



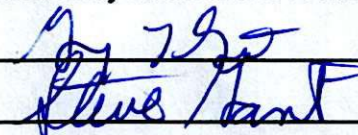
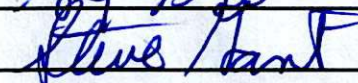
D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County 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.

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

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

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

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway

Parking

Access

Bonded

Date:

Receipt # \_\_\_\_\_

File Number: DR-21-

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

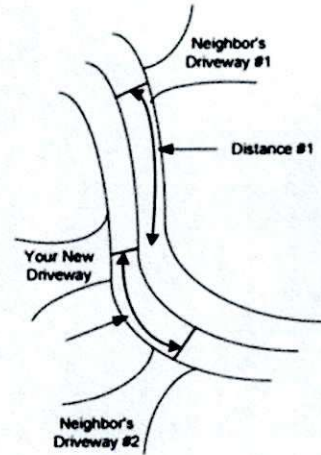
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW  
DRIVEWAY: 20 feet

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:**

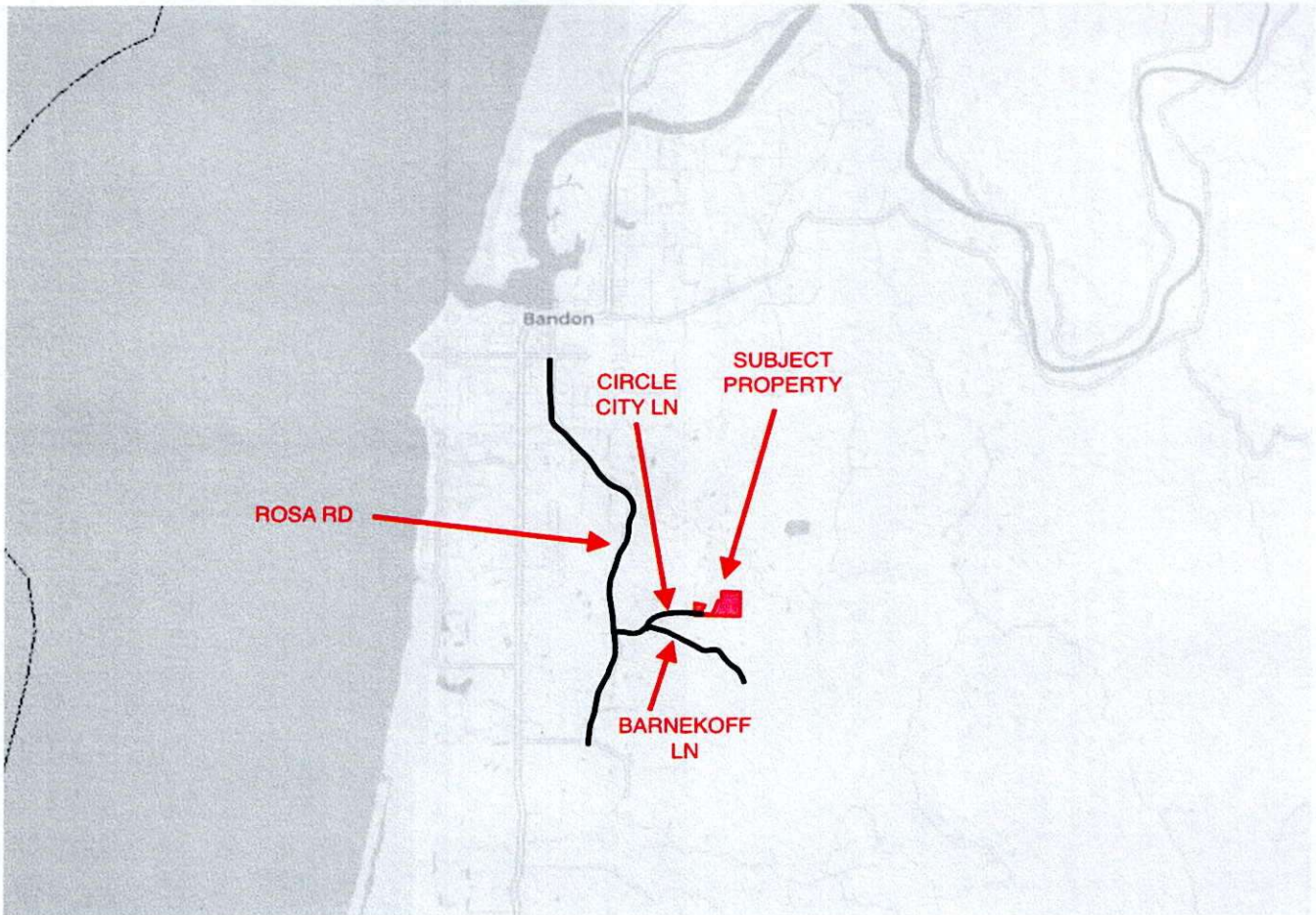
Proceed to the City of Bandon, leave Bandon on Rosa County Road, drive 3 miles down Rosa Rd, turn east onto Barnekoff Lane, proceed east on Barnekoff Lane for 0.5 miles, turn onto Circle City Lane, proceed on Circle City Lane for 1.25 miles until the end of the road. This address will be the new last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

