



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: **Friday, March 25, 2022**

File No: ACU-21-067

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

Applicant(s): Jeremiah & Bridget Kasper

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 12 p.m. on **Monday, April 11, 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: 1207604

Map Number: 29S140800-00302 parcel 2

Property Owner: KASPER, JEREMIAH D & BRIDGET R
PO BOX 2070
BANDON, OR 97411-2070

Situs Address: NO SITUS ADDRESS

Acreage: 43.46 Acres (this has been adjusted to approximately 13.6 acres)

Zoning: FOREST MIXED USE (F/MU)

Special Development Considerations and Overlays: BANDON AREA OF MUTUAL INTEREST (BMI)
BIRD SITE MEETS GOAL 5C REQ RMT (B5C)
NATIONAL WETLAND INVENTORY SITE (NWI)
WETLAND IN CRANBERRY BOGS (WC)

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 March 25, 2022 to April 11, 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: Crystal Orr Date: Friday, March 25, 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: Comments Received

Exhibit E: Application Submitted

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 4.6.110(9)(C)(1)(a) The parcel is over 10 acres in size, a stocking survey must be submitted to the Coos County Assessor's Office with a completed stocking survey before requesting a Zoning Clearance Letter.
 - c. 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.
 - d. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - e. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
 - f. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rives then this is not applicable.
 - g. Section 4.6.140(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.

- h. 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.
- i. 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.
- j. 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.
- k. 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).
- l. 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.
- m. 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.
- n. 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.

- o. 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.
- p. 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.
- q. This property Tax Lot 302 (Parcel 2) shall be deeded into a different ownership prior to issuance of a Zoning Compliance Letter.

EXHIBIT "B"
Vicinity Map



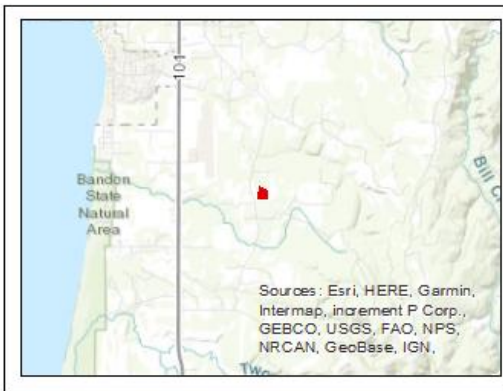
COOS COUNTY PLANNING DEPARTMENT

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

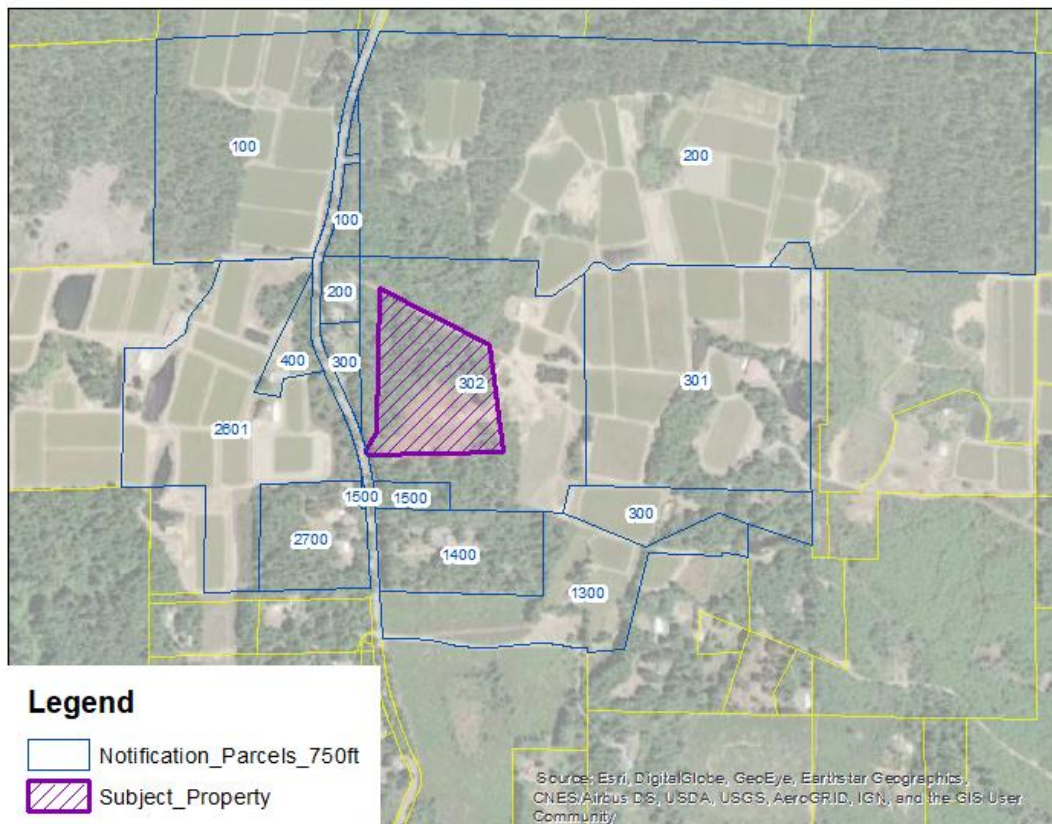
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900

