



NOTICE OF LAND USE DECISION

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

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

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

Date of Notice: **Wednesday, April 20, 2022**
File No: ACU-21-092

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

Applicant(s): Chapman & Chapman Investments, LLC
Daryn Chapman, Manager Member
31206 NE 23rd St.
Washougal, WA 98671

Staff Planner: Chris MacWhorter, Contract Planning Staff

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, May 05, 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: 14604
Map Number: 23S1208AA-00401

Property Owner: CHAPMAN & CHAPMAN INVESTMENTS, LLC

Situs Address: No Situs Address

Acreage: 0.33 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: BIRD SITE MEETS GOAL 5C REQMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
NATURAL HAZARD - TSUNAMI (NHTHO)

This notice shall be posted from April 20, 2022 to May 5, 2022

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

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

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

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

Reviewed by: Chris MacWhorter Date: Wednesday, April 20, 2022 .
Chris MacWhorter, Contract Planning Staff

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

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

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

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

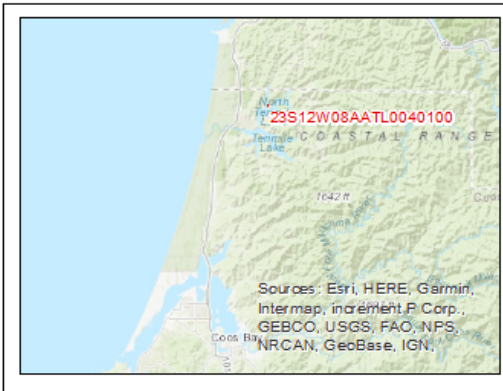
- o. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
- p. A valid Measure 49 authorization from the State governing body that pass HB 2225 changing the requirements of ORS 215.750 must be submitted to Coos County Planning Department approving the alternative forestland dwelling, prior to requesting a final zoning compliance letter.
- q. 4.11.130 Non-Estuarine Shoreland Boundary - As a condition of approval, the applicant shall provide a site plan with showing landscaping, structures, surface water drainage, any access pathways that will require vegetation removal and utilities as this will address any impacts a single family dwelling may have on the CSB or the dwelling placement shall be moved outside the CSB.

EXHIBIT "B"
Vicinity Map

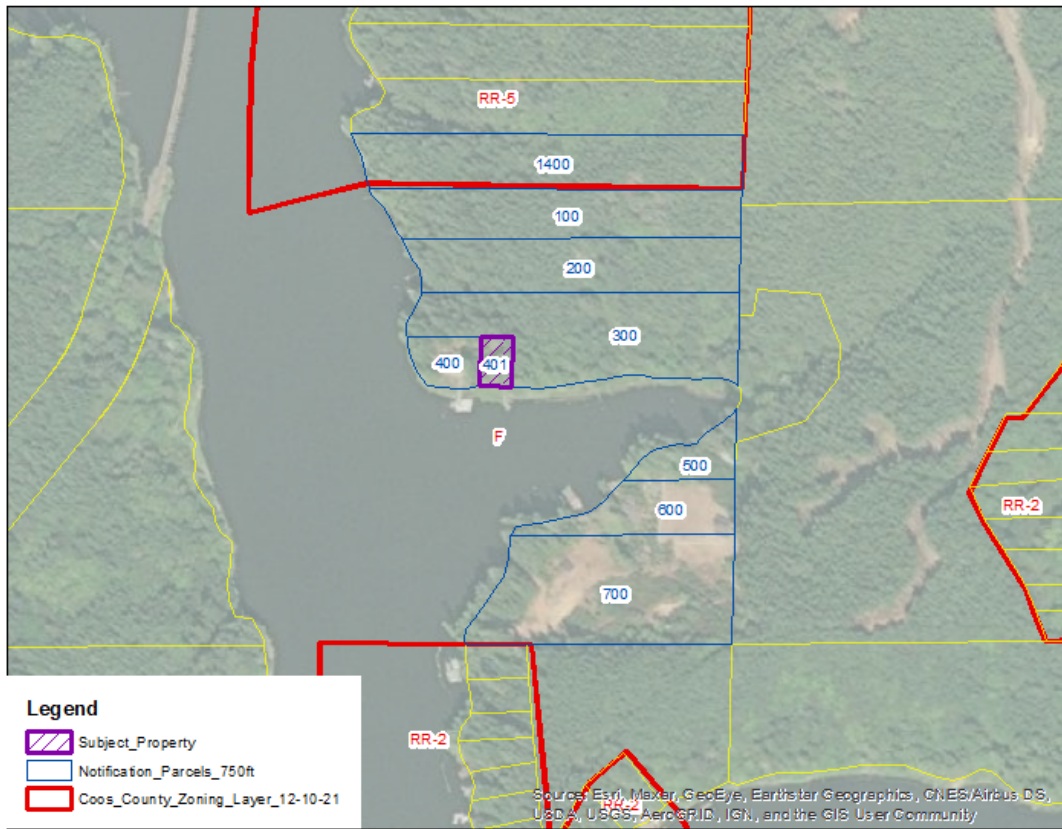


COOS COUNTY PLANNING DEPARTMENT

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-21-092
 Applicant/
 Owner: Chapman & Chapman Investments LLC;
 Daryn Chapman, Managing Member
 Date: March 16, 2022
 Location: Township 23S Range 12W
 Section 8AA TL 401
 Proposal: Administrative Conditional Use



Template Map



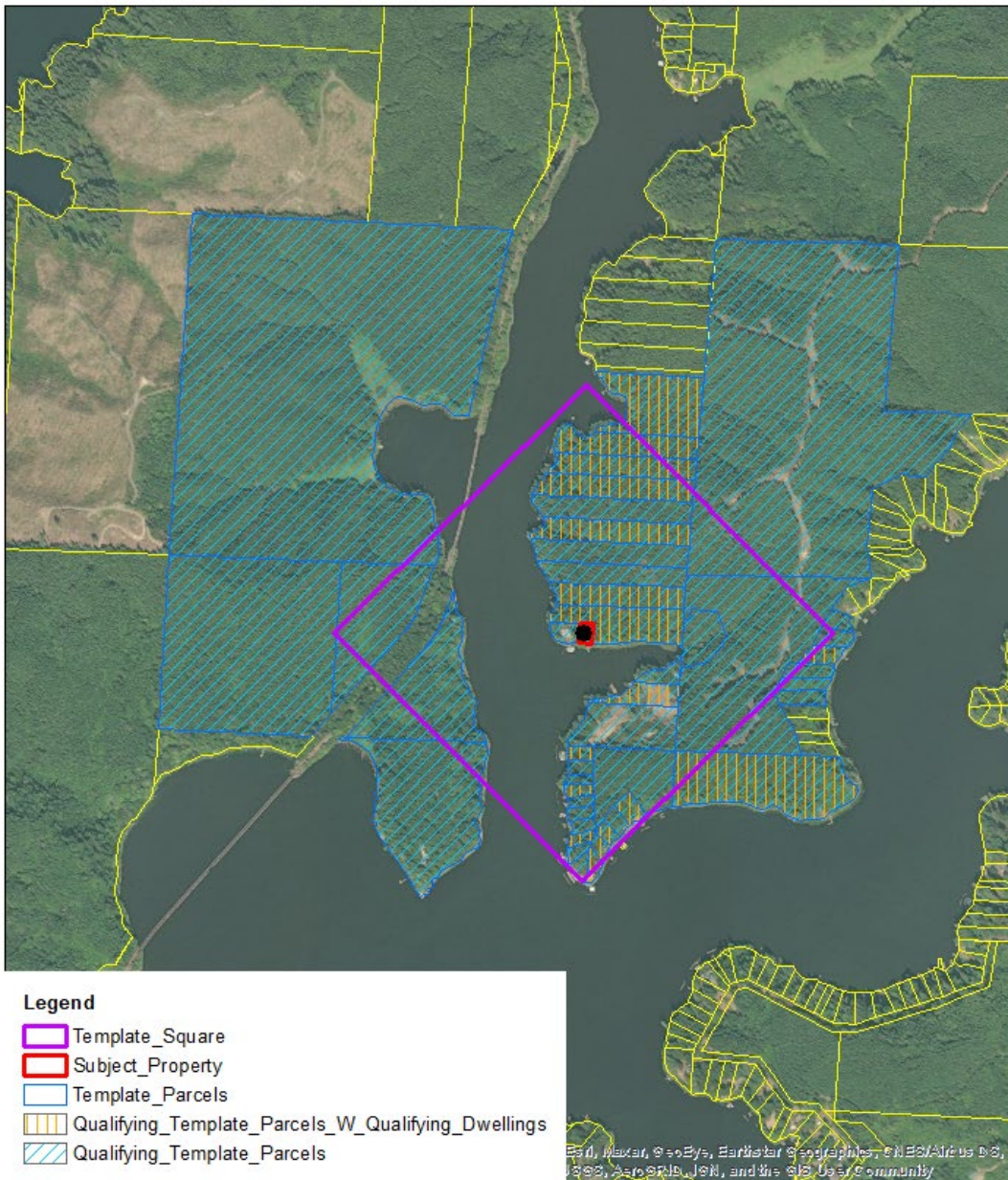
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

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

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

B. BACKGROUND/PROPERTY HISTORY:

On August 23, 2006, a discrete parcel determination (no file number at the time) was issued that the subject property was a lawfully created unit of land.

On December 18, 2006, a zoning compliance letter (ZCL-06-686) was issued for siting a dock as accessory to recreational use of Tenmile Lake.

On February 1, 2007, an administrative conditional use application (D-21-001) was approved with conditions for a forest template dwelling on the subject property.

On April 4, 2007, a zoning compliance letter (ZCL-07-135) was issued for site evaluation and install septic, site dwelling pursuant to ACU-06-78 approval (only one dwelling allowed) Development must be located outside the 100-year floodplain.

On July 18, 2008, a zoning compliance letter (ZCL-08-281) was issued for site evaluation and install septic, site dwelling pursuant to ACU-06-78 approval (only one dwelling allowed) Development must be located outside the 100-year floodplain. This a reapproval of ZCL-07-135 which expired.

C. LOCATION: The subject property is located northeast of the City of Lakeside using boat access only. The southern property line abuts Blacks Arm of North Tenmile Lake.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

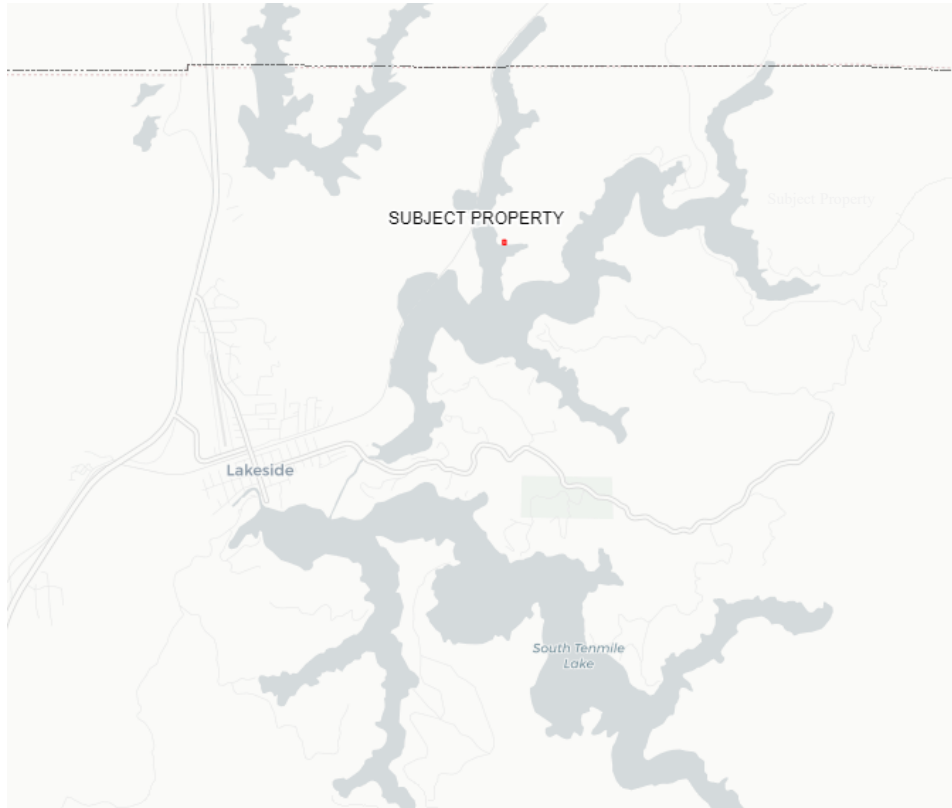
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

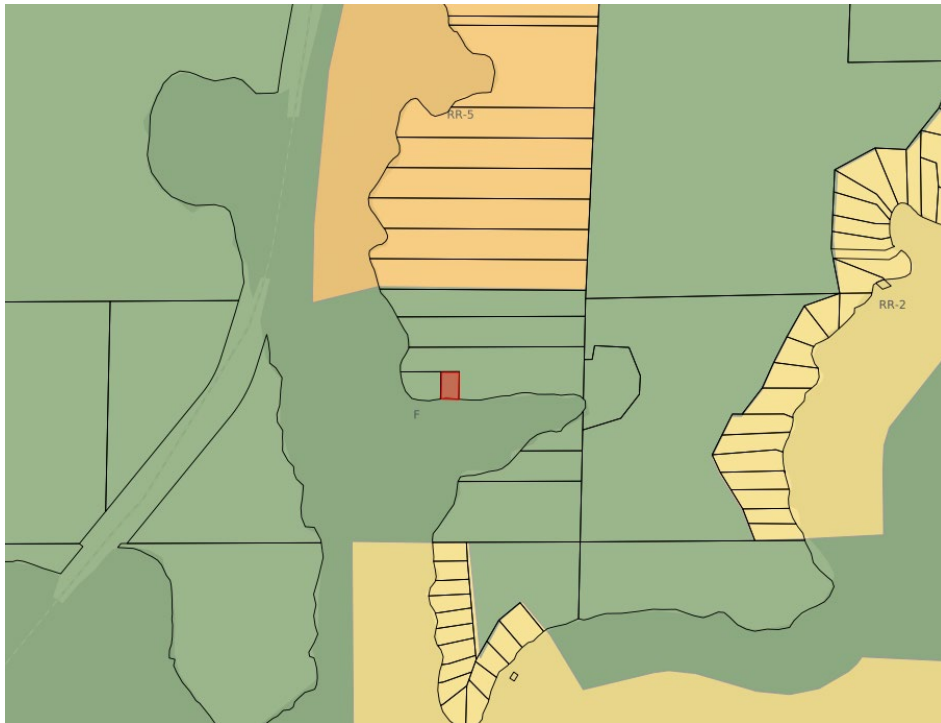
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest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

ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

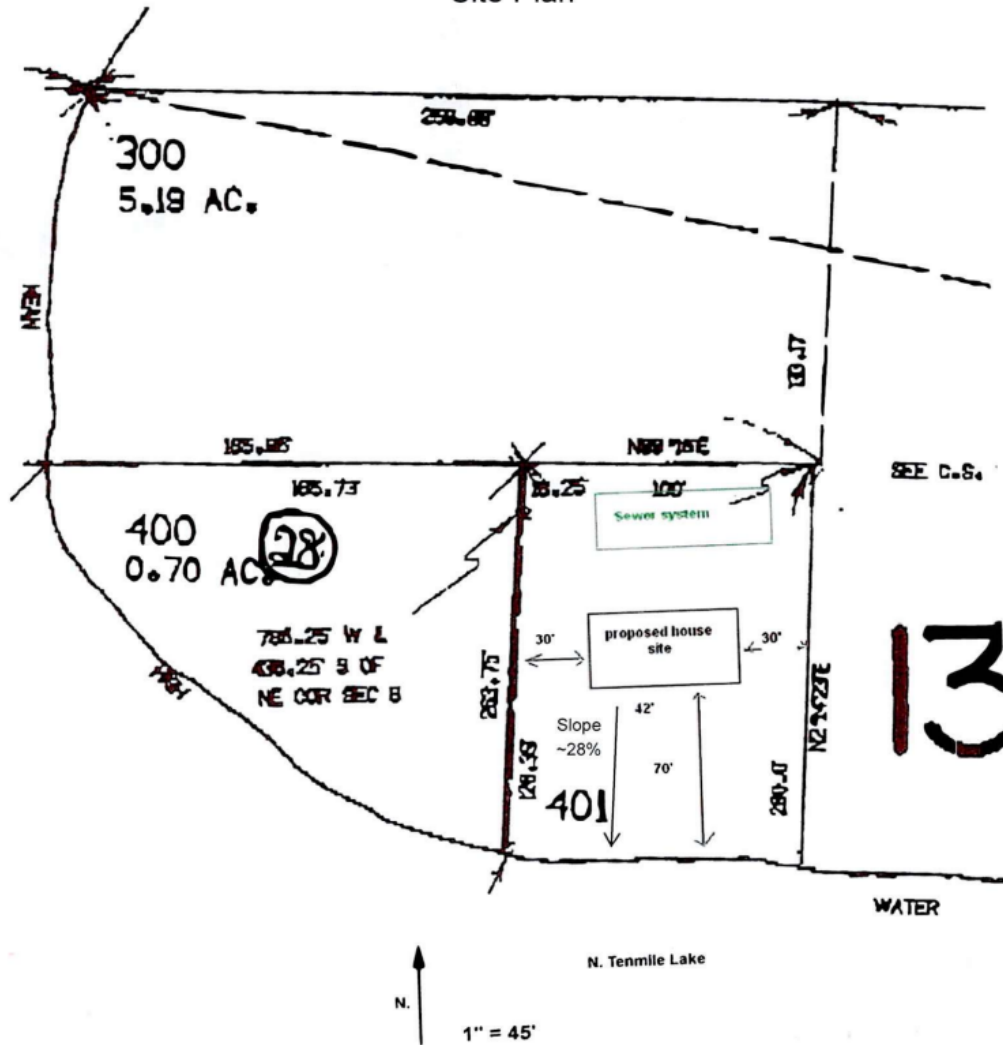
E. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcel is located northeast of the City of Lakeside. The subject property is located northeast of the City of Lakeside using boat access only. The southern property line abuts Blacks Arm of North Tenmile Lake. The parcel was created by deed or land sales contract prior to planning regulations. Staff made the determination that the parcel was a lawfully created unit of land on August 23, 2006. The origin of the parcel traces to Book 317, Page 59 in the County Clerks Records.





Site Plan



Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of Fish and Wildlife prior to the release of the decision. ODFW did not send a response for this application at the time of writing this Staff report.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the Tribes prior to the release of the decision and none were received.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

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 6.1.125.1e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was found as a lawfully created unit of land thru a prior planning application.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). Development shall

also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

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

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

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
39F	Millicoma-Templeton complex, 50 to 75 percent slopes	0.3	100.0%
Totals for Area of Interest		0.3	100.0%

Custom Soil Resource Report
Soil Map



Report—Forestland Productivity

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

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

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

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

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

The Millicoma soil is moderately deep and well drained. It formed in colluvium derived dominantly from sandstone. Typically, the surface is covered with a mat of undecomposed needles, leaves, and twigs 3 inches thick. The surface layer is very dark brown and very dark grayish brown gravelly loam 18 inches thick. The subsoil is dark brown very gravelly loam 17 inches thick. Partially weathered sandstone is at a depth of 35 inches.

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

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

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

This unit is used for timber production and wildlife habitat.

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

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Millicoma soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 184 cubic feet per acre per year.

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

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

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Locating roads on midslopes results in large cuts and fills and thus removes land from production. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation. Sitka spruce, a shallow rooted tree, commonly is subject to windthrow.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants prevent adequate natural or artificial reforestation unless

intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Sitka spruce, Douglas fir, and western hemlock seedlings.

This map unit is in capability subclass VIIe.

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

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

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:*
 - (3) *Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*
 - (4) *A proposed dwelling under this section is not allowed:*
 - (a) *If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.*
 - (b) *Unless it complies with the requirements of ORS 215.730.*
 - (c) *Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.*
 - (d) *If the tract on which the dwelling will be sited includes a dwelling.*
 - (5) *Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
 - (6)(a) *If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
 - (A) *Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or*
 - (B) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
 - (b) *If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
 - (7) *Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]*

FINDING: None of the lots or parcels are located within Urban Growth Boundaries; therefore, no Urban Growth Boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.

The unit of land was created pursuant to 6.1.125.1.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. The County issued a decision finding the parcel was lawfully created unit of land on August 23, 2006.

Based on Coos County Clerk and Assessor records, the subject property was recently part of a tract that contained two other dwellings.

Map Reference	Dwelling (Year Built)
T23S-R12W-8AA-TL300	1970
T23S-R12W-8AA-TL400	2008

The Oregon Legislature passed HB 2225 in the 2020 session which changed the requirements of ORS 215.750. A critical piece of information whether the subject parcel was part of a tract, and the date the parcel was deeded to a new ownership.

Definitions of tracts and parcels in ORS 215.750 must comply ORS 215.010 definitions. Below are the definitions:

ORS 215.010 Definitions

- (1) The terms defined in ORS 92.010 (Definitions for ORS 92.010 to 92.192) shall have the meanings given therein, except that “parcel”:
 - (a) Includes a unit of land created:
 - (A) By partitioning land as defined in ORS 92.010 (Definitions for ORS 92.010 to 92.192);
 - (B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
 - (C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
 - (b) Does not include a unit of land created solely to establish a separate tax account.

- (2) “Tract” means one or more contiguous lots or parcels under the same ownership.

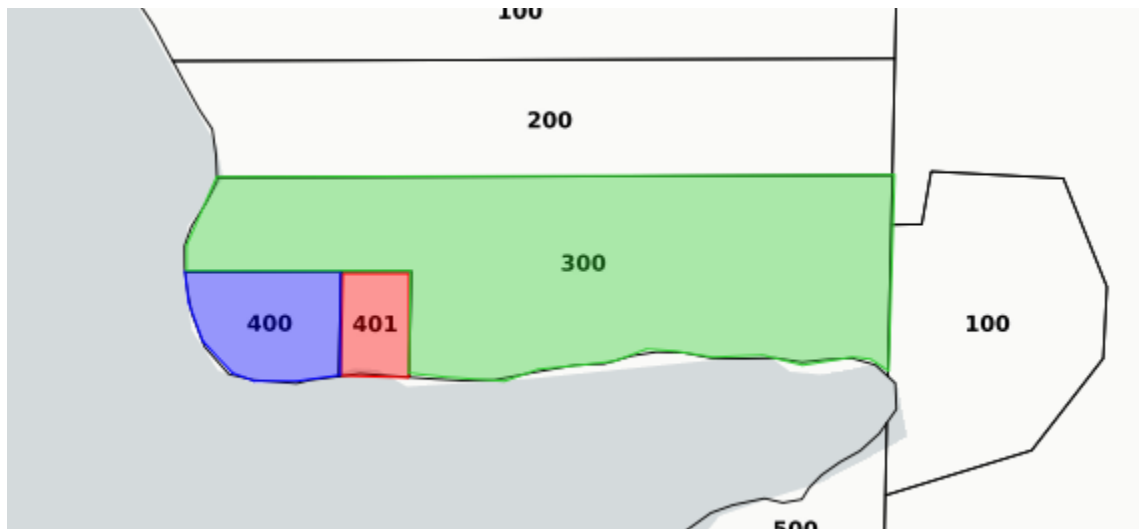
Staff finds that based on County Clerk and Assessor records that the following contiguous parcels were under the same ownership of Chapman & Chapman Investments, LLC as of January 1, 2019.

Map Reference	Deed Reference	Name	Deed Date
T23S-R12W-8AA-TL300	2009-4371	Chapman & Chapman Investments, LLC	5/11/2009
T23S-R12W-8AA-TL400	2007-2097	Chapman & Chapman Investments, LLC	2/15/2007
T23S-R12W-8AA-TL401	2007-2098	Chapman & Chapman Investments, LLC	2/15/2007

Two of the following tax lots were transferred to different ownerships after November 1, 2021.

Map Reference	Deed Reference	Name	Deed Date
T23S-R12W-8AA-TL300	2021-14049	Lake Cabin LLC	12/22/2021
T23S-R12W-8AA-TL400	2021-14050	Lake Villa LLC	12/22/2021

Based on County Clerk deed records and County Assessor tax lot data, it is clear that there are three (3) separate contiguous parcels owned by Chapman & Chapman Investment, LLC as of November 1, 2021.