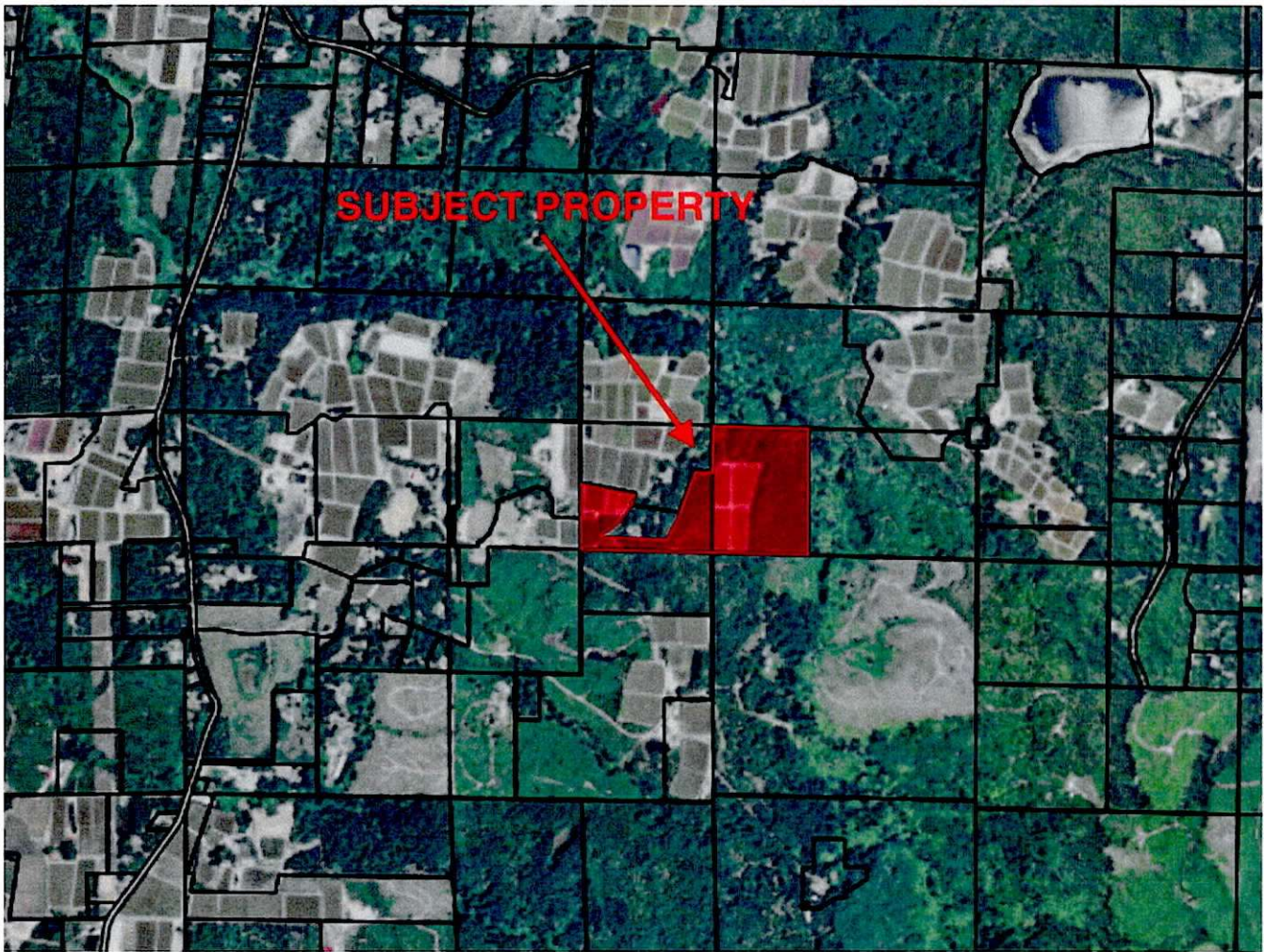
This application is not required.

## 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.

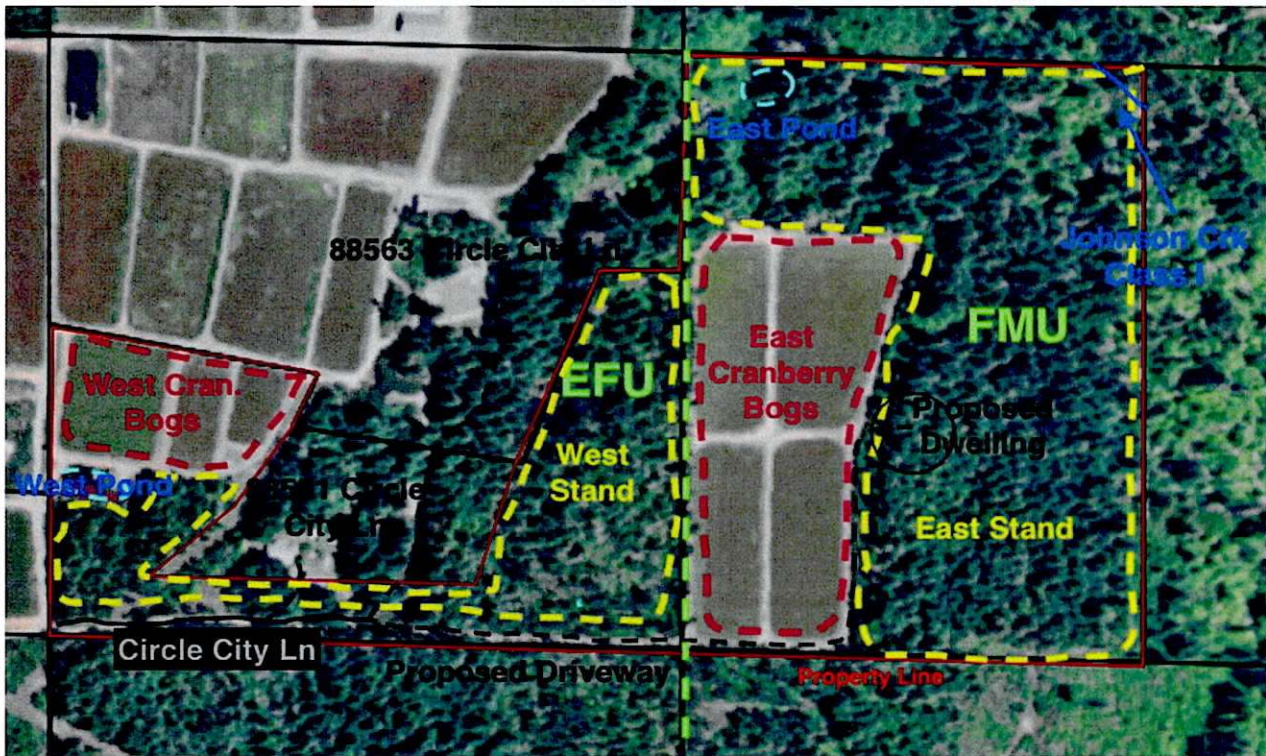
**Site and Community Overview:** A land use application has been submitted for a parcel located on the southwest side of Coos County near Bandon. It is situated on the east side of Rosa Road, just off Circle City Lane which connects to Rosa Road via Barnekoff Lane. A Coos County transportation plan describes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





