





Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from the Oregon Department of Aviation and Oregon Department of State Lands prior to the release of the decision. All comments are attached.

The Oregon Department of Aviation responded that they had no comments regarding this proposal.

Oregon Department of State Lands commented that a state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways or other waters.

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

The comments can be found in Exhibit D.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

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

FINDING: The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision (PLA-20-027).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director's Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) in the Forest Mixed Use Zone.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, and applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

B. KEY DEFINITIONS:

- *ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*
- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

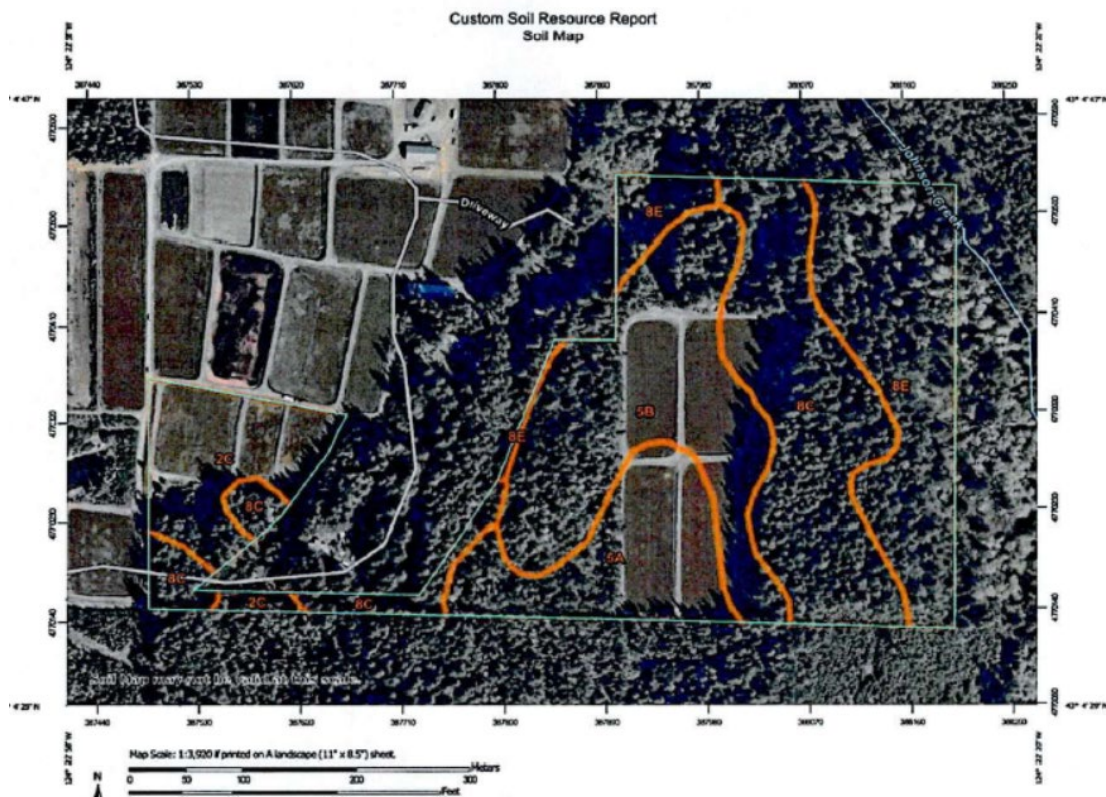
SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations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

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

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.*
 - (1) *In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:*
 - (a) *Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;*
 - (b) *Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels; or*
 - (c) *Capable of producing more than 85 cubic feet per acre per year of wood fiber if:*
 - (A) *All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (B) *At least three dwellings existed on January 1, 1993, on the other lots or parcels.*

FINDING: Soil Information used to determine if the subject property is capable of producing more than 85 cubic feet per year of wood fiber which determines the applicable criteria for the number of parcels. An NRCS Soils Report was acquired for the subject property. This parcel is covered by soils classified as Bandon-Blacklock complex, Blacklock fine sandy loam, and Bullards Sandy Loam. The proposed dwelling will be located in soil classified as Bullards Sandy Loam, 7 to 12 percent slopes. The map unit for this classification is 8C. Please see the attached NRCS soils map below.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	4.8	11.0%
5A	Blacklock fine sandy loam, 0 to 3 percent slopes	5.7	13.1%
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	11.1	25.6%
8C	Bullards sandy loam, 7 to 12 percent slopes	11.9	27.2%
8E	Bullards sandy loam, 30 to 50 percent slopes	10.1	23.1%
Totals for Area of Interest		43.6	100.0%



Forestland Productivity with Site Index Base—Cooe County, Oregon					
Map unit symbol and soil name	Common trees	Site Index <i>R</i>	Base Age <i>Yrs</i>	Site Index Curve Number	Volume Growth Rate (CMA) <i>cu ft/ac/yr</i>
8C—Bullards sandy loam, 7 to 12 percent slopes					
Bullards	Douglas-fir	104	50 BH	King 1966 (795)	143.00
	Pacific madrone	—	—	—	—
	red alder	—	—	—	—
	shore pine	—	—	—	—
	Sitka spruce	157	100 TA	Meyer 1961 (490)	229.00
	western hemlock	—	—	—	—
	western redcedar	—	—	—	—

8C-Bullards sandy loam 7 to 12 percent slopes

This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days. Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand. Included in this unit are small areas of Bandon and Templeton soils. Also included are small areas of Blacklock soils. Included areas make up about 25 percent of the total acreage. Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe. This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation. This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings. If this unit is used for homesite development, the main limitations are slope and droughtiness in summer. Absorption lines should be installed on the contour. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees. If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture

rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth. If this unit is used for recreational development, the main limitation is steepness of slope. Slope may restrict some kinds of activities and increase the cost of constructing facilities

This map unit is in capability subclass Ille

5B-Blacklock fine sandy loam, 3 to 7 percent slopes

This deep, poorly drained soil is in depressional areas on marine terraces. It formed in sandy marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and sedges. Elevation is 25 to 350 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days. Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray fine sandy loam 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown sand. Included in this unit are small areas of Bandon, Bullards, and Heceta soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another. Permeability of this Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May. This unit is used mainly for timber production and wildlife habitat. It is also used for cranberry production and recreation. This unit is suited to the production of shore pine. Among the other species that grow on this unit are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge. On the basis of a 100-year site curve, the mean site index for shore pine is 90. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area. The main limitations for the management of timber on this unit are seasonal wetness and the hazard of windthrow. The seasonal high water table limits the use of equipment to dry periods. Because roots are restricted by the cemented layer, trees commonly are subject to windthrow. Reforestation can be accomplished by planting shore pine, Sitka spruce, and western hemlock seedlings. Tree seedlings have only a moderate rate of survival because of the seasonal high water table. Irrigation and drainage are needed if the soil in this unit is intensively managed for cranberry production. Fields are prepared by removing the soil material above the cemented layer and replacing it with about 10 inches of sandy soil material. The top of the cemented layer should be graded toward the edge of the field to provide internal drainage. Open ditches and dikes are needed around the edge of fields to provide drainage and to control the water level; however, open ditches should not extend into the cemented layer. Sprinkler irrigation is an efficient method of applying water during the dry period in summer. Sprinklers can also be used to control the temperature in summer, to prevent frost damage during winter, and to apply fertilizer, pesticides, and herbicides. The very slow permeability of the cemented layer facilitates water management by preventing excessive seepage and reduces losses of

fertilizer and soil amendments. Excessive seepage may occur in the sandy substratum. Yields vary greatly depending on management practices used. Because of the steepness of slope, deep cuts and fills may be necessary to provide level fields. Excessive seepage may occur if cuts are made below the cemented layer. If this unit is used for recreational development, the main limitations are wetness and the very slow permeability. Water perched above the cemented layer may limit the use of recreational facilities to 3 or 4 months during the dry period. Drainage should be provided for paths and trails. Septic tank absorption fields do not function properly because of the seasonal high water table and the cemented layer. If sanitary facilities are constructed on this unit, holding tanks or effluent treatment systems should be used. This map unit is in capability subclass Vlw

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is mostly made up of 8C Bullards Sandy Loam 7 to 12 percent slopes and 5B Blacklock Fine Sandy Loam 3 to 7 percent slopes.

Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(c) applies to the template test.

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) through (7). Subsection (2) has been removed:*
 - (3) *Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*
 - (4) *A proposed dwelling under this section is not allowed:*
 - (a) *If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.*
 - (b) *Unless it complies with the requirements of ORS 215.730.*
 - (c) *Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.*
 - (d) *If the tract on which the dwelling will be sited includes a dwelling.*
 - (5) *Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
 - (6)(a) *If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
 - (A) *Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or*
 - (B) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
 - (b) *If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
 - (7) *Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-*

*acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.
[1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]*

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

There are no known restrictions on the parcel that would prevent a dwelling from being built. The tract is under 60 acres. There is one (1) dwelling within the same ownership, but the property is currently listed for sale and is in closing. As a condition of approval, the property must be vested in a different ownership than the dwelling located T29S-R14W TL600. City Circle Lane is located on this parcel, this road has provided access to 88551 & 88563 City Circle Lane since prior to 1993 (dwellings built in 1966 & 1991). The road enters the subject property from the southwest corner and travels directly east. Based on the 12 digits between the address numbers, which represents a distance of approximately 120 feet beyond the 88551 Circle City dwelling driveway. The applicant found that Circle City Lane ends at the intersection of 88563 Circle City driveway, and the existing farm access road, which continues to the eastern bogs and site of the proposed dwelling. As a result, Circle City Lane is aligned east-west. The 160 rectangle has been selected to be used for this review.

There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993. During the review of this application, Staff found that 11 parcels with 3 dwellings were all or partly within the square. The template maps and information found in Exhibit “B”. Therefore, staff determined the application request complies with the requirement of this section.

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

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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is greater than 10 acres in size; therefore, the criteria

does require a stocking survey. Planning Staff relies on the County Assessor's Office to confirm this has been complied with.

Section 4.6.120(9)(C)(1)(b)(A) requires the dwelling will have a fire-retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.

Section 4.6.110(9)(C)(1)(b)(B): requires that the dwelling will not be sited on a slope of greater than 40 percent. The applicants states that the dwelling site is relatively flat.

Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 12.93 degrees, which calculates to approximately 22 percent slope.

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

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well and not a Class II stream. As a condition of approval, a water supply requirement form shall be submitted and signed off by the State Watermaster. Therefore, this has been addressed.

Section 4.6.110(9)(C)(1)(b)(D) requires that a dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection contract. The property is located within the Bandon RFPD. Therefore, this criterion has been addressed.

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

Section 4.6.120(9)(C)(1)(b)(F) requires that any chimney constructed will have a spark arrester installed. The applicants have stated they will comply with this section. This will be a condition of approval. Therefore, the criterion has been addressed.