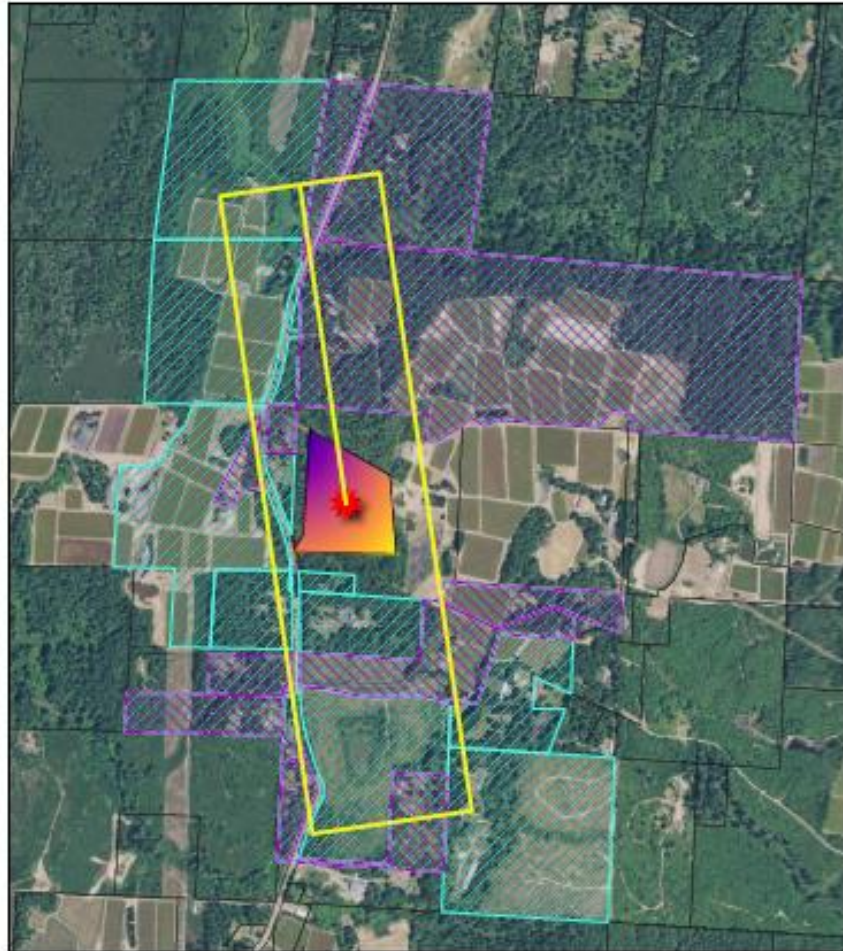


File:	ACU-21-067
Applicant/ Owner:	Jeremiah & Bridget Kasper
Date:	March 24, 2022
Location:	Township 29S Range 14W Section 08 TL 302 (parcel2)
Proposal:	Administrative Conditional Use



Template Map

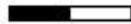
Parcel #2 Template Map



Legend

-  Parcel II Centroid
-  Qualifying Template Parcels
-  Qualifying Template Parcels w/
Qualifying Dwellings
-  Template Rectangle (160 ac)
-  Parcel II (adjusted)

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.

**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:

This property was rezoned from Exclusive Farm Use to Forest on December 28, 2021. A lawfully Established Parcel, and a Property Line Adjustment was approved on February 28, 2022, which gave this parcel it’s current configuration. The new revised tax account information was not available at the time of this report.

C. LOCATION: The subject property is located south of the City of Bandon accessed by Circle City Lane, via Barnekoff Lane off of 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.

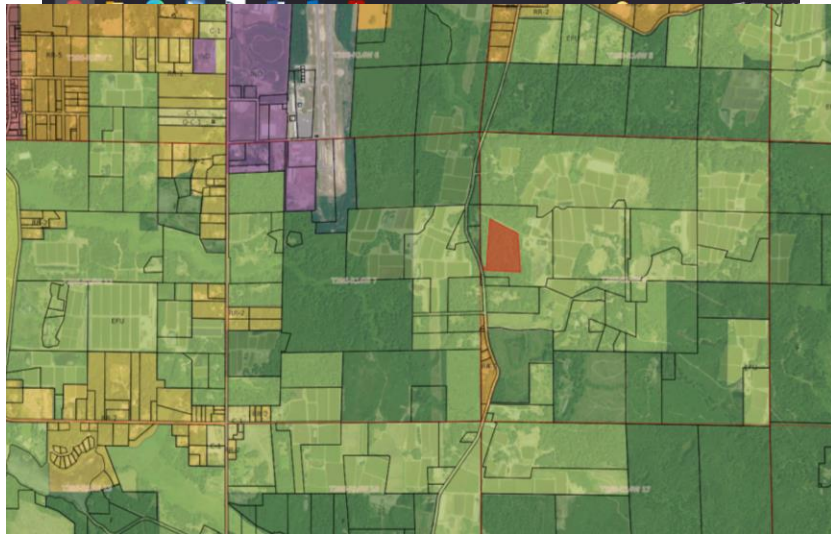
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest 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 parcel is located in the southwest portion of Coos County near the City of Bandon. The subject property is accessed by Circle City Lane via Barnekoff Lane onto Rosa County Road. Rosa Road is a 4.3 mile long County Maintained Major Collector Road that is located southeast of the City of Bandon. Rosa Road has a mixture of residential, forest and farming operations. There are primarily resource zoning districts (Exclusive Farm Use and Forest) in the vicinity of the subject property. There are Rural Residential zoned lands approximately ¼ mile south of the subject property along Rosa Road. There are dwellings on the surrounding parcels, some are non-resource and some are farm dwellings.