The applicant submitted the following response that they characterized as approval criteria:

II. APPROVAL CRITERIA

This application for a forest template dwelling is submitted for review under the current, acknowledged Coos County Zoning and Land Development Ordinance (CCZLDO).

On November 17, 2021, the applicant received a Measure 56 notice regarding county amendments to the county code that was dated November 10, 2021, that notified the applicant that the county would be conducting public hearings on proposed legislative amendments to die CCZLDO that may affect the permissible uses of the applicant's property. That county notice was required under a part of Measure 56 (ORS 215.503(4)) that requires local governments to give notice to landowners whose rights may be affected by proposed local code amendments at least 20 days before the date of the first hearing on the proposed local code amendments. In that regard, the proposed county code amendments will amend the CCZLDO's forest template dwelling criteria to implement statutory changes adopted by HB 2225 (2019).

However, that is not the only required Measure 56 notice. The most important Measure 56 notice, was never given to the applicant and, until that critically important notice is given, HB 2225 cannot be applied to the applicant or indeed to any affected property owners.

*In this regard, there is a parallel Measure 56 requirement specified in ORS 197.047(6), (8), (9) and (10) that requires DLCD to give a specific notice to local governments about state statutory changes like those in HB 2225 "[a]t least 90 days prior to the effective date of a new or amended statute ***" (ORS 197.047(6)) and, in turn, local governments are required to give owners of property "that will be rezoned as a result of adoption of the *** statute^' a particular type of notice "at least 45 days prior to the effective date of the statute ***." ORS 197.047(8). Presumably DLCD did not give the county the notice required by ORS 197.047(6) and (7). Regardless, the county did not give the applicant -a property owner whose property will be "rezoned" by HB 2225 - notice of that new state statute (HB 2225), as required 45*

days before it was effective for Coos County (November 1,2021). See Exhibit 11 (Applicant property owner declaration that no notice was given by the county that HB 2225 had been adopted before the November 1,2021 date that HB 2225 was effective for Coos County).

In any case, the county has not yet adopted the proposed local code amendments and so cannot yet apply them, or the legislative changes made by HB 2225, to this application. This is because ORS 215.416(8)(a) (the co-called "codification rule"), requires counties to approve or deny an application for a permit based upon standards and criteria that are set forth in the zoning ordinance or other appropriate ordinance or regulation of the county. This truism is also evident under ORS 197.175(2)(d) which requires local governments to make land use decisions in compliance with their acknowledged plan and land use regulations. Together, these statutes command that the county must base its decision on this application for a forest template dwelling only on the standards and criteria that are in its current acknowledged plan and code.

Accordingly, the current CCZLDO, applies to this application and HB 2225 does not yet apply to county decisions on the subject application. As a result, the approval standards applicable to this application are the following sections of the current CCZLDO:

- CCZLDO § 4.6.120(9)(B)(II) Template Dwelling*
- CCZLDO § 4.6.120(9)(C) Additional Criteria for All Dwellings Allowed in the Forest and Forest Mixed Use Zones*
- CCZLDO § 4.6.130 Additional Criteria for All New and Replacement Dwellings and Structures in Forest*
- CCZLDO § 4.6.140 Development and Siting Criteria*

The applicant stated the following information in response to Section (9)(B)(4)(c): “No other lots or parcels make up the subject “tract”. A “tract” is defined in CCZLDO § 2.1.200 as “A unit of land that has not been partitioned or subdivided that is listed on the same deed of record or multiple contiguous (touching by more than one point) units of land within the same ownership.” Tax Lot 401 is not a unit of land that has been partitioned or subdivided that is listed on the same deeds of record as another unit of land. Tax Lot 401 is contiguous to tax lots 300 and 400 of Assessor’s Map T23S, R12W, Section 8AA. Tax Lot 401 is under different ownership than tax lots 300 and 400. Tax Lot 401 is owned by Chapman & Chapman Investments, LLC. Exhibit 2. Tax lot 300 is owned by Lake Cabin LLC. Exhibit 6, p. 1. Tax lot 400 is owned by Lake Villa LLC. Exhibit 6, p. 3. Accordingly, no other lots or parcels make up the subject “tract”. This standard does not apply”.

Staff did evaluate the legal argument and disagrees. First, the County did not ‘rezone’ the subject property. The subject property has been zoned Forest since the County’s ordinance was first adopted. Second, Staff did not come to the same conclusion as the applicant that HB 2225 does not apply in Coos County until the County has both adopted the new law and sent out Measure 56 notices. Based on the applicant’s theory, no changes to Oregon Revised Statutes will ever be applicable to Coos County until the County sends out Measure 56 notices and adopts the new law into its local rules. This is not consistent with State Law.

First, it is widely understood that changes in land use law at the state level have be to implemented by the Counties and/or Cities. However, by operation of statute, applicable changes to state law apply directly to land use applications at the County level, regardless of whether the County has adopted the state law changes. Specifically, ORS 197.646(1) states in relevant part that the County shall amend its regulations to comply with new land use statutes. However, ORS 197.646(3) states that if the County or other local government fails to adopt amendments to land use regulations to

implement new state law, the state law new requirements apply directly to the local government's land use decisions. Thus, if an application is submitted after a new land use regulation becomes effective at the state level, then that regulation will apply to the application regardless of adoption at the local level. There are a addressing this statute and its application in similar situations. See e.g. *Keicher v. Clackamas County*, 175 Or App 633, 640 (2001); *1000 Friends of Or. V. Clackamas County*, 192 Or App 212, 215 (2004).

Next, the County has located no authority allowing for waiver of the application of state law based upon a failure to send notice under ORS 197.047 (measure 56 notice). The only case that the county could find close to addressing the Measure 56 notice question is *Keicher v. Clackamas County*, 175 Or App 633, 642 (2001). This case states that "it is not immediately clear that ORS 197.047 has the effect of delaying implementation of a new law or rule until the required notice is given." The County was unable to locate anything in the legislative history suggesting that the measure 56 gives the County authority to waive/neglect to implement state law as long as a measure 56 notice is not given. In fact, as noted above, ORS 197.646(3) specifically states that state law applies at the local level when it is effective. The State of Oregon does not leave the application of state law in the hands of the County. Furthermore, given that the county's "Template Dwelling" language was adopted to implement (and mirrors) ORS 215.750 the County lacks any authority to apply anything than the current statutory language that was in place at the time the application was submitted. ORS 197.829(1) explains a local government does not have the authority to interpret a land use regulation that implements a state statute, land us goal or rule.

Furthermore, Staff did also find this particular LUBA case that is relevant to how the County must implement forest template dwellings, as known as Alternative forestland dwelling (ORS 215.750). In reviewing *Reeves, Ludwick, Friends of Yamhill County vs. Yamhill County, Seiler, Vaage* (LUBA #2006-081 & 082), LUBA issued the following decision as part of this opinion: *"The county's authority to approve forest template dwellings derives from ORS 215.750(1). In exercising the authority granted by ORS 215.750(1), the county may not apply a county definition of "PARCEL (or LOT)" to recognize lots that could not be recognized under ORS 215.750(1). The county may not set a lower standard for approving forest template dwellings under county legislation than the standard that is set by ORS 215.750. See Kenagy v. Benton County, 112 Or App 17, 20 n 2; 826 P2d 1047 (1992) ("Counties may enact more restrictive criteria than" the statutes impose in EFU zones, but "they may not apply criteria that are inconsistent with or less restrictive than the statutory standards.")"*. This particular LUBA revolved around the claim that *"unlawfully created"* parcels could be used for approving template dwellings. LUBA issued the decision that only lawfully created parcels are to used for ORS 215.750 based on the context of the definitions of parcel defined under ORS 92.010 and 215.010 and other contextual statutes.

In other simpler words, any application for land use approval of a "forest template" dwelling under ORS 215.750 must comply with ORS 215.750. It is noteworthy to mention that Coos County has an option of adopting more restrictive criteria. However, Coos County has not adopted any additional criteria in regards to approving criteria for ORS 215.750.

These are current, and relevant, criteria under ORS 215.750

- (5) A proposed dwelling under this section is allowed only if:
 - (h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

Sec. 3. (1) The amendments to ORS 215.750 (Alternative forestland dwelling) by section 1 of this 2019 Act apply:

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties

Therefore, Staff finds that the subject property was part of a tract as defined under ORS 215.010(2), under the name of Chapman & Chapman Investments, LLC, which consists of three (3) separate parcels, which two (2) dwellings currently exist on each of the other two parcels, and approval of template dwelling (alternative forestland dwelling) does not meet the required criteria of ORS 215.750.

In order for County to be able to waive the regulation a valid approved Measure 49 claim from the State of Oregon providing authority to the County waive the regulation is required. Measure 49 provides that if a State enacts one or more land use regulations that restrict the residential use of private real property, or a farming or forest practice, and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations. A person may file a Measure 49 claim for just compensation if:

- (1) the person is an owner of the property, and all other owners consent to the filing of the claim;
- (2) the person's desired use of the property is a residential use or a farming or forest practice;
- (3) the person's desired use is restricted by one or more land use regulations enacted after January 1, 2007; and
- (4) the land use regulation (other than an exempt regulation under ORS 195.305(3)) has reduced the fair market value of the property. Oregon Revised Statutes (ORS) 195.310. The claim must be filed within five years of the date of enactment of the land use regulation that is the basis for the claim. The claim must be filed with the public entity (Metro, city, county or the Department of Land Conservation and Development (DLCD)) that enacted the land use regulation. The claim must be filed with DLCD in the manner set forth in this Measure 49 Claim Packet

Therefore, staff is conditioning that this dwelling can be approved when and only when a Measure 49 claim has been approved by the State of Oregon waiving the requirement.

There are no deed restrictions, applicable to ORS 215.750, or other dwellings on the subject parcel that would prevent a dwelling from being built.

The parcel is less than 60 acres. The property does not touch a road created before 1993 or perennial stream. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant stated *"The subject tract is Tax Lot 401 which is 0.33 acres in size. In the 2007 approval (Local File No. ACU-06-078), the county found that the subject property qualified for a forest template dwelling because there were 28 parcels and 11 dwellings established prior to January 1, 1993, within the 160-acre template. The result should be the same here."*

Past template applications only provide a historically context of the land use in area at the time those applications are either approved or denied. Staff must make a finding based on the current conditions and regulations at time of review.

However, Staff did recalculate the template test using the 160-acre square. Staff finds at least eleven (11) parcels with the 160-acre template rectangle were created before January 1, 1993. Staff found that at least three (3) of these parcels had dwellings created before January 1, 1993. A map of

template square and qualifying parcels may be found above. Therefore, Staff is able to determine the application request complies with the requirement of ORS 215.750(2).

Again, as a conditional of approval, a valid Measure 49 authorization must be submitted to Coos County Planning Department approving an alternative forestland dwelling by the State governing body that pass HB 2225 changing the requirements of ORS 215.750, prior to requesting a final zoning compliance letter.

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

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

FINDING: Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. The property is less than 10 acres in size; therefore, the criteria does not 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 applicant states that the *“The dwelling will be sited on a slope not greater than 40 percent. The dwelling is proposed to be sited on a relatively flat portion of the subject property. Exhibit 7 are images of the subject property taken from the Oregon DOGAMI LiDAR Viewer Web Application. The LiDAR images show that the area of the property in which the dwelling will be sited has a slope of approximately 24 percent. The property depth is approximately 126 feet. The elevation at the southern property line is approximately 15.5 ft. The elevation at the northern property line is approximately 50.4 ft. This calculates to an average slope of 28 percent over the entire property”*.

Staff concurs with the Exhibit 7 figure that showed 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 submitted as a water supply requirement form from Water Resource Department, identified as Exhibit 8 in their application. Susan Douthit, Watermaster, indicated an approved water right for the described use has issued by the State of Oregon. 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 Lakeside RFPD. Therefore, this criterion has been addressed.

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

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

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

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

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

FINDING: Section 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection were requested. 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:

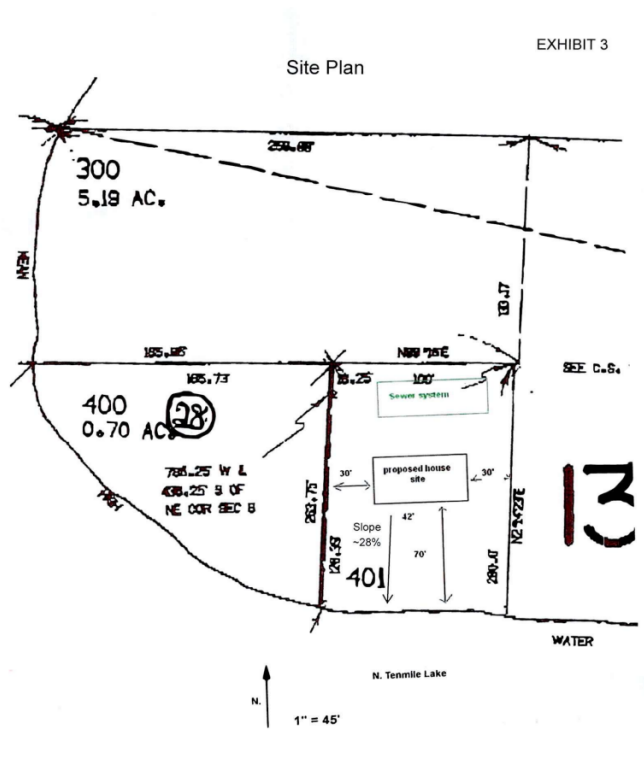
1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*

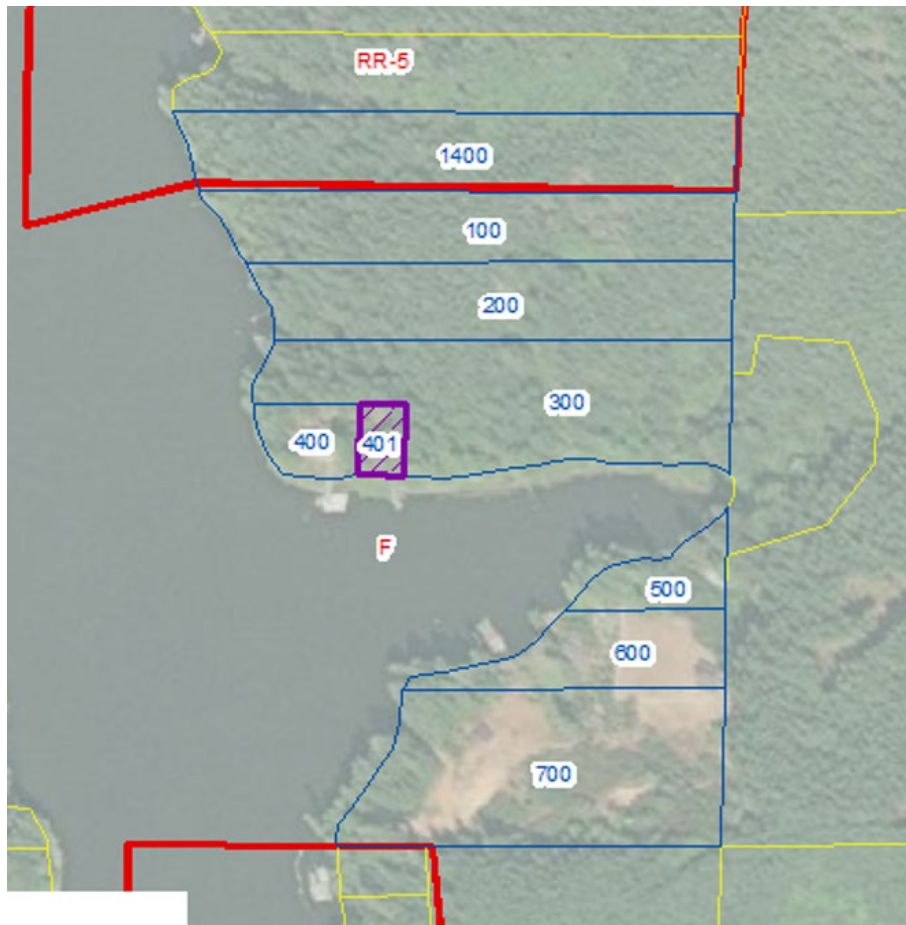
¹*For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

- (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.*

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The proposed homesite is located approximately in the center of the subject property, as shown on the applicants plot plan. The southern property line is the Blacks Arm of North Tenmile Lake, and approximately 70 feet from the proposed dwelling. Based on the

plot plan, the applicant's proposed dwelling is approximately 60 feet from the northern property line. There is a Coastal Shoreland Boundary overlay zone on the subject property. The CSB is at least 100 feet from the edge of the MHHW line. Staff finds the proposed location is inside of the CSB. The proposed dwelling is located only 30 feet from the east and west property lines.





The above map shows the properties nearby. The subject property is located off a Blacks Arm of North Tenmile Lake, northeast of the City of Lakeside. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The immediately adjacent properties are smaller parcels (0.35 acres and 5.19 acres in size) that are developed with dwellings and are not suitable for commercial forest practices. The property is accessed by boat only from the Black’s Arm of Tenmile Lake, so there will be no access road which might impact nearby or adjoining forest lands. Accordingly, adverse impacts on forest operations are minimized or are nonexistent”*. The County has defined nearby lands as within a 750 feet distance. 750 feet is also the distance required for land use notices, so the notification map above identifies the lands that need to be analyzed. The applicant did not provide any other additional information about resources uses on the nearby lands.

Based on the aerial photos, there appears to be forested lands on the adjacent parcel to the north. When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

The parcel located to the north of the subject property appears to have the potential for timber harvesting. Staff estimated that the timber stands are approximately 2.5 to 3.0 acres in size. While small

units are typically uneconomical on their own accord. There are industrial timberlands located immediately to the east of these stands. The landowners could negotiate their stands to be harvested when the industrial lands are harvested. These combined stands may indeed be over 40 acres in size. Therefore, there is potential that the proposed dwelling location will interfere nearby forestry practices.

According to the topographic map below, the adjacent parcels appear to have slopes above 35%, so cable harvesting methods would be preferred. Based on ODF Land Use Notes, the preferred safety distance from cable harvesting to dwellings is a 500 feet buffer. The dwelling is located in the center of the subject property overlooking the lake. The location of the dwelling may adversely affect commercial timber harvesting on nearby parcels towards the north.

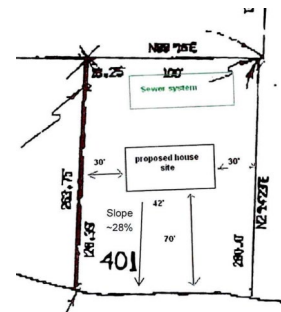


Based on reviewing aerial photos and planning department records, Staff did not find any farming on nearby lands.

The subject property is a rectangle shape unit of land. Given the location of the proposed dwelling is located on the center portion of the property. Given that applicant site plan indicating the proposed dwelling location is located with the Coastal Shoreland Boundary. That the CSB buffer is also the same size of the State Forest Practices Act riparian buffer. Staff finds the proposed location minimizes the amount of land is taken out of resource production.

Therefore, Staff finds the applicant's proposed location minimizes the effects of the proposed dwelling on farming & forest practices on the subject property. But Staff finds that there may be an negative effect on forestry practices on nearby lands.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is rectangle shaped, and the applicant indicated the access will be dock access only. Therefore, Staff finds the applicant's proposal minimizes the amount land removed for access roads.



Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. Staff must analyze the topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large-scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicant indicated the "the proposed site is also located 70 feet +/- from the highwater line of Ten Mile Lake". Based on the topographic map, there are steep slopes (35%) that are up above the proposed dwelling. The applicant indicated on the plot (28%) slopes below of the proposed dwelling. Avoiding long driveways are also recommended. The applicant indicate there is no road to the proposed dwelling. While neither of these elements appear to be implement with the development proposal. Staff finds the small size of the property does not allow for a change of location to minimize risks associated with wildfire. The third factor to address is the vegetive fuels on the subject property. Based on the slope information from the Oregon LiDAR Viewer map that applicant provided, the subject property has 28 percent slope over the entire property. Staff reviewed the submitted measures, and concurs that 28 percent seems like a reasonable slope calculate for the subject property. The applicant's will be required to install a 130 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The plot plan indicates a proposed structure only 70 feet from the northern property line. Because of the shore, the vegetation buffer will remain moist throughout the year, reducing the chance of fire spreading. In the riparian vegetation protection zone, the applicants did not provide any evidence of trees that were considered a safety hazard or erosion hazard. In this application, the applicants are not proposing any water dependent uses; they are not proposing shoreline stabilization measures; they are not planning agricultural operations; and there are no pre-existing structures associated with this application. Within the Coastal Shoreland Boundary, any removal of riparian vegetation requires a conditional use permit. Staff finds that primary or secondary fuel breaks will not be required in the CSB, since the riparian vegetation buffer provides a sufficient natural barrier against the spread of fire (applicable LUBA opinion Lovinger v. Lane County 51 OR LUBA 29 allows this finding). Staff finds that these measures will mitigate the effects of the proposed dwelling on the riparian vegetation protection zone (CSB) The applicant is not authorized to install fire break into the Coastal Shoreland Boundary.

As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff finds that risks associated with wildfire effects will be minimized.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicant submitted a water supply requirements form signed off by Oregon Water Resources Department with a approved Certificate of Water Right.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. The applicant stated they will access the property by boat only. Therefore, these criteria are not applicable.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are less than 10 acres on the subject property; therefore, a stocking survey is not required. Assessor's Office will be notified of this proposed development by the Planning Department.

All The criteria found in SECTION 4.6.130 have been addressed.

○ *Section 4.6.140 Development and Siting Criteria:*

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

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

- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
9. *Fire Siting Standards for New Dwellings:*
- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
10. *Firebreak:*
- a. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
 - b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
 - c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

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

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

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

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

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

Sections 4.6.140(4) 4.6.140(17) require parking, loading, access and road standards be addressed. The applicant indicated that the access will be boat access only. Therefore, this criterion does not apply.

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

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

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

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Lakeside 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 they *“will accept a condition of approval that they provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback”*. The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicant states that the dwelling site is around 28%. The applicant provided screenshots from Oregon DOGAMI LiDAR Viewer of the approximate slope of the site area including the fuel-free break zone. Staff concurs with the applicant’s response. The applicants will need to maintain 130 feet of primary fuel-free break to the standards identified above. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. This criterion will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that *“the dwelling will use non-combustible or fire retardant roofing materials, as may be 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. While the lake is over 4000 gallons in size. There is no road access within 100 feet of the lake 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 by boat only. Therefore, this criterion is not applicable.

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

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

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

and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

o 4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

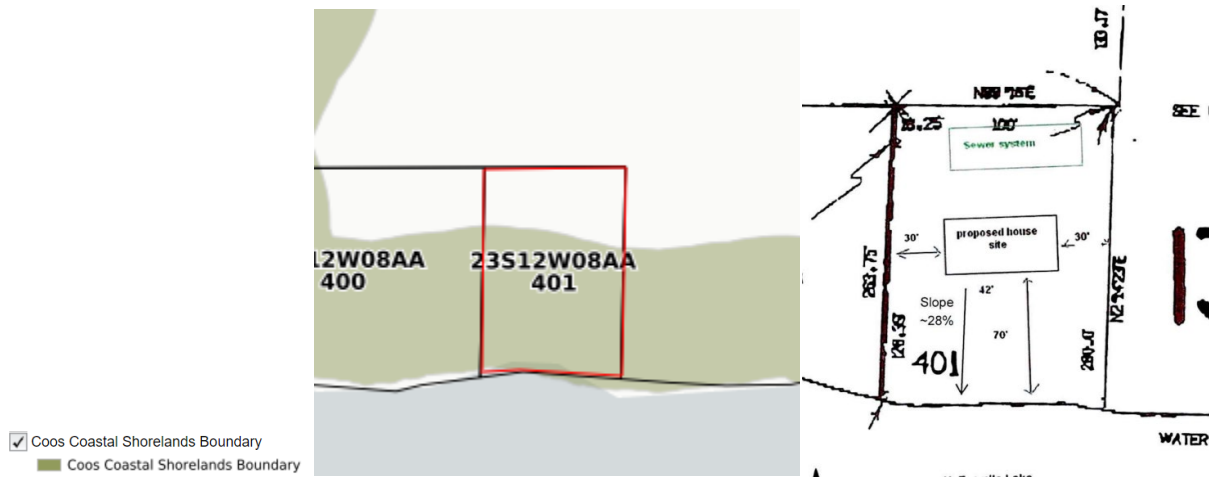
The Coastal Shoreland Boundary map has inventoried the following:

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

Purpose Statement:

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

FINDING: The applicant's plot plan identified the proposed house site was approximately 70 feet from the high ordinary water line. The CSB in this area is approximately 100 feet wide starting the high ordinary water line. This location would place the dwelling within the Coastal Shoreland Boundary.