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

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

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

FINDING: Section 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection were requested. There is currently two OWRD permitted cranberry ponds on this parcel. The west pond already has rocked road access to within 15 ft of the water's edge and provides turnaround access. The applicant will install a permanent sign marking the location of the emergency water source at the intersection of Circle City Lane and the pond access road. The east pond was constructed in a draw located on the northern side of the parcel. The access road is steep (greater than 12% slope) and should be considered unsuitable for fire equipment access. No water supply was shown to exists that would meet the criteria and require a road access. Therefore, this has been addressed.

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

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

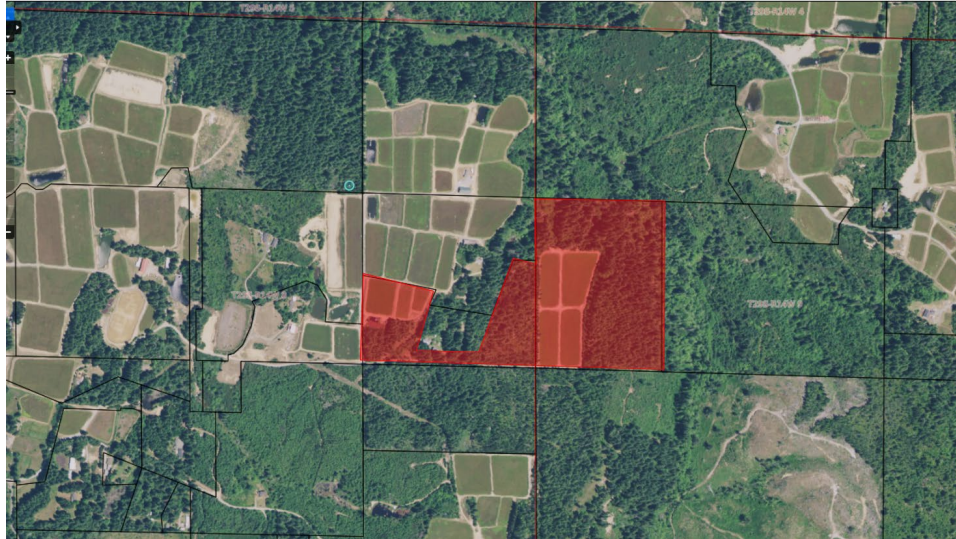
1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The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

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.*

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

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The parcel is located near farmland (cranberry farm), non-industrial timberlands, and scattered non-conforming dwellings. Forest operations generally include the following types of forest practices:

1. **Harvesting (final harvests and commercial thinning);**
2. **Disposal or treatment of slash (including prescribed burning);**
3. **Site preparation (including application of herbicides)**
4. **Reforestation;**
5. **Pre-commercial thinning;**
6. **Stand maintenance (including herbicide and chemical applications for insect and disease control, competing vegetation control, and fertilization);**
7. **Road construction and maintenance; and**
8. **High Landslide Hazard Locations.**



The applicant provided an in-depth analysis of the forest practices and the proposed dwelling and staff concurs with the findings as presented. Staff finds that there will not be adverse impacts to the farm/forest uses on the adjacent resources by constructing a dwelling on the subject property at the location identified in the plot plan.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicants are utilizing an existing private easement to the parcel that is identified on instrument #2020-04833. Staff will provide additional findings below.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. The proposed location will provide an adequate fuel break zone, while somewhat clustering the dwelling in relation to the dwellings. As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff believes that the proposed development on adjacent farmlands and forests will be mitigated.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicants stated that the water source will be from a source authorized in accordance with Water Resources Department's administrative rules. While the applicants submitted a well contractor's report. Water Resources Department verification is still required that no water use permit is required for the proposed uses. The applicant has provided this.

The subject property currently has direct access to Circle City Lane. Barnekoff Lane and Circle City Lane are both well-established private roads that fall within the state's definitions of prescriptive easements. Currently, the road maintenance is handled by a semi-formal agreement in which all landowners pay for the work. To begin with, one must examine the nature of land use along these roads. There is a mixture of non-conforming resource dwellings, active cranberry farms, and non-industrial timberlands. Road

maintenance falls into two general categories. Ongoing periodic maintenance and large-scale projects.

Tractors, heavy equipment, and dump trucks are used in the agriculture of Cranberry farms. Each year, these farmers grade the road multiple times and haul rock for stockpiling. The cost of the rock is shared by the landowners involved in maintenance. A volunteer oversees bigger projects by contracting heavier equipment and buying larger quantities of rock. An example of this is the MacWhorter' s arrangement for and payment for a large road grader to reshape Barnekoff Lane about a mile in length in November of 2020. A different landowner, Mary Strain, arranged to re-rock approximately 250 feet of the road as part of this process. The Strains collected fees from rocking, but the MacWhorter' s paid for the grading outright, while another landowner agreed to buy and place gravel once he received his cranberry harvest in 2020.

Applicants/landowners will still be required to be part of this agreement, and any proposed development will be automatically included in the agreement.

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

All The criteria found in SECTION 4.6.130 have been addressed.

○ *Section 4.6.140 Development and Siting Criteria:*

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

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*
2. *Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*

- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
10. *Firebreak:*

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

Table 1 – Minimum Primary Safety Zone

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

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

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

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

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

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

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

Section 4.6.140(6) requires a setback from any wetland. Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bandon Fire Rural Fire Protection District; therefore, this criterion has been satisfied.

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that they will provide and maintain a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building set back. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicants states that the dwelling site is relatively flat. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 12.93 degrees, which calculates to approximately 22 percent slope. The applicants will need to maintain the primary fuel-free break to the standards identified above. The applicants will also need to maintain a 100 feet secondary fuel-free break. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. These criteria will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that the roofing materials that will be used will be made of non-combustible or fire resistant roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. The applicant stated there are no water source over 4,000 gallons on the subject property. Therefore, this criterion has been addressed.

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

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

Section 4.6.140(16) requires adequate access for firefighting equipment. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee will confirm that the standards have been met in order that emergency equipment can be accessed properly. Therefore, this criterion has been addressed.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria has been addressed.

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

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

215.418 Approval of development on wetlands notice.

After the Department of State Lands has provided the county with a copy of the applicable portions of the Statewide Wetlands Inventory, the county shall provide notice to the department, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory

FINDING: Notice was sent to the Oregon Department of State Lands their response is below:

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

This response is for only tax lot 1400 and assumes that the farm access road leading to the short driveway to the home is already in place and not needing improvements. The access to the proposed home crosses a short distance of mapped hydric soils and then appears to rise in elevation. Hydric soils tend to drain slowly and perch water and often, but not always, support wetlands. You are allowed 50 cubic yards of removal/fill in wetlands at this location before needing a permit. Therefore, it does not appear that you will need a permit for a portion of the driveway, but if you find that you are filling an area for the driveway in order to make it drier and using more than 50 cubic yards in that location, you may need a permit and should contact DSL.

FLOATING ZONE: AIRPORT SURFACES

DESIGNATION: /AS

Bandon, Lakeside and Powers Airports

SECTION 4.11.300 Purpose:

The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport's vicinity. An obstruction may affect future instrument approach minimums and obstructions may reduce the area available for the landing,

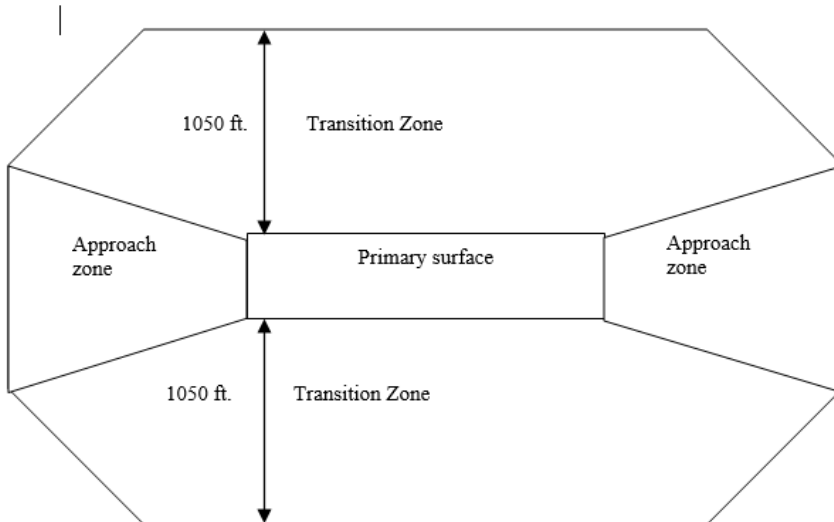
take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

SECTION 4.11.305 Designation of Airport Surfaces:

Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the “Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map” shall be subject to the requirements of this floating zone. Southwest Regional Airport Surfaces (AKA North Bend Municipal Airport) regulations can be found in Sections 4.11.400 through 4.11.460.

SECTION 4.11.310 Airport Sub-Zones:

3. Horizontal Conical Zone – The horizontal conical zone is established by swinging arcs of 9,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal conical zone does not include the approach and transitional zones.



FINDING: Notice was sent to the Oregon Department of Aviation (ODA). Coos County relies on ODA for expert advice for this area. Seth Thompson, ODA aviation planner, commented that ODA had no comment on this application. Therefore, the criterion has been addressed.

IV. DECISION

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

V. EXPIRATION:

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

- A. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
- i. *First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - 1. *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - 2. *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - 3. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
 - ii. *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - 1. *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - 2. *The applicable residential development statute has not been amended following the approval of the permit; and*
 - 3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

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

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Tuesday, March 03, 2026.