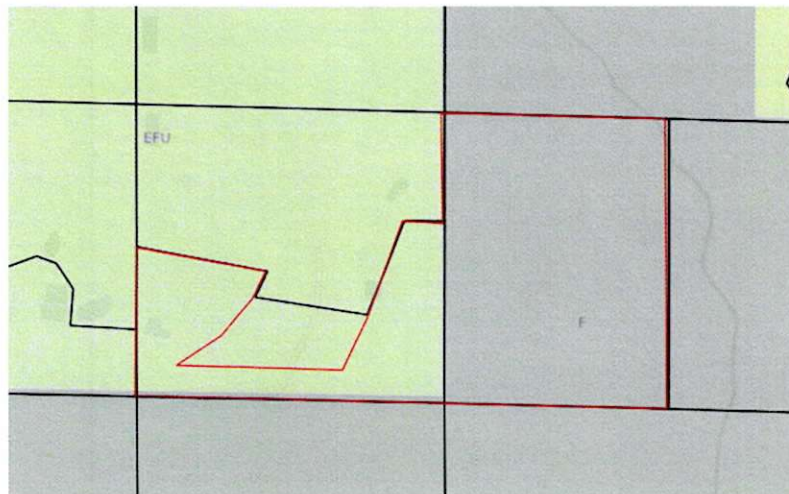
A mix of rural residential, farming, and forest operation can be found on Rosa Road. Most of the agricultural operations along Rosa Road are related to cranberry farming. There are scattered ranches along Two Mile Lane, which is further south of the proposed dwelling site. This dwelling location can 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

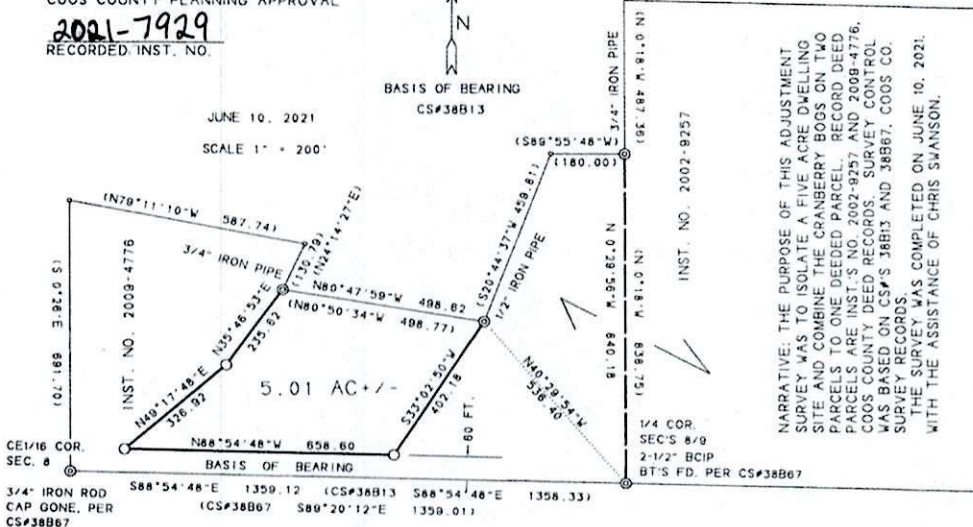
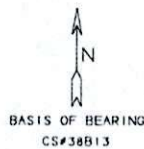
Creek thru approved State water rights.

**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.

PROPERTY LINE ADJUSTMENT SURVEY  
 LOCATED IN THE SE 1/4 NE 1/4, SEC. 8;  
 AND THE SW 1/4 NW 1/4, SEC. 9,  
 TWP 29 S, RNG 14 W, WM, COOS CO, OR

*Accepted On*  
 COOS COUNTY PLANNING APPROVAL  
 2021-7929  
 RECORDED INST. NO.