As a condition of approval, the applicants shall not remove any vegetation within the Coastal Shoreland Boundary other than the footprint of the proposed home structure.

i. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.****

f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; ****

In addition, the above uses shall only be permitted upon finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan. This strategy recognizes (1) that the Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands.

FINDING: The applicant is proposing a single-family dwelling within the Forest Zone on an existing lot. The subject property has other overlay zones, including the Coastal Shoreland Boundary. Additional findings for compatibility of the proposed dwelling and Coastal Shoreland Boundary are below. The applicant states that a Single Family Dwelling is an "allowed use" but for clarification this is not an outright allowed use. This type of dwelling is a conditionally allowable providing that the template dwelling criteria can be met.

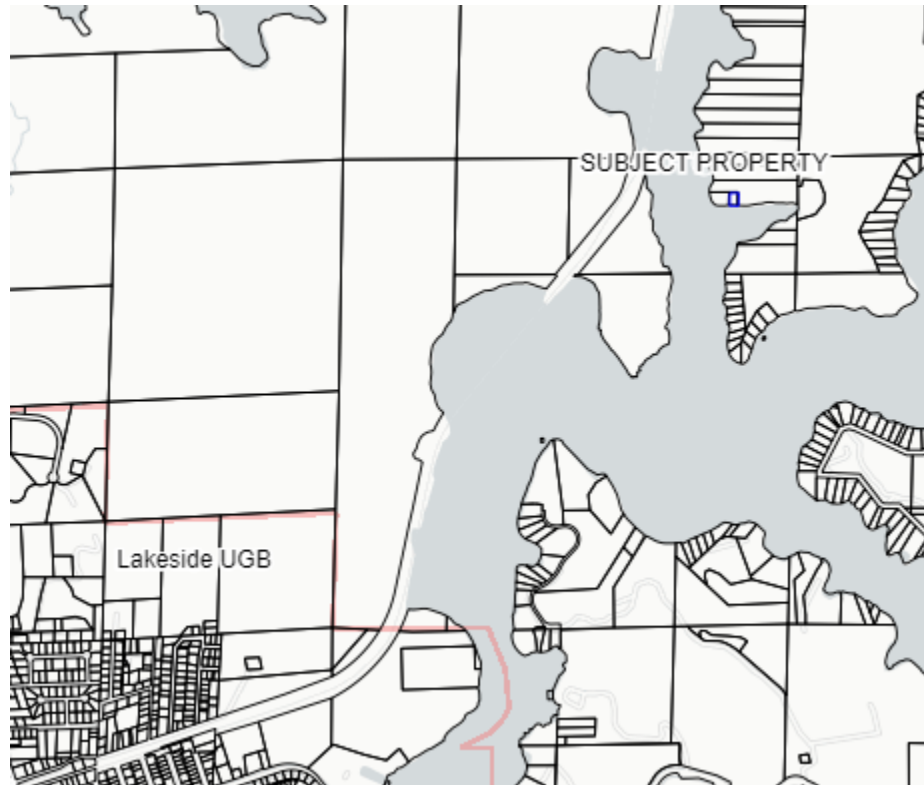
ii. *A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

FINDING: The applicant pointed out there was a typo in the language and it should not apply because it referenced Volume I Part 3. While this statement may be true it does not change that a site plan review is required with certain listed uses when required by the Coos County Comprehensive Plan. Pursuant to Section 1.1.300 of the CCZLDO "[t]he Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail." The site plan criteria are required to be addressed when there are any proposed structural development in Coastal Shoreland Boundary to show that certain resource protections have been addressed. This is the tool used to show that the application has addressed the criteria that states "[i]n addition, the above uses shall only be permitted upon finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan. This strategy recognizes (1) that the Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands."

The applicant did not request that the site plan criteria be waived is not applicable because there are no resource protections that require a site plan based on the CCCP, but instead tries to make a legal argument that standards are not "clear and objective" so this section cannot be applied. The applicant reference ORS 197.307 (4) as the basis of their argument. Staff reviewed ORS 197.307(4) and this statute relates to "Effect of need for certain housing in urban growth areas". This property is not within an urban grow boundary or part of any housing inventory because it is zoned Forest. The applicant seems to fail to understand the purpose of the Forest Zoning.

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.



Based on the Lakeside Urban Growth Boundary map (shown in red outline), as shown above. Staff finds that the subject property (shown in blue) is approximately one (1) mile northeast of the City’s UGB. Furthermore, Coos County does have clear and objective standards adopted based on ORS 197.307 in Urban Growth Areas that take into consideration all affordability factors. Staff can discuss with the applicants outside of this request how housing studies and regulations apply to Coos County based on ORS 197.307 but this is irrelevant to the criteria.

The site plan criteria were developed specifically to address the structural uses within the Coastal Shoreland Boundary. The Shoreland Boundary was developed as required as part of Statewide Planning Goal #17 to ensure resource protections.

The appropriate path is to look at what Special Development Considerations apply and then decide if a site plan is required. The property is inventoried within the Bird Site Goal 5C Requirement, Floodplain, Tsunami and Coastal Shoreland Boundary. The Dwelling site proposal is outside of the Floodplain and Tsunami does restrictions do not apply to a Single Family Dwelling. Policy 5.10 of the CCCP states:

Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):

- a. *promote uses, which maintain the integrity of estuaries and coastal waters;*
- b. *provide for water-dependent uses;*
- c. *provide for water-related uses;*
- d. *provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
- e. *provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
- f. *permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent.

This strategy shall serve as a guide when evaluating discretionary zoning and land development actions.

This strategy recognizes LCDC Goal #17 requirements.

Staff did not find that there was any relevant information in the application or response to the deemed incomplete letter to address these priorities. However, it does seem that the applicant may have been confused but the incorrect reference. The applicant's response indicates that their understanding was that the property was located within urban area but that was incorrect.

Given this section is a guide when evaluating a discretionary land development action staff believes that this request would fall on subsection d. The uses have to take into consideration the underline zoning which is forest. The application is for a single-family dwelling within the forest land pursuant to the ORS 215.750 Alternative forestland dwelling as adopted by Coos County. A Single family dwelling is defined as a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited. The question becomes would this use *prematurely or inalterably commit shorelands to more intensive uses* than subsection a through c. As a condition of approval, the applicant shall provide a site plan with showing landscaping, structures, surface water drainage, any access pathways that will require vegetation removal and utilities as this will address any impacts a single family dwelling may have on the CSB or the dwelling placement shall be moved outside the CSB. Some of these features are part of the required plot plan that the applicant failed to provide so by providing these specific details it will satisfy both the application requirements and the site plan requirements. Section 5.0.150 Application Requirements states that applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards.

ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.

- Please add any additional Road or parking items from the parking form.

a) *Site Review and Approval Criteria.*

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

1. *Landscaping*
 - a. *The landscape shall be such to minimize soil erosion and lessen the visual impact;*
 - b. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas*

2. *Structures*
 - a. *Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
 - b. *The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

FINDING: The applicant did not address sections 1 and 2 as they focused on the argument that ORS 197.307 (4) which is not applicable. Therefore, these criteria have not been addressed. At the minimum a landscaping plan showing the features discussed in the prior finding shall be submitted to show compliance.

3. *Drives, Parking and Circulation*

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

FINDING: Access to the subject property is by boat access only. Therefore, this criterion is not applicable.

4. *Surface Water Drainage*

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

FINDING: First, Staff has access to Coos County Public Works records and is unaware of any public storm drainage systems within the vicinity of subject property. The applicants stated that they are “willing to work with the County to ensure that surface drainage will not adversely affect neighboring properties or create environmental problems”. No additional information was given on how this will be done but it shall be addressed as explained above within the site plan.

5. *Utility Service*

- a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. *Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

FINDING: The applicant stated that “The standard that utilities have a “harmonious relation to neighboring properties and the site” is not clear and objective and cannot be applied to this application. Nevertheless, the Applicant is willing to work with the County to comply with this standard as much as reasonably practicable”. The applicant also stated the method of sanitary sewer disposal will from a septic tank with a drain field. This particular property already has a septic drain field installed. The applicant indicated the existing drain field will be utilized. They appear to reference the same legal argument as based on ORS 197.307 (4) that is not relevant to this application. Therefore, these criteria have not been addressed and are part of the condition of approval that the site plan with certain elements be completed as described on page 38.

b) *Application Submittal and Review Procedure.*

1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*

- a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
- b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
- c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*

- d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
- e. *An application request which shall include:*
 - 1) *Name and address of applicant;*
 - 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
 - 3) *Address and legal description of the property;*
 - 4) *Statement explaining the intended request;*
 - 5) *The required fee; and*
 - 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*

2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

FINDING: *The applicant stated that "In 2020, the County approved a different application for forest template dwelling on another Tenmile Lake property that was also subject to the Coastal Shoreland Boundary standards, despite the applicant having not submitted the plans required by the above section, but requiring that those plans be submitted as a condition of approval. See Exhibit 1 (County approval ACU-19-033), p. 4 (Condition of Approval #5). There is no reason the same condition of approval cannot be imposed here. The Applicant requests that the County impose the same condition of approval, allowing those more detailed plans required by the above section to be submitted at a later date". In ACU-19-033 the dwelling is actually just beyond the CSB layer as you can see if you look at page 21 of that application. However, staff has no issue deferring the drawn plans to a later date with the warning that if a discretionary decision is required a notice of decision will be rendered and additional fees may be charged.*

- o *4.11.131 Significant Wildlife Habitat (Balance of County Policy 5.6)
The Fish & Wildlife Habitat Map I (1985 Ordinance 85-08-011L) has inventoried the following:*

*Anadromous² fish distribution (Salmon, Steelhead and Cutthroat Trout)
I-B Resources pursuant to OAR 660-16-000(5)(b)*

*Spotted Owl Habitat
Osprey Nest Site
Pigeon Spring*

I-C Resources pursuant to OAR 660-16-000(5)(c)

*Pigeon Spring
Bald Eagle Nest Sites
Blue Heron Nest Site*

The Fish & Wildlife Habitat Map II has inventoried the following:

Big Game Range (Elk & Deer)

² An *anadromous fish*, born in fresh water, spends most of its life in the sea and returns to fresh water to spawn.

Impacted – Limited or no Habitat Value

Peripheral – Supports Substantial Populations but habitat value is lessened by development

Sensitive – Supports majority of Big Game

Western Limit of Elk Range

Wetlands

Wetlands – Lands with hydric³ soils and wetland plants

Wet Meadows in current agricultural use

Cranberry Bogs

Farm Ponds, Mill Ponds and Other Man-Made Water Bodies

Wetlands Formerly in Agricultural use; Potential Reclamation

The following shall be considered “5c” Goal #5 resources (pursuant to OAR 660-16-000) the following:

"Sensitive Big-game Range"

Salmonid Spawning and Rearing Areas

Bird Habitat Sites (listed in the following table)

The following bird habitat areas that are considered Goal #5 "5c" resources:

			<i>Location</i>		
		<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Area</i>
<i>Bald Eagle Nests</i>		23S	13W	23	(Tenmile)
		23S	11W	05	(Big Creek)
		23S	12W	21	(Willow Point)
		24S	12W	04	(Palouse)
	24S	13W	36	(Mettman)	
		25S	11W	29	(Bessy Cr.)
		25S	11W	33	(Dellwood)
		25S	11W	22	(Rachel Cr.)
		25S	11W	32	(Morgan Ridge)
		26S	14W	14	(So. Slough)
27S	13W	09			
		28S	10W	09	(Brewster Gorge)
		31S	12W	16	(Baker Creek)
		29S	14W	31	(Twomile Creek)
		28S	14W	11	(Randolph)
<i>Great Blue Heron Colonies</i>		24S	13W	27 SW¼	
		25S	14W	24 SE¼	
		23S	13W	26	(Saunders Lake)
		24S	13W	23	(North Bay)
		25S	11W	15	(Weyerhaeuser)
	25S	12W	31 NW¼	(Catching Slough)	
		25S	14W	24	(North Spit)
		26S	14W	11	(So. Slough)

³ *Hydric soil* is soil which is permanently or seasonally saturated by water, resulting in anaerobic conditions, as found in wetlands.

25S	13W	24		
		26S	14W	14NE ¹ / ₄ , SE ¹ / ₄
		27S	14W	35 SE ¹ / ₂ ,NW ¹ / ₄ (Sevenmile)
		26S	14W	14 NW ¹ / ₄
		30S	15W	15 (Muddy Lake)
		23S	12W	28 (Templeton Arm)
Band-Tailed Pigeon		24S	13W	24&25 (Haynes)
Mineral Springs	25S		13W	24 (Cooston)
		26S	13W	01
		28S	14W	10 (Prosper)
		29S	11W	26
		29S	11W	35 (Blueslide)
		29S	11W	36 (Rock Quarry)

Uses and activities deemed compatible with the objective of providing adequate protection for all identified Statewide Planning Goal 5 resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

5c Bird Sites protection shall be implemented by:

County reliance upon the Oregon Department of Forestry and Oregon Department of fish and Wildlife insuring adequate protection of "5c" bird sites from possible adverse impacts of timber management practices thru the Forest Practices Act;

Use of the Fish and Wildlife Plan Maps and detailed inventories above to identify "5c" bird sites subject to special protection;

For "5c" bird site protection, stipulating in the Zoning and Land Development Ordinance that conflicting uses shall be reviewed by the Oregon Department of Fish and Wildlife to determine that any proposed use is not expected to produce significant and unacceptable environmental impacts on any of the "5c" bird sites; and

Stipulating on County Zoning Clearance Letters that establishment of conflicting uses adjacent to "5c" bird sites shall be permitted only pursuant to the provisions of this policy.

Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5c" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the "5c" resource, and what safeguards it would recommend to protect the resource. If ODFW's determinations the development will impact the "5c" bird habitat a conditional use will be required by the applicant. ODFW's and the applicants findings will be reviewed based upon sound principles of conservation and appropriate balancing of the ESEE consequences so if conflicting uses are allowed the resource site is protected to some extent. The ACU will be processed pursuant to Article 5.0. If ODFW's determination does not show any impacts then a zoning compliance letter may be issued if the use is permitted or has completed a conditional use process.

FINDING: Coos County sent a request for comments to Oregon Department of Fish and Wildlife on January 28, 2022 but did not received a response within the allotted time. The applicant shall check with ODFW prior to construction. Therefore, this has been addressed.

- 4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- Flood Hazard
 - Riverine flooding
 - Coastal flooding
- Landslides and Earthquakes
 - Landslide Susceptibility
 - Liquefaction potential
- Tsunamis
- Erosion
 - Riverine streambank erosion
 - Coastal
 - Shoreline and headlands
 - Wind
- Wildfire

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

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

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

- OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.211 AUTHORIZATION

The State of Oregon has been delegated the responsibility through local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Coos County does ordain as follows:

SECTION 4.11.212 FINDINGS OF FACT

1. The flood hazard areas of Coos County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

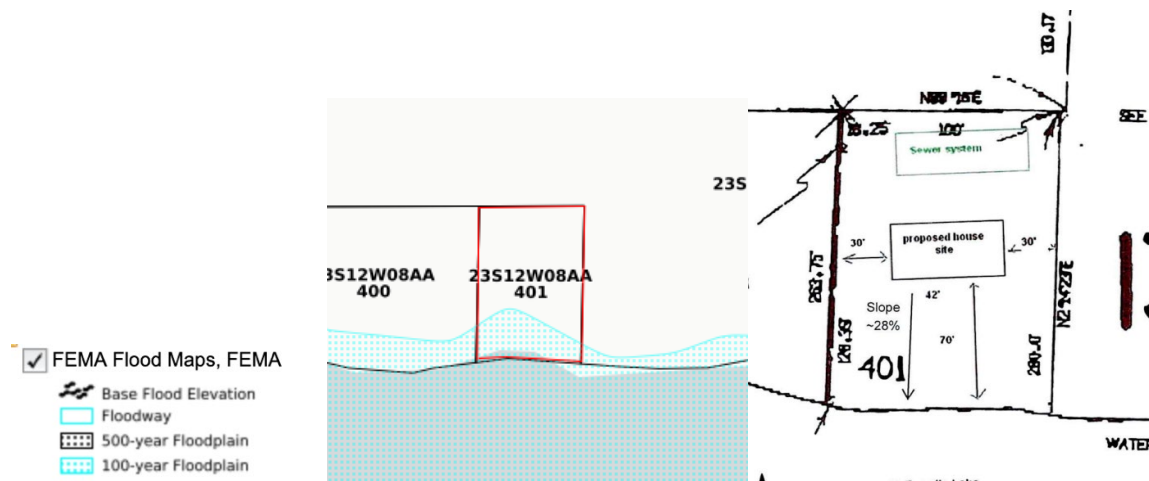
SECTION 4.11.231 LANDS TO WHICH THIS OVERLAY ZONE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Coos County that have been identified on the Flood Insurance Maps dated March 17, 2014 as described in Section 4.11.232.

SECTION 4.11.232 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance & Mitigation Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County, Oregon and Incorporated Areas" revised December 7, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at location. The best available information for flood hazard area identification as outlined in Section 4.11.243.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.11.243.2.

FINDING: There is regulated mapped floodplain on the subject property.



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

IV. DECISION

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

V. EXPIRATION:

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

A. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*

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

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

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Tuesday, May 05, 2026. Currently, this application will not qualify for an extension change in template dwelling law on November 1, 2021.

VII. NOTICE REQUIREMENTS:

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

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

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



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

FILE NUMBER: ACU-21-092

Date Received: 12/28/21 Receipt #: 228721 Received by: MB
This application shall be filled out electronically. If you need assistance please contact staff.
If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Chapman & Chapman Investments, LLC; Daryn Chapman, Managing Member

Mailing address: 31206 NE 23rd St., Washougal WA 98671

Phone: 360-609-1120 Email: dc@chapmaninvestments.com

Township: 23S Range: 12W Section: 8 1/4 Section: A 1/16 Section: A Tax lots: 401
Select Select Select Select Select

Tax Account Number(s): 14604 Zone: Select Zone Forest (F)
Tax Account Number(s) Please Select

B. Applicant(s) Chapman & Chapman Investments, LLC; Daryn Chapman, Managing Member

Mailing address: 31206 NE 23rd St., Washougal WA 98671

Phone: 360-609-1120 Email: dc@chapmaninvestments.com

C. Consultant or Agent: Wendie L. Kellington, Kellington Law Group PC

Mailing Address P.O. Box 159, Lake Oswego, OR 97034

Phone #: (503) 636-0069 Email: wk@klgpc.com

Type of Application Requested

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

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
School District: North Bend Fire District: Lakeside RFPD

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

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

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

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

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

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

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

Digitized by:
Danya Chapman
D12F48F4A86481...

12/23/2021

ACCESS INFORMATION

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

Property Address: No situs address; county assessor's map T23S R12 Sec.08AA TL 401

Type of Access: Boat only Name of Access: Boat only - Black's Arm Tenmile Lake

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.

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

ADDRESS APPLICATION INFORMATION

FILE NUMBER: AD-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: _____

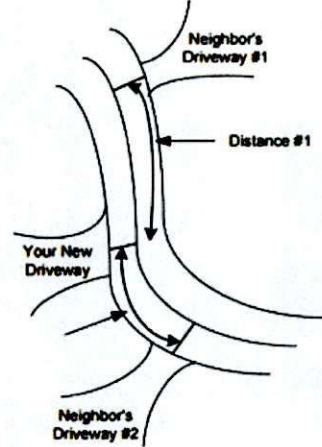
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: _____

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

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: _____

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: _____

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



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

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

Additional Notes or directions:

n/a boat access only via Black's Arm of Tenmile Lake

This application is not required.

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

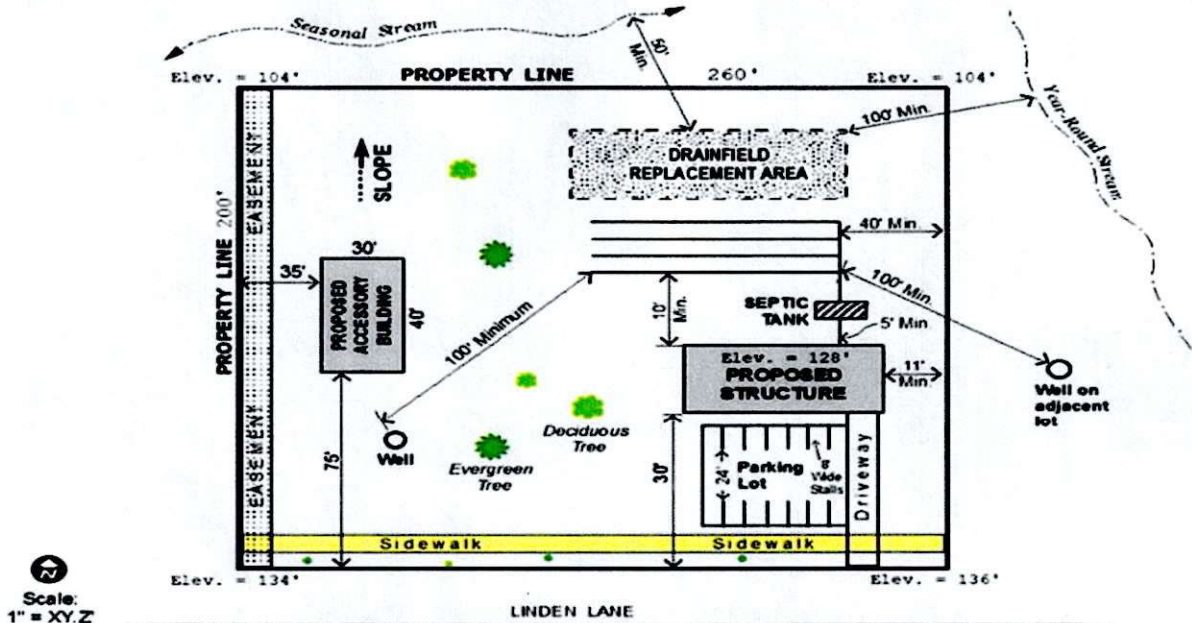
Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Plot Plan
The grid for the plot plan is found on the next page

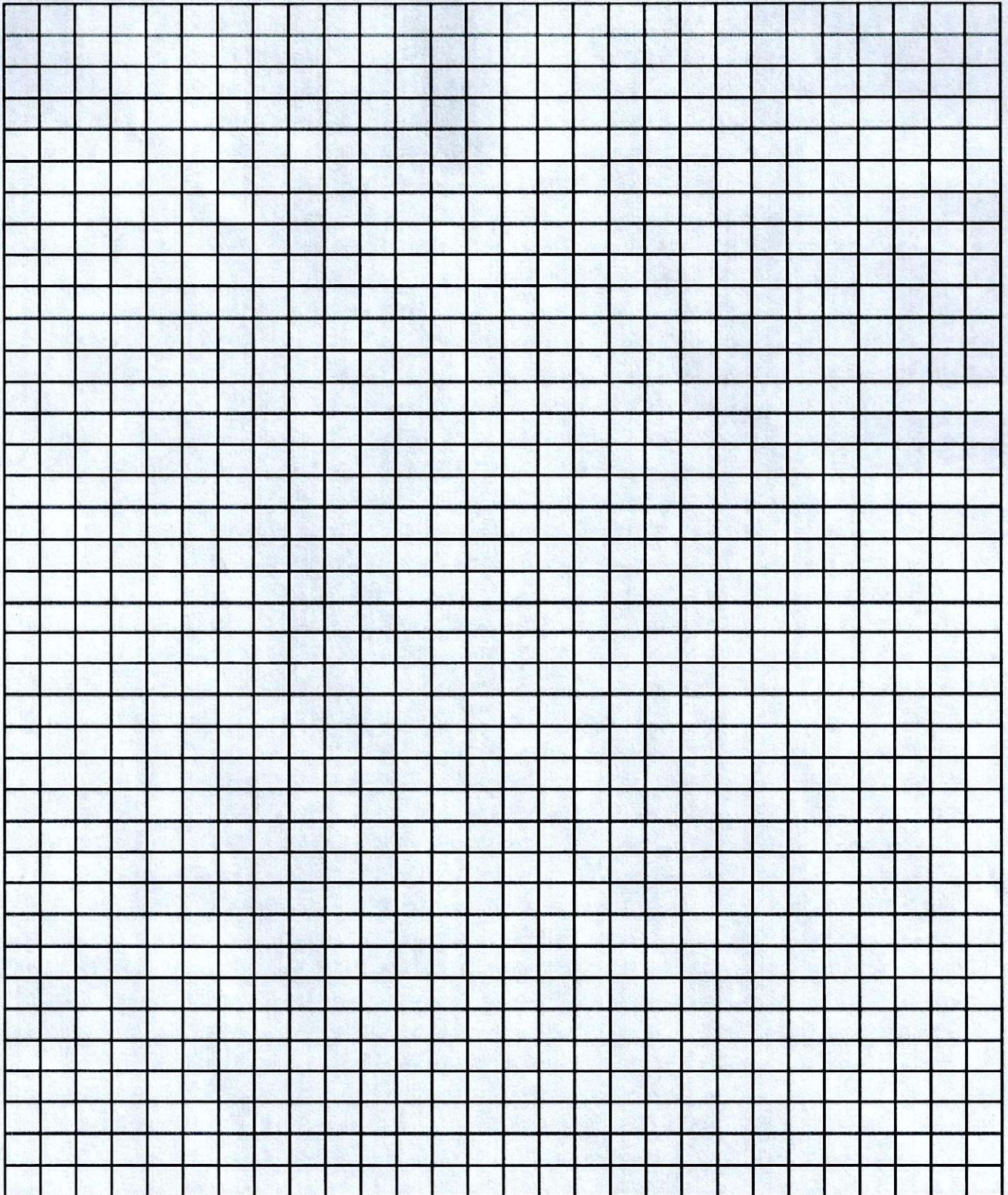
SAMPLE PLOT PLAN



ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

A large grid of empty cells, likely for data entry or mapping. The grid consists of 20 columns and 30 rows of small squares.