VII. NOTICE REQUIREMENTS:

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

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

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

**EXHIBIT "D"
APPLICATION**



Coos County Land Use Permit Application

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

FILE NUMBER: ACU-21-060

Date Received: 10/8/21 Receipt #: 228636 Received by: JMB

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) Gant Family Farms

Mailing address: PO Box 765, Bandon, OR 97411

Phone: 541-404-6090 Email: cranberryfarmer@yahoo.com

Township: Select 29 Range: Select 14 Section: 9 ¼ Section: Select 1/16 Section: Select Tax lots: 1400

Select Select Select Select Select

Tax Account Number(s): 1209502 Zone: Select Zone Forest Mixed Use (FMU)

Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Gant Family Farms

Mailing address: PO Box 765, Bandon, OR 97411

Phone: 541-404-6090 cranberryfarmer@yahoo.com

C. Consultant or Agent: Chris MacWhorter

Mailing Address PO Box 677, Bandon, OR 97411

Phone #: 541-951-3399 Email: cmacwhorter@gmail.com

Type of Application Requested

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

Special Districts and Services

Water Service Type: Select type of Water Service Sewage Disposal Type: Select type of Sewage Sy

School District: Select School District Fire District: Select Fire District

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

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

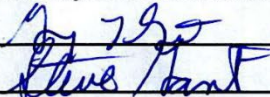
- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County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

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

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

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

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


10/7/2021
10/7/2021

ACCESS INFORMATION

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

Property Address: 0 Circle City, Bandon, OR 97411

Type of Access: Select Private Name of Access: Circle City

Is this property in the Urban Growth Boundary? Select No
Is a new road created as part of this request? Select No

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

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

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

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

ADDRESS APPLICATION INFORMATION

FILE NUMBER: AD-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR
NEW DRIVEWAY: 88563 Circle City Ln

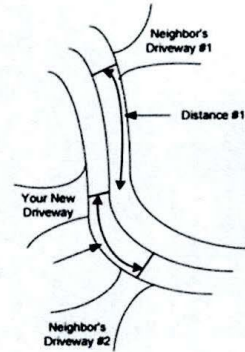
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW
DRIVEWAY: 20 feet

Is this driveway on the same side of the road as your
Driveway: Select *Yes*

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR
NEW DRIVEWAY: 88551 Circle City Ln

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW
DRIVEWAY: 140 feet

Is this driveway on the same side of the road as your
Driveway: Select *Yes*



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

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

Additional Notes or directions:

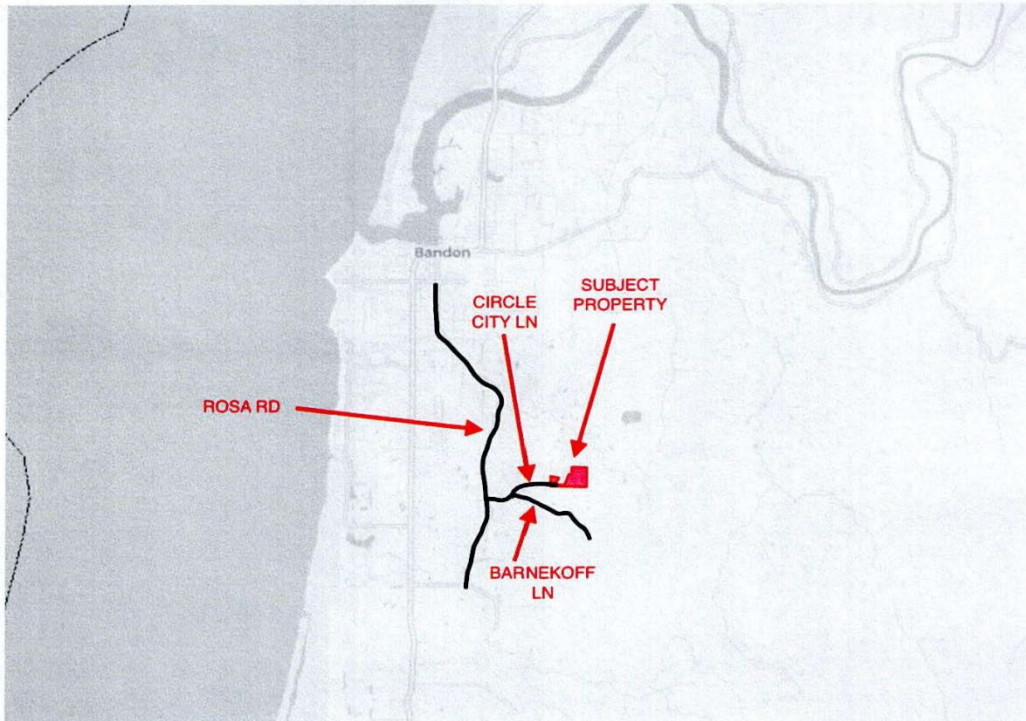
Proceed to the City of Bandon, leave Bandon on Rosa County Road, drive 3 miles down Rosa Rd, turn east onto Barnekoff Lane, proceed east on Barnekoff Lane for 0.5 miles, turn onto Circle City Lane, proceed on Circle City Lane for 1.25 miles until the end of the road. This address will be the new last address on Circle City Lane.

This application is not required.

Attached Written Statement

Applicant Proposal: The applicant Gant Family Farms is seeking approval for a single-family house in the Forest zoning district with Mixed-Use overlay based on standards for a template dwelling. Associated developments include a driveway, power, a septic tank installation, a septic primary & backup drain field, a well, and a lawn. Additionally, land will be cleared for said development and primary & secondary fuel breaks will be created.

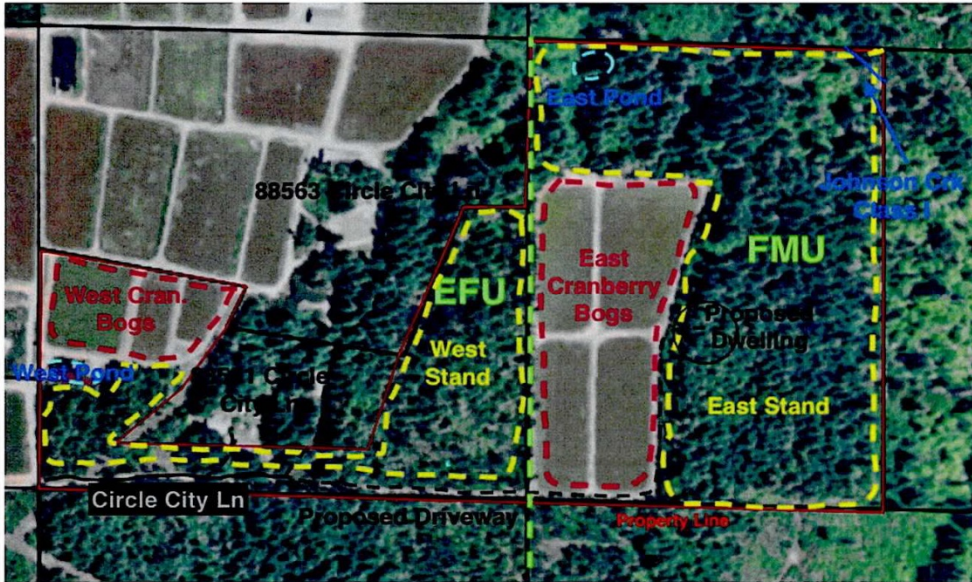
Site and Community Overview: A land use application has been submitted for a parcel located on the southwest side of Coos County near Bandon. It is situated on the east side of Rosa Road, just off Circle City Lane which connects to Rosa Road via Barnekoff Lane. A Coos County transportation plan describes Rosa Road as a county-maintained major collector road located southeast of Bandon, measuring 4.3 miles in length.





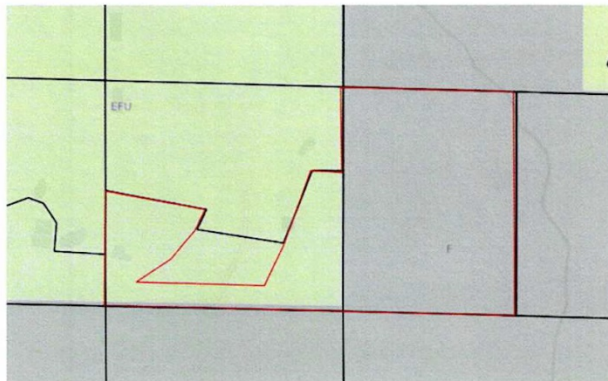
A mix of rural residential, farming, and forest operation can be found on Rosa Road. Most of the agricultural operations along Rosa Road are related to cranberry farming. There are scattered ranches along Two Mile Lane, which is further south of the proposed dwelling site. This dwelling location can either access the City of Bandon by traveling north on Rosa Road or traveling south to Two Mile Lane. Once at Two Mile Lane, the traveler will head west to Hwy 101. This area of Two Mile Lane is predominantly a mixture of Rural Residential 2 and Rural Residential 5 zoned lands.

Subject Property Current Conditions: There are timber stands, cranberry bogs, irrigation ponds, and Johnson Creek on the property. The Oregon Department of Forestry classifies Johnson Creek as a Large Fish Creek. The older stream classification system would have classified it as a Class I stream. The parcel configuration was originally zoned as Forest with Mixed Use (FMU). The applicant also owns the adjacent dwelling located in the Exclusive Farm Use zone. The parcel located in the FMU zone was purchased separately from the eastern parcel. The subject property was recently reconfigured thru PLA-20-027. This has created the parcel as shown below on the map.



The eastern stand is a Douglas-fir stand that was commercially thinned in the 1990s. The western stand is predominately covered with a younger Douglas-fir, although this is located in the Exclusive Farm Use zone district and recently adjusted with PLA-20-027.

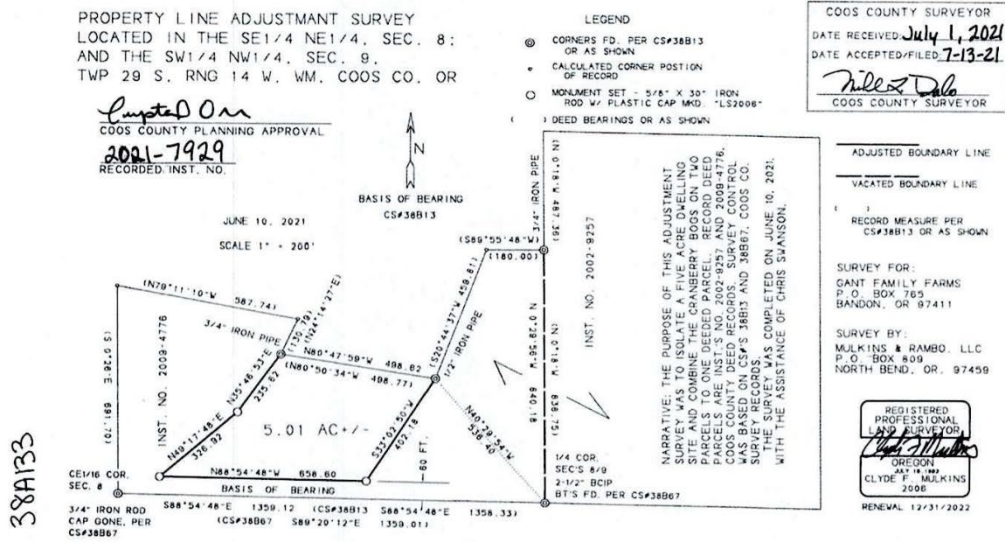
- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M



The subject property is home to two distinct cranberry farming operations. The western bogs were recently adjusted in PLA-20-027 and consists of few acres of bogs. The dwelling located at 88551 Circle City Lane is no longer part of the parcel. The eastern cranberry operation is located on the flatter bench of the original parcel. The eastern stand of timber gently slopes east downhill towards Johnson Creek. Both cranberry operations draw their water from Johnson

Creek thru approved State water rights.

Legally Created Status: The property is lawfully created by deed 2021-7929. This deed was created by a property line adjustment authorized by Coos County Planning Department. That file number was PLA-20-027. Please see file PLA-20-027 for the relevant history of the origin of the parcel and the history of the configuration of the parcel. The deed 2021-7929 & 2002-9257 are attached in this application below.



SECTION 4.2.500 RESOURCE ZONES

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.

SECTION 4.6.120 Review Standards

(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.