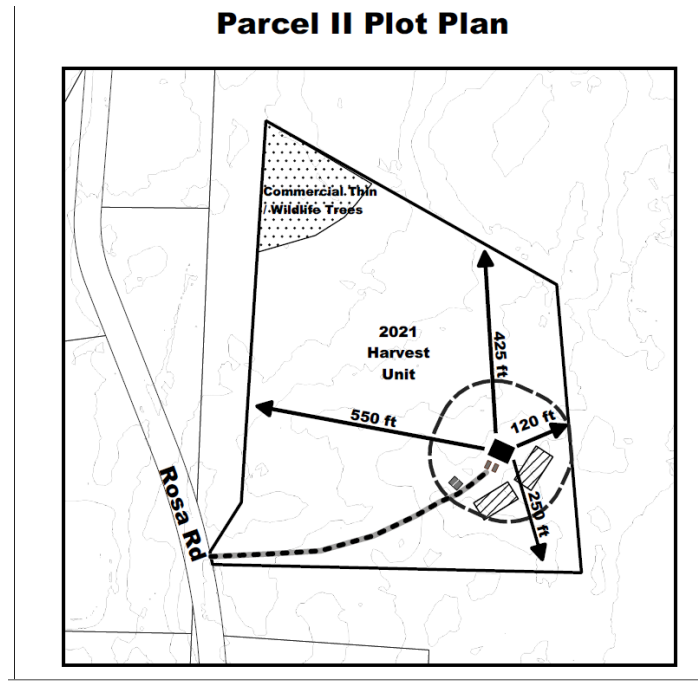


X,Y: -13847615, 5323440 Lat, Lon: 43.075, -124.395 USNG: 10T CN 86414 79120



- 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
- Croquille River Estuary Plan - Aquatic
- Croquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- River Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Sloagh
- Urban Residential 1
- Urban Residential 2
- Urban Residential M

Parcel II Plot Plan



F. COMMENTS:

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

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

"Lawfully established unit of land" means:

1. The unit of land was created:
 - a. Through an approved or pre-ordinance plat;

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

FINDING: The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision (PLA-21-043).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) in the Forest Mixed Use Zone pursuant. The application did not specify any additional development requests; therefore, no other development proposals were reviewed.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is not subject to review under Natural Hazards Section 4.11.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

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

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

- (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
- (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

FINDING: Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per year if wood fiber which determines the applicable criteria for the number of parcels.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	4.8	35.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	8.8	64.9%
Totals for Area of Interest		13.6	100.0%

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*

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 5B Blacklock Fine Sandy Loam and 8C Bullards Sandy Loam. The majority of the property soils is made up of 8C Bullards Sandy Loam, which has been classified by NCRS to produce more than 85 cubic feet per acre per year of wood fiber.

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

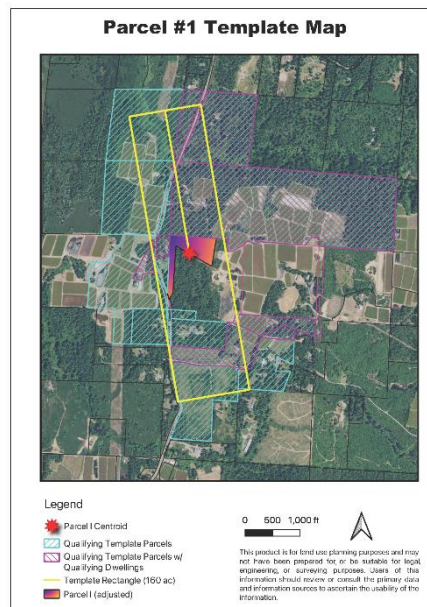
- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) through (7). Subsection (2) has been removed:
 - (3) Lots or parcels within urban growth boundaries shall not be used to 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.

The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision (PLA-21-043). The parcel is less than 60 acres. The property does touch a road created before 1993 or perennial stream. The applicant elected to choose to use a template rectangle. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant supplied the following template map and staff verified it was correct.



Staff used the 160-acre rectangle for the template test. Staff verified that the subject property meets the template test requirements of 11 parcels with 3 dwellings.

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

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

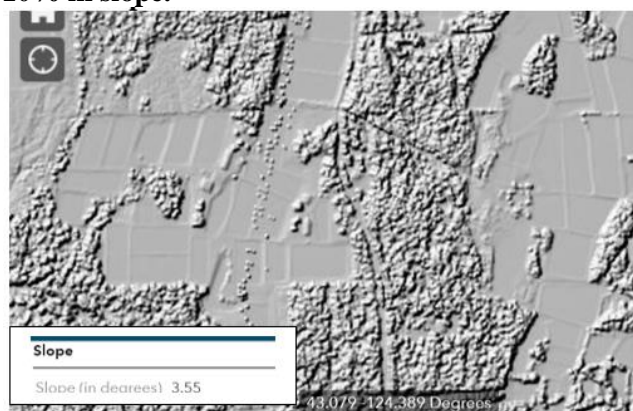
1. *A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:*
 - (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. According to application, the property is approximately 13.60 acres in size; therefore, the criteria does require a stocking survey.

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 proposed dwelling site is on slopes less than 10%*”.

Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope of the building development site as 3.55 degrees, which is less than 10% in slope.



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

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well. 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 “if the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester”. 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 property owner will construct and maintain a 30 foot primary safety zone”. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.

2. (a) *If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*
- (b) *If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water’s edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]*

FINDING: Section 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection were requested. No water supply was shown to exist that would meet the criteria and require a road access. Therefore, this has been addressed.

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

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

1. *Dwellings and structures shall be sited on the parcel so that:*

- (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
 3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
 4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
 5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
 - (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

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.*

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 are minimized. The proposed homesite is located approximately in the northeast corner of the subject property, as shown on the applicants plot plan. The proposed homesite is approximately 120 feet from the eastern property line and 250 feet from the southern property line. The house site is located approximately 425 feet from the north boundary of the property and 550 feet from the western boundary.

The parcel is located near farmland (cranberry farms) and some larger non-industrial timberlands located further away.