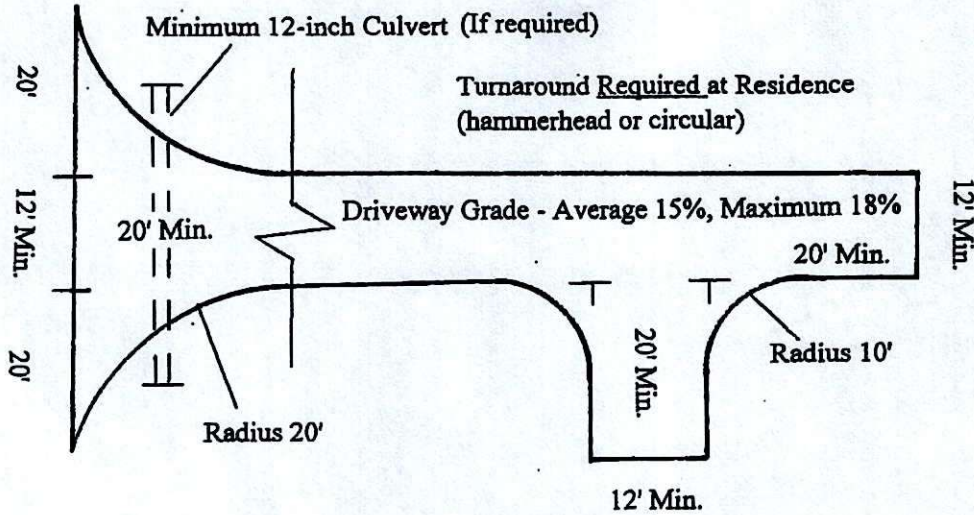
ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS
 DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



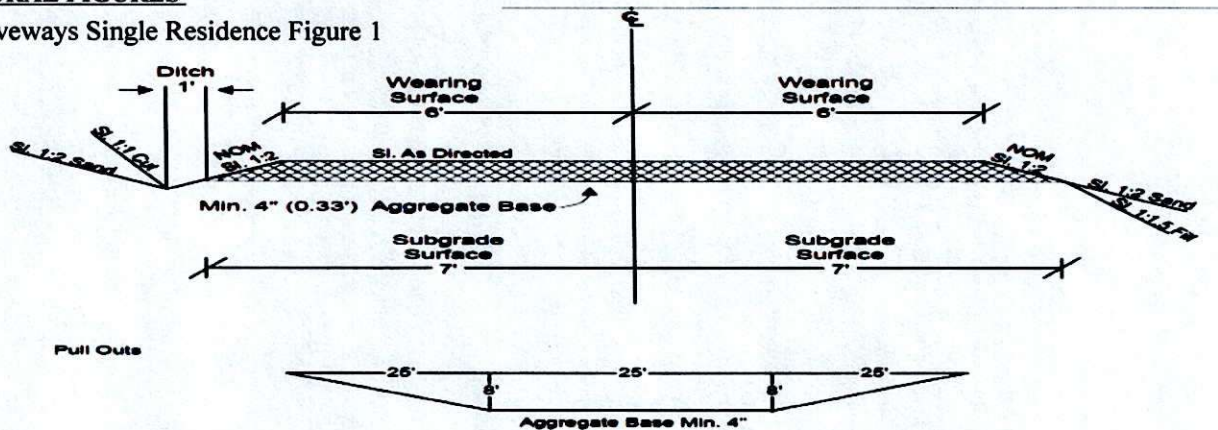
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

RURAL FIGURES

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

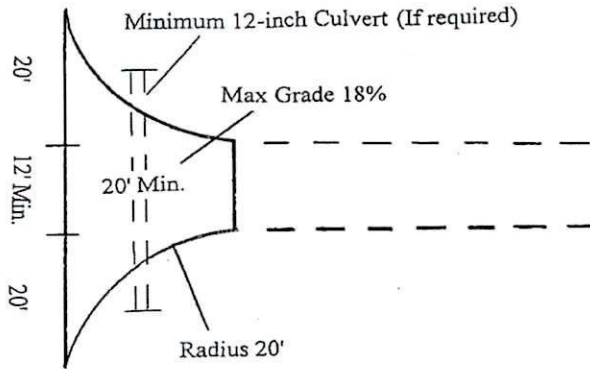
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

Forestry, Mining or Agricultural Access Standard drawing
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35 mph – 150' both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster
The access will be developed from the edge of the developed road.

Figure 7.1.450

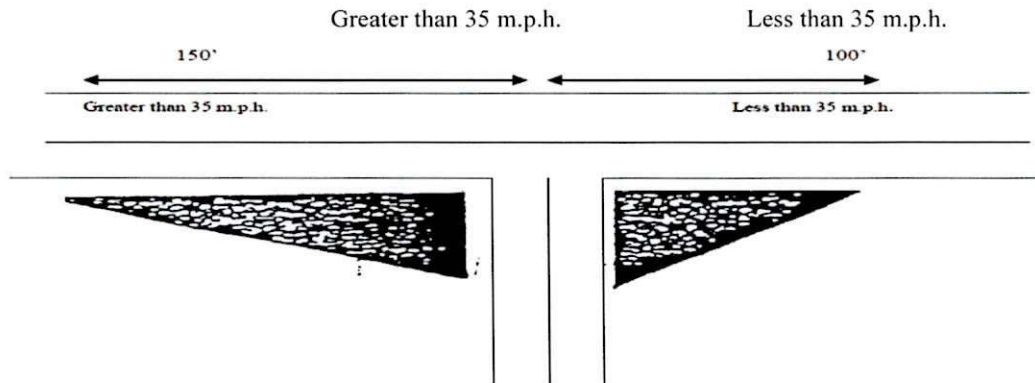


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

VISION CLEARANCE TRIANGLE:

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi-family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
Figures	A	B	C	D	E
Single row of Parking					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
Figures #'s					
	F	G	H	I	J
Two Rows of Parking					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.

**Application for a Forest Template Dwelling
CCZLDO § 4.6.120(9)(B)(II)**

Landowner/

Applicant: Chapman & Chapman Investments, LLC; Daryn Chapman, Managing Member
Address: 31206 NE 23rd St.
Washougal, WA 98671
Phone: (360) 609-1120
E-mail: dc@chapmaninvestments.com

Property: Tax Lot 401, Assessor's Map T23S, R12W, Section 8AA, W.M.
Address: No situs
Location: Black's Arm of North Tenmile Lake
Acreage: 0.33 acre

Agent: Wendie L. Kellington
Address: Kellington Law Group PC
P.O. Box 159
Lake Oswego, OR 97034
Phone: (503) 636-0069
E-mail: wk@klgpc.com

I. INTRODUCTION

A. Summary of Applicant's Request and Property Description

This is an application for Planning Director approval to site a Forest Template Dwelling on Tax Lot 401 of Assessor's Map T23S, R12W, Section 8AA, W.M., which is 0.33 acres and located on Black's Arm of North Tenmile Lake in Coos County and within the Forest (F) zone. Exhibit 1 is the Assessor's Map. Exhibit 2 is the subject property's deed. Exhibit 3 is the Site Plan. The subject property is accessible by boat only. It has small existing dock, electricity and a septic system. The subject property received county approval for a forest template dwelling in 2007. Exhibit 4 is that approval (Local File No. ACU-06-078). Surrounding properties are also zoned Forest. Tax Lot 300, adjacent to the subject property, is developed with an existing dwelling. Tax Lot 400, also adjacent to the subject property, is developed with an existing dwelling and a dock with a boathouse/apartment. This application demonstrates that the proposed forest template dwelling on Tax Lot 401 is permitted and should be approved.

II. APPROVAL CRITERIA

This application for a forest template dwelling is submitted for review under the current, acknowledged Coos County Zoning and Land Development Ordinance (CCZLDO).

On November 17, 2021, the applicant received a Measure 56 notice regarding *county amendments* to the *county code* that was dated November 10, 2021, that notified the applicant

that the county would be conducting public hearings on proposed legislative amendments to the CCZLDO that may affect the permissible uses of the applicant's property. That county notice was required under a part of Measure 56 (ORS 215.503(4)) that requires *local governments* to give notice to landowners whose rights may be affected by *proposed local code amendments* at least 20 days before the date of the first hearing on the proposed *local code amendments*. In that regard, the proposed county code amendments will amend the CCZLDO's forest template dwelling criteria to implement statutory changes adopted by HB 2225 (2019).

However, that is not the only required Measure 56 notice. The most important Measure 56 notice, was never given to the applicant and, until that critically important notice is given, HB 2225 cannot be applied to the applicant or indeed to any affected property owners.

In this regard, there is a parallel Measure 56 requirement specified in ORS 197.047(6), (8), (9) and (10) that requires DLCD to give a specific notice to local governments about *state statutory changes* like those in HB 2225 "[a]t least 90 days prior to the effective date of a new or amended statute ***" (ORS 197.047(6)) and, in turn, local governments are required to give owners of property "that will be rezoned *as a result of adoption of the *** statute*" a particular type of notice "at least 45 days prior to the effective date of the statute ***." ORS 197.047(8). Presumably DLCD did not give the county the notice required by ORS 197.047(6) and (7). Regardless, the *county* did not give the applicant -a property owner whose property will be "rezoned" by HB 2225 - notice of that *new state statute* (HB 2225), as required 45 days *before it was effective for Coos County* (November 1, 2021). See Exhibit 11 (Applicant property owner declaration that no notice was given by the county that HB 2225 had been adopted before the November 1, 2021 date that HB 2225 was effective for Coos County).

In any case, the county has not yet adopted the proposed local code amendments and so cannot yet apply them, or the legislative changes made by HB 2225, to this application. This is because ORS 215.416(8)(a) (the co-called "codification rule"), requires counties to approve or deny an application for a permit based upon standards and criteria that are set forth in the zoning ordinance or other appropriate ordinance or regulation of the county. This truism is also evident under ORS 197.175(2)(d) which requires local governments to make land use decisions in compliance with their acknowledged plan and land use regulations. Together, these statutes command that the county must base its decision on this application for a forest template dwelling only on the standards and criteria that are in its current acknowledged plan and code.

Accordingly, the current CCZLDO, applies to this application and HB 2225 does not yet apply to county decisions on the subject application. As a result, the approval standards applicable to this application are the following sections of the current CCZLDO:

- CCZLDO § 4.6.120(9)(B)(II) Template Dwelling
- CCZLDO § 4.6.120(9)(C) Additional Criteria for All Dwellings Allowed in the Forest and Forest Mixed Use Zones
- CCZLDO § 4.6.130 Additional Criteria for All New and Replacement Dwellings and Structures in Forest
- CCZLDO § 4.6.140 Development and Siting Criteria

III. ANALYSIS

CCZLDO § 4.6.100 Table 1 identifies Template Dwellings as permitted uses in the Forest (F) and Forest/Mixed Use (FMU) zones:

<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>		
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU (9)(B)(II), (9)(C)

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

(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

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

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;

(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

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

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;
or

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

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

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

(2) (Reserved)

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

Response: Exhibit 5 is a soil survey from USDA Natural Resources Conservation Service showing that the subject property is comprised of 39F Millicoma-Templeton complex, 50 to 75 percent slopes. The volume of wood fiber per year for Millicoma is 172 cubic feet per acre per year for Douglas-fir, Sitka spruce and Western hemlock,

and for Templeton is 186 cubic feet per acre per year for Douglas-fir, Sitka spruce and Western hemlock. Accordingly, subsection (c) applies.

This application requires that a template test be used to determine whether all or part of at least 11 other lots or parcels with at least three dwellings existed on January 1, 1993, within a 160-acre square centered on the center of the subject tract. The subject tract is Tax Lot 401 which is 0.33 acres in size. In the 2007 approval (Local File No. ACU-06-078), the county found that the subject property qualified for a forest template dwelling because there were 28 parcels and 11 dwellings established prior to January 1, 1993, within the 160-acre template. The result should be the same here. None of the lots or parcels used to satisfy the eligibility requirements under subsections (1) or (2) are within an urban growth boundary. The proposal complies with the requirements of these sections.

(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.

Response: A dwelling on the subject property is not prohibited by the comprehensive plan or acknowledged land use regulations or other provisions of applicable law codified in the county code. ORS 215.416(8)(a). This standard is met.

(b) Unless it complies with the requirements of ORS 215.730.

Response: The requirements of ORS 215.730 are duplicated at CCZLDO § 4.6.120(9)(C). The responses to CCZLDO § 4.6.120(9)(C) below demonstrate that the proposal complies all requirements, and are incorporated herein. This standard is met.

(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.

Response: No other lots or parcels make up the subject “tract”. A “tract” is defined in CCZLDO § 2.1.200 as “A unit of land that has not been partitioned or subdivided that is listed on the same deed of record or multiple contiguous (touching by more than one point) units of land within the same ownership.” Tax Lot 401 is not a unit of land that has been partitioned or subdivided that is listed on the same deeds of record as another unit of land. Tax Lot 401 is contiguous to tax lots 300 and 400 of Assessor’s Map T23S, R12W, Section 8AA. Tax Lot 401 is under different ownership than tax lots 300 and 400. Tax Lot 401 is owned by Chapman & Chapman Investments, LLC. Exhibit 2. Tax lot 300 is owned by Lake Cabin LLC. Exhibit 6, p. 1. Tax lot 400 is owned by Lake Villa LLC. Exhibit 6, p. 3. Accordingly, no other lots or parcels make up the subject “tract”. This standard does not apply.

(d) If the tract on which the dwelling will be sited includes a dwelling.

Response: The tract on which the dwelling will be sited does not include a dwelling. This standard is met.

(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.

Response: The tract does not abut a road that existed on January 1, 1993. This standard does not apply.

(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.

Response: The tract is less than 60 acres and does not abut a road or perennial stream. These standards do not apply.

(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: CCZLDO § 4.6.120(9)(B)(II)(1)(c) requires that at least three dwellings that existed on January 1, 1993 be located in a 160-acre square centered on the center of the subject tract. CCZLDO § 4.6.120(9)(B)(II)(7) provides that where any part of a dwelling is in the 160-acre square, it is counted toward the number of dwellings. As stated above in the response to CCZLDO § 4.6.120(9)(B)(II)(1) and (3), in the 2007 approval (Local File No. ACU-06-078), the county found that the subject property qualified for a forest template dwelling because there were 28 parcels and 11 dwellings established prior to January 1, 1993, within the 160-acre template. Nothing has

changed since the time of that analysis. Accordingly, the result is the same here. This standard is met.

(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: Tax Lot 401 is less than 10 acres. Accordingly, a stocking survey report is not required. This standard does not apply.

(b) The dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

Response: The dwelling will have a fire retardant roof. The applicant is willing to accept a condition of approval that the building plans will show the type of fire retardant roofing material to be used. This standard can be met.

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

Response: The dwelling will be sited on a slope not greater than 40 percent. The dwelling is proposed to be sited on a relatively flat portion of the subject property. Exhibit 7 are images of the subject property taken from the Oregon DOGAMI LiDAR Viewer Web Application. The LiDAR images show that the area of the property in which the dwelling will be sited has a slope of approximately 24 percent. The property depth is approximately 126 feet. The elevation at the southern property line is approximately 15.5 ft. The elevation at the northern property line is approximately 50.4 ft. This calculates to an average slope of 28 percent over the entire property. The applicant is willing to accept a condition of approval that the dwelling will not be located on a slope that is greater than 40 percent. This standard can be met.

(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: Exhibit 8 is the county's form for verification of water right for Tax Lot 401 signed by OWRD staff and a Certificate of Water Right issued by the State of Oregon demonstrating that the proposed dwelling's domestic water supply is from a source authorized by OWRD. The property's water supply is

not from a Class II stream as designated by the State Board of Forestry. This standard is met.

(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.

Response: Tax Lot 401 on which the dwelling is proposed is within the Lakeside Rural Fire Protection District. The owner has been paying taxes to be included within the fire protection district. Exhibit 9 is the Coos County Assessor's Report for the subject property showing the taxes assessed in 2021 for fire patrol. This standard is met.

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

Response: The applicant is willing to accept a condition of approval that if the proposed dwelling includes a chimney or chimneys, then a spark arrester will be installed in each chimney. This standard can be met.

(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: The owner will provide and maintain a primary and secondary firebreak on land surrounding the dwelling that is owned or controlled by the owner, consistent with the requirements of CCZLDO § 4.6.140(9) Fire Siting Standards for New Dwellings and § 4.6.140(10) Firebreak. The primary and secondary fuel-free breaks are addressed below in response to CCZLDO §§ 4.6.140(9) and (10). Those responses are herein incorporated. The applicant is willing to accept a condition of approval that the owner will provide and maintain primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner. This standard can be met.

(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: The applicant meets the requirement of subsection (1)(b)(D) that the dwelling is located upon a parcel within a fire protection district. The subject property is within the Lakeside Rural Fire Protection District. Therefore, an alternative means for protecting the dwelling from fire hazards is unnecessary. This standard is inapplicable.

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 nearby³ 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 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.

Response: The proposed dwelling on Tax Lot 401 will be located approximately 30 feet from eastern and western property lines and 70 feet from the southern property line which is the lake. Exhibit 3 is the Site Plan. The immediately adjacent properties are smaller parcels (0.35 acres and 5.19 acres in size) that are developed with dwellings and are not suitable for commercial forest practices. The property is accessed by boat only from the Black's Arm of Tenmile Lake, so there will be no access road which might impact nearby or adjoining forest lands. Accordingly, adverse impacts on forest operations are minimized or are nonexistent. The dwelling will be sited to comply with the fire safety standards as much as possible due to the size, shape and topography of the subject property. Further, the dwelling will be sited approximately 70 feet from the lake, which provides a natural fire break and an additional source of water for protecting the dwelling from fire hazards. Accordingly, the risks associated with wildfires will be minimized. This standard can be met.

ATTACHMENT 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: As explained above in the response to CCZLDO § 4.6.120(9)(C)(1)(b)(C), Exhibit 8 is verification from OWRD staff of a water right for Tax Lot 401 and a Certificate of Water Right issued by the State of Oregon demonstrating that the proposed dwelling's domestic water supply is from a source authorized by OWRD. This standard is met.

(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: The property is accessed by boat only. There is no road access. This standard is inapplicable.

(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;

Response: The applicant is willing to accept a condition of approval that the owner of the tract 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. This standard can be met.

(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

Response: The subject tract is less than 10 acres. Accordingly, a stocking survey report is not required. This standard does not apply.

(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: The applicant is willing to accept as a condition of approval that the property owner shall 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. This standard can be met.

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.

Response: This proposal does not include the creation of a new parcel. The current size of the subject property does not affect approval for development because the parcel was lawfully created. In August 2006, a discrete parcel determination was submitted that showed the subject property had been a discrete parcel prior to January 1, 1986. The Planning Department concurred with the submitted findings. Exhibit 10 is the Planning Department's concurrence. Therefore, the subject property is a legal lot of record pursuant to CCZLDO § 6.1.125(1). This standard is met.

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.

Response: There is no road right-of-way on or adjacent to the subject property. This standard does not apply.

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

Response: This proposal does not include and fences, hedges or walls. This standard does not apply.

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

Response: The subject property is accessible only by boat. This standard and the standards in Chapter VII do not apply.

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.

Response: This requirement is addressed above in the response to CCZLDO § 4.6.130(5)(e). That response is herein incorporated. This standard is met.

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.

Response: The dwelling is proposed to be set back 70 feet from the ordinary high water mark of the lake. The applicant will maintain the riparian vegetation within 50 feet of the ordinary high water mark except to the extent that one or more of the exceptions to this requirement in subsections (a) through (f) applies. The applicant is willing to accept a condition of approval to this effect. This standard can be met.

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.

Response: As explained above in the response to CCZLDO § 4.6.120(9)(C)(1)(b)(D) and (E), the proposed dwelling is within the Lakeside Rural Fire Protection District. This standard is met.

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.

Response: The subject property is within the Lakeside Rural Fire Protection District and the applicant has demonstrated that they will meet the standards for fire protection in CCZLDO §§ 4.6.120(9)(C)(1)(b)(D) through (G) and §§ 4.6.140(9) and (10). Those responses are herein incorporated. The applicant does not request that the Planning Director authorize alternative forms of fire protection. This standard does not apply.

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.

Response: The property owner will accept a condition of approval that they 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. This standard can be met.

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

Response: The owner will maintain a 30-foot primary fuel-free break around the dwelling and all structures and keep available at all times a sufficient garden hose to reach the perimeter of the primary safety zone. The owner will also maintain an additional primary safety zone of 70 feet down slope from the dwelling to the lake. The applicant is willing to accept a condition of approval to this effect. Because of the dimensions of the subject property and its adjacency to the lake, it is not possible to maintain the full 150 feet of additional safety zone down slope required for slopes between 25 and 40 percent. However, the purpose of the additional safety zone down slope is nevertheless achieved because the down slope area beyond 70 feet of the dwelling is the lake, which does not contain any vegetative fuel. The county should find that this standard can be met.

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.

Response: The dwelling will use non-combustible or fire retardant roofing materials, as may be approved by the certified official responsible for the building permit. The applicant is willing to accept a condition of approval to this effect. This standard can be met.

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).

Response: The subject property does not have a water supply exceeding 4,000 gallons available within 100 feet of any driveway or road. This standard does not apply.

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

Response: This standard is addressed above in the response to CCZLDO § 4.6.120(9)(C)(1)(b)(B). That response is incorporated herein. The dwelling will be not be sited on a slope of greater than 40 percent. Exhibit 7. The applicant is willing to accept a condition of approval to this effect. This standard can be met.

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

Response: As explained above in the response to CCZLDO § 4.6.120(9)(C)(1)(b)(F), the applicant is willing to accept a condition of approval that if the proposed dwelling includes a chimney or chimneys, then a spark arrester will be installed in each chimney. This standard can be met.

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.

Response: As explained above in the responses to CCZLDO § 4.6.120(9)(C)(1)(b)(D) and (E) and § 4.6.140(7), the proposed dwelling is within the Lakeside Rural Fire Protection District. This standard is met.

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.

Response: The subject property is accessible only by boat. There are no existing or proposed public or private roads, bridges or driveways. This standard does not apply.

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

Response: The subject property is accessible only by boat. This standard and the standards in Chapter VII do not apply.

IV. CONCLUSION

The application, written narrative and supporting evidence demonstrate that the proposal complies with all CCZLDO requirements for a forest template dwelling. The Planning Director should approve the application as proposed.