JUNE 10, 2021  
 SCALE 1" = 200'



- LEGEND
- ⊙ CORNERS FD. PER CS#38B13 OR AS SHOWN
  - CALCULATED CORNER POSITION OF RECORD
  - MONUMENT SET - 5/8" X 30" IRON ROD W/ PLASTIC CAP MKD. "LS2006"
  - ( ) DEED BEARINGS OR AS SHOWN

COOS COUNTY SURVEYOR  
 DATE RECEIVED: July 1, 2021  
 DATE ACCEPTED/FILED: 7-13-21  
*Mike Dabo*  
 COOS COUNTY SURVEYOR

ADJUSTED BOUNDARY LINE  
 VACATED BOUNDARY LINE  
 RECORD MEASURE PER CS#38B13 OR AS SHOWN  
 SURVEY FOR:  
 GANT FAMILY FARMS  
 P.O. BOX 765  
 BANDON, OR 97411  
 SURVEY BY:  
 MULKINS & RAMBO, LLC  
 P.O. BOX 509  
 NORTH BEND, OR. 97459

NARRATIVE: THE PURPOSE OF THIS ADJUSTMENT SURVEY WAS TO ISOLATE A FIVE ACRE DWELLING SITE AND COMBINE THE CRANBERRY BOGS ON TWO PARCELS TO ONE DEEDED PARCEL. RECORD DEED PARCELS ARE INST.'S NO. 2002-9257 AND 2008-4776. COOS COUNTY DEED RECORDS, SURVEY CONTROL WAS BASED ON CS#S 38B13 AND 38B67, COOS CO. SURVEY RECORDS.  
 THE SURVEY WAS COMPLETED ON JUNE 10, 2021, WITH THE ASSISTANCE OF CHRIS SWANSON.

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 18, 1989  
 CLYDE F. MULKINS  
 2006  
 RENEWAL 12/31/2022

38A133



## 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:*

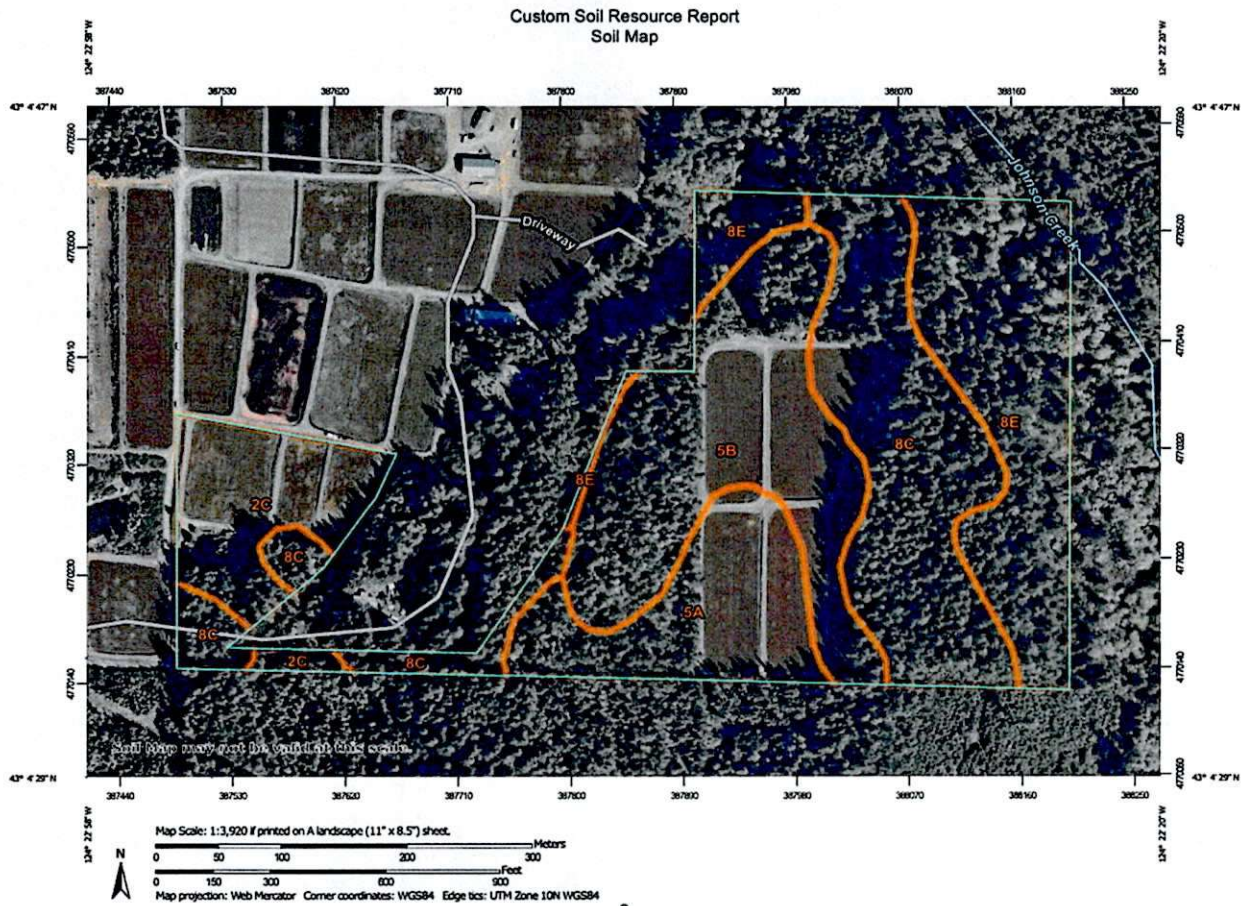
*(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within*

*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%
<b>Totals for Area of Interest</b>		<b>43.6</b>	<b>100.0%</b>