(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

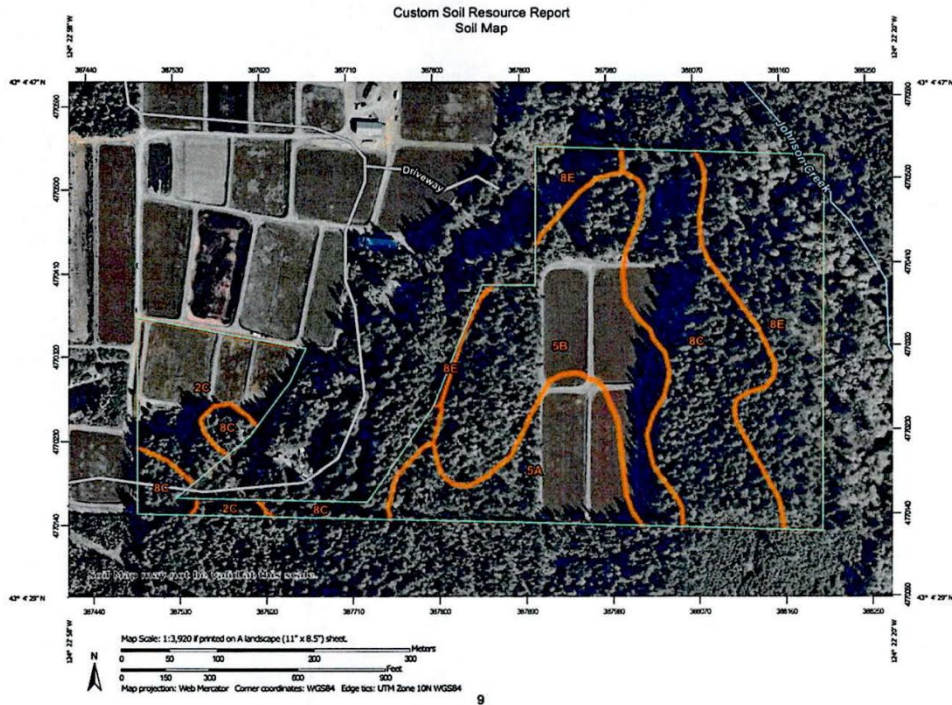
(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(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.

Applicant Response: An NRCS Soils Report was acquired for the subject property. This parcel is covered by soils classified as Bandon-Blacklock complex, Blacklock fine sandy loam, and Bullards sandy loam.

The proposed dwelling will be located in soil classified as Bullards sandy loam, 7 to 12 percent slopes. The map unit for this classification is 8C. Please see the attached NRCS soils map below.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	4.8	11.0%
5A	Blacklock fine sandy loam, 0 to 3 percent slopes	5.7	13.1%
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	11.1	25.6%
8C	Bullards sandy loam, 7 to 12 percent slopes	11.9	27.2%
8E	Bullards sandy loam, 30 to 50 percent slopes	10.1	23.1%
Totals for Area of Interest		43.6	100.0%

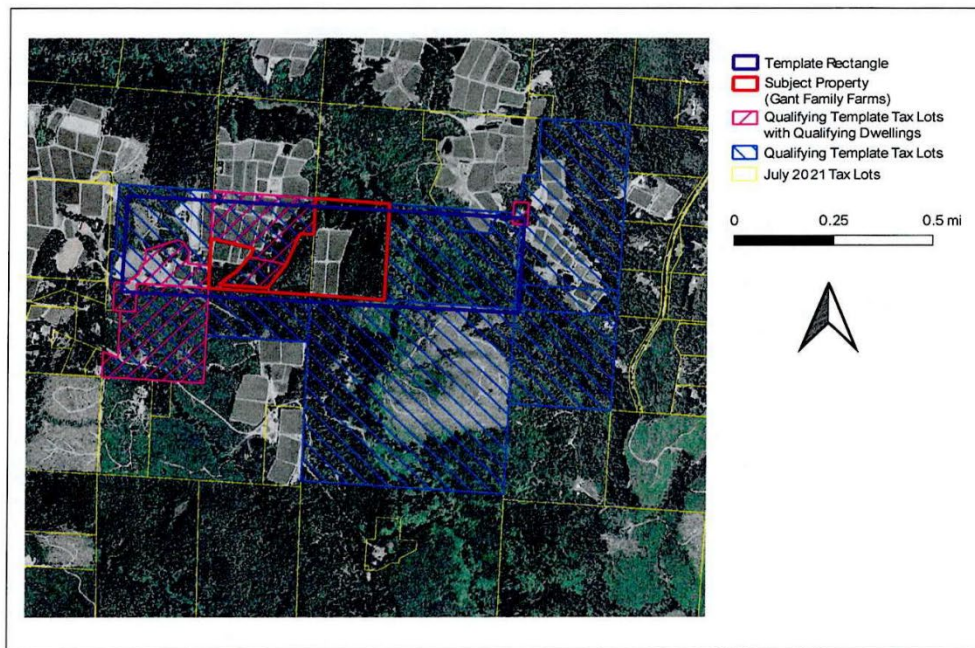
NRCS soils data has classified this soil type to produce greater volume than 85 cubic feet per acre per year of the wood fiber.

Forestland Productivity with Site Index Base—Cooe County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAI)
		ft	yrs		cu ft/ac/yr
2C—Bandon-Blacklock complex, 0 to 12 percent slopes					
Bandon	Douglas-fir	104	50 BH	King 1966 (795)	143.00
	Pacific madrone	—	—	—	—
	Port Orford cedar	—	—	—	—
	red alder	—	—	—	—
	shore pine	94	100 TA	Alexander 1966 (520)	86.00
	Sitka spruce	142	100 TA	Meyer 1961 (490)	200.00
	western hemlock	134	100 TA	Barnes 1962 (990)	200.00
Blacklock	western redcedar	—	—	—	—
	Port Orford cedar	—	—	—	—
	shore pine	90	100 TA	Alexander 1966 (520)	72.00
	Sitka spruce	—	—	—	—
5A—Blacklock fine sandy loam, 0 to 3 percent slopes					
Blacklock	Port Orford cedar	—	—	—	—
	shore pine	90	100 TA	Alexander 1966 (520)	72.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
5B—Blacklock fine sandy loam, 3 to 7 percent slopes					
Blacklock	Port Orford cedar	—	—	—	—
	shore pine	90	100 TA	Alexander 1966 (520)	72.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—

Forestland Productivity with Site Index Base—Cooe County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAI)
		ft	yrs		cu ft/ac/yr
8C—Bullards sandy loam, 7 to 12 percent slopes					
Bullards	Douglas-fir	104	50 BH	King 1966 (795)	143.00
	Pacific madrone	—	—	—	—
	red alder	—	—	—	—
	shore pine	—	—	—	—
	Sitka spruce	157	100 TA	Meyer 1961 (490)	229.00
	western hemlock	—	—	—	—
	western redcedar	—	—	—	—
8E—Bullards sandy loam, 30 to 50 percent slopes					
Bullards	Douglas-fir	104	50 BH	King 1966 (795)	143.00
	Pacific madrone	—	—	—	—
	red alder	—	—	—	—
	shore pine	—	—	—	—
	Sitka spruce	157	100 TA	Meyer 1961 (490)	229.00
	western hemlock	—	—	—	—
	western redcedar	—	—	—	—

This application will need to comply with subsection (c) above. Please see the list below of applicable lots or parcels with dwellings that existed before January 1, 1993. A map is also attached in the below.

Map_No	Parcel_No	Parcel < 1993	Dwelling < 1993
29S14W08	400	Y	
29S14W08	500	Y	Y
29S14W08	600	Y	Y
29S14W08	700	Y	
29S14W08	800	Y	Y
29S14W08	900	Y	Y
29S14W09	700	Y	
29S14W09	800	Y	
29S14W09	1100	Y	Y
29S14W09	1200	Y	
29S14W09	1201	Y	
29S14W09	1500	Y	
29S14W09	1700	Y	



(2) *(Reserved)*

Applicant Response: This is a reserved section, and thus no response is required nor applicable.

(3) *Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*

Applicant Response: The City of Bandon has the nearest urban growth boundary. That boundary is located approximately 2.5 miles northwest of the subject property.

(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.*

Applicant Response: a) The subject parcel is a zoned Forest with a Mixed-Use Overlay. The Coos County Land Zoning and Land Development Ordinance does not outright prohibit forest template dwellings in this zoning district.

b) The Applicants address these criteria in section "ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES" below.

c) There are no deed restrictions on this subject property. The parcel associated with this application has not been deed-restricted by a previous 200-acre non-contiguous application.

d) There is one existing dwellings located on the tract. The dwelling is located at T29S-R14W-S8-TL600. The applicant has listed the dwelling for sale and currently is in closing. If the dwelling has not sold by the time of County approval. The Applicants will either transfer the subject property into different ownership before applying for a Zoning Compliance Letter, or wait until the dwelling has sold.

(5) *Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

Applicant Response: There is currently a road located on this parcel. There is a road named Circle City Lane that is mapped in the County's e911 MSAG GIS database. The road must have existed before January 1, 1993. The road existed on the subject property prior to 1993 providing access to 88551 & 88563 Circle City Lane, as well as providing access to T29-R14-S8-TL700. The road enters the subject property from the southwest corner and travels directly east in the

9

direction of the original T29S-R14W-S9 Tax Lot 1400.

Based on the calculation of the 12 digits between the address numbers, which represents a distance of approximately 120 feet beyond the 88551 Circle City dwelling's driveway. Hence, the applicant deduces that Circle City Lane ends at the intersection of 88563 Circle City Driveway and the existing farm access road, which continues to the eastern bogs and site of the proposed dwelling. As a result, Circle City Lane is aligned east-west. The applicant selected the 160-acre rectangle for the measurement method in the east-west direction.

(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.

Applicant's Response (6a): The subject property is approximately 40.22 acres in size. The applicant currently also owns T29-R14-S8-TL600. This parcel is approximately 5.01 acres in size. Tax lot 600 is currently for sale and tax lot 1400 will no longer part of the tract prior to acquiring a Zoning Compliance Letter. Furthermore, the combined size of both parcels is 45.23 acres. Thus, this criterion is not applicable.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

Applicant Response: The dwelling located on T29S-R14W-S8 Tax Lot 500 meets this criterion.

(7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

Applicant Response: Section 6A requires that either a dwelling be located within the 160-acre rectangle or ¼ mile of the edge of the subject property. For this application, the dwelling situated on T29S-R14W-S8-TL600 meets the 1/4-mile requirement. The location of that dwelling meets this criterion.

(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

10

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.*

Applicant Response: a) The parcel is over 10 acres. The parcel was commercially thinned during the 1990s by the applicant. If approved, the applicant will provide the Coos County Assessor's office with a completed stocking survey before requesting a Zoning Compliance Letter.

b) A) The applicant will install a fire-retardant roof. The Applicants will install a Class A fire-rated roof.

B) Based on the submitted Nearby map, there are slopes over 40% on the parcel located on the northern and east edges of the parcel. The applicant does not plan on constructing any structural development on any slopes over 40%.

C) The applicant plans on having a private domestic well constructed. The applicant will submit a Water Verification Letter from the Oregon Water Resources Department prior to requesting a Zoning Compliance Letter. Once the well is built, the applicant will submit a completed well constructor's report to the Coos County Planning Department.