Exhibits

- Exhibit 1 – Assessor’s Map
- Exhibit 2 – Tax Lot 401 Deed
- Exhibit 3 – Site Plan
- Exhibit 4 – 2007 Forest Template Dwelling Approval for Tax Lot 401 (ACU-06-078)
- Exhibit 5 – USDA NRCS Soil Survey
- Exhibit 6 – Tax Lots 300 and 400 Deeds
- Exhibit 7 – DOGAMI Lidar Viewer Maps
- Exhibit 8 – Water Right Certificate
- Exhibit 9 – Coos County Assessor’s Summary Report
- Exhibit 10 – 2006 Planning Department Legal Lot Concurrence
- Exhibit 11 - Property Owner Declaration

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

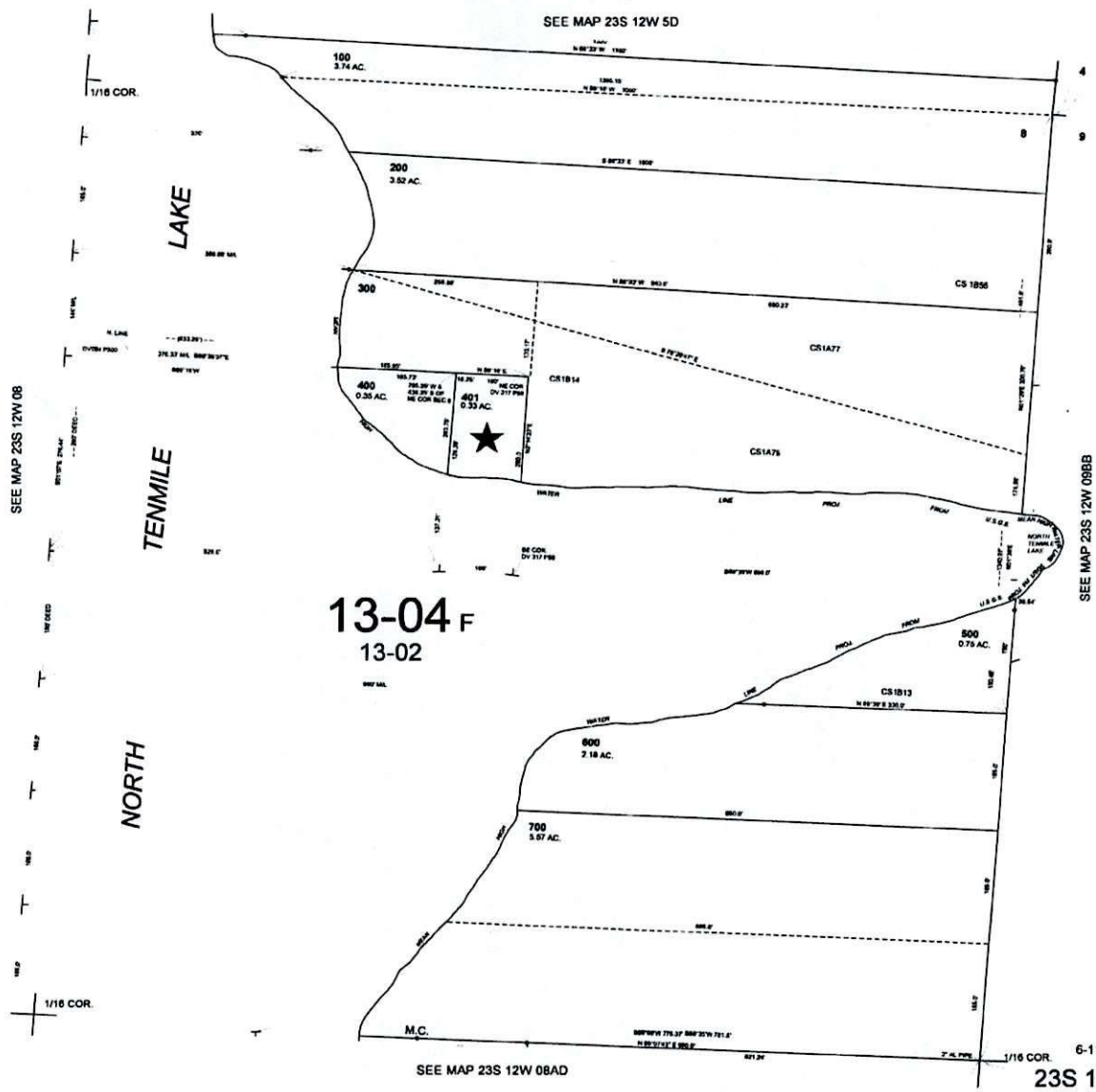
NE 1/4 NE 1/4 SEC. 8 T23S R12W W.M.
COOS COUNTY

23S 12W 08AA

CANCELLED NO.

1" = 100'

SEE MAP 23S 12W 5D



13-04 F
13-02

After recording return to:

American Exchange Services, Inc.
15 Oregon Avenue, Suite B
Bend, OR 97701

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

CHAPMAN & CHAPMAN INVESTMENTS, LLC
240 Stengar Lane
Roseburg, OR 97470

*This deed is being re-recorded to correct the vesting and legal description previously recorded as Instrument No. 2007-1193

This space reserved for recorder's use

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

**STATUTORY
BARGAIN AND SALE DEED**

*SAGE TENMILE

~~SAGE TENMILE~~, LLC, an Oregon Limited Liability Company, Grantor, conveys to CHAPMAN & CHAPMAN INVESTMENTS, LLC, an Oregon Limited Liability Company, Grantee, the following described real property situated in Coos County, Oregon, to-wit:

See attached Exhibit "A" attached hereto and made part hereof. *

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, UNDER ORS 197.352.

The true consideration for this conveyance is \$PURSUANT TO AN IRC SECTION 1031 EXCHANGE. (Here comply with the requirements of ORS 93.030)

Dated Jan. 23, 2007.

SAGE MILE, LLC

Cindi Poling

By American Exchange Services, Inc.
Sole and Managing Member,
Cindi Poling, Assistant Secretary



STATE OF OREGON }
County of Jackson } ss

This instrument was acknowledged before me on January 23, 2007

by CINDI POLING
as ASSISTANT SECRETARY
of AMERICAN EXCHANGE SERVICES, INC. Sole member of Sage Mile LLC

Shelly Knokey
Notary Public for Oregon

My commission expires Jan. 19, 2010

COOS COUNTY CLERK, OREGON	TOTAL \$31.00	RE-RECORD	02/15/2007	#2007-2098
TERRI L. TURI, CCC, COUNTY CLERK			01:24PM	1 OF 2
COOS COUNTY CLERK, OREGON	TOTAL \$31.00		01/29/2007	#2007-1193
TERRI L. TURI, CCC, COUNTY CLERK			01:30PM	1 OF 2

ORSTBSD

Exhibit "A" *

~~Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon; thence North 1° 07' East a distance of 16.25 feet; thence North 09° 16' East a distance of 100.00 feet; thence South 1° 07' West a distance of 280 feet; thence South 89° 16' West a distance of 100 feet; thence North 1° 07' East a distance of 263.75 feet to the place of beginning. Containing 0.64 acres, more or less and 0.37 of those acres being on dry land and being a portion of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon.~~

*Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon; thence North 1° 07' East a distance of 16.25 feet; thence North 89° 16' East a distance of 100.00 feet; thence South 1° 07' West a distance of 280 feet; thence South 89° 16' West a distance of 100 feet; thence North 1° 07' East a distance of 263.75 feet to the place of beginning. Containing 0.64 acres, more or less and 0.37 of those acres being on dry land and being a portion of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon.

COOS COUNTY CLERK, OREGON TOTAL \$31.00
TERRI L. TURI, CCC, COUNTY CLERK

RE-RECORD

02/15/2007
01:24PM

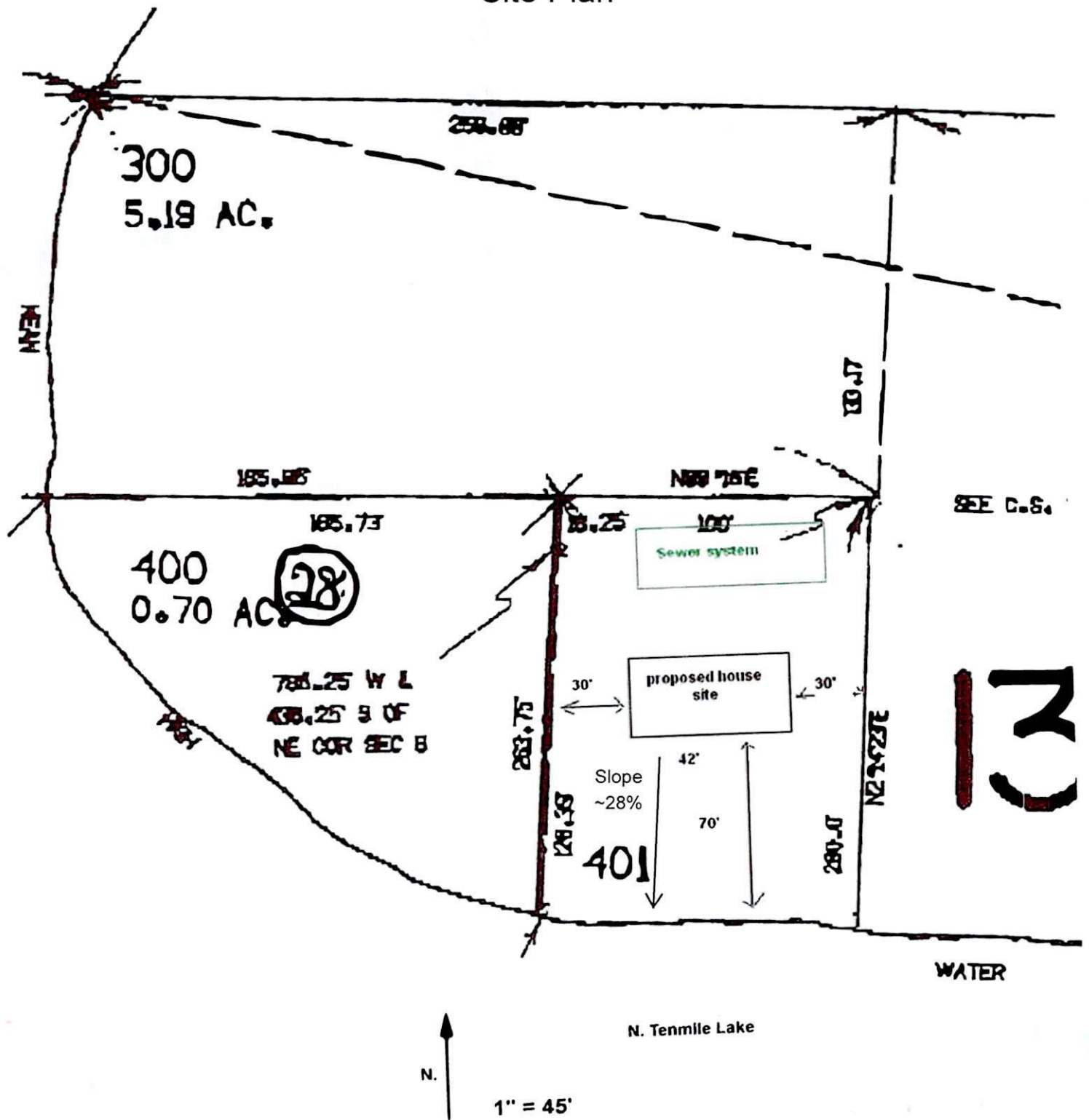
#2007-2098
2 OF 2

COOS COUNTY CLERK, OREGON TOTAL \$31.00
TERRI L. TURI, CCC, COUNTY CLERK

01/29/2007
01:30PM

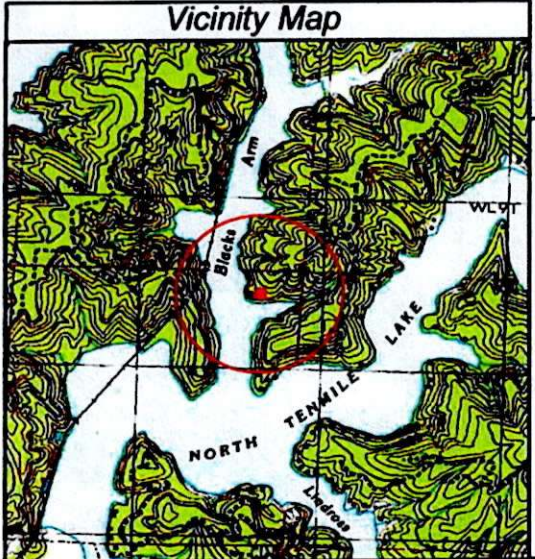
#2007-1193
2 OF 2

Site Plan

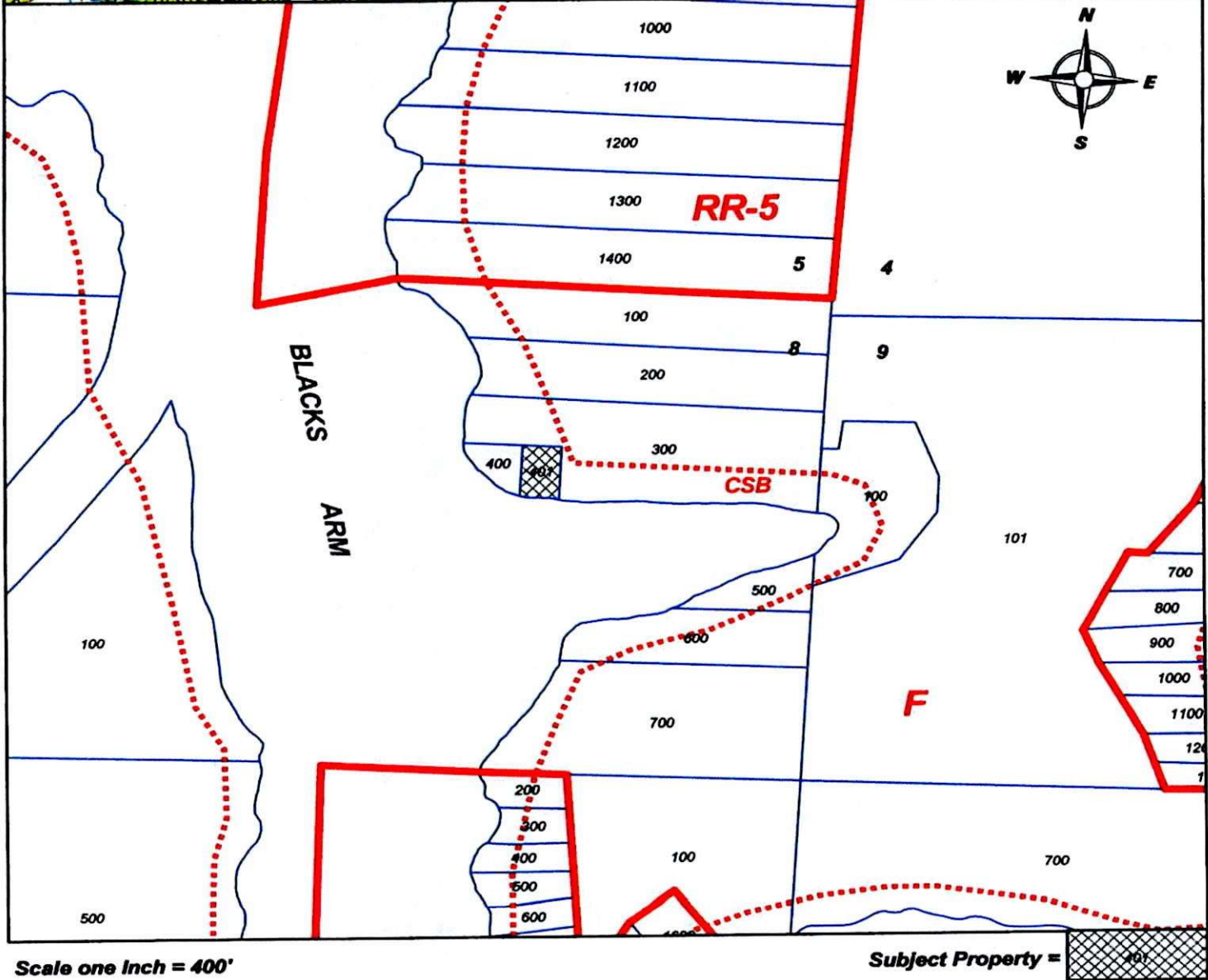


ATTACHMENT D
COOS COUNTY PLANNING DEPARTMENT EXHIBIT 4

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690
Page 1 of 82



File Number: ACU-06-78
Applicant: Daryn Chapman
Owner: Sage Tenmile, LLC
2214 NW Iris CT
Camas, WA 98607
Location: T23 R12 Sec.08AA TL 401
Proposal: Template Dwelling





2005 Ortho 1" = 400'

Water Supply Requirements

Siting Dwellings for Structures in the Forest Zone to satisfy OAR 660-06-029(3)

Items 1 and 2 are to be completed by the applicant.

- 1. Pursuant to OAR 660-06-029 (Siting standards for dwellings and other structures in Forest zones) applicants shall provide evidence to the Planning Department that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's applicable Oregon Revised Statutes and administrative rules for the appropriation of ground water or surface water and Practices Rules (OAR Chapter 629).

To comply with OAR 660-06-029(3) check the appropriate statement below and attach evidence as required.

Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water; or

A water use permit or water right issued by the Oregon Water Resources Department for the use described in the application; or

Verification from the Oregon 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.

- 2. This application pertains to Township 23 South, Range 12 West, Section 08A1, Tax Lot 401, of the Willamette Meridian.

Item 3 to be filled out by OWRD Staff.

- 3. I, MITCH LEWIS, have reviewed the information attached and will provide input to the Coos County Planning Department, as appropriate, regarding the proposed or existing water source(s).

Mitch Lewis
Signature of OWRD Staff

WATERMASTER DIST. 19
Title

02.08.07
Date

Permit A-4M-3-41

SP-1297-113

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CARL A. SANDINE

of 1786 Virginia, North Bend, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a spring

a tributary of Ten Mile Lake for the purpose of domestic use of one family

under Permit No. 29030 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 25, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.005 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NE 1/4, Section 8, T. 23 S., R. 12 W., W. M. Diversion point located 180 feet South and 420 feet West from the NE Corner, Section 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NE 1/4 NE 1/4
Section 8
T. 23 S., R. 12 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

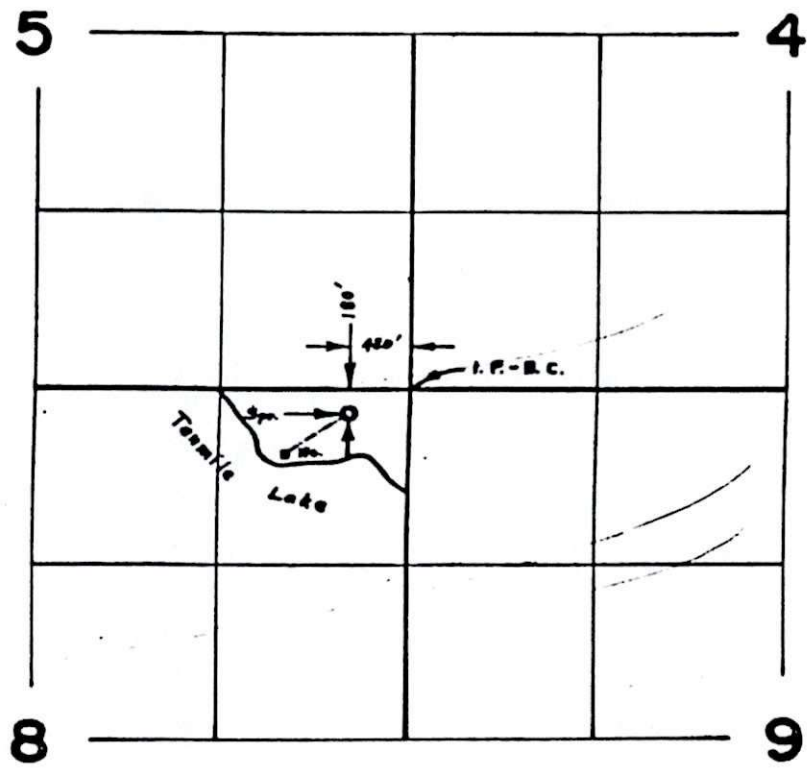
WITNESS the signature of the State Engineer, affixed

this date. March 13, 1967

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33707

T.23S.R.12W.W.M.



FINAL PROOF SURVEY UNDER

Application No. 38937. Permit No. 29030.
IN NAME OF

CARL A. SANDINE

Surveyed Sept. 17, 1966, by L. E. Gould

Cert. # 33707

HP Officejet 7210
Personal Printer/Fax/Copier/Scanner

Log for
Coos County Planning Dept
(541)396-2690
Jan 30 2007 3:34PM

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 30	3:32PM	Fax Sent	7565466	1:48	4	OK



COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central, Coquille, Oregon 97423
Mailing address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN, PLANNING DIRECTOR

DATE : January 30, 2007
TO : Lisa @ Health Dept
FAX # : 1-541-756-5466
FROM : Coos County Planning Department
Jan Mollé, Planning Secretary
of PAGES : 3, including cover letter
RE : Public Notice

Any questions please contact the Coos County Planning
Department at 396-3121 ext 210.

Please post this on Thursday, February 1, 2007 until February 16, 2007. Thank you



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Coos County Planning Director rendered the following decisions on February 1, 2007:

ITEM 1: **Approved**, an administrative conditional use request (ACU-06-78) to site a template dwelling within the Forest Mixed Use (FMU) zone. The subject property is identified as Township 23, Range 12, Section 08AA, Tax Lot 401. The applicant is Daryn Chapman, and the owner is Sage Tenmile, LLC (c/o American Exchange Services, Inc.). The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.525(B) – Forest Dwellings (Template dwelling); Section 4.8.600, Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone; Section 4.8.700, Fire Siting and Safety Standards; and Section 4.8.750 (B) & (I), Development Standards (setbacks). The property is located on Blacks Arm of North Tenmile Lake, and is accessed by boat only. The property is zoned Forest Mixed Use (FMU) and contains 0.33 of an acre.

ITEM 2: **Approved**, an administrative conditional use request (ACU-06-79) to site a template dwelling within the Forest Mixed Use (FMU) zone. The subject property is identified as Township 24, Range 12, Section 05, Tax Lot 800. The applicant is Randy Nelson and the owners are Lyle & Ruth Nelson. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.525(B) – Forest Dwellings (Template dwelling); Section 4.8.600, Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone; Section 4.8.700, Fire Siting and Safety Standards; and Section 4.8.750 (B) & (I), Development Standards (setbacks). The property is located northeast of the City of North Bend, and is accessed off of North Way Lane. The property is zoned Forest Mixed Use (FMU), and contains 11.43 acres.

ITEM 3: **Approved**, an administrative conditional use request (ACU-06-80) to site a template dwelling within the Forest Mixed Use (FMU) zone. The subject property is identified as Township 26, Range 14, Section 33C, Tax Lot 1100 & 1200. The applicants and owners are Tom & Diane Stone. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.8.525(B) – Forest Dwellings (Template dwelling); Section 4.8.600, Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone; Section 4.8.700, Fire Siting and Safety Standards; and Section 4.8.750 (B) & (I), Development Standards (setbacks). The property is located between the City of Bandon and the City of Coos Bay within the Sansaria Subdivision, and is accessed off of Colony Drive via Pacific Surf Lane and Seven Devils Road. The property is zoned Forest Mixed Use (FMU), and contains 0.45 of an acre.

ITEM 4: **Approved**, a two- (2) parcel land division (tentative partition) (P-06-29) within the Urban Residential-2 (UR-2) zone. The subject property is identified as Township 25, Range 14, Section 36DC tax Lot 2000. The applicants/owners are Harold & Margie Schultz. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.400 Vision Clearance Triangle; Section 4.4.500 General Development Standards; Chapter VI Land Divisions, Article 6.1, Article 6.2, Article 6.4 and Article 6.5; Chapter VII Streets and Roads, Article 7.1 and Article 7.3; and Chapter VIII Surveying Standards. The property is located within the Urban Unincorporated Community of Barview off of

Travis Lane via Cape Arago Highway. The property is zoned Urban Residential-2 (UR-2) and contains 2.07 acres.