Timber and Forestry Operations

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) Based on the slopes show on the Nearby map and knowledge of recent harvest activity the entire nearby area surrounding the parcel is operable for ground-side timber harvesting. Ground-side timber harvesting involves machines that cut, delimb, and buck the trees into logs. While these machines are fairly large, they are designed to be transported using standard public roads on standard commercial trucks and lowboy trailers. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained to the harvest unit. Adjacent development activities will not have a significant effect on ground-side harvest units. ODF's Considerations for the Siting of Dwellings on Forest Land recommends that forest-dwelling have a setback distance of a minimum of 300 ft from ground-side harvest operation types. Based on the plot plan, the proposed dwelling will be between 200 to 300 feet from a 5 acre timber stand on the Tom & Marian Gant Trust property located at T29-R14W-S8-TL200. Should the Gant's choose to harvest this unit, based on their past management practices, they will more than likely used fellbunchers and other mechanized equipment that will directionally fell the timber into the harvest unit.

2) Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The landowners will create fuel breaks around the proposed dwelling. The fuel breaks will reduce the chances of embers from neighboring slash burns igniting any trees next to the proposed dwelling leading to a crown fire. Additionally, these fuel breaks will reduce the potential of a structure fire from the proposed dwelling causing a crown fire

spreading to the adjacent farm and timberlands. 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 air quality inside 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. The Bandon 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 industrial 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.

All the nearby forest parcels are well developed with dwellings and cranberry operations. At the same time, it is essential to note that the north and east sides of Parcel I touches adjacent cranberry farms, which will affect the practicality of aerial application of forest herbicide to active high- value farmland. The applicant's plot plan identifies that the proposed dwelling is between 200 - 300 ft away from any nearby forested stands. But this stand is adjacent to cranberry bogs. There is little to no likelihood that aerial helicopter spraying will be done by the adjacent landowners given the proximately to their own highvalue farmlands.

4) Reforestation, or planting trees, of recent logged, relatively flat timberlands typically has little effect by nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually have a more significant impact from nearby dwellings. The nearby timber stands are less than 10 acres in size. This practice is relatively short-term, lasting about a week or two, depending on crew size, over the life of the stand. These tree planting crews would not be affected by any new adjacent dwellings.

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 a 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 by forest-dwellings is reduced when active measures like fuel breaks are designed to minimize risks of spreading wildfires. 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 precommercial 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 applicants will construct a new aggregate driveway with limited access to the proposed dwelling.

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.

Cranberry Farming

There are three major cranberry farms adjacent to the subject parcel. They are the Gants, the Robisons, and the Kaspers. Cranberries are an essential part of the local Bandon farming sector and are identified as high-value farmland by State land-use laws. One of the adjacent cranberry farm is currently owned by the applicants.

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.



Friday Farms, operated by the Freitag's, have successfully grown cranberries directly adjacent to the City of Bandon for decades. The majority of cranberry farmers live on-site at their farming operations. Modern commercial cranberry growing has little direct correlation to adjacent lands, other than water rights and during the fall crop transportation.

Standard Cranberry 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 largescale 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 relatively 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 behind a row of establishing trees. 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 truck. Like all other crops grown for human consumption, the use of chemicals is highly regulated. 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 any proposed new dwelling on growing cranberries on adjacent land 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. All the neighboring cranberry farms are 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 loaded. The berries are loaded into 14 – 20 ft flatbed trucks using cranberry elevators. Loading trucks is reasonably quickly and no 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 facilitates compete with each other on prices each year. The proposed residential will not affect the nearby cranberry harvesting operations. The proposal dwelling will directly access onto Rosa Road, which is a major collector road. So once on Rosa Road, the traffic associated with the dwelling will be marginal at best.

4) Pruning of cranberries vines happens after the bogs are harvest, usually every year. The bogs essential 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 adjacent residential development.

This parcel will be sold, or transferred, prior to the development of the requested dwelling.

The proposed dwelling will minimize any adverse effects on these forestry operations by creating the necessary fuel breaks and maintaining the gravel driveway for fire truck access. Given the shape and size of the parcel, there is little probability for agriculture uses on this parcel.

The proposed dwelling is utilizing the least amount of space necessary for development. The proposed dwelling is clustered to the existing agriculture dwelling located on Parcel III.

The first consideration for wildfire risk is slope. The proposed dwelling will be located on a relatively flat portion of the parcel. The slopes are under 40 percent on this parcel. The second consideration for wildfire is access to the parcel. The access road to the dwelling follows the southern side of the parcel to Rosa Road. The applicants will install an adequate turnaround for fire truck operations at the end of the driveway. This driveway and turnaround will be created before the Applicants get the final driveway permit.

The third consideration will be managing fuel around the proposed dwellings. The proposed dwelling's location is on slopes less than 10%. The requirement is for the dwellings to have at least an 80 ft primary fuel break, with a 100 ft secondary fuel break.

The applicants will need to install a septic tank, primary drain field, and reserve drain field. The applicants plan to install these on the downslope area adjacent to the proposed dwelling. The applicants plan on irrigating the primary fuel break. This area will serve as their lawn. The larger size of the drain fields on the downslope side will also reduce the effects of any wildfire burning upslope towards the dwelling. The applicants will maintain the secondary fuel break. This consists of 100 ft 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. The other positive result will be to reduce the intensity of the fire burning both in the direction from and to the dwelling. Wildfires typically burn hotter as the amount of fuel load increases.

The proposed dwelling is utilized the least amount of space necessary for development. The proposed dwelling is clustered to the existing agriculture building located on Parcel III. The applicants do not have any easements for vegetation control on the surrounding forested parcels. The applicants' proposal will be to site the dwelling and driveway close the existing powerline easement. This creates an additional firebreak along the southern edge of the parcel.

Based on the parcel configuration, the applicants plan on constructing a driveway that will access directly onto Rosa County Road.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are 13.60 acres on the subject property; therefore, a stocking survey is not required.

All The criteria found in SECTION 4.6.130 have been addressed.