D) The parcel is located within the Bandon Rural Fire Protection District.

E) The parcel is located within the Bandon Rural Fire Protection District; this criterion is not applicable.

F) The applicant is not proposing to install a chimney at this time. If a chimney is installed at a future date, the applicant will install a spark arrester.

G) The applicant will clear & prune a primary & secondary fuel break to extent required. The applicant will maintain the fuel breaks to State standards.

(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]

Applicant Response: a) The parcel is located with the Bandon Rural Fire Protection District.

b) The parcel is located with the Bandon Rural Fire Protection District. If the Planning Director requires additional fire protection, there is adequate road access already constructed to the west pond. While is road was originally built for cranberry farming. The road has since been improved to County driveway standards as it provides access to Circle City Lane for the dwelling located on T21-R14-S8-TL100 (88497 Circle City Ln).

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

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

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;*

(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.

**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.*

Applicant Response:

a & b) The parcel is located near farmland (cranberry farm), non-industrial timberlands, and scattered non-conforming dwellings. Forest operations generally include the following types of forest practices:

- 1. Harvesting (final harvests and commercial thinnings)**
- 2. Disposal or treatment of slash (including prescribed burning)**
- 3. Site preparation (including application of herbicides)**
- 4. Reforestation**

12

5. Pre-commercial thinning
6. Stand maintenance (including herbicide and chemical applications for insect and disease control, competing vegetation control, and fertilization)
 - Senate Bill 1602
7. Road construction and maintenance
8. High Landslide Hazard Locations

Analysis of the forest practices and the proposed dwelling is below.

1) Using the slopes on the Nearby map and knowledge of recent harvests. It is possible for ground-side timber harvesting to be done in most of the nearby area. Ground-side timber harvesting involves machines that cut, delimb, and buck the trees into logs. It is designed to transport these machines via public roads via standard commercial truck and lowboy trailers, even though they are pretty large. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained within the harvest unit. The residential development plan will not significantly affect adjacent ground-side harvesting units. The parcel directly to the north is suitably situated for cable harvesting. It was difficult to harvest that particular property since Johnson Creek (a large fish stream) runs right through the middle of it. Cable harvesting was used on the northern portion of the property, and it was hauled out via Windhurst Lane. The southern portion of their property was not harvested, and may contain the required wildlife trees. Forest dwellings should have a setback distance of at least 300 feet from ground-side harvest and 500 feet from cable logging operations, according to ODF's Considerations for Dwellings on Forest Land. This requirement is met by the proposed dwelling based on the plot plan.

2) Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The Applicants will create fuel breaks around the proposed dwelling. The fuel breaks will reduce the chances of embers from neighboring slash burns igniting dead trees next to the proposed dwelling leading to a crown fire. Neighboring slash burns, and burning relating cranberry bogs, will produce a significant amount of smoke. Modern building codes now require fewer air changes per hour for the building envelope. Together with modern mechanical ventilation systems, this reduces the negative effects of neighboring forest/farming practices will have on the proposed dwelling.

3) Modern silvicultural practices typically involve spraying herbicides for initial site preparation before planting and applying herbicide for management of competing grasses after planting. This particular area has had a history of brush control spraying after the planting of trees. These applications have happened every couple of years after planting to control gorse.

Planning for the effects of forest dwellings and pesticides practices requires looking at the parcel size rather than whether the land is classified as non-industrial vs. industrial timberlands. An important factor was formally established from the Anderson v. Coos County, 51 Or LUBA 454 (2006) case. That factor was that for lands under 40 acres, it is reasonable to assume that herbicides would be applied as a ground application. The preferred herbicide application method for lands over 40 acres would be aerial spraying. Based on notifications submitted to the Oregon Department of Forestry Forest Electronic Reporting & Notifications System (FERNS), the historically preferred method for aerial

herbicide is from helicopter platforms for commercial timberlands. It is also important to note the requirements of Oregon Senate Bill 1602. One relevant provision of this bill is that helicopter spraying is not allowed within 300 ft of any dwelling. This provision used to be 60 ft.

While most of the nearby forest parcels are more extensive than 40 acres. It is important to note that historically groundside spraying techniques have been used for the land immediately adjacent to the subject property. This is because Johnson Creek proceeds thru the center of most of the adjacent parcels. This creates smaller units that are most economically and operationally favorable for groundside herbicide applications. At the same time, it is essential to note that the northwest side of the subject property touches an adjacent organic cranberry farm, which will affect the practicality of aerial application of forest herbicide near active high-value farmland. The Applicant's plot plan identifies that the proposed dwelling is farther than 300 ft away from any nearby forested parcels.

4) Reforestation, or planting trees, of recent logged, relatively flat timberlands typically has little effect on nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually have a more significant impact on nearby dwellings. The nearby timber stands range from 20 acre noncut unit, to partial 40 acre units, to a 150 acre parcel with multiple harvest units. This practice is relatively short-term, lasting about a week or two, depending on crew size, over the life of the stand.

5) Pre-commercial thinning involves the selective cutting and leaving of mid-stage trees to increase the ability of the forest stand to grow in height and volume. These practices involve hand crews selecting cutting the forest stand to pre-determine stand prescription. Close to reforestation, this practice is relatively short-term (approximately a couple of weeks over) over the life of the stand. In comparison, this practice does create an increase in a fire hazard. The risk to forest-dwelling is reduced when active measures like fuel breaks are designed to minimize risks by wildfire. Please see section (d) below.

6) To successfully manage nearby timberlands, the adjacent owners will need to maintain their timber stands. Maintenance of these stands will include practices such as pre-commercial thinning and the use of pesticides. Please see the responses above in those applicable sections.

7) To minimize the effects of road and maintenance on nearby forest parcels. The applicant plan on using the existing farm access roads and will only need to construct a new 100 ft aggregate driveway to the proposed dwelling. The current farm resource roads are rocked surface roads designed for cranberry farming operations.

8) Pursuant to OAR 629-623-0000, the Oregon Department of Forestry's HLHL regulations affects and restricts timber harvest restrictions when high landslide hazard locations within the operation area and if there may be structures or roads in the path of a potential shallow, rapidly moving landslide below the operation area. While a complicated set of rules and guidelines. The first factor to check is if slopes above 60% are upslope of 300 ft of the dwelling. Based on the Nearby map, there no slopes meeting this criterion within 300 ft. The nearby forestlands are not affected by this proposal dwelling.

There are adjacent cranberry farms to the northwest of the parcel, and scattered throughout

14

Barnekoff and Circle City Lanes. Based on Oregon Department of Water Resources permits and review of aerial photos, cranberries are the only commercial crop known to be farmed in this area. Cranberries are an essential part of the local Bandon farming sector and are identified as high-value farmland by State land-use law.

Reviewing the steps of cranberry farming is needed to analyze the proposed dwelling and its effects on nearby cranberry farming. Cranberries are grown in a well-drained, sandy, artificial bed call a cranberry bog. Scatter adjacent homesite development typically has little impact on the growth of cranberries. The majority of cranberry farmers live on-site at their farming operations. Approval of the proposed dwelling will be consisted with adjacent land uses at 88337, 88391, 88393, 88497, & 88563 Circle City Lane. Modern commercial cranberry growing has little direct correlation on adjacent lands, other than water rights and during crop transportation. Additional information is below supporting our response that this proposed dwelling will not significantly impact adjoining farming practices.

- 1. Building & establishment**
- 2. Growing**
- 3. Harvesting**
- 4. Pruning**

1) To build cranberry bogs, the land is cleared and shaped. While cranberry growing is an agricultural activity, the creation of bogs in the Bandon area typically resembles large-scale commercial and residential developments compared to traditional clearing for ranching activities. This requires sizeable heavy machine clearing land, burning slash, and then shape the bogs to a relative level surface with drainage ditches. Slash burning only happens when the bogs are created and have the same effects on nearby dwellings as forest slash burning. Please see appropriate responses in that section above. The shaping of the beds does make dust, as does any land clearing activities. The proposed dwelling is located in the center of the Forest zoned portion of the property surrounded by commercial timber. The Applicants will also record a Waiver to Object to Farming and Forest Activities.

2) Cranberry growing is like any other typical farming operation, whereas the growers work daily throughout the year. Cranberries are unlike traditional row crops regarding the size and type of equipment. Cranberries are grown in 1 to 3-acre cranberry bogs. Once the land clearing is done, the cranberry growers typically use various small equipment for fertilizers and harvesting. Most cranberry equipment is no larger than a small tractor. Cranberries are an irrigated crop, and thus fertilizers & chemicals are either applied thru the irrigation system or small custom-powered equipment smaller than a standard size truck. Like all other crops grown for human consumption, the use of chemicals is highly regulated the Federal and State authorities. There is little potential for drift off of the farm. There are no helicopter spraying applications involved in the growing of cranberries. The effects of growing cranberries on adjacent lands are minimal.

3) There are two ways to harvest cranberries, either dry harvesting or wet harvesting. Dry harvesting involves pushing a custom machine that resembles a push lawn mower thru the cranberry bogs. The berries are collected in burlap sacks. This an extremely labor intense method that is rarely used on cranberry farms on a large scale anymore. The neighboring cranberry farm is harvested using the wet picking method. This method

involving flooding the fields and using custom-built picking equipment called 'beaters.' These machines are typically no larger than a half-ton pickup. The berries are then corralled using booms and brought into a portion of the bog to be loaded. The berries are loaded into 14 – 20 ft flatbed trucks using cranberry elevators. Loading trucks is reasonably quick and longer than a typical wait time for road construction projects. The trucks then take the berries to central cleaning facilities. There are at least five of these facilities located throughout the Bandon area and northern Curry County. Like most other crops, these facilities compete with each other on prices each year. The proposed residential will not affect the nearby cranberry harvesting operations. The proposed dwelling will access directly onto Circle City Lane, then onto Barnekoff Lane before entering Rosa Road. These roads are all built to handle multiple use traffic. Rosa Road is a major collector, so once on Rosa Road, the traffic associated with the dwelling will be marginal at best.