ITEM 5: **Approved**, a two- (2) parcel land division (tentative partition) (P-06-32) within the Commercial (C-1) zone. The subject property is identified as Township 24, Range 13, Section 11C, Tax Lot 609. The applicant/owner is Susan Gardner. The application is subject to criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 3.3.400 Vision Clearance Triangle; Section 4.4.600 General Development Standards; Chapter VI Land Divisions, Article 6.1, Article 6.2, Article 6.4 and Article 6.5; Chapter VII Streets and Roads, Article 7.1 and Article 7.3; and Chapter VIII Surveying Standards. The subject property is located within the Rural Unincorporated Community of Hauser off of Hauser Road via Highway 101. The property is zoned Commercial (C-1) and contains 1.89 acres.

Additional information concerning these items may be obtained by contacting **Jill Barzee, Administrative Aide** (Items 1 and 2) or **Staci Leep, Planner II** (Items 3 through 5) at (541) 396-3121 or 756-2020 extension 210. A copy of the application(s), all documents and evidence relied upon by the applicant(s), the applicable criteria, and staff report(s) are available for inspection at the Planning Department and copies will be provided for a reasonable fee of \$.25 per page.

These decisions may be appealed to the Coos County Hearings Body by filing a written "NOTICE OF INTENT TO APPEAL" and the required filing fee with the Planning Director pursuant to Section 5.8.200 of the Coos County Zoning & Land Development Ordinance by **February 16, 2007**. These decisions will not become final until the period for filing an appeal has expired. These decisions cannot be appealed directly to the Land Use Board of Appeals pursuant to ORS.197.830.

JILL BARZEE, ADMINISTRATIVE AIDE	POSTING DATE:
COOS COUNTY PLANNING DEPARTMENT	February 1, 2007
PLEASE LEAVE POSTED THROUGH	February 16, 2007

ATTACHMENT D

ACU-06-78, Chapman
Planning Director's Decision Letter
February 1, 2007
Page 1 of 2

EXHIBIT 4
Page 10 of 82

With attachments:

Sage Tenmile, LLC
c/o American Exchange Services, Inc.
PO Box 752
Bend, Oregon 97701

Daryn Chapman
2214 NW Iris Ct.
Camas, Washington 98607

Patty Evernden, Planning Director

David Perry
Oregon Coastal Management Program
PO Box 451
Waldport OR 97394

Larry Van Elsberg, Roadmaster

Coos County Assessor's Office

Mitch Lewis, Watermaster

Del Cline
DEQ
381 N 2nd
Coos Bay, OR 97420

Ruben Kretschmar, DEQ
381 N 2nd
Coos Bay, Oregon 97420

Lakeside RFPD
PO Box 243
Lakeside OR 97449

Bill Kinyoun
ODF&W
PO Box 5430
Charleston OR 97420

File

Without attachments:

Judith Rae Van Duzer Trust
c/o Judith R. Van Duzer Trustee
62385 Old Sawmill Road
Coos Bay, Oregon 97420

Tammy A.T. Anderson et al
PO Box 80877
Simpsonville, SC 29680

Kim & Susan Babcock et al
6049 Hillcrest Road
Medford, Oregon 97504

Michael Gardner
96830 Highway 42
Coquille, Oregon 97420

Chapman Tenmile Lane Exchange
c/o BX060801 LLC
240 Stengar Lane
Roseburg, Oregon 97470

Eric Morrell & Martha McGuire
724 Cardley Avenue
Medford, Oregon 97504

Blaine & Renee Deming
1443 N Tenmile
Lakeside, Oregon 97449

C. Vernon Irion Family Living Trust
c/o C. Vernon Irion Trustee
59929 Tamarack Drive
Saint Helens, Oregon 97051

Andrew Combs
15182 Sitkum Lane
Myrtle Point OR 97458

George Gant
PO Box 488
Myrtle Point OR 97458

Charlie Waterman
87518 Davis Crk Ln
Bandon OR 97411

ATTACHMENT D
ACU-21-092, Chapin
Planning Director's Decision Letter
February 1, 2007
Page 1 of 2

EXHIBIT 4
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Jerry Phillips
1777 Kingwood
Coos Bay, OR 97420

Dennis Schad
67680 North Bay Rd
North Bend, OR 97459

Blair Holman
61223 Diamond DR
Coos Bay OR 97420

David Smith
62937 Ross Inlet Rd
Coos Bay OR 97420

Fred Taylor
90029 Cape Arago Hwy
Coos Bay OR 97420

AFFIDAVIT OF MAILING:

This is to certify that I caused to be mailed, e-mailed or delivered to the persons or agencies listed hereon, copies of the Notice of Planning Director's Decision dated February 1, 2007, by placing them in the mailroom of the Coos County Courthouse or e-mailing them for the Coos County Planning Department's electronic mail.


Jean Seidel, Coos County Planning Dept

Joann Hansen
3420 Ash Street
North Bend, OR 97459

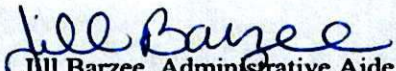
Daryn Chapman
ACU-06-78
Page 2

The decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Ordinance within 15 days of the date notice of decision is mailed by filing a written "NOTICE OF INTENT TO APPEAL" and the required filing fee with the Planning Director. Therefore, appeals filed after **February 16, 2007**, are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. This decision cannot be appealed directly to the Land Use Board of Appeals under ORS.197.830.

Detailed information about the appeal process, filing fees and additional information may be obtained by contacting Jill Barzee, Administrative Aide at (541) 396-3121 or 756-2020, Extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT


Jill Barzee, Administrative Aide
JB/mos

*Attachment-Staff Report

c: *Dave Perry, DLCD
 *Larry Van Elsberg, Roadmaster
 *Mitch Lewis, Watermaster
 *Del Cline, DEQ
 *Ruben Kretzschmar, DEQ
 *Lakeside RFPD
 *ODF&W
 Adjacent property owners within 500' required notification
 Planning Commission
 File



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse,
Coquille, Oregon 97423
(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

Staff Report

File #: ACU-06-78

Date: February 1, 2007

Owner/ Sage Tenmile, LLC
C/O American Exchange Services, Inc.
PO Box 752
Bend OR 97701

Applicant: Daryn Chapman
2214 NW Iris Ct.
Camas WA 98607

Request: Template dwelling within the Forest zone and within the Coastal Shorelands Boundary.

Staff Contact: Jill Barzee, Administrative Aide

**I. APPLICABLE REVIEW CRITERIA:
COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)**

- i. Section 4.8.525(B) - Forest Dwellings (Template dwelling)
- ii. Section 4.8.600 - Mandatory siting standards for dwellings and structures within the Forest zone
- iii. Section 4.8.700 - Mandatory Fire Siting and Safety Standards
- iv. Section 4.8.750 (B) & (I) - Development Standards (setbacks)

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Page 2

v. Appendix 1, Policy 5.10(7)(f) – Dunes, Ocean, and Coastal Lakes Shorelands

II. BASIC FINDINGS:

- A. Location:** The property is located on the Blacks Arm of North Tenmile Lake and is accessed by boat only. The subject property is identified on the Coos County Assessor's map Township 23, Range 12, Section 08AA, as Tax Lot 401.
- B. Lot of Record:** Pursuant to the CCZLDO Section 3.3.800 (1), Lawfully Created Lots and Parcels, "The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:...Lots or parcels created prior to January 1, 1986;.."

In August 2006, a discrete parcel determination was submitted that showed the subject property had been a discrete parcel prior to January 1, 1986. The Planning Department concurred with the submitted findings. Therefore, the subject property is a legal lot of record pursuant to Section 3.3.800(1).

- C. Background:** As noted above, in August 2006 a discrete parcel determination was submitted to the Planning Department. On November 20, 2006, a pre-eligibility determination was submitted and was approved on December 18, 2006.

On December 18, 2006, an Oregon Department of State Lands Waterway permit was signed by the Planning Department and a zoning compliance letter (ZCL-06-686) was issued to site a dock.

The current application was submitted and deemed complete on December 29, 2006.

- D. Zoning:** The subject property is zoned Forest (F). The purpose of the "F" zone is: "... to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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."
- E. Site Description:** The subject property is 0.33 acres. Pursuant to the 2007

Daryn Chapman
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Coos County assessment records, there is no development on the subject property

The subject property is heavily forested with no development.

The soils consist of Millicoma-Templeton complex (39F) which is found on slopes of 50% - 75%.

- F. Special Considerations:** The acknowledged 100-year floodplain as noted on the Federal Emergency Management Agency's (FEMA) Federal Insurance Rate Map (FIRM) #410042 0015B) runs along the southern edge of the property.

The subject property lies within an acknowledged bird site protected by Statewide Planning goal 5 "C". On January 4, 2007, Oregon Department of Fish & Wildlife (ODF&W) was notified of the proposed development. Pursuant to the Coos County Comprehensive Plan, ODF&W has ten (10) days in which to respond to notification with their concerns. ODF&W did not respond and therefore has no objections to the proposed development.

The entire property lies within the Coastal Shorelands Boundary (CSB).

- G. Surrounding Land Uses:** The subject property is surrounded by forest zoned properties on the north, east and west. The southern boundary is Blacks Arm of North Tenmile Lake. The surrounding properties are heavily forested.

The parcels within the 500 foot notification area of the subject property range in size from a .35 acre parcel to a 5.57 acre parcel, all in private ownership.

III. DECISION:

The submitted application to is hereby **approved** subject to requirements and conditions of approval set forth below.

IV. CCZLDO Review Criteria

- ii. **Section 4.8.525(B) "Template Dwelling"**
- B. Template dwelling.** A single family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:
1. **There are no other dwellings on the tract on which the dwelling will be sited.**

Daryn Chapman
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FINDING: Pursuant to the 2007 assessment records, the subject tract consists of .33 acres. 2007 Assessment records and 2005 aerial photographs confirm there are no dwellings on the subject tract.

2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

FINDING: The deed for the subject property, recorded in 2006 (2006-15542) does not reference any deed restrictions limiting development on the subject property.

3. The lot or parcel on which the dwelling is to be located is predominately composed of soils that are capable of producing the following cubic feet per acre per year:

	Cf/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, with a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993 on the lots or parcels	3	3	3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

FINDING: The Oregon Department of Forestry and the Planning Department estimated the cubic foot per acre per year growth to be greater than 85. Based upon the above criteria the template option requires 11 parcels and 3 dwellings, established prior to January 1, 1993, within a 160-acre square centered on the subject property. The subject property qualifies for a forest template dwelling because there are 28 parcels and 11 dwellings within the 160-acre template established prior to January 1, 1993.

6. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

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FINDING: The proposal meets the criteria in Section 4.8.525(B) "Template Dwelling" and the acknowledged Comprehensive Plan.

- iii. **Section 4.8.600 - Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.** The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use 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. **Dwellings and structures shall be sited on the parcel so that:**
1. They have the least impact on nearby or adjoining forest or agricultural lands; and
 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 4. The risks associated with wildfires are minimized.

FINDING: The property is accessed by boat only from the Blacks Arm of North Tenmile Lake. The dwelling will be sited to comply with the fire safety standards as much as is possible due to the size, shape, and topography of the subject property. This will minimize adverse impacts on forest operations, as well as have the least impact on agricultural and forest operations. By maintaining the fire safety corridor, risks associated with wildfires will be minimized.

- B. **The applicant shall provide evidence 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. For the purposed of this Section, evidence of a domestic water supply means:**
2. A water use permit issued by the Water Resources Department for the use described in the application; or
 3. 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.

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FINDING: There is no evidence of verification from the Water Resources Department. As a condition of approval, verification of a water permit must be provided to the Planning Department.

- C. 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 United States Bureau of Land Management, or the United States 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.**

FINDING: The current proposal does not include road access to the property. If road access is proposed in the future, then this criterion will apply.

iv. Section 4.8.700 - Fire Siting and Safety 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.

FINDING: Evidence has been submitted that the applicant has requested to be included in the Lakeside Rural Fire Protection District.

Section 4.8.700(A)(Firebreak) - identifies fire siting and safety standards that are applicable to dwellings approved in the Forest zone. The Ordinance requires a 30-foot primary setback and a 100-foot secondary setback be maintained. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met.

FINDING: The primary 30-foot fire safety setback can and will be met. The property is of such size and shape that the 100-foot secondary firebreak cannot be met in its entirety. However, it will be met as much as is feasible. Because of the configuration of the subject property, a variance is not required.

Section 4.8.700(D) of the CCZLDO identifies that dwellings shall not be sited on a slope greater than 40 percent.

FINDING: There was no indication of the slopes on the submitted site plan. The property consists of a mixture of Millicoma and Templeton soils, which are found on

Daryn Chapman
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mountainous slopes of 50% - 75%. The proposal will be conditioned on the basis that the dwelling must be sited on a slope not greater than 40%.

v. Section 4.8.750 – Development Standards

(B) Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.

FINDING: There are no roadways that abut this property; therefore, this criterion does not apply. Any new proposed roadway will have to comply with these setbacks.

(I) 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...

FINDING: The subject property abuts the Blacks Arm of North Tenmile Lake. Pursuant to the submitted plot plan, the riparian setbacks will be met.

Appendix 1, Policy 5.10(7)(f) – Dunes, Ocean, and Coastal Lakes Shorelands

7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:

f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

FINDING: With the approval of this conditional use permit, a single family residence will be conditionally allowed on the subject parcel and therefore, conditionally permitted by the underlying zone (F). The applicant has shown that he plans to protect the forest resources by siting the dwelling so that it makes the least impact on surround forest uses and so that it will meet the fire safety standards, as much as is possible due to the configuration of the property. The applicant has shown that he plans to protect the resources of the coastal lake (North Tenmile Lake) by siting the dwelling well beyond the fifty foot riparian vegetation protection area. In addition, the

Daryn Chapman
ACU-06-78
Page 8

proposal will not affect the protected birdsite in the vicinity as demonstrated by ODF&W. Therefore, the applicant has met the criteria in Appendix 1, Policy 5.10.

V. ANALYSIS:

The proposed dwelling meets the applicable review criteria of the CCZLDO subject to requirements and conditions of approval. Currently there are no roads or driveways proposed for the property. If roads or driveways are proposed for the property at a later date, they must comply with Chapter 7 and Section 4.8.600(C).

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (CCZLDO), and all land use regulations.

Please be aware the burden of proof rests with the applicant. Pursuant to Section 5.2.900 all conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension pursuant to ORS 215.417.

VI. NOTICE OF APPEAL RIGHTS:

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals filed after **February 16, 2007** are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information may be provided by the Planning Department upon request.

VII. Requirements and Conditions of approval:

1. The applicant shall provide evidence that the dwelling's 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 Forestry.
2. Evidence must be provided that a "Forest Management Covenant" which recognizes the right of adjacent and nearby property owners to conduct forest operations consistent with the Forest Practices Act and Rules has been recorded in the Deed Records of Coos County.

Daryn Chapman
ACU-06-78
Page 9

3. If a new driveway is proposed, a road access permit and a road/driveway confirmation form must be signed by the Coos County Roadmaster that the road/driveway has been improved in accordance with Chapter VII of the CCZLDO.

All driveways are considered new if a dwelling does not currently exist on the subject property or a second dwelling requires the creation of a new driveway.

4. Pursuant to Table 7.2 of the CCZLDO there is a maximum allowed grade of 12% for any newly created road. The applicant must provide evidence from the County Roadmaster stating the road providing access to the subject property is in compliance with these requirements. If the property owner is unable to bring the existing forest road into compliance with these requirements a variance application will be required addressing Section 7.1.550 (Section 14).
5. Once the applicant has complied with items 1 through 4 above, a Zoning Compliance Letter (ZCL) can be obtained from the Planning Department in order to continue with any required development permits from the Department of Environmental Quality (DEQ) or State Building Codes Agency.
6. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" shall by acting upon this permit agree to notify the "buyer" or "grantee" of the terms and conditions of the permit.
7. The proposed dwelling must be located as shown on the applicant's submitted plot plan; however the dwelling must not be located on slopes greater than 40%.
8. Pursuant to the CCZLDO, Section 4.8.700 requires the following:
 - a. All dwellings to maintain a 130-foot fuel free firebreak setback,
 - b. New structures shall use a non-combustible or fire resistant roofing material,
 - c. A water supply exceeding 4,000 gallons available for fire suppression,
 - d. The dwelling shall not be sited on a slope of greater than 40 percent,
 - e. If a chimney is proposed it shall have a spark arrester,
 - f. Adequate road access for fire personnel
9. Construction activities that disturb one or more acres of land are subject to Department of Environmental Quality (DEQ) review. Less than one acre may be subject to review if part of a larger common plan. Please direct all questions to DEQ.

Daryn Chapman
ACU-06-78
Page 10

Attachments: **To the applicants only**
 Template Map
 "Waiver of Right to Object Forest and Farm Practices
 Management Covenant"
 Water rights form

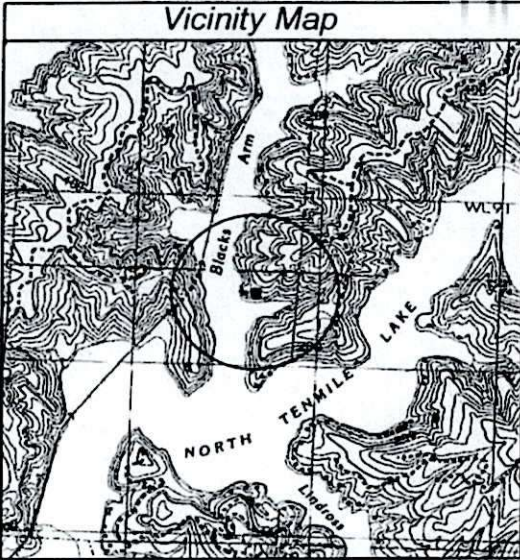
C:
David Perry, DLCD
Larry Van Elsberg, Coos County Roadmaster
Mitch Lewis, Watermaster Office
Del Cline, DEQ
Ruben Kretzschmar, DEQ
Lakeside RFPD
OD&W
File

2005 Ortho 1" = 400'



ATTACHMENT D
COOS COUNTY PLANNING DEPARTMENT EXHIBIT 4

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

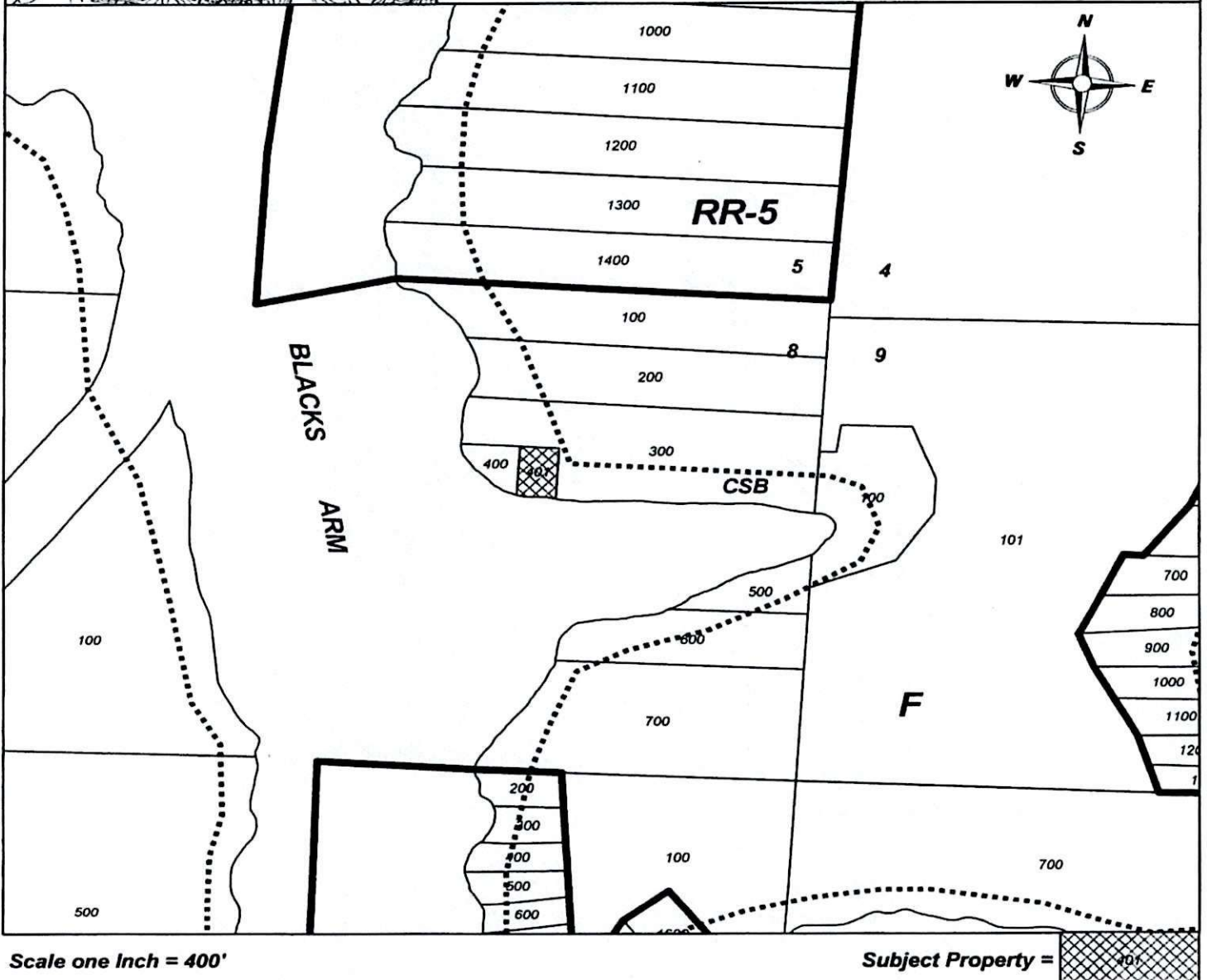


File Number: ACU-06-78

Applicant: Daryn Chapman
Owner: Sage Tenmile, LLC
2214 NW Iris CT
Camas, WA 98607

Location: T23 R12 Sec.08AA TL 401

Proposal: Template Dwelling



Scale one Inch = 400'

Subject Property =

Map_No	Parcel_No
23S12W05D	1400
23S12W08AA	100
23S12W08AA	200
23S12W08AA	300
23S12W08AA	400
23S12W08AA	401
23S12W08AA	500
23S12W08AA	600
23S12W08AA	700

Subject Prop

ATTACHMENT D

ASACD1R7 PLANDAN
ACCOUNT # 146.04 2007

DISPLAY REAL ACCOUNTS DISPLAY 1/09/07

OWNER CHAPMAN TENMILE LAKE PULCHANGE
C/O BX 060801 LLC

MAP # 23 S 12 W 8 AA 401

NAME

CODE AREA 13.02 ZONING F

ADDRESS 240 STENGAR LN

MA 1 VALUE AREA LKF CLASS 801

ADDRESS

SUB/BL/LT SPLIT

ADDRESS ROSEBURG OR 97470

G.I.S. x SD#

0 CON/SEG 146.01 JV # 0

SITUS #

ZIP

DOC # 2006-11997 ACRES

.330 FP ACRES .000 SPLIT CODE

23S12W08AATL0040100 RMV

MAV

SAV

MSAV/M50

TAXABLE AV

LAND VALUE 47,909

IMPROVEMENTS

MFG STRUCTURE

SUB TOTAL/BASE 47,909

23,763

EXCEPTIONS

SUB TOTAL 47,909

23,763

23,763

EXEMPTIONS

2007 TOTALS 47,909

23,763

23,763

M/H X-NUMBER

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

Subject Prop.

↓ Adj. Prop. 500' ↓

ATTACHMENT D

ASACD1R7	PLANDAN	DISPLAY REAL ACCOUNTS	DISPLAY	1/09/07						
ACCOUNT #	119.08 2007	OWNER	JUDITH RAE VAN DUZER	TRUST						
	COMMENTS	C/O %	VAN DUZER, JUDITH R.	TRUSTEE						
MAP #	23 S 12 W 5 D 1400	NAME								
CODE AREA	13.02 ZONING RR-5	ADDRESS	62385 OLD SAWMILL RD							
MA	1 VALUE AREA LKF CLASS 840	ADDRESS								
SUB/BL/LT	SPLIT	ADDRESS	COOS BAY OR 97420							
G.I.S.	x	SD#	0	CON/SEG JV # 0						
SITUS	#	ZIP								
DOC #	89-03-0274 ACRES 4.500	FP ACRES	4.500	SPLIT CODE						
POTTAXLIAB	FOREST NO ADD CHG OC									
23S12W05DTL0140000	RMV	MAV	SAV	MSAV/M50 TAXABLE AV						
LAND VALUE	2,394		2,394							
IMPROVEMENTS										
MFG STRUCTURE										
SUB TOTAL/BASE	2,394		2,394	1,803						
EXCEPTIONS										
SUB TOTAL	2,394		2,394	1,803 1,803						
EXEMPTIONS										
2007 TOTALS	2,394		2,394	1,803 1,803						
		M/H X-NUMBER								
F1=LN	2=IM	3=EN	4=OW	5=SA	6=EX	7=OH	8=ET	10=LG	11=FL	12=CM
13=MS	14=SI	15=XC	16=DT	17=TX	18=SL	19=QP	20=PR	21=NX	22=AP	24=DL

Adi. Prop.