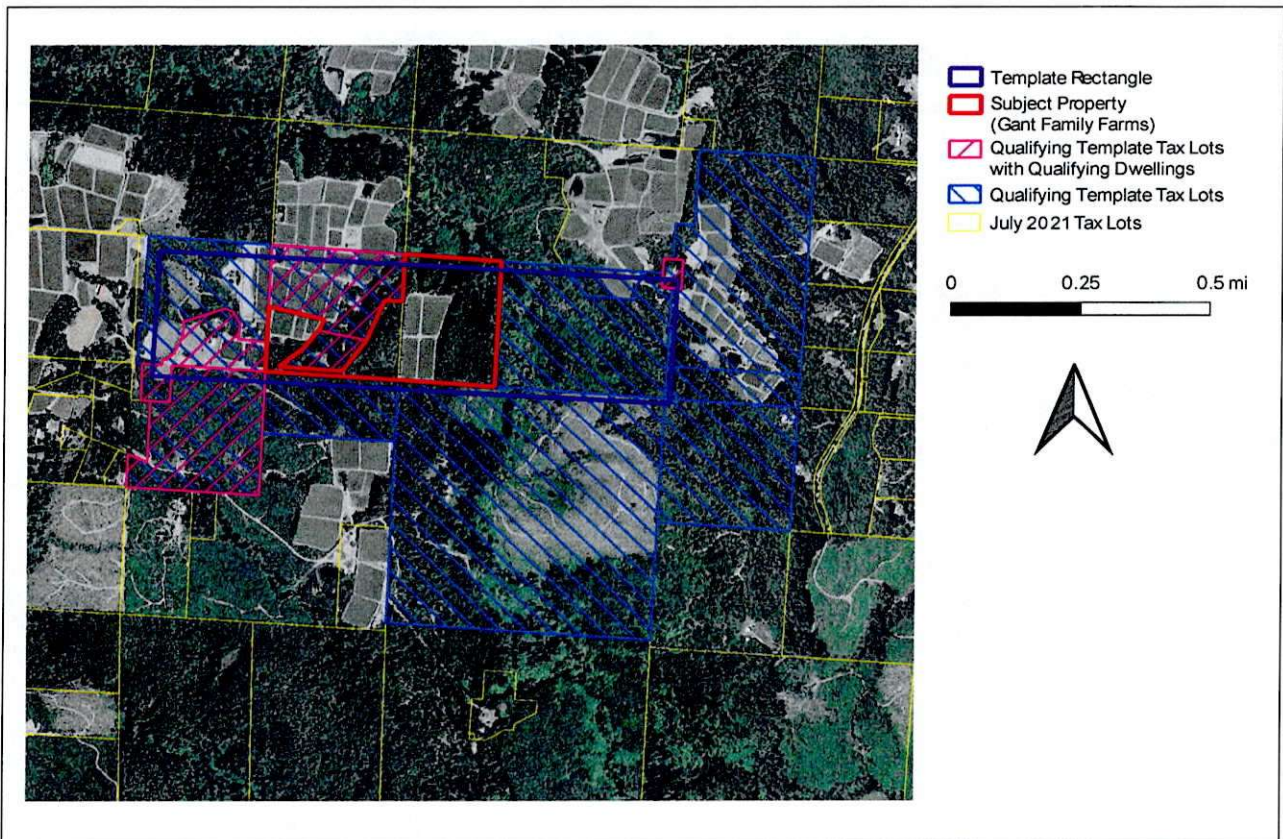
NRCS soils data has classified this soil type to produce greater volume than 85 cubic feet per acre per year of the wood fiber.

Forestland Productivity with Site Index Base—Coos County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAJ)
		<i>ft</i>	<i>yrs</i>		<i>cu ft/ac/yr</i>
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
	western redcedar	—	—	—	—
Blacklock	Port Orford cedar	—	—	—	—
	shore pine	90	100 TA	Alexander 1966 (520)	72.00
	Sitka spruce	—	—	—	—
	western hemlock	—	—	—	—
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—Coos County, Oregon					
Map unit symbol and soil name	Common trees	Site Index	Base Age	Site Index Curve Number	Volume Growth Rate (CMAJ)
		<i>ft</i>	<i>yrs</i>		<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	—	—	—	—
	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**

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*

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**



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

**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 built 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*

*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*



*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 <sup>of 15ft. required distance</sup> 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*