4) Pruning of cranberry vines happens after the bogs are harvested, usually every year. The bogs essentially receive a light mowing of their vines. These excessive vines are typically burned. The vines have a high moisture content and thus produce a considerable amount of smoke compared to their volume. But pruning only produces a relatively minor amount of volume. The vines are also burned relatively quickly and outside of fire season. So, there is no effect on pruning operations from residential development.

c) The proposed dwelling will be located in the central portion of the Forest zoned part of the parcel. The proposed dwelling's location minimizes the distance of the non-resource use roads while maintaining the farthest reasonable distance from adjacent non-industrial forestlands.

d) Slope is the first factor to consider when assessing wildfire risk. The proposed dwelling will be located on a ridge at a slope of 10-20% that overlooks the eastern cranberry bogs. Johnson Creek can be found downslope east of the proposed dwelling location. Before reaching the riparian management area, there are a few hundred feet of commercial timber. Please see the attached Nearby map. Most of the slopes on this parcel are less than 40 percent. There are steep slopes throughout the riparian management areas (RMAs) along the northeast and east edges of the parcel. The second consideration for wildfire is access to the parcel. The road will be constructed with an aggregate surface and have a relatively flat slope based on the contours of the land. During wildfire events, these roads are often used as anchor points for fire trails. The applicant will install an adequate turnaround at the end of the driveway for fire truck operations. In order to get the final driveway permit, the applicants will need to construct this driveway and turnaround. A third consideration will be managing fuel near the proposed dwellings. There are 10-20 percent slopes in the proposed location of the dwelling for the primary and secondary fuel breaks. The requirement is for the dwellings to have at least a 80 ft primary fuel break, with a 100 ft secondary fuel break. The applicant will need to install a septic tank, a primary drain field, and a reserve drain field. These will be installed on the downslope area adjacent to the proposed dwelling, towards the riparian management area. The physical size of this area will help create the primary fuel break required by the 80 foot primary fuel break requirement. The applicant plan to irrigate this break. They intend to use this as their lawn. Moreover, the drain fields, on the downslope site, will reduce the effects of any wildfire burning upslope toward the dwelling. A secondary fuel break will be maintained by the Applicants. It will extend 100 feet beyond the primary fuel break. Trees in this area will be limb up to 6 ft, and no tree canopies will touch. This will reduce the potential for fire from the dwelling location to crown into the adjacent forest canopy. Additionally, the intensity of the fire burning both towards and away

from the dwelling will be reduced. As the amount of fuel increases, wildfires tend to burn hotter.

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

Applicant Response: In locating the dwelling in the middle of the parcel, the dwelling is set back from the Forest zoned lands on the northeastern, eastern, and southern sides of the parcel. The proposed dwelling location exceeds the required setback distance. A vegetation easement is not required on any surrounding forested parcels, nor does the applicant have any easements to control vegetation. The applicant's proposed location is the closest nearest distance to the existing farm access road while maintaining a reasonable setback distance. In order to reduce conflict with neighboring resources, the applicant will only construct 100 ft of a new residential driveway in order to use the existing farm access road. It is typically recommended to cluster dwelling units. The location of the proposed dwelling is the closest location to the dwellings located at S08-TL500 and S08-600 for being built in the Forest zoned portion of the property and not being build in the middle of the existing cranberry bogs. While the proposed dwelling site is not being proposed on the soils least suitable for growing trees. Those soils in the Forest zoned portion of the parcel are already committed to resource land uses. So any location on this parcel has the same effect for growing of 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.*

Applicant Response: The Applicants are proposing to construct a well. Domestic wells do not require a permit under Oregon Water Resources Department regulations. a) Before requesting a Zoning Compliance Letter, the Applicants will submit Water Verification Letter from the Oregon Water Resources Department verifying the rights to the water.

b) Domestic wells are exempt under ORS 537.545 for water use permits.

c) The Applicants will submit a well constructor's report to the County Planning Department upon completion of the well.

(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof

of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Applicant Response: The subject property currently has direct access to Circle City Lane. Barnekoff Lane and Circle City Lane are both well established private roads that fall within the state's definitions of prescriptive easements. Currently, the road maintenance is handled by a semi-formal agreement in which all landowners pay for the work. To begin with, one must examine the nature of land use along these roads. There is a mixture of non-conforming resource dwellings, active cranberry farms, and non-industrial timberlands. Road maintenance falls into two general categories. Ongoing periodic maintenance and large-scale projects.

Tractors, heavy equipment, and dump trucks are used in the agriculture of Cranberry farms. Each year, these farmers grade the road multiple times and haul rock for stockpiling. The cost of the rock is shared by the landowners involved in maintenance. A volunteer oversees bigger projects by contracting heavier equipment and buying larger quantities of rock. An example of this is the MacWhorter's arrangement for and payment for a large road grader to reshape Barnekoff Lane about a mile in length in November of 2020. A different landowner, Mary Strain, arranged to re-rock approximately 250 feet of the road as part of this process. The Strains collected fees from rocking, but the MacWhorters paid for the grading outright, while another landowner agreed to buy and place gravel once he received his cranberry harvest in 2020.

Applicants/landowners will still be required to be part of this agreement, and any proposed development will be automatically included in the agreement.

(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

18

which no action or claim is allowed under ORS 30.936 or 30.937.

Applicant Response: a) The parcel is already reforested. The applicant will submit a stocking survey report to the County Assessor's Office before requesting a Zoning Compliance Letter.

b) Not applicable to applicant.

c) The parcel is over 10 acres in size. The applicant will submit a stocking survey to the Coos County Assessor's Office.

d) The Department of Forestry is responsible for this criterion. The applicant understand that deferred taxes may be collected by the Assessor's office.

e) The applicant will record a Farm Forest Management Covenant with the Coos County Clerk's office and then submit a copy of the recorded form to Coos County Planning Department before requesting a Zoning Compliance Letter.

Section 4.6.140 Development and Siting Criteria:

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

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

Applicant Response: This application is for a forest template dwelling only. The parcel is a legally created pre-existing parcel. No new parcels will be created.

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.

Applicant Response: Based on the submitted plot plan, all development is farther than 35 feet from any road right-of-way centerline and five feet from any right-of-way line.

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

Applicant Response: There are no fences, hedges, or walls proposed by the Applicants. The parcel is approximately 40 acres in size. Any future fences constructed on the perimeter of the parcel will be for management purposes of resource land.

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

Applicant Response: Per section 7.5.175, the Applicants will create two parking spaces for the proposed dwelling. Each parking space will be a minimum of 9 ft X 20 ft and 4 in of rock surface.

5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single-family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single-family dwelling.*

Applicant Response: As a condition of approval, the applicant, or future landowners, will file a Forest Management Covenant on the deed of record with the Coos County Clerk's office. The Applicant acknowledges this must be completed before the issuance of a Zoning Compliance Letter.

6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*

- a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
- b. *Riparian vegetation may be removed to provide direct access for a water- dependent use if it is a listed permitted within the zoning district;*
- c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
- e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
- f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
- g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
- i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

Applicant Response: The proposed dwelling, driveway, septic & drain field(s), and associated dwelling will be outside of 50 feet of any wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps.

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*

20

new dwellings and permanent structures and replacement dwellings and structures shall, outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.

Applicant Response: The parcel is within the Bandon Rural Fire Protection District.

8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - 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.*

Applicant Response: The parcel is within the Bandon Rural Fire Protection District.

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 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Applicant Response: a) The applicant are currently proposing to install a minimum of a 500-gallon tank within a pump house structure. Proof of the location, size of the tank will be provided to the Planning Department prior to requesting a Zoning Compliance Letter. The well location will be the minimum ^{of 150' required distance} from the drain field locations as required by Oregon DEQ. The applicant will maintain a 3/4 inch 50 PSI garden hose with sufficient length to reach the primary safety zone.

b) There is currently two OWRD permitted cranberry ponds on this parcel. The west pond already has rocked road access to within 15 ft of the water's edge and provide for turnaround access. The applicant will install a permanent sign marking the location of the emergency water source at the intersection of Circle City Lane and the pond access road. The east pond was constructed in a draw located on the northern side of the parcel. The access road is steep (greater than 12% slope) and should be considered unsuitable for fire equipment access.

10. *Firebreak:*

- a. *This firebreak will be a primary safety zone around all structures. Vegetation within*

21

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

Applicant Response: a) Based on the attached Nearby map, the applicant proposed location and required safety zones are on slopes 10-20%. The applicant will maintain a primary safety zone to the standards identified above of 80 feet.

b) The applicant will maintain a ¾ inch 50 PSI garden hose to reach the primary safety zone at all times.

c) The applicant will maintain the primary safety zone to the standards identified in subsection (a) above. Additionally, the applicant maintain the secondary fuel break for a minimum of 100 feet in all directions of the primary safety zone. Vegetation within the secondary fuel break will be pruned and spaced so that fire will not spread between the crowns of trees. Understory vegetation and dead fuels will be maintained to prevent ladder fuel build-up.

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

Applicant Response: The applicant will install a fire-retardant roof on all structures. The applicant will install a Class A fire-rated roof on the primary dwelling.

12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

Applicant Response: There is currently are two water supply exceeding 4,000 gallons on this parcel. Road access is already provide to the west pond, while the east pond access is unsuitable for fire equipment access.

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

Applicant Response: Based on the attached Nearby map, there are few slopes over 40 percent on the parcel. The proposed dwelling's location will be situated in an area with 10-20% slopes.

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

Applicant Response: The applicant are not proposing to install a chimney. As a condition of approval, any future installation of a chimney will be required to 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.

Applicant Response: The proposed dwelling is located within the Bandon Rural Fire Protection 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.

Applicant Response: The applicant will construct the length of the proposed driveway and improve the farm access road to provide for adequate access to firefighting equipment. This will be accomplished by providing a minimum of 12 feet of an all-weather surface capable of handling 50,000 lb. The roadway will have a minimum curve radius of 48' with a vertical clearance of 13'6". The existing farm access road only has short pitches of slopes between cranberry bogs. The proposed new driveway is exceptionally flat and will not exceed an average gradient of 8%. The applicant will request an address thru Coos County Planning Department. As part of this process, an address marker will be installed and maintain at the access point with Circle City Lane.

23

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

Applicant Response: Table 7.2A in Section 7.2.200 identifies the minimum standards for new rural roads and driveways constructed to access new dwellings. The applicant will use the existing Circle City Lane and farm road on the south side of subject property. The subject property is zoned both Exclusive Farm Use and Forest with Mixed Use Overlay. The applicant will be constructing a new driveway in Forest portion of the property. The driveway standards are the same for both EFU and Forest zoning districts. That standard requires that all new driveways be a minimum of 14 ft sub-grade, 12 ft surface, 4-inch aggregate all-weather surface, with a maximum grade of 18%. If the driveway is over 1,000 ft., a pullout is required every 600 ft.

The applicant will improve the existing farm access road to a minimum of a 14 ft sub-grade, with a 12 ft surface. Because of being a dual resource/residential road, the road surface exceeds a minimum of 4 inches of aggregate. The applicant will also construct a new private driveway off of the existing farm road. That new driveway will be a minimum of 14 ft wide subsurface, 12 wide running surfaces, with a minimum of 4 inches of rock. Being thru a cranberry farm, the existing road configuration already has pullouts (dikes) every couple hundred feet.

Section 7.1.400 relates to the criteria for private bridge standards; the applicant proposed driveway will not cross any private bridges.

The applicant will acquire a Coos County Driveway Access Permit from the Coos County Road Department before requesting a Zoning Compliance Letter.