*○ Section 4.6.140 Development and Siting Criteria:
This section contains all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.*

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

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

Table 1 – Minimum Primary Safety Zone

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

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

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

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

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

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

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

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

Section 4.6.140(6) requires a setback from any wetland. There are no mapped wetlands or water bodies requiring protection within 50 feet of the proposed development. Therefore, this criterion is not applicable.

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

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Bandon Rural Fire Protection District. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that *“the property owner at the time of development shall construct 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”*. 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. 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 3.55 degrees, which is less than 10% in slope. The applicants will need to maintain a primary fuel-free break to the standards identified above. This criterion will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that *“all new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit”*. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. Reviewing aerial photos, Staff did not find any water sources meeting this criterion on the subject property. Therefore, this criterion has been addressed.

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

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

Section 4.6.140(16) requires adequate access for firefighting equipment. The subject property is accessed off of Rosa Road, which is built to support firefighting equipment. The applicant will have to construct a driveway that meets standards necessary to support access for fire-fighting equipment. Therefore, this criterion has been addressed.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria have 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:

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Monday, April 06, 2026. This application will not qualify for an extension as the criteria changes as of November 1, 2021 for a template dwelling.

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 Fire Protection District, Southern Coos Health District.

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

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

EXHIBIT “D”
Comments Received



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2021-1186

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-067	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
29S	14W	08		302 parcel II

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.077094

Longitude

-124.394956

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 Lot 2, as shown on the submitted site plan. It appears that the proposed home location will avoid wetlands, This response does not include the well, since its location was not proposed. Because hydric soils are present, there may be wetlands in the northern portion of Lot 2 (north of the fuel break footprint), but the site plan appears to avoid that area, and so should the well.

This is a preliminary jurisdictional determination and is advisory only.

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

Contact Information

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

Response Date

11/24/2021

Response by:

Lynne McAllister

Response Phone:

503-986-5300

EXHIBIT "E"
Application



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:

Date Received: _____	Receipt #: _____	Received by: _____
<p>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. <i>(If payment is received on line a file number is required prior to submittal)</i></p>		

LAND INFORMATION

A. Land Owner(s)

Mailing address:

Phone: Email:

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S	14W	8	Select	Select	302 Parcel II
Select	Select	Select	Select	Select	

Tax Account Number(s): Zone: Select Zone

Tax Account Number(s): _____ Please Select

B. Applicant(s)

Mailing address: _____

Phone: _____

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: Sewage Disposal Type:

School District: Fire District:

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

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

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: unaddressed

Type of Access: County Road Name of Access: Rosa Road

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR
NEW DRIVEWAY: 53897 Road Road

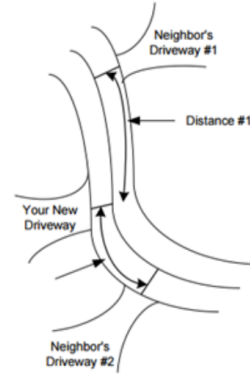
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW
DRIVEWAY: 290

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

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR
NEW DRIVEWAY: 54011 Rosa Rd

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW
DRIVEWAY: 640

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

This application is not required.

Parcel II Forest Template Dwelling

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

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

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

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

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

<i>(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -</i>

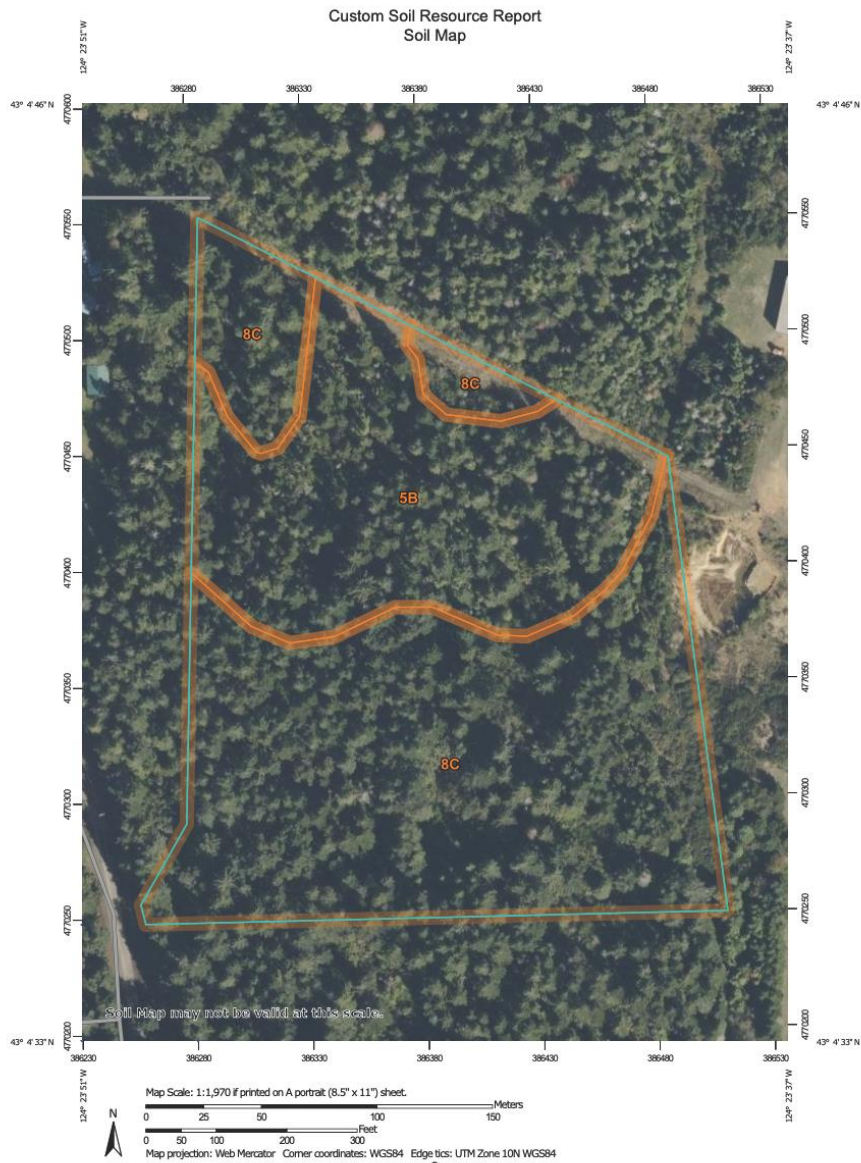
(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