*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.**

*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**

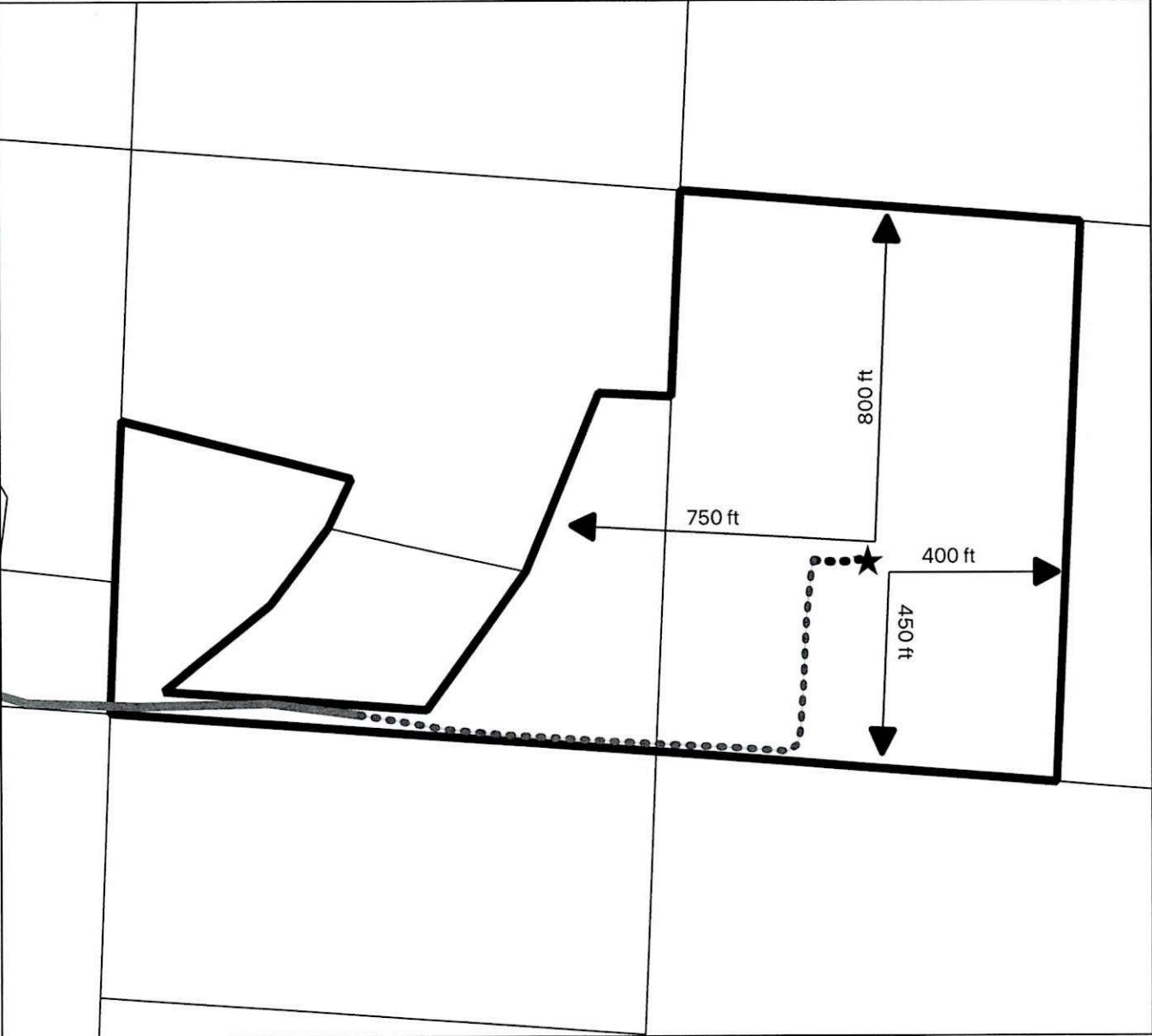
**Applicable LUBA Cases:**

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

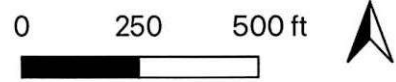
**Plot Map - Overview**

**Applicants: Gant Family Farms**

**Template Dwelling Request on T29S-R14W-S09-TL1400**



- ★ Dwelling
- ... Farm Access Road
- ... Proposed New Driveway
- Circle City Lane
- ▭ Gant Family Farms Parcel
- Coos Tax Lots



This product is for land use planning purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
Data Sources: Coos County, Other

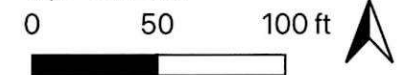
**Plot Map - ~~Overview~~ *Detailed***  
**Applicants: Gant Family Farms**  
**Template Dwelling Request**  
**on T29S-R14W-S09- TL1400**

**Dwelling is approximate size.**  
**Exact dimensions will be determined at later date.**

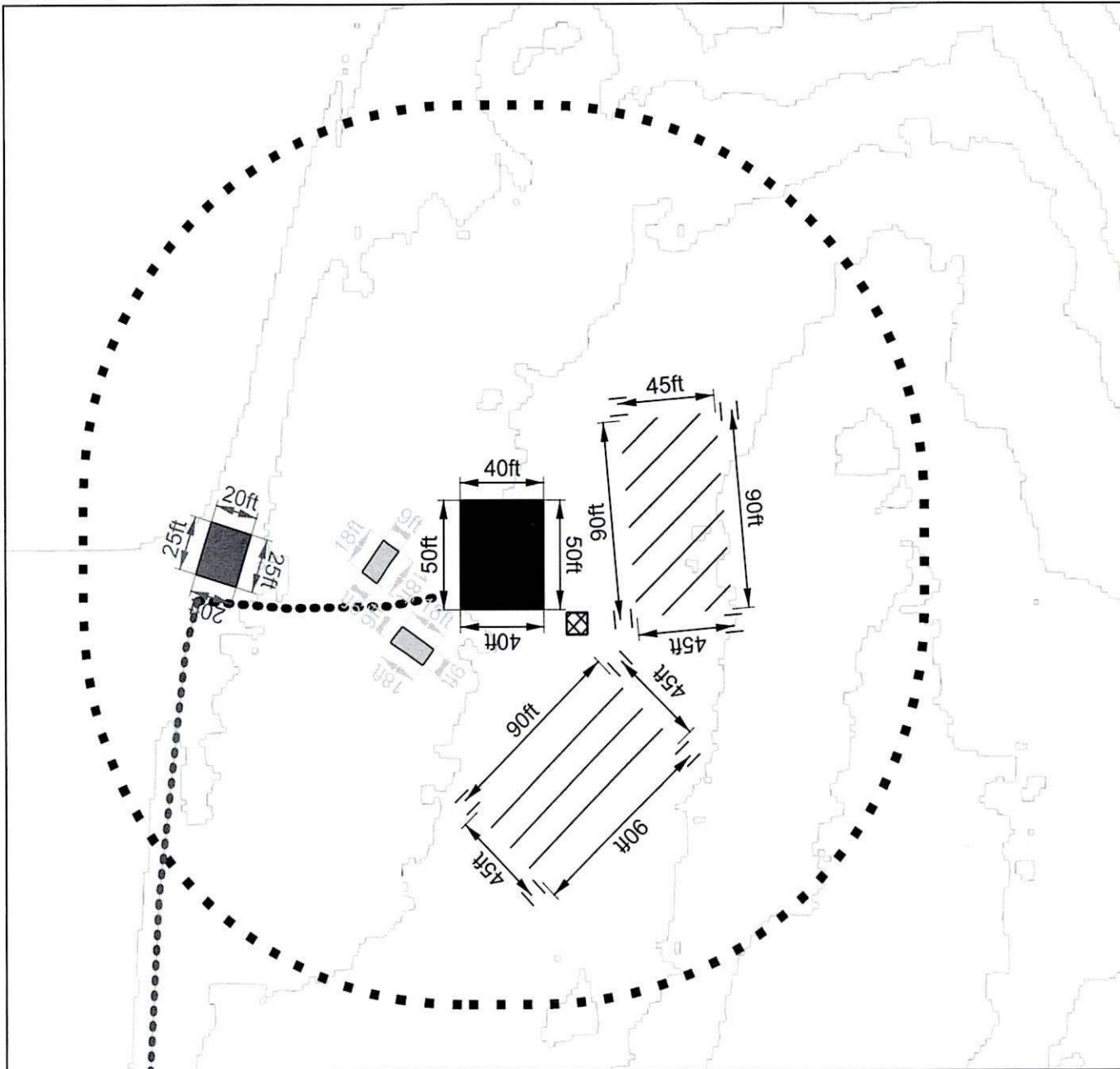
**Well location will be determined at late date.**

**Legend**

-  Primary & Secondary Fuel Break Extent
-  Farm Access Road
-  Proposed New Driveway
- Development Footprint**
-  Drainfield
-  Dwelling
-  Emergency Turnaround
-  Parking Space
-  Septic Tank
- 5ft contours*



This product is for land use planning purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
 Data Sources: Coos County, LiDAR, Other



# Nearby Map

## Legend

- ★ Dwelling
- FarmAccessRoads
- ... Driveways
- Circle City Lane
- ⊞ Nearby Resources (750ft Buffer)
- ▭ Gant Family Farms Parcel
- Coos Tax Lots

## Slope (%)

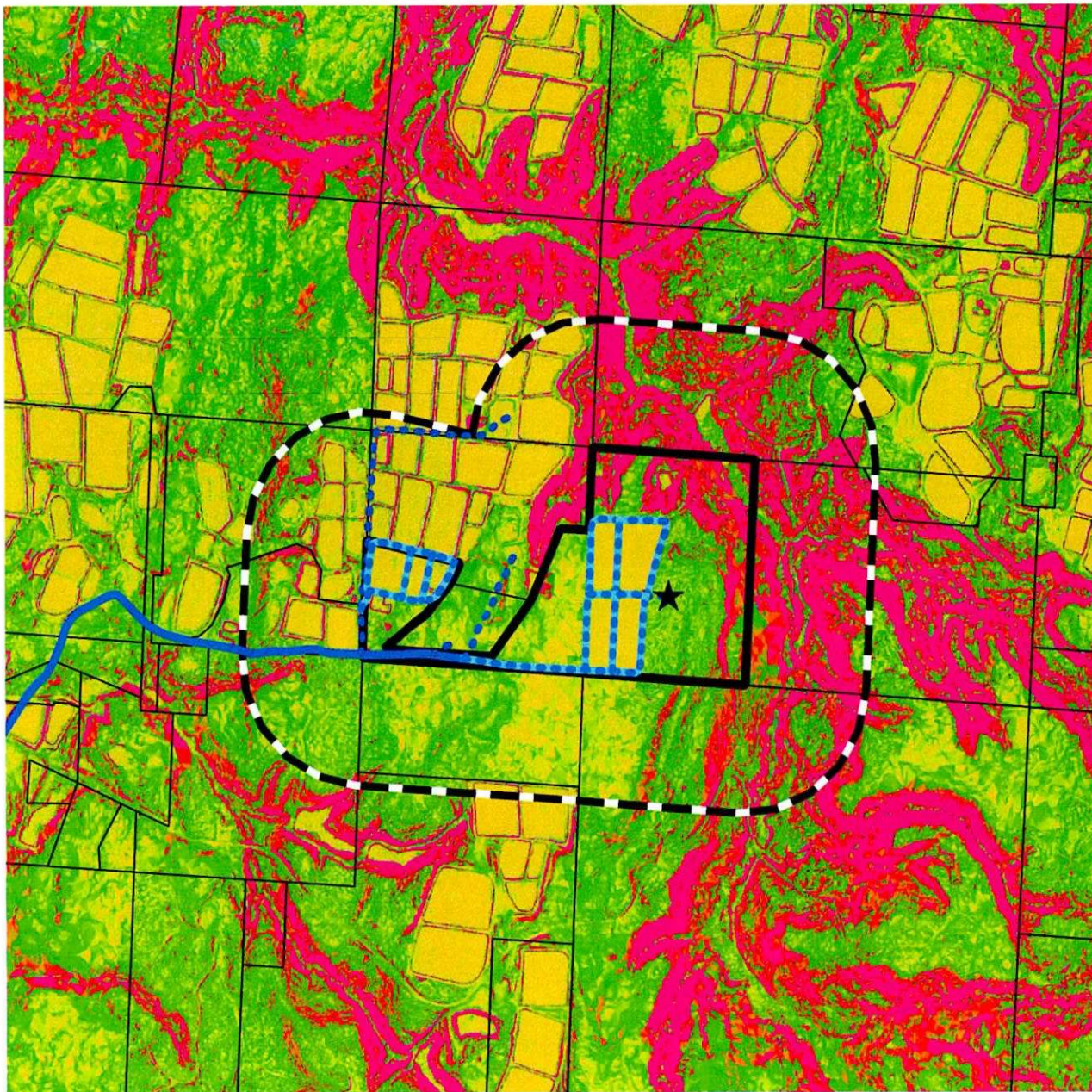
- ≤ 10.00
- 10.00 - 20.00
- 20.00 - 25.00
- 25.00 - 35.00
- 35.00 - 40.00
- 40.00 = <

0 500 1,000 ft

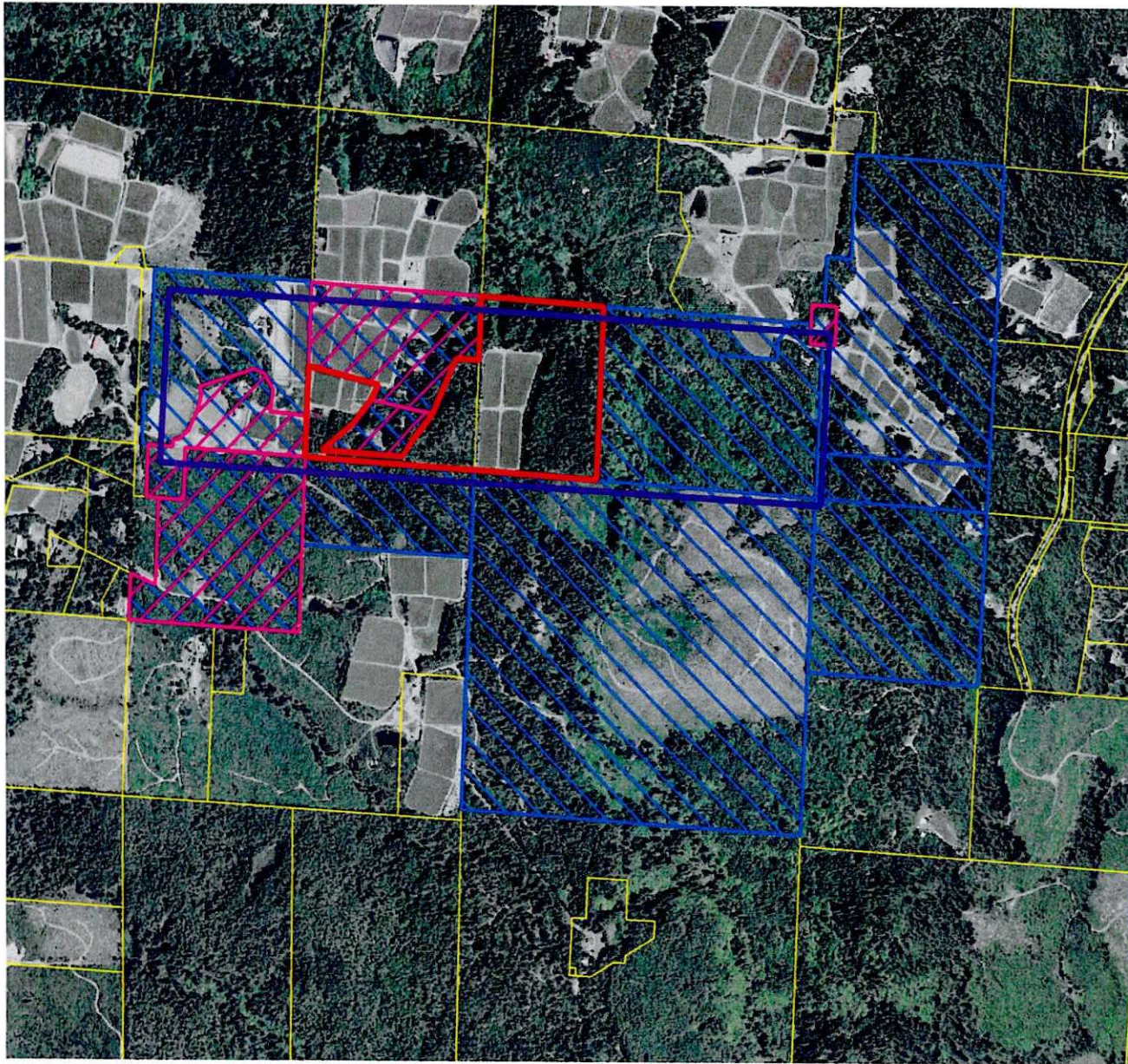


This product is for land use planning purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Data Sources: Coos County, Oregon LiDAR, Other







-  Template Rectangle
-  Subject Property (Gant Family Farms)
-  Qualifying Template Tax Lots with Qualifying D wells
-  Qualifying Template Tax Lots
-  July 2021 Tax Lots

0 0.25 0.5 mi



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 )

County of Coos ) ss.  
)

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 )

County of Coos ) ss.  
)

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

1-1-74

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 any-wise 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 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. 93-04-1247, Records of Coos County, Oregon. EXCEPTING AND RESERVING all minerals, as reserved in Deed by A.B. Collier, recorded 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 consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

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 June 14, 2002 day of June, 19 2002; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporate officer corporate seal)



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

and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Notary Public for Oregon My commission expires: 8-8-08

STATE OF OREGON, County of Coos ) ss.

Personally appeared 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

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon My commission expires:

(SEAL)

Gary T & Karen E Gant PO Box 113 Bandon, OR 97411 GRANTOR'S NAME AND ADDRESS Gant Family Farms PO Box 765 Bandon, OR 97411 GRANTOR'S NAME AND ADDRESS

After recording return to: Gant Family Farms PO Box 765 Bandon, OR 97411 NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address: see address above

RETURN TO KEY TITLE

STATE OF OREGON, County of Coos ) ss.

I certify that the within instrument was received for record on the day of June, 19 2002, at o'clock P.M., 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.

SPACE RESERVED FOR RECORDER'S USE

Recorded By Key Title Company As An Accommodation Only With No Liability Assumed.

Recording Officer By Deputy