References

Coos County Comprehensive Plan

Coos County Transportation Plan

Considerations for the Siting of Dwellings on Forest Land; Oregon Department of Forestry; Sept. 1991

Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads; Oregon Department of Forestry; March 1991

Managing Woodland Roads: A Field Guide; A Pacific Northwest Extension Publication; PNW 641; 2013

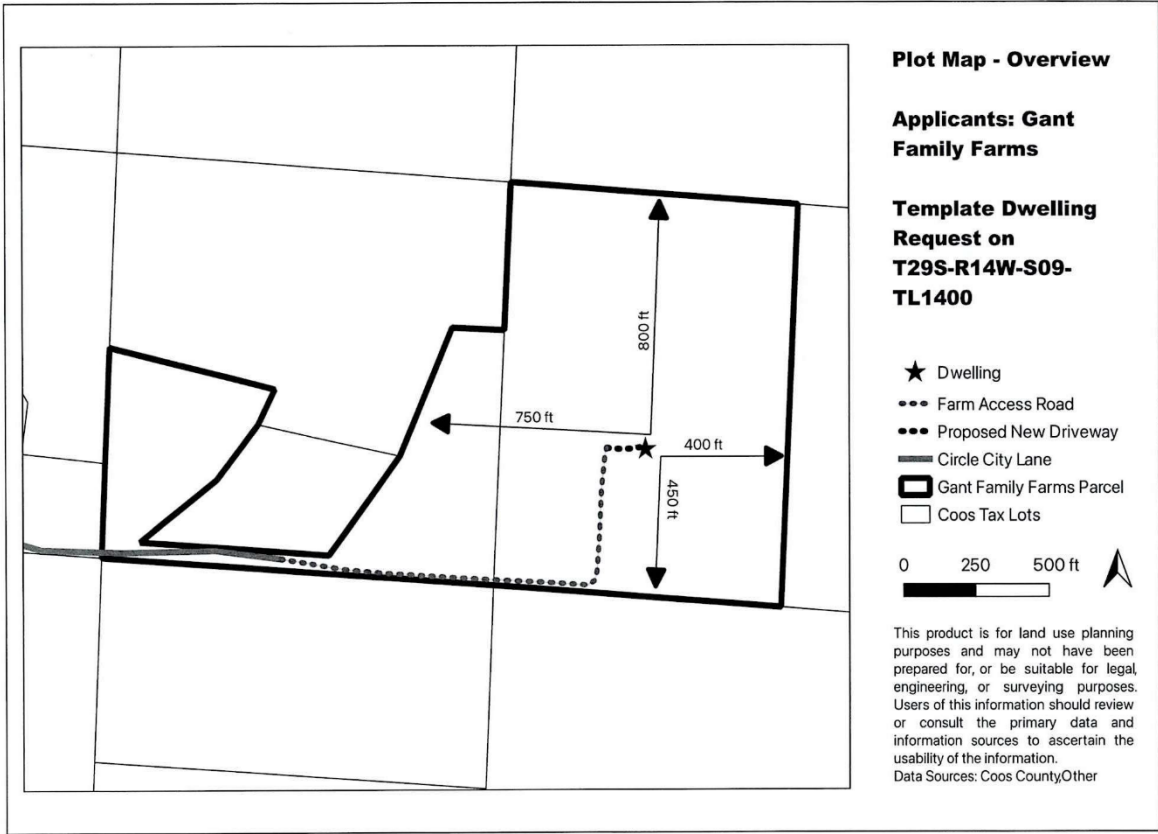
Harvesting and Selling Timber: A Field Guide for Woodland Owners; Oregon State University Extension Service; EM 917; June 2018

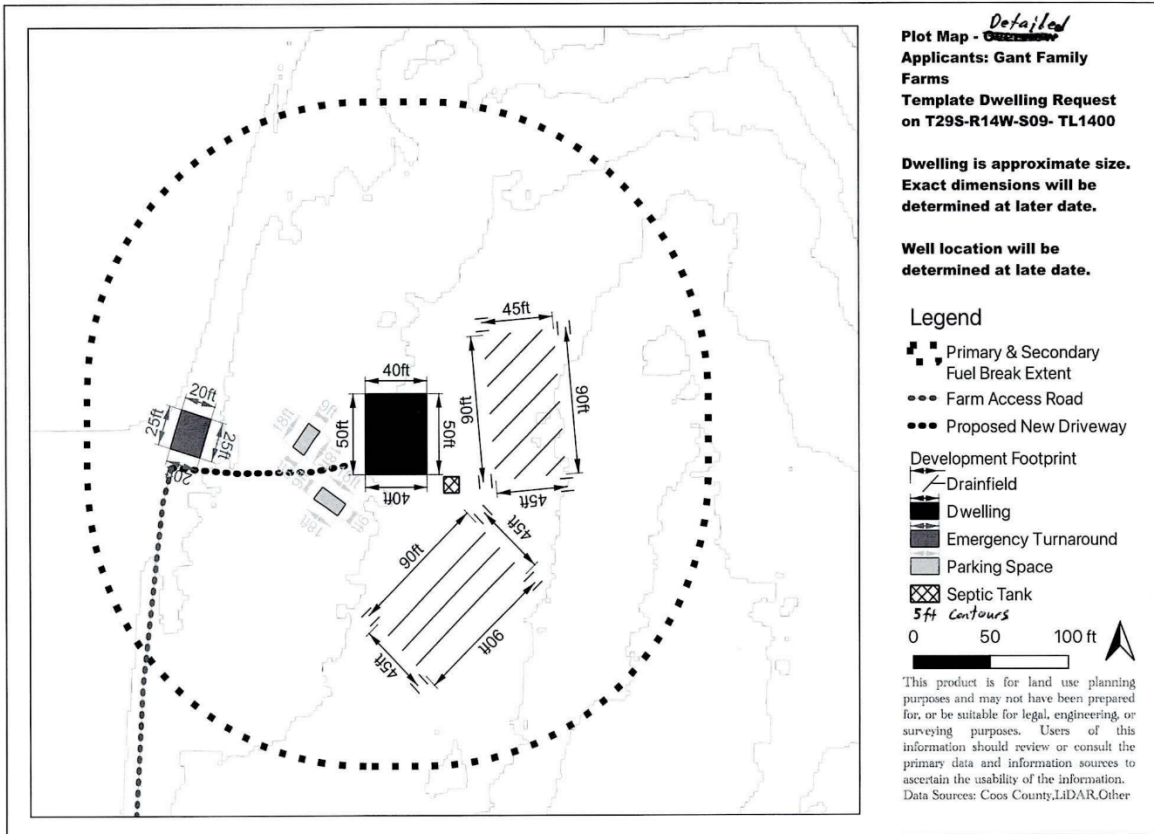
Cranberry Production in the Pacific Northwest; A Pacific Northwest Extension Publication; PNW 247; Revised May 2002

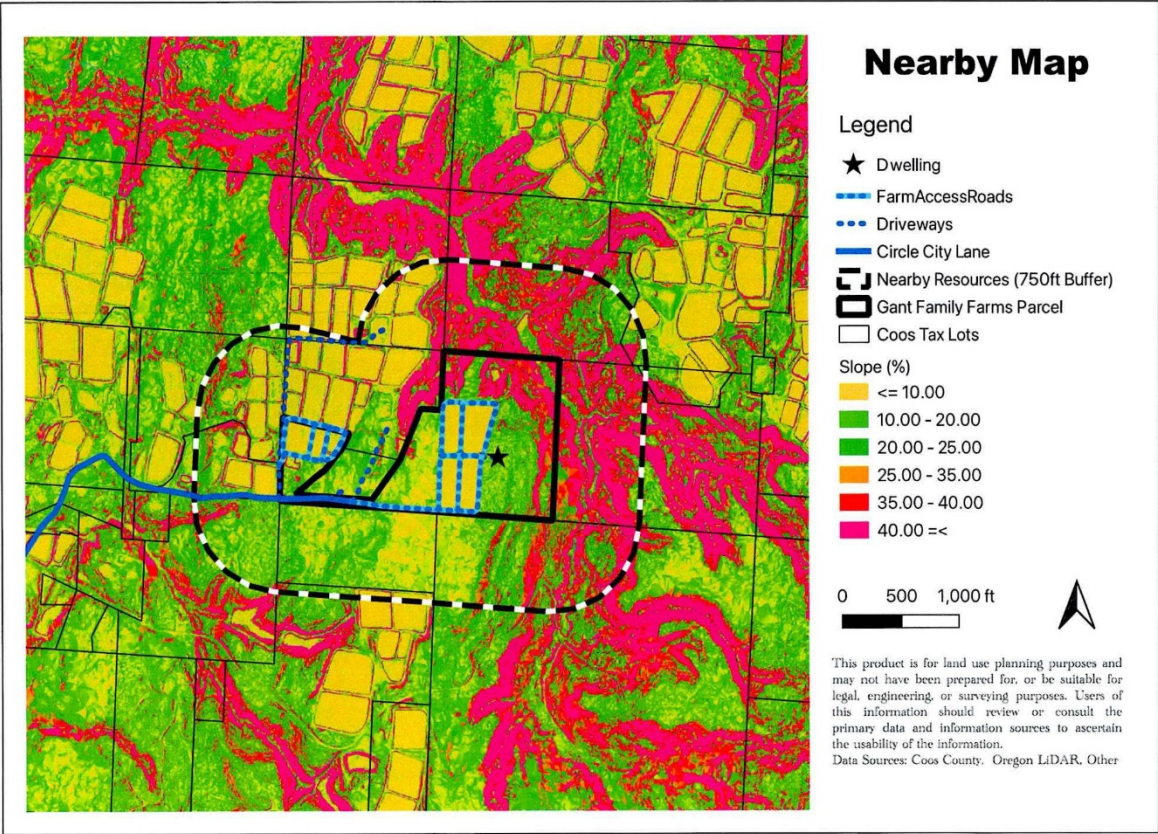
Keeping Your Home and Property Safe from Wildfire: A Defensible Space and Fuel Reduction Guide for Homeowners and Landowners; Oregon State University Extension Service; EM 9184; December 2017