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

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

Response to SECTION 4.6.110(9)(B)(II): (1) An NRCS Soils Report was acquired for the subject property. Approximately 65% of this parcel is covered by soils classified as Bullards sandy loam, 7 to 12 percent slopes. The map unit for this classification is 8C. The remaining 35% of soil on the parcel are classified as Blacklock fine sandy loam, 3 to 7 percent slopes. The map unit for this classification is 5B. Please see the attached NRCS soils table and map include below.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	4.8	35.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	8.8	64.9%
Totals for Area of Interest		13.6	100.0%



NRCS soils data has classified 8C – Bullards sandy loam soil type to produce greater volume than 85 cubic feet per acre per year of the wood fiber. This application will need to comply with subsection (c) above. Please see the map below of applicable lots or parcels with dwellings that existed before January 1, 1993.

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 (CMA)
		ft	yrs		cu ft/ac/yr
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	—	—	—	—
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	—	—	—	—

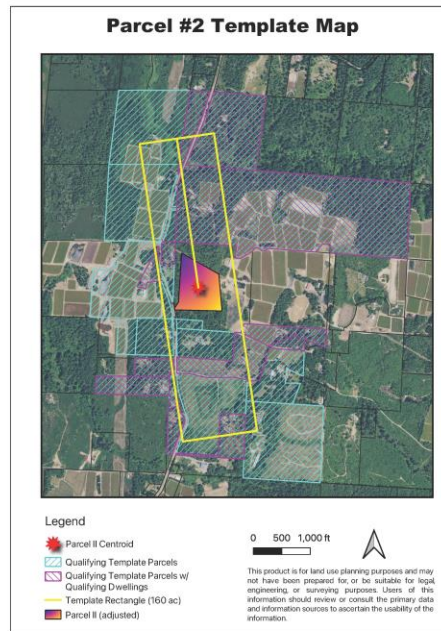
(3) The City of Bandon has the nearest urban growth boundary. That boundary is located approximately 2 miles northwest of the subject property.

(4) (a) The subject parcel is now zoned Forest Mixed-Use. 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 a primary farm dwelling located on Parcel III and a 1974 dwelling located on Parcel IV of the tract. The landowner/applicants will transfer ownership of Parcel II prior to requesting the Zoning Compliance Letter.



(5) Based on the attached plot plan, Parcel II directly touches Rosa Road. The applicants elected to utilize the 160-acre rectangle for the template test.

(6) The subject property is approximately 13.6 acres in size. Thus, this criterion is not applicable.

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.

Response to SECTION 4.6.110(9)(C)(1)(a): The parcel is over 10 acres in size. If approved, the applicants will provide the Coos County Assessor's office with a completed stocking survey, or other applicable forms, before requesting a Zoning Compliance Letter.

(b) The dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

Response to SECTION 4.6.110(9)(C)(1)(b)(A): The Applicants will install a fire-retardant roof. The applicants will install a Class A fire-rated roof.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(B): Based on the submitted Nearby map, there are no slopes over 40% on the parcel. Therefore, the applicants will not construct any structural development on any slopes over 40%.

(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.

Response to SECTION 4.6.110(9)(C)(1)(b)(C): The applicants plan on having a private domestic well constructed. The applicants 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 applicants will submit a completed well constructor's report to the Coos County Planning Department.

(D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.

Response to SECTION 4.6.110(9)(C)(1)(b)(D): The parcel is located within the Bandon Rural Fire Protection District.

(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.*

Response to SECTION 4.6.110(9)(C)(1)(b)(E): The parcel is located within the Bandon Rural Fire Protection District; this criterion is not applicable.

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

Response to SECTION 4.6.110(9)(C)(1)(b)(F): The applicants are proposing to install a chimney. The applicants will install a spark arrester.

(G) *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

Response to SECTION 4.6.110(9)(C)(1)(b)(G): The applicants will clear & prune a primary & secondary fuel break. The applicants 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]*

Response to SECTION 4.6.110(9)(C)(2)(a) & (b) The parcel is located with the Bandon Rural Fire Protection District.

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 nearby² or adjoining forest or agricultural lands;

Response to SECTION 4.6.130(1)(a) – Describe how the placement of the dwelling will have the least impact on nearby or adjoining forest or agricultural lands:

The parcel is located near farmland (cranberry farms) and some larger non-industrial timberlands located further away.

Timber and Forestry Operations

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) Based on the slopes show on the Nearby map and knowledge of recent harvest activity. The entire nearby area surrounding the parcel is operable for ground-side timber harvesting. Ground-side timber harvesting involves machines that cut, delimb, and buck the trees into logs. While these machines are fairly large, they are designed to be transported using standard public roads on standard commercial trucks and lowboy trailers. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained to the harvest unit. Adjacent development activities will not have a significant effect on ground-side harvest units. ODF's Considerations for the Siting of Dwellings on Forest Land recommends that forest-dwelling have a setback distance of a minimum of 300 ft from ground-side harvest operation types. Based on the plot plan, the proposed dwelling will be approximately 400 feet from a 4-5 acre timber stand on Parcel I of this application. Should the owners of Parcel I choose to harvest this unit, they will be utilizing directionally hand felling, small skidders or dozers for skidding logs, and self-loader trucks. The location of the proposed dwelling will be beyond the 300 ft recommendation of ODF and will not have an adverse on adjacent ground-side harvesting operations.