ATTACHMENT D

ASACD1R7	PLANDAN	DISPLAY REAL ACCOUNTS	DISPLAY	1/09/07						
ACCOUNT #	146.00 2007	OWNER ANDERSON, TAMMY A.T.	TAL							
	COMMENTS OTHER OWN	C/O								
MAP #	23 S 12 W 8 AA 100	NAME								
CODE AREA	13.02 ZONING F	ADDRESS	PO BOX 80877							
MA 1	VALUE AREA LKF CLASS 840	ADDRESS								
SUB/BL/LT	SPLIT	ADDRESS	SIMPSONVILLE SC 29680							
G.I.S.	x	SD#	0 CON/SEG	JV # 0						
SITUS #			ZIP							
DOC #	80-33860 ACRES	3.740 FP ACRES	3.740 SPLIT CODE							
POTTAXLIAB FOREST OC										
23S12W08AATL0010000	RMV	MAV	SAV	MSAV/M50 TAXABLE AV						
LAND VALUE	1,990		1,990							
IMPROVEMENTS										
MFG STRUCTURE										
SUB TOTAL/BASE	1,990		1,990	1,496						
EXCEPTIONS										
SUB TOTAL	1,990		1,990	1,496						
EXEMPTIONS										
2007 TOTALS	1,990		1,990	1,496						
		M/H X-NUMBER								
F1=LN	2=IM	3=EN	4=OW	5=SA	6=EX	7=OH	8=ET	10=LG	11=FL	12=CM
13=MS	14=SI	15=XC	16=DT	17=TX	18=SL	19=QP	20=PR	21=NX	22=AP	24=DL

ATTACHMENT D

ASACD1R7 PLANDAN DISPLAY REAL ACCOUNTS DISPLAY 1/09/07
 ACCOUNT # 146.05 2007 OWNER BADCOCK, KIM & SUSAN FATAL
 OTHER FLAGS COMMENTS OTHER OWN C/O
 MAP # 23 S 12 W 8 AA 200 NAME
 CODE AREA 13.02 ZONING F ADDRESS 6049 HILLCREST RD
 MA 1 VALUE AREA LKF CLASS 801 ADDRESS
 SUB/BL/LT SPLIT ADDRESS MEDFORD OR 97504
 G.I.S. x SD# 0 CON/SEG JV # 0
 SITUS 1483 # N TEN MILE LAKE ZIP 97449 LAKESIDE
 DOC # 2003-3026 ACRES 3.520 FP ACRES 3.520 SPLIT CODE
 OC
 23S12W08AATL0020000 RMV MAV SAV MSAV/M50 TAXABLE AV
 LAND VALUE 87,108
 IMPROVEMENTS 78,340
 MFG STRUCTURE
 SUB TOTAL/BASE 165,448 92,658
 EXCEPTIONS
 SUB TOTAL 165,448 92,658 92,658
 EXEMPTIONS
 2007 TOTALS 165,448 92,658 92,658
 MULTIPLE SITUS M/H X-NUMBER
 F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R7 PLANDAN DISPLAY REAL ACCOUNTS DISPLAY 1/09/07
 ACCOUNT # 146.07 2007 OWNER GARDNER, MICHAEL
 OTHER FLAGS COMMENTS C/O
 MAP # 23 S 12 W 8 AA 300 NAME
 CODE AREA 13.02 ZONING F ADDRESS 96830 HIGHWAY 42
 MA 1 VALUE AREA LKF CLASS 841 ADDRESS
 SUB/BL/LT SPLIT ADDRESS COQUILLE OR 97423
 G.I.S. x SD# 0 CON/SEG JV # 0
 SITUS 1478 # N TEN MILE LAKE ZIP 97449 LAKESIDE
 DOC # 95-12-0026 ACRES 5.190 FP ACRES 5.190 SPLIT CODE
 POTTAXLIAB FOREST OC
 23S12W08AATL0030000 RMV MAV SAV MSAV/M50 TAXABLE AV
 LAND VALUE 45,783 45,783
 IMPROVEMENTS 165,820 165,820
 MFG STRUCTURE
 SUB TOTAL/BASE 211,603 211,603 91,486
 EXCEPTIONS
 SUB TOTAL 211,603 211,603 91,486 91,486
 EXEMPTIONS
 2007 TOTALS 211,603 211,603 91,486 91,486
 MULTIPLE SITUS M/H X-NUMBER
 F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R7 PLANDAN DISPLAY REAL ACCOUNTS DISPLAY 1/09/07
 ACCOUNT # 146.01 2007 OWNER CHAPMAN TENMILE LAKE CHANGE
 OTHER FLAGS COMMENTS C/O BX060801 LLC
 MAP # 23 S 12 W 8 AA 400 NAME
 CODE AREA 13.02 ZONING F ADDRESS 240 STENGAR LN
 MA 1 VALUE AREA LKF CLASS 801 ADDRESS
 SUB/BL/LT SPLIT ADDRESS ROSEBURG OR 97470
 G.I.S. x SD# 0 CON/SEG 146.04 JV # 0
 SITUS 1467 # N TEN MILE LAKE ZIP 97449 LAKESIDE
 DOC # 2006-11997 ACRES .350 FP ACRES .700 SPLIT CODE
 OC RECHECK 07
 23S12W08AATL0040000 RMV MAV SAV MSAV/M50 TAXABLE AV
 LAND VALUE 53,717
 IMPROVEMENTS 75,185
 MFG STRUCTURE
 SUB TOTAL/BASE 128,902 63,930
 EXCEPTIONS
 SUB TOTAL 128,902 63,930 63,930
 EXEMPTIONS
 2007 TOTALS 128,902 63,930 63,930
 MULTIPLE SITUS M/H X-NUMBER
 F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R7 PLANDAN DISPLAY REAL ACCOUNTS DISPLAY 1/09/07
 ACCOUNT # 146.06 2007 OWNER MORRELL, ERIC M. &
 OTHER FLAGS COMMENTS C/O MCGUIRE, MARTHA M.
 MAP # 23 S 12 W 8 AA 500 NAME
 CODE AREA 13.02 ZONING F ADDRESS 724 CARDLEY AVE
 MA 1 VALUE AREA LKF CLASS 801 ADDRESS
 SUB/BL/LT SPLIT ADDRESS MEDFORD OR 97504
 G.I.S. x SD# 0 CON/SEG JV # 0
 SITUS 1450 # N TEN MILE LAKE ZIP 97449 LAKESIDE
 DOC # 2001-5809 ACRES .750 FP ACRES .750 SPLIT CODE
 OC
 23S12W08AATL0050000 RMV MAV SAV MSAV/M50 TAXABLE AV
 LAND VALUE 87,108
 IMPROVEMENTS 187,500
 MFG STRUCTURE
 SUB TOTAL/BASE 274,608 114,062
 EXCEPTIONS
 SUB TOTAL 274,608 114,062 114,062
 EXEMPTIONS
 2007 TOTALS 274,608 114,062 114,062
 MULTIPLE SITUS M/H X-NUMBER
 F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R7 PLANDAN DISPLAY REAL ACCOUNTS DISPLAY 1/09/07
 ACCOUNT # 146.02 2007 OWNER DEMING, BLAINE & RENN
 OTHER FLAGS COMMENTS C/O
 MAP # 23 S 12 W 8 AA 600 NAME
 CODE AREA 13.02 ZONING F ADDRESS 1443 N TENMILE
 MA 1 VALUE AREA LKF CLASS 801 ADDRESS
 SUB/BL/LT SPLIT ADDRESS LAKESIDE OR 97449
 G.I.S. x SD# 0 CON/SEG JV # 0
 SITUS 1443 # N TEN MILE LAKE ZIP 97449 LAKESIDE
 DOC # 2003-10853 ACRES 2.180 FP ACRES 2.180 SPLIT CODE
 OC DCLS AD TX RECHECK 07
 23S12W08AATL0060000 RMV MAV SAV MSAV/M50 TAXABLE AV
 LAND VALUE 94,367
 IMPROVEMENTS 339,297
 MFG STRUCTURE
 SUB TOTAL/BASE 433,664 204,089
 EXCEPTIONS
 SUB TOTAL 433,664 204,089 204,089
 EXEMPTIONS
 2007 TOTALS 433,664 204,089 204,089
 MULTIPLE SITUS M/H X-NUMBER
 F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
 13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R7	PLANDAN	DISPLAY REAL ACCOUNTS	DISPLAY	1/09/07						
ACCOUNT #	146.03 2007	OWNER	C. VERNON IRION FAMILY LIVING TRUST							
	COMMENTS	C/O %	IRION, C. VERNON, TRUSTEE							
MAP #	23 S 12 W 8 AA 700	NAME								
CODE AREA	13.02 ZONING F	ADDRESS	59929 TAMARACK DR							
MA 1	VALUE AREA LKF CLASS 800	ADDRESS								
SUB/BL/LT	SPLIT	ADDRESS	SAINT HELENS OR	97051						
G.I.S.	x	SD#	0 CON/SEG	JV # 0						
SITUS	#	ZIP								
DOC #	2006-2978 ACRES	5.570 FP ACRES	5.570	SPLIT CODE						
OC										
23S12W08AATL0070000	RMV	MAV	SAV	MSAV/M50 TAXABLE AV						
LAND VALUE	108,885									
IMPROVEMENTS										
MFG STRUCTURE										
SUB TOTAL/BASE	108,885	60,766								
EXCEPTIONS										
SUB TOTAL	108,885	60,766		60,766						
EXEMPTIONS										
2007 TOTALS	108,885	60,766		60,766						
		M/H X-NUMBER								
F1=LN	2=IM	3=EN	4=OW	5=SA	6=EX	7=OH	8=ET	10=LG	11=FL	12=CM
13=MS	14=SI	15=XC	16=DT	17=TX	18=SL	19=QP	20=PR	21=NX	22=AP	24=DL

January 22, 2007

RE: 23-12-08AA-401

Dear Mr. Chapman:

During the review process it was discovered that while the property was conveyed from Chapman Ten Mile Lake Exchange, LLC to Sage Tenmile, LLC, there is nothing in the file that indicates you are able to make this application.

The deed indicated Sage Tenmile, LLC is managed by American Exchange Services, Inc. with Glenda D. Sibbald as the sole and managing member. This means that you must prove that you are able to make the application yourself, or Ms. Sibbald must give written consent for you to do so. This can be done with a copy of the LLC papers indicating you are the president or other officer of the LLC or by Ms. Sibbald writing a letter to the Planning Department indicating you may make the application on behalf of Sage Tenmile, LLC. Her letter must be an original copy. No fax or electronic consents are acceptable by the Planning Department.

You may have ten days in which to supply this information to the Planning Department, no later than February 1, 2007. If we have not heard from you by that date, the Planning Department will have no choice but to deny your application on the basis that you have not proven you are the property owner or have consent of the property owner to make application.

Sincerely,
Coos County Planning Department
Debby Darling, Planning Tech

**American
Exchange
Services, Inc.** *Part Of The JELD-WEN Family*

January 23, 2007

Coos County Planning Dept.
Coos County Courthouse
Attn: Debby Darling, Planning Tech
290 N. Central
Coquille, OR 97423

RECORDED
JAN 24 2007

Re: Sage Ten Mile, LLC
Conditional Use Application

Dear Ms. Darling:

American Exchange Services, Inc., as the managing member for Sage Ten Mile, LLC, hereby authorizes Daryn Chapman to file a Conditional Use Application on behalf of Sage Ten Mile, LLC for the following described real property:

Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon,; thence North 1° 07' East a distance of 16.25 feet; thence North 09° 16' East a distance of 100.00 feet; thence South 1° 07' West a distance of 280 feet; thence South 89° 16' West a distance of 100 feet; thence North 1° 07' East a distance of 263.75 feet to the place of beginning. Containing 0.64 acres, more or less and 0.37 of those acres being on dry land and being a portion of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon.

Please feel free to contact our Bend office 541-749-4375 if you have any questions or require any additional information.

Sincerely,

Sage Ten mile, LLC

Cindi Poling, Assistant Secretary, member

By American Exchange Services, Inc.
Sole and Managing Member,
Cindi Poling, Assistant Secretary

ATTACHMENT D

ASDLETR PLANJEAN

EDIT PLANNING COMMENTS

CHANGE

1/04/07

EXHIBIT 4
Page 38 of 82

8:46:24

ACCOUNT #: 146.01

OWNER CHAPMAN TENMILE LAKE EXCHANGE

MAP: 23S 12W 8AA 400

BX060801 LLC

CLASS: 801 CODE: 13.02 ACRES: .70 SITUS: 1467 N TEN MILE LAKE 97470

ZONE CODES F PLAN CODES CON/SEG ACT

OPTIONS: D=Delete I=Insert Line Before FLAGS EXIST

? PLANNING COMMENT

ZCL-00-408 8/29/00 SEPTIC EVALUATION AND REPAIR/REPLACE OR RECONNECT

TO THE 1960 DWELLING

3/1/01 dock/boathouse permit

3/16/06 Dock renewal for RG-23729 js confirmed renewal is 2/28/11 js

8/23/06 discrete parcel determination ascertains that 2 discrete

parcels exist in this lot cf

9/6/06 sent notice to ODFW adl 9/16/06 js

9/18/06 no response from ODFW-no objections js

ZCL-06-558 09/21/06 septic site evaluation jk

ZCL-06-572 09/29/06 replace existing dwelling with a new sfd;reconnect

to existing septic; all development will be out of the floodplain +

F1=Prt Rcpt F3=End F5=Flags F6=Zone Cds F10=Toggle F12=Asmt Inq F15=Menu
F20=Previous F21=Next F22=Zoning Compliance Letter

ATTACHMENT D

ASDLETR PLANJEAN

EDIT PLANNING COMMENTS

CHANGE

1/04/07

EXHIBIT 4
Page 39 of 82

8:46:24

ACCOUNT #: 146.01

OWNER CHAPMAN TENMILE LAKE EXCHANGE

MAP: 23S 12W 8AA 400

BX060801 LLC

CLASS: 801 CODE: 13.02 ACRES: .70 SITUS: 1467 N TEN MILE LAKE 97470

ZONE CODES F PLAN CODES CON/SEG ACT

OPTIONS: D=Delete I=Insert Line Before FLAGS EXIST

? PLANNING COMMENT

and the coastal shoreland boundary jk

11/20/06 forest site info js

PE-06-16 a/c 12/18/06 pre eligibility for template dwelling js

11/29/06 Boat House and Dock registration app RG-23729 confirmed

expires 2/28/11 js

ACU-06-78 pending 12/29/06 template dwelling js (TL# 401 hasn't been

mapped yet but when it is then info will be transferred over)js

F1=Prt Rcpt F3=End F5=Flags F6=Zone Cds F10=Toggle F12=Asmt Inq F15=Menu
F20=Previous F21=Next F22=Zoning Compliance Letter

ATTACHMENT D

ASDLETR2 PLANJEAN

IT ACCOUNT ZONING CODES NGE

1/04/07

EXHIBIT 4

8:46:45

Page 41 of 82

ACCOUNT #: 146.01

OWNER CHAPMAN TENMILE LAKE EXCHANGE
BX060801 LLC

OPTIONS: D=Delete

? ZONE CODE

- F

F3=End F15=Menu F20=Prv F21=Nxt

ATTACHMENT D

ASACD1R7	PLANJEAN	DISPLAY REAL ACCOUNTS	SPLAY	1/04/07						
ACCOUNT #	146.01	OWNER	CHAPMAN TENMILE	EXCHANGE						
OTHER FLAGS	COMMENTS	C/O	BX060801 LLC							
MAP #	23 S 12 W 8 AA	400	NAME							
CODE AREA	13.02	ZONING F	ADDRESS	240 STENGAR LN						
MA	1	VALUE AREA LKF	CLASS	801						
SUB/BL/LT		SPLIT	ADDRESS	ROSEBURG OR 97470						
G.I.S.	x	SD#	0	CON/SEG JV # 0						
SITUS	1467 #	N	TEN MILE LAKE	ZIP 97449 LAKESIDE						
DOC #	2006-11997	ACRES	.700	FP ACRES .700 SPLIT CODE						
OC RECHECK	07									
23S12W08AATL0040000		RMV	MAV	SAV MSAV/M50 TAXABLE AV						
LAND VALUE		101,626								
IMPROVEMENTS		75,185								
MFG STRUCTURE										
SUB TOTAL/BASE	176,811	87,693								
EXCEPTIONS										
SUB TOTAL	176,811	87,693		87,693						
EXEMPTIONS										
2007 TOTALS	176,811	87,693		87,693						
MULTIPLE SITUS M/H X-NUMBER										
F1=LN	2=IM	3=EN	4=OW	5=SA	6=EX	7=OH	8=ET	10=LG	11=FL	12=CM
13=MS	14=SI	15=XC	16=DT	17=TX	18=SL	19=QP	20=PR	21=NX	22=AP	24=DL

ATTACHMENT D

ASACDTR PLANJEAN

DISPLAY ACCOUNT COMMENTS

DISPLAY

1/04/07

8:46:53

EXHIBIT 4
Page 43 of 82

ACCOUNT # 146.01

OWNER CHAPMAN TENMILE LAKE EXCHANGE
BX060801 LLC

DATE COMMENTS
6/14/91 FIRE PAT ACRES

.70*

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM Bottom
13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACD1R PLANJEAN

DISPLAY REAL ACCOUNTS

DISPLAY 1/04/07
8:47:04

EXHIBIT 4
Page 44 of 82

ACCOUNT # 146.01 1990

OWNER SANDINE, CARL A.

COMMENTS

C/O

MAP # 23 S 12 W 8 AA 400

NAME

CODE AREA 13.02 ZONING SW

ADDRESS 206 E BAY DR

MA 1 VALUE AREA 01 CLASS 801

ADDRESS

SUB/BL/LT SPLIT

ADDRESS NORTH BEND OR 97459

G.I.S. x SD#

0 CON/SEG JV # 0

SITUS #

ZIP

DOC # 294/300 ACRES .700 FP ACRES .700 SPLIT CODE

TOTAL VALUES 1990 ASSESS 1990 MARKET 1989 ASSESS 1989 MARKET

LAND VALUE : 27,300 27,300

IMPROVEMENTS 14,700 14,700

MOBILE HOME..:

EXEMPTIONS :

NET ASSESSED 42,000 42,000

SPECIAL ASSESS 35.00

M/H X-NUMBER

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM
13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

ASACDTR PLANJEAN

DISPLAY ACCOUNT COMMENTS

DISPLAY 1/04/07
 8:47:11

EXHIBIT 4
Page 45 of 82

ACCOUNT # 146.01

OWNER SANDINE, CARL A.

DATE COMMENTS
6/14/91 FIRE PAT ACRES

.70*

F1=LN 2=IM 3=EN 4=OW 5=SA 6=EX 7=OH 8=ET 10=LG 11=FL 12=CM Bottom
13=MS 14=SI 15=XC 16=DT 17=TX 18=SL 19=QP 20=PR 21=NX 22=AP 24=DL

ATTACHMENT D

EXHIBIT 4
Page 46 of 82

ASARDTR3 PLANJEAN SPLAY ACCOUNT APPRAISAL PLAY 1/04/07
 ACCOUNT # 146.01 2004 OWNER CHAPMAN TENMILE LAKE CHANGE
 MAP 23S 12W 8AA 400 SITUS 1467 N TEN MILE LAKE 97449
 APPR/DATE/YEAR DB / 10/13/2004 / 2004 INSPECT N AREA % 1.00 BASE YEAR 2004
 EXEMPT N ASMT YEAR 2004 PROP CLASS 801 VA LKF MAINT AREA 1 ZONING F
 OPTIONS X=Select,Z=Ex LAND MARKET IMPROV TOTAL 32,931
 LAND ASSESSED TOTAL APPRAISAL 32,931

? DESCRIPTION	TOTAL EXCEPTIONS				= LAND EXC.				TOTAL	+			
	GP#	PHYS	FUNC	MISC	QTY	AREA	%CMP	LCM		CL	D	C	X
- RESIDENCE	1	.80	1.00	1.00	1.00	1.00	1.00	1.33	2	27347			
- DECKS TRTD/CDR	1	.50	1.00	1.00	1.00	1.00	1.00	1.00		1836			
- WD RAMP	1	.60	1.00	1.00	1.00	1.00	1.00	1.00		300			
- RAMP STEEL	1	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1000			
- DECKS DOCK	1	.50	1.00	1.00	1.00	1.00	1.00	1.00		2448			

F2=Lnd 3=End
F16=Commercial Appraisal

13=Com 14=Prt Bottom

ATTACHMENT D

EXHIBIT 4
Page 47 of 82

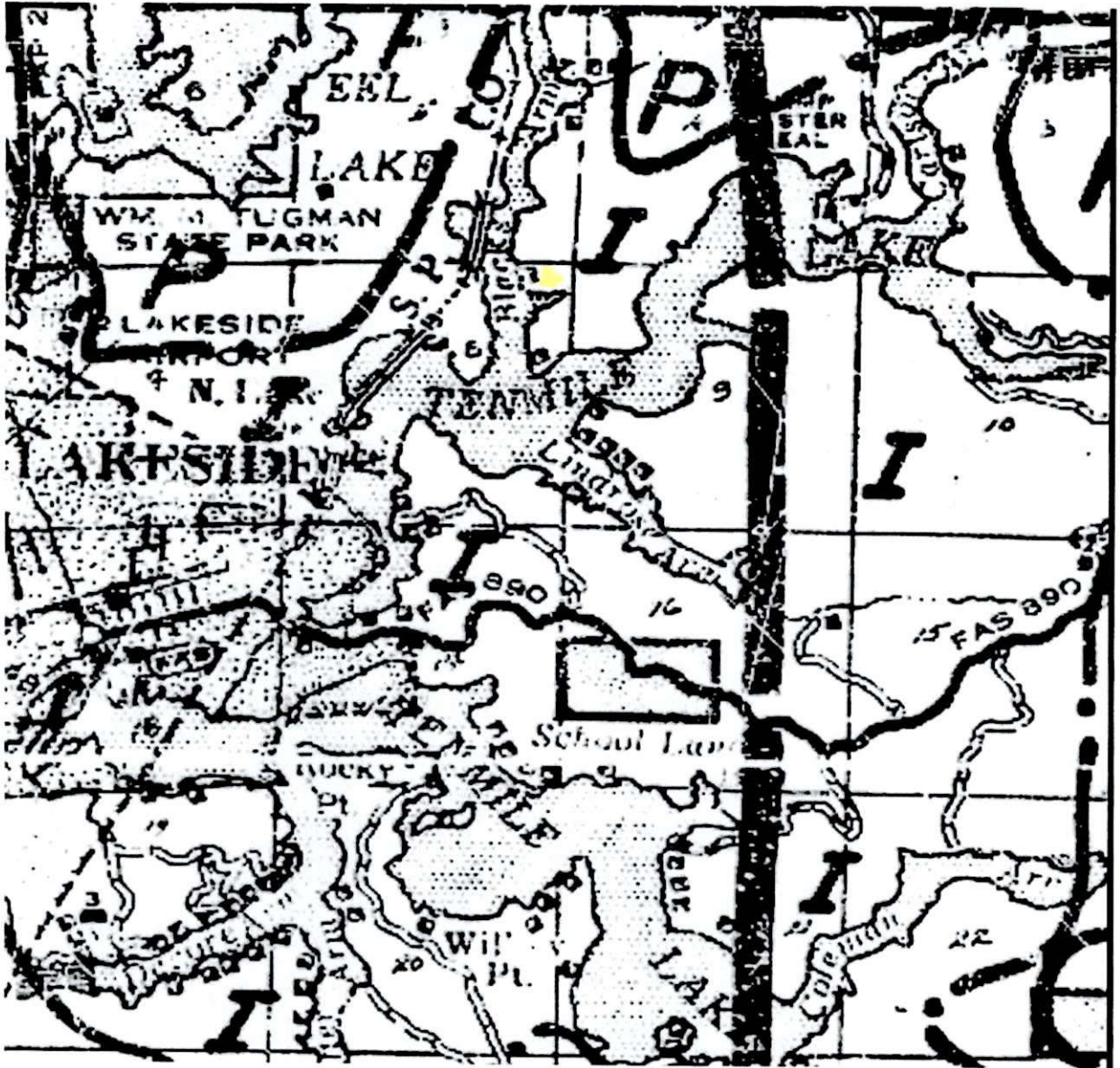
ASARDTR3 PLANJEAN SPLAY ACCOUNT APPRAISAL PLAY 1/04/07
 ACCOUNT # 146.01 2004 OWNER CHAPMAN TENMILE LAKE HANGE
 MAP 23S 12W 8AA 400 SITUS 1467 N TEN MILE LAKE 97449
 APPR/DATE/YEAR DB / 10/13/2004 / 2004 INSPECT N AREA % 1.00 BASE YEAR 2004
 EXEMPT N ASMT YEAR 2004 PROP CLASS 801 VA LKF MAINT AREA 1 ZONING F
 OPTIONS X=Select,Z=Ex LAND MARKET IMPROV TOTAL 32,931
 LAND ASSESSED TOTAL APPRAISAL 32,931

TOTAL EXCEPTIONS		= LAND EXC.								+			
? DESCRIPTION	GP#	PHYS	FUNC	MISC	QTY	AREA	%CMP	LCM	CL	TOTAL	D	C	X
- RESIDENCE	1	.80	1.00	1.00	1.00	1.00	1.00	1.33	2	27347			
- DECKS TRTD/CDR	1	.50	1.00	1.00	1.00	1.00	1.00	1.00		1836			
- WD RAMP	1	.60	1.00	1.00	1.00	1.00	1.00	1.00		300			
- RAMP STEEL	1	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1000			
- DECKS DOCK	1	.50	1.00	1.00	1.00	1.00	1.00	1.00		2448			

F2=Lnd 3=End
F16=Commercial Appraisal

13=Com 14=Prt Bottom

FISH & WILDLIFE MAP II



Approximate Subject Property =



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900
e-mail plansec@co.coos.or.us

PATTY EVERNDEN

PLANNING DIRECTOR

January 4, 2007

Daryn Chapman
2214 NW Iris Ct.
Camas WA 98607

RE: Submitted application

Dear Mr. Chapman:

Your application for a template dwelling located on Township 23, Range 12, Section 08AA, Tax Lot(s) 401 was received on December 21, 2006. After reviewing the application and all submitted documentation the Planning Department has determined the following:

- Your application has been deemed complete as of the date of this letter and will be processed. The application has been given file number **ACU-06-78**. You will receive a letter in the mail after the Planner has completed the review of your request.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. A decision will be made to review your application administratively or to send it to the Hearings Body.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. Your application will be scheduled for hearing(s) and you will receive notice twenty days prior to the scheduled date(s).
- Your application is incomplete and will be held until the additional information has been submitted, as noted below:

Pursuant to state law and the Coos County Zoning and Land Development Ordinance, the County must take final action within 150 days after the application has been deemed complete; however, if the subject property is located within the Urban Growth Boundary or if the request is for aggregate mining final action must be taken within a 120 days. A waiver to the 150/120 day timeline may be obtained from the applicant.

The Planning Department is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. If you have any questions or concerns please contact the department.

Sincerely,
Coos County Planning Department
Debby Darling, Planning Tech

C: Patty Evernden, Planning Director
file



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900
e-mail plansec@co.coos.or.us

PATTY EVERNDEN

PLANNING DIRECTOR

December 22, 2006

Daryn Chapman
2214 NW Iris Ct.
Camas WA 98607

RE: Submitted application

Dear Mr. Chapman:

Your application for a change in a grandfathered use located on Township 23, Range 12, Section 08AA, Tax Lot(s) 401 was received on December 21, 2006. After reviewing the application and all submitted documentation the Planning Department has determined the following:

- Your application has been deemed complete as of the date of this letter and will be processed. The application has been given file number _____. You will receive a letter in the mail after the Planner has completed the review of your request.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. A decision will be made to review your application administratively or to send it to the Hearings Body.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. Your application will be scheduled for hearing(s) and you will receive notice twenty days prior to the scheduled date(s).
- Your application is incomplete and will be held until the additional information has been submitted, as noted below:

There were no deeds submitted. Pursuant to Section 5.2.200(2) the most current deed must be submitted in order to offer evidence in support of your statement that you are the property owner. Section H on page 2 of the conditional use application form details this under required supplemental information to submit with the application. You may have 7 days in which to submit this additional information, no later than December 28, 2006. If we have not heard from you by that date, your application and check will be returned to you.

Pursuant to state law and the Coos County Zoning and Land Development Ordinance, the County must take final action within 150 days after the application has been deemed complete; however, if the subject property is located within the Urban Growth Boundary or if the request is for aggregate mining final action must be taken within a 120 days. A waiver to the 150/120 day timeline may be obtained from the applicant.

The Planning Department is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. If you have any questions or concerns please contact the department.

Sincerely,
Coos County Planning Department
Debby Darling, Planning Tech

C: Patty Evernden, Planning Director
file



COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central, Coquille, Oregon 97423
 Mailing address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN, PLANNING DIRECTOR

ACU 06-78

DATE : **January 4, 2007**

TO : **Bill Kinyoun
ODF&W**

FAX # : **888-6860**

E-MAIL : **Bill.R.Kinyoun@state.or.us**

FROM : **Coos County Planning Department
Jean Seidel, Office Specialist II
jseidel@co.coos.or.us**

PAGES : **2, including map**

RE : **Protected Bird Site**

Contact/Applicant	Property Owner/situs address	Location/situs	Development request
Daryn Chapman 2214 NW Iris CT Camas WA 98607 1360-834-9030	Sage Tenmile LLC PO Box 752 Bend OR 97709 1-541-389-7711	T.23, R.12, S.08AA, TL# 401	Template dwelling

There is a bird site noted in or near Section 21DC. Per the Coos County Zoning and Land Development Ordinance Appendix I, 5.6(1) (Fish & Wildlife Habitats), we are requesting you review the above-referenced property and send written notice whether or not ODF&W has objections to the proposed land use development. ODF&W has 10 days in which to respond to this notice. I am enclosing a map with the subject property noted for your convenience.

If Coos County Planning Department does not receive a response within the allowed 10 days, a zoning compliance letter will be issued to the requesting applicant. The deadline is January 14, 2007

If you have any other questions or need further help, please do not hesitate to contact the Planning Department at 541-396-3121, extension 210 or by email at jseidel@co.coos.or.us .



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

NOTICE OF APPLICATION

January 4, 2007

David Perry, DLCD
Oregon Coastal Management Program
P O Box 451
Walport, OR 97394

Dear Mr. Perry;

Notice is hereby given that on December 29, 2006, the Planning Department received an application as described below (ACU-06- 78). We would appreciate any comments by January 19, 2007.

Daryn Chapman has submitted an application for a Template Dwelling in a Forest Mixed Use zone, located on property owned by Sage Tenmile, LLC and describe as T.23, R.12, S.08AA, TL# 401. The subject property contains .34 of an acre. The property is located northeast of Lakeside.

The applicable review criterion is identified as Article 4.8 of the Coos County Zoning and Land Development Ordinance (CCZLDO).

Additional information pertaining to this application may be obtained by contacting the Planning Department at (541) 396-3121, Extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT

Jean Seidel
Office Specialist II

c: Daryn Chapman
Sage Tenmile, LLC
File

fee \$780

\$680 w/ pre-eligibility termination



Coos County Planning Department
Conditional Use Application

File No. ACU 06-98

Receipt No. 075793
Check No. Cash 1606
Date 12/29/06
Received By DD

- Hearings Body
- Farm Relative
- Site Plan
- Seasonal Farm
- 160 Acre Farm
- Administrative Conditional Use
- Floodplain Application
- Template
- Forest 160/200
- 40,000 Income Test
- Family Hardship
- Lot of Record
- Variance
- 80,000 Income Test
- Variance to Road Regs.

An **incomplete** application **will not** be processed. Applicant is responsible for completing the form. Attach additional sheets to answer questions if needed.

The County will use these answers in its analysis of the merits of the application.

A. Applicant:

Name: DARIN CHAPMAN Telephone: 360-834-9030
Address: 2214 NW IRIS CT
City: CHAMAS State: WA Zip Code: 98607

B. Owner:

Name: Sage Townsite, LLC Telephone: 541-389-7711
Address: PO Box 752
City: BEND State: OR Zip Code: 97709

C. As applicant, I am (check one):

- The owner of the property;
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached).
- A lessee in possession of the property who has written consent of the owner to make such application (consent form attached).
- The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. Description of Property:

Township 23 s Range 12 w Section 08 AA Tax Lot 401
Tax Account 146.08 Lot Size 0.34 acre Zoning District Forest

E. Supplemental Information

1. Existing Use Vacant Parcel
2. Site Address 1/2 mile - TL401 Access (Name of Road) Lake Access
3. Is the Property on Farm/Forest Tax Deferral NO
4. Current Land Use (timber, farming, residential, etc.) Residential
5. Major Topography Features (streams, ditches, slopes, etc.) Lake Front - typical
6. Letter from Oregon Department of Forestry (for Forest dwellings only)
7. Letter from Natural Resource Conservation Service (for Forest/Farm dwellings only).
8. Is there a dwelling on the subject property or tract? NO
9. List all lots or parcels that the current owner owns or is purchasing which have a common boundary with the subject property. _____

F. State Specific Use Requested

Construct a single family home.

G. Justification

Pursuant to the Zoning and Land Development Ordinance, this application may be approved only if it is found to comply with the "Review Standards and Special Considerations" applicable to the proposed use. Therefore, **please attach a page or pages with your findings (or reasons)** regarding how your application and proposed use comply with the following "Review Standards and Special Considerations" from Chapter IV of the Coos County Zoning and Land Development Ordinance.

4.8 525(b) 4.4 600, 4.6 700 4.8 800(b)(1)

Appendix E Policy 5.10(1)(e)

H. Required Supplemental Information to Submit with Application

1. A copy of the current deed of record;
2. Covenants or deed restrictions on the property, if unknown contact title company;
3. A detailed parcel map of the property illustrating the size and location of existing and proposed uses, structures and roads on a 8 1/2" x 11" paper to scale. **Applicable distances must be noted on the parcel map;** (see attached)
4. If applicant is not the owner, documentation of consent of the owner including:
 - a. A description of the property;
 - b. Date of consent;
 - c. Original consent of property owner;
 - d. Party to whom consent is given.

I. Authorization:

All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.

DSC I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

DSC Pursuant to ORS 215.416(1), the fee for the application(s) submittal represent the average cost of processing. If the actual cost of processing exceeds the amount of the fee by more than 20%, the applicant(s) shall be responsible for paying the full amount of the actual cost.

DSC I understand that approval is not guaranteed and that as applicant(s) I/we bear the burden of proof to demonstrate compliance with the applicable review criteria.

DSC As applicant(s) I/we acknowledge that in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

Dam
Applicant(s) Original Signature
11-6-06
Date



Oregon

Theodore R. Kulongoski, Governor

Department of Forestry
Coos District
63612 Fifth Rd.
Coos Bay, OR 97420-3899
(541) 267-4136
Fax: (541) 269-2027

November 16, 2006

Sage Tenmile LLC
Attn Daryn Chapman
2214 NW Iris Ct.
Camas, WA 98607



Dear Mr. Chapman,

This letter contains the Forest Site Information that you requested for a Conditional Use Permit with the Coos County Planning Department.

The Oregon Department of Revenue has determined site conditions for much of Western Oregon's forestland. Field checking has proven their determinations to be generally accurate. For the 0.34-acre parcel, Tax Lot 401, located in Section 08aa Township 23 South, Range 12 West, W.M., the DOR has determined the Site Condition to be FB. This generally equates to a Forest Site Index of 170, which is the approximate height of a dominant tree at age 100 years on the parcel. Please refer to the map attached with this letter.

Using Site Class information from the USDA Technical Bulletin No. 201, an estimation of the site productivity for forestland can be made. Each acre of forestland on the Applicant's property can be expected to yield approximately 42,800 BF (FB) and at the end of a sixty-year rotation if proper stocking levels are maintained. Cubic foot growth estimates for the site are 148 cubic feet per acre per year.

Sincerely,

Jennifer Wright
Stewardship Forester, Coos and Curry Counties
Oregon Department of Forestry

cc: Patty Evernden, Coos County Planning Director



Coos Soil & Water Conservation District
382 North Central Boulevard
Coquille, Oregon 97423-1244
(541) 396-6879 Fax (541) 396-5106

SOILS REPORT REQUEST FORM

Date Requested: 11-13-06

Applicant Information:

Name: Daryn Chapman

Address: 2214 NW Iris Ct
Camas WA 98607

Phone: 360-834-9030

Property Description:

Township 23 S Range 12 W Section 08 Taxlot #(s) 401 (new)

(East portion 400)

Township _____ Range _____ Section _____ Taxlot #(s) _____

Approximate Acres: 0.7

Type of Report Requested:

Standard County Planning Soils Report

Is Report for Dwelling within Exclusive Farm Use (requires Coos Co. Attachment "A")

yes no

Other Soil Data Report attachments: _____

Will pick-up in office

Mail

FAX(not recommended)



*Coos Soil & Water Conservation District
382 North Central Boulevard
Coquille, Oregon 97423-1244
(541) 396-6879 -- Fax (541) 396-5106*

SOIL INFORMATION REPORT

Date: November 13, 2006

Prepared by: Barbara Grant, Coos SWCD

APPLICANT INFORMATION				
NAME	Daryn Chapman			
ADDRESS				
CITY				
STATE, ZIP				
PHONE	360-834-9030			
PROPERTY INFORMATION				
TOWNSHIP	23 South			
RANGE	12 West			
SECTION	08			
TAX LOT	401 (New lot number, east portion of lot 400)			
MAP NUMBER	23 12 8AA			
SOIL INFORMATION				
SOIL SURVEY MAP SHEET NUMBER 01				
Soil Symbol	Soil Name	Capability Class	Forest Site Index	Percent of Parcel
39F	Millacoma Templeton complex, 50 to 75 percent slopes	7e	119DF	100%

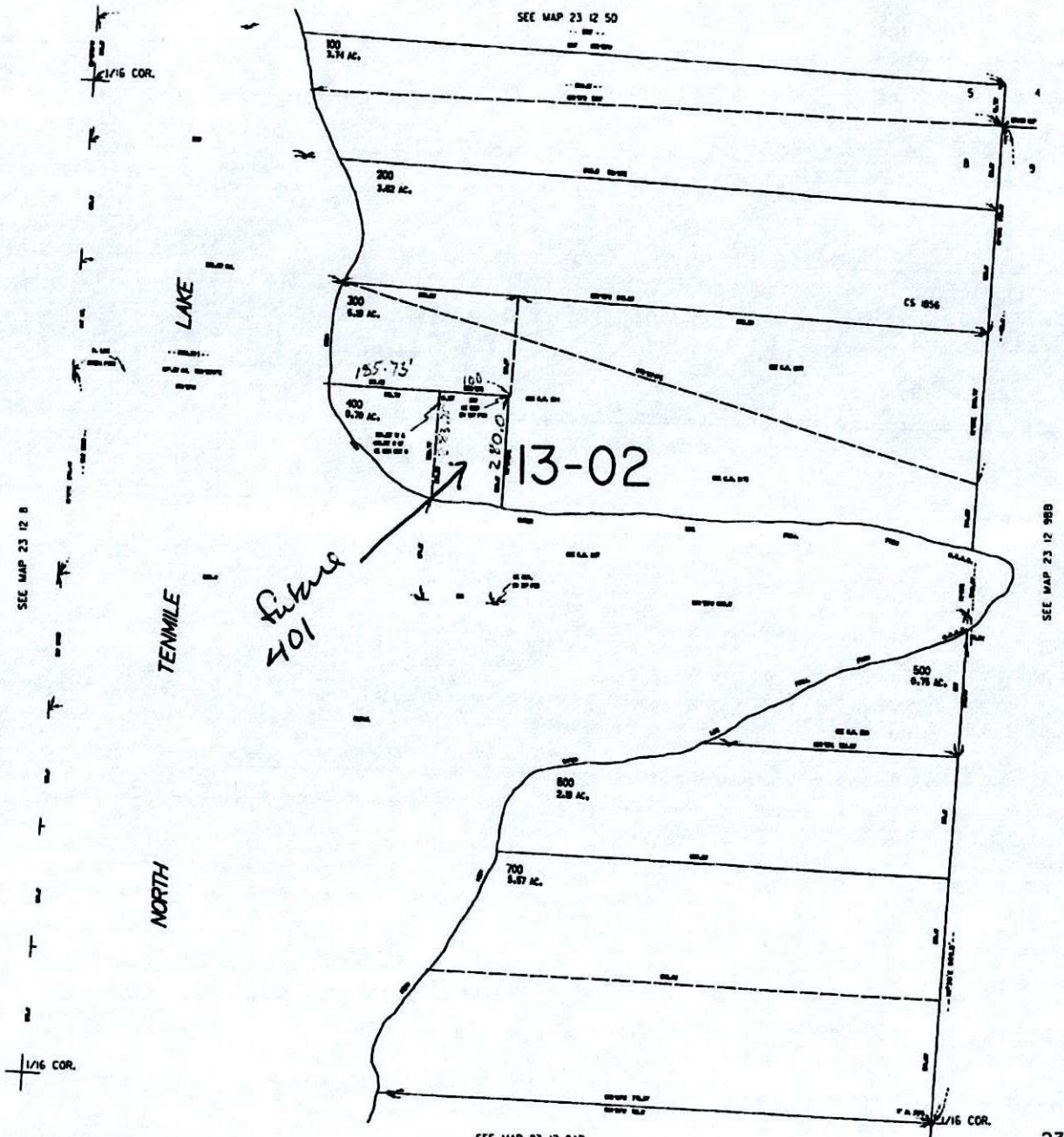
This report is based on the maps and information contained in the *Soil Survey Report of Coos County, Oregon*, issued July 1989. Coos SWCD has made every effort to make sure the information contained in this report is correct. However, in the event that any information is incorrect, Coos SWCD assumes no liability for damages incurred directly or indirectly as a result of incomplete, incorrect or omitted information. If you do find any information that is incorrect, please notify us immediately.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

ATTACHMENT D
NE1/4 NE1/4 SEC. 8 T.23S. R.12W. W.M.
COOS COUNTY

1" = 100'

23 12 8AA
CANCELLED



SEE MAP 23 12 58D
ACU-21-092

DATE
23 12 8AA

Soils Inventory Report

Tue Nov 14 08:08:55 PST 2006

Map Unit Symbol	Map Unit Name	Acres	Percent
39F	Millicoma-Templeton complex, 50 to 75 percent slopes	0.7	100%
W	Water	0	0%
	Total:	0.7	

Forestland Productivity with Site Index Base Age (OR)

Coos County, Oregon

Map Symbol and Soil Name	Potential Productivity				Trees to Manage
	Common Trees	Site Index (ft)	Site Index Base Age (yrs)	Volume of Wood Fiber (CMAI)	
Cu Ft/Acre/Yr					
39F:					
Millicoma	Douglas-fir	119	50	172	Douglas-fir
	red alder	---	---	---	Sitka spruce
	Sitka spruce	---	---	---	western hemlock
	tanoak	---	---	---	
	western hemlock	---	---	---	
Templeton	Douglas-fir	125	50	186	Douglas-fir
	red alder	---	---	---	Sitka spruce
	Sitka spruce	169	100	257	western hemlock
	western hemlock	161	100	257	
	western redcedar	---	---	---	

Soils Inventory Report

District: COOS SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 0.7

Legal Description: Township 23 S Range 12 W Section 8

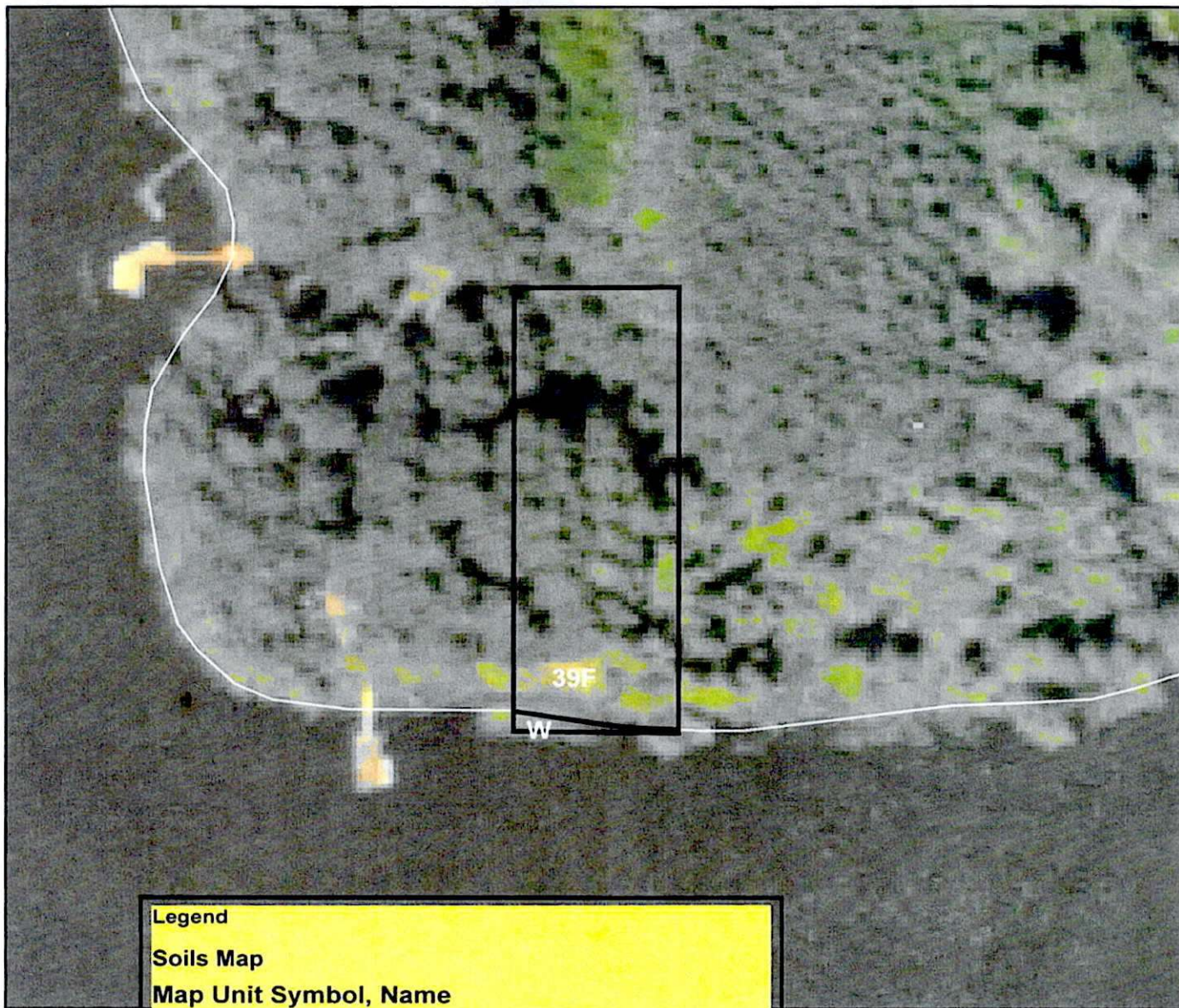
Approximate taxlot 400 (future 401)

Field Office: COQUILLE SERVICE CENTER

Agency: Natural Resources Conservation Service

Assisted By: Barbara Grant

State and County: OR, COOS



Legend

Soils Map

Map Unit Symbol, Name

- 39F, Millicoma-Templeton complex, 50 to 75 percent slopes
- W, Water
- soilmunm_a_or011
- Chapman (Polygon)

Image: ortho_1-1_1n_s_or011_2005_1.sid



Brief Map Unit Description

Coos County, Oregon

[Only those map units that have entries for the selected description categories are included in this report]

Map unit: 39F - Millicoma-Templeton complex, 50 to 75 percent slopes

Description category: SOI