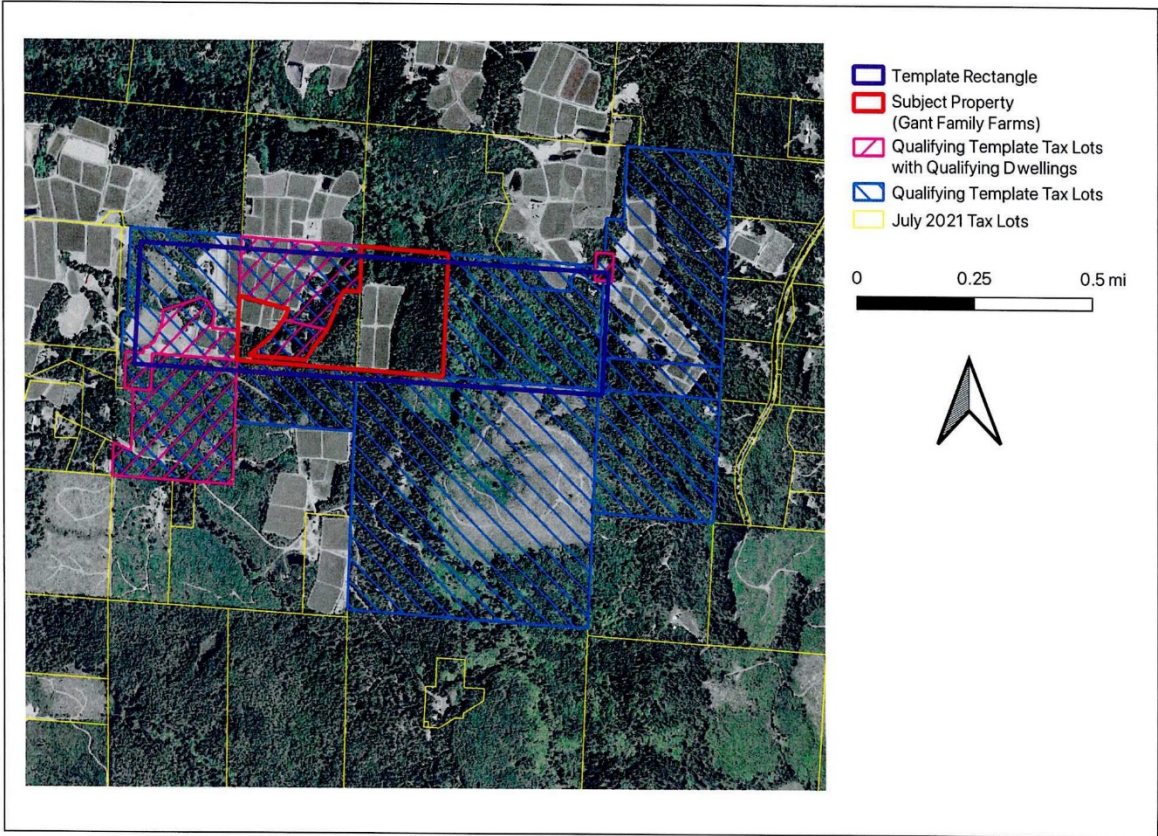
Applicable LUBA Cases:

Anderson v. Coos County, 51 Or LUBA 454 (2006).









Coos County, Oregon 2021-07929
\$106.00 07/13/2021 09:44 AM
Pgs=5

Send tax statements to:
Gant Family Farms
P.O. Box 765
Bandon, OR 97411

After recording return to:
Gant Family Farms
P.O. Box 765
Bandon, OR 97411



Debbie Heller, CCC, Coos County Clerk

PROPERTY LINE ADJUSTMENT DEED

Gant Family Farms, an Oregon General Partnership, GRANTOR(s) conveys and warrants to

Gant Family Farms, an Oregon General Partnership, GRANTEE(s) the following described real property, situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"

Subject to and excepting:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

Coos County real property Tax Account No. 1207802 and 1209502.

The consideration for this conveyance stated in terms of dollars is none, this deed is given for internal operations of Gant Family Farms.

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.
2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"

3. The deed whereby Grantor acquired title to the transferred property is recorded in Inst. No. 2009-4776, of the Deed Records of Coos County, Oregon.
4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Inst. No. 2002-9257, of the Deed Records of Coos County, Oregon.
5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by Clyde F. Mulkins. His survey is filed with the County Surveyor under Coos County Surveyor's Records, Map No. 38A133.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 25 day of JUNE 2021.

Gary T. Gant
Gary T. Gant, Managing Partner of Gant Family Farms
Steven D. Gant
Steven D. Gant, Managing Partner of Gant Family Farms

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on June 25, 2021, by Gary T. Gant as Managing Partner of Gant Family Farms, an Oregon General Partnership.



Andrea D. McMahon
Notary Public of Oregon
My Commission expires: 9/17/2022

STATE OF OREGON)
)ss.
County of Coos)

This instrument was acknowledged before me on June 25, 2021, by Steven D. Gant as Managing Partner of Gant Family Farms, an Oregon General Partnership.



Andrea D. McMahon
Notary Public of Oregon
My Commission expires: 9/17/2022

Exhibit "A"

Adjusted Parcel Description

A parcel of land located in the Southern portion of the Southeast quarter of the Northeast quarter of Section 8, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at the East quarter corner of said Section 8; thence North 00° 18' West a distance of 838.75 feet, along the section line between Sections 8 and 9, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, to a 3/4 inch iron pipe; thence South 89° 55' 48" West a distance of 180.04 feet to a 1/2 inch iron pipe; thence South 20° 44' 37" West a distance of 459.81 feet to a 1/2 inch iron pipe; thence North 80° 50' 34" West a distance of 498.77 feet to a 3/4 inch iron pipe; thence North 24° 14' 27" East a distance of 130.79 feet to a 1/2 inch iron pipe; thence North 79° 11' 10" West a distance of 587.74 feet to a 3/4 inch iron pipe located on the 1/16th line running North and South through the center of the Northeast quarter of said Section 8; thence South 00° 26' East a distance of 691.70 feet along said 1/16th line to a 1-1/2 inch iron pipe at the Center-east sixteenth corner of said Section 8; thence South 88° 54' 48" East a distance of 1358.33 feet to the point of beginning.

SAVE AND EXCEPT the following described parcel of land, beginning at a 1/2 inch iron pipe bearing North 40°29' 54" West a distance of 536.40 feet from the East quarter corner of said Section 8, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 33° 02' 50" West a distance of 402.18 feet to a 5/8 inch iron rod; thence North 88° 54' 48" West a distance of 658.60 feet to a 5/8 inch iron rod; thence North 49° 17' 48" East a distance of 326.92 feet to a 5/8 inch iron rod; thence North 35° 46' 53" East a distance of 235.62 feet to a 3/4 inch iron pipe; thence South 80° 47' 59" East a distance of 498.62 feet to the point of beginning. Said parcel contains 5.01 acres, more or less.

RESERVING an easement for ingress, egress and utilities, described as the South 60 feet of the Southeast quarter of the Northeast quarter of Section 8, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, running East a distance of 814.00 feet from the Center-east sixteenth corner of said Section 8.

Exhibit "B"

Adjusted Parcel Description

Beginning at a 1/2 inch iron pipe bearing North 40°29' 54" West a distance of 536.40 feet from the East quarter corner of said Section 8, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 33° 02' 50" West a distance of 402.18 feet to a 5/8 inch iron rod; thence North 88° 54' 48" West a distance of 658.60 feet to a 5/8 inch iron rod; thence North 49° 17' 48" East a distance of 326.92 feet to a 5/8 inch iron rod; thence North 35° 46' 53" East a distance of 235.62 feet to a 3/4 inch iron pipe.

Unofficial
Copy

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That Gary T. Gant and Karen E. Gant

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto Gant Family Farms hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Coos, State of Oregon, described as follows, to-wit:

The West one-third of the South Half of the Northwest Quarter (W 1/3 S 1/2 NW 1/4) of Section 9 Township 3 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Together with an easement for the right to construct an automobile runway, recorded April 28, 1993, Microfilm Reel No. 93-Cl-1247, Records of Coos County, Oregon. EXCEPTING AND RESERVING all minerals, as reserved in Deed by A.B. Collier, resorced August 7, 1958 in Vol. 266, Page 718, Records of Coos County, Oregon

(If space insufficient, continue description on reverse side) To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this 14th day of June, 19 2002; if a corporate grantor, it has caused its name to be signed and affixed by its officers, duly authorized thereto by order of its board of directors.



Handwritten signature of Gary T. Gant and Karen E. Gant.

STATE OF OREGON, County of Coos, June 14, 2002. Personally appeared the above named Gary T. Gant and Karen E. Gant, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of


and acknowledged the foregoing instrument to be their voluntary act and deed. Before me: Tanya S. Sigdon, Notary Public for Oregon, My commission expires: 8-8-08. (OFFICIAL SEAL)

Grantor's Name and Address: Gary T & Karen E Gant, PO Box 113, Bandon, OR 97411. Grantee's Name and Address: Gant Family Farms, PO Box 765, Bandon, OR 97411. After recording return to: Gant Family Farms, PO Box 765, Bandon, OR 97411.

STATE OF OREGON, County of Coos. I certify that the within instrument was received for record on the 14th day of June, 19 2002, at 11 o'clock AM, and recorded in book on page or as file/reel number. Record of Deeds of said county. Witness my hand and seal of County affixed. Recording Officer: [Signature]

RETURN TO KEY TITLE. COOS COUNTY, COQUILLE REC \$26.00 TERRI L. TURI, COOS COUNTY CLERK. 07/15/2002 02:26:23PM #2002-9257 1 OF 1

EXHIBIT "E" COMMENTS



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2021-1128

Responsible Jurisdiction

Staff Contact Michelle Berglund	Jurisdiction Type County	Municipality Coos County
Local case file # ACU-21-060	County Coos	

Activity Location

Township 29S	Range 14W	Section 09	QQ section	Tax Lot(s) 1400
------------------------	---------------------	----------------------	-------------------	---------------------------

Street Address
Circle City
Address Line 2
City
Postal / Zip Code

State / Province / Region
Country
Coos

Latitude
43.076908

Longitude
-124.375329

Wetland/Waterway/Other Water Features ^

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

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

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity ^

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

Applicable Oregon Removal-Fill Permit Requirement(s)

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

Closing Information

Additional Comments

This response is for only tax lot 1400 and assumes that the farm access road leading to the short driveway to the home is already in place and not needing improvements. The access to the proposed home crosses a short distance of mapped hydric soils and then appears to rise in elevation. Hydric soils tend to drain slowly and perch water and often, but not always, support wetlands. You are allowed 50 cubic yards of removal/fill in wetlands at this location before needing a permit. Therefore, it does not appear that you will need a permit for a portion of the driveway, but if you find that you are filling an area for the driveway in order to make it drier and using more than 50 cubic yards in that location, you may need a permit and should contact DSL.

This is a preliminary jurisdictional determination and is advisory only.

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

Contact Information

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

Response Date

11/8/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300

Michelle Berglund

From: THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>
Sent: Friday, October 22, 2021 11:33 AM
To: Michelle Berglund
Cc: Planning Department
Subject: RE: ACU-21-060 Gant Family Farms

This Message originated outside your organization.

Good morning Michelle,

The Oregon Department of Aviation (ODA) has no comment on File Number: ACU-21-060 Gant Family Farms.

Thank you for allowing the ODA to comment on this proposal.

Please let me know if you have any questions.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 CELL 503-507-6965
EMAIL seth.thompson@aviation.state.or.us
3040 25TH STREET SE, SALEM, OR 97302
WWW.OREGON.GOV/AVIATION

From: Michelle Berglund <mberglund@co.coos.or.us>
Sent: Wednesday, October 13, 2021 8:58 AM
To: THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>; PECK Heather <heather.peck@aviation.state.or.us>
Cc: Planning Department <planning@co.coos.or.us>
Subject: ACU-21-060 Gant Family Farms

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning!

Please find attached the application for the Gant Family, to add a new home to their farm in the forest mixed use zone. Please let us know any questions, comments, or concerns that you might have.

Thank you so much!

Michelle, Planning Aide
Coos County Planning Dept

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).