² 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.

2) Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The landowners 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. Additionally, these fuel breaks will reduce the potential of a structure fire from the proposed dwelling causing a crown fire spreading to the adjacent farm and timberlands. 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. The Bandon 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 industrial 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.

All the nearby forest parcels are well developed with dwellings and cranberry operations. At the same time, it is essential to note that the south and east sides of Parcel II touches adjacent cranberry farms, which will affect the practicality of aerial application of forest herbicide to active high- value farmland. The applicant's plot plan identifies that the proposed dwelling is around 400 ft away from any nearby forested stands. But this stand is adjacent to cranberry bogs. There is little to no likelihood that aerial helicopter spraying will be done by the adjacent landowners given the proximately to high-value farmlands.

4) Reforestation, or planting trees, of recent logged, relatively flat timberlands typically has little effect by nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually have a more significant impact from nearby dwellings. The nearby timber stands are less than 10 acres in size. This practice is relatively short-term, lasting about a week or two, depending on crew size, over the life of the stand. These tree planting crews would not be affected by any new adjacent dwellings.

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 a 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 by forest-dwellings is reduced when active measures like fuel breaks are designed to minimize risks of spreading wildfires. 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 applicants will construct a new aggregate driveway with limited access to the proposed dwelling.

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.

Cranberry Farming

There are three major cranberry farms adjacent to the subject parcel. They are the Gants, the Robisons, and the Kaspers. Cranberries are an essential part of the local Bandon farming sector and are identified as high-value farmland by State land-use laws. One of the adjacent cranberry farm is currently owned by the applicants.

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. In fact, commercial cranberry farms are immediately adjacent to the City of Bandon. The majority of cranberry farmers live on-site at their farming operations. Modern commercial cranberry growing has little direct correlation to adjacent lands, other than water rights and during the fall 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 behind a row of establishing trees. The landowners 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 truck. Like all other crops grown for human consumption, the use of chemicals is highly regulated. 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 any proposed new dwelling on growing cranberries on adjacent land 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. All the neighboring cranberry farms are 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 loaded. The berries are loaded into 14 – 20 ft flatbed trucks using cranberry elevators. Loading trucks is reasonably quickly and no 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 facilitates compete with each other on prices each year. The proposed residential will not affect the nearby cranberry harvesting operations. The proposal dwelling will directly access onto Rosa Road, which is a major collector road. So once on Rosa Road, the traffic associated with the dwelling will be marginal at best.

4) Pruning of cranberries vines happens after the bogs are harvest, usually every year. The bogs essential 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 adjacent residential development.

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Response to SECTION 4.6.130(1)(b): Parcel II will be sold, or transferred, prior to the development of the requested dwelling. The north side of the adjust parcel borders the existing powerline easement. There is approximately 1-2 acres of commercially thinned timber scattered throughout the north side of the parcel. This harvest operation was conducted as ground side harvest. The proposed dwelling will minimize any adverse effects on these forestry operations by be sited close to the eastern line adjacent to the neighboring cranberry farm. The commercial thin will act as fuel breaks and maintaining the gravel driveway for fire truck access will provide an anchor point from Rosa Road to within a couple hundred feet of open space created by the adjacent cranberry farm.

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

Response to SECTION 4.6.130(1)(c): The proposed dwelling is utilizing the least amount of space necessary for development. The access road to the dwelling follows the southern side of the parcel to Rosa Road. This new gravel road will provide a potential fire break/control line that will help prevents any fires starting on the north or south side of Parcel II and spreading. The existing powerline easement is within 300 feet of the proposed dwelling, thus only utilizes a relatively minor amount of land will be removed for a utility corridor.

(d) The risks associated with wildfire are minimized.

Response to SECTION 4.6.130(1)(d): The first consideration for wildfire risk is slope. The proposed dwelling will be located on a relatively flat parcel. Please see the attached Nearby map. The parcel is essentially flat. All slopes are under 40 percent on this parcel.

The second consideration for wildfire is access to the parcel. The access road to the dwelling follows the southern side of the parcel to Rosa Road. This new gravel road will provide a potential fire break/control line that will help prevent any structure or wildland fires spreading north or south thru the parcel. The applicants will install an adequate turnaround for fire truck operations at the end of the driveway. This driveway and turnaround will be created before the applicants get the final driveway permit sign-off.

The third consideration will be managing fuel around the proposed dwellings. The proposed dwelling's location is on slopes less than 10%. The requirement is for the dwellings to have at least a 30 ft primary fuel break, with a 100 ft secondary fuel break. The applicants will need to install a septic tank, primary drain field, and reserve drain field. The applicants plan to install these areas adjacent to the proposed dwelling. The physical size of this area will create a primary fuel break above the 30 ft primary fuel break requirement. The applicants plan on irrigating the primary fuel break. This area will serve as their lawn. The larger size of the drain fields, than is required for a primary

fuel break, on the area next to the dwelling will also reduce the effects of any wildfire burning upslope towards the dwelling. The applicants will maintain the secondary fuel break. This consists of 100 ft 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. The other positive result will be to reduce the intensity of the fire burning both in the direction from and to the dwelling. Wildfires typically burn hotter as the amount of fuel load increases.

- (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.*

The proposed dwelling is utilized the least amount of space necessary for development. The proposed dwelling is clustered near the vicinity of the proposed template dwelling on Parcel I and the existing agricultural building located on Parcel III. The applicants do not have any easements for vegetation control on the surrounding parcels. Please see additionally information in response above in section 1 (c) & (d).

- (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.*

Response to SECTION 4.6.130(3): The Applicants are proposing to construct a well.

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.

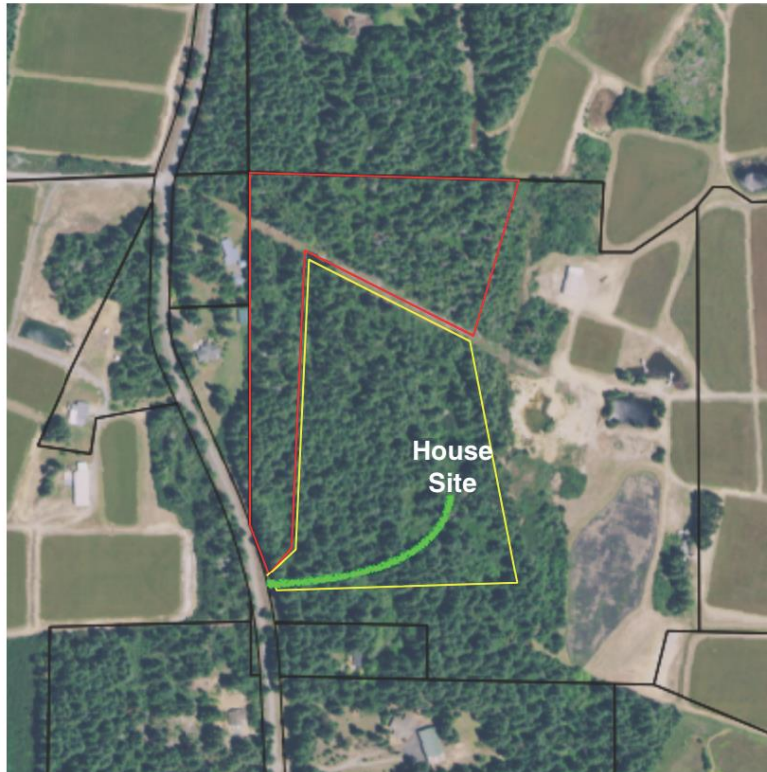
b) Domestic wells are exempt under ORS 537.545 for water use permits.

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.

Response to SECTION 4.6.130(4): Based on the parcel configuration, the applicants plan constructing a driveway that will access directly onto Rosa County Road.



- (5) *Approval of a dwelling shall be subject to the following requirements:*
- (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county*

assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

- (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
- (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Response to SECTION 4.6.130(5):

a) The parcel was recently commercial thinned and partially clear cut in summer of 2021.

b) Not applicable to applicants.

c) The parcel is over 10 acres in size. The applicants will submit a stocking survey to the County Assessor, and other applicable paperwork, prior to requesting a Zoning Compliance Letter.

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

e) The applicants/landowners 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 contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

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

- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
- 7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
- 8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
- 9. *Fire Siting Standards for New Dwellings:*
 - a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
- 10. *Firebreak:*
 - a. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground)*

branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

- b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

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

Response to SECTION 4.6.140

Is the property a legal unit of land?

- 1) This application is for a forest template dwelling only. The parcel is a legally created discrete parcel, with a property line adjustment requested with this template rezone/template application. No new parcels will be created.
- 2) 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) There are no fences, hedges, or walls proposed by the Applicants at this time. The parcel is approximately 13 acres in size. Any future fences constructed on the perimeter of the parcel will be for purposes of resource land management.
- 4) 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. If approved, the applicants will request a driveway/access/parking permit prior to requesting the final zoning compliance letter.
- 5) As a condition of approval, the applicants, 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) There are no wetlands, streams, lakes or rivers, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps on the adjusted parcel. Thus, based on the attached plot plan; the proposed dwelling, driveway, septic & drain field(s), and associated dwelling are outside of 50 feet of these protected features.
- 7) The parcel is within the Bandon Rural Fire Protection District.
- 8) The parcel is within the Bandon Rural Fire Protection District.
- 9) a) The applicants are proposing to install a minimum of a 500-gallon tank within a pump house structure. The well location will be at least the minimum required distance from the drain field locations as required by Oregon DEQ. The applicants will maintain a 3/4 inch 50 PSI garden hose at the dwelling with sufficient length to reach the primary safety zone.
b) There is currently no pond or lake on this parcel. If the landowner creates a suitable pond in the future. The landowner will provide rocked road access within 15 ft of the water's edge and provide for fire equipment turnaround access. The landowners will install a permanent sign marking the location of the emergency water source.

10) a) Based on the attached Nearby map, the applicants proposed location's fuel break is on slopes 0-10%. The applicants will maintain a primary safety zone to the standards identified above of 30 ft.

b) The applicants will maintain a 3/4 inch 50 PSI garden hose to reach the primary safety zone at all times.

c) The applicants will maintain the primary safety zone to the standards identified in subsection (a) above. Additionally, the applicants will maintain the secondary fuel break for either a minimum of 100 feet in all directions of the primary safety zone, or at least on the land they own or control. 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) The applicants will install a fire-retardant roof on all structures. The applicants will install a Class A fire-rated roof on the primary dwelling.

12) There is currently no water supply exceeding 4,000 gallons on this parcel. Thus, no reserve will be available within 100 ft of the proposed driveway.

13) Based on the attached Nearby map, there are no slopes over 40 percent on the subject property. The proposed dwelling's location will be situated on slopes under 20%.

14) The applicants are proposing to install a chimney. As a condition of approval, all chimneys will be required to have a spark arrester.

15) The proposed dwelling is located within the Bandon Rural Fire Protection District.

16) The Applicants 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 proposed new driveway is exceptionally flat and will not exceed an average gradient of 4%. The Applicants 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 Rosa Road.

17) Table 7.2A in Section 7.2.200 identifies the minimum standards for new rural roads and driveways constructed to access new dwellings. 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 applicants estimate there will need to construct 800 feet of new driveway and will plan on installing at least one (1) pullout.

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

The applicants 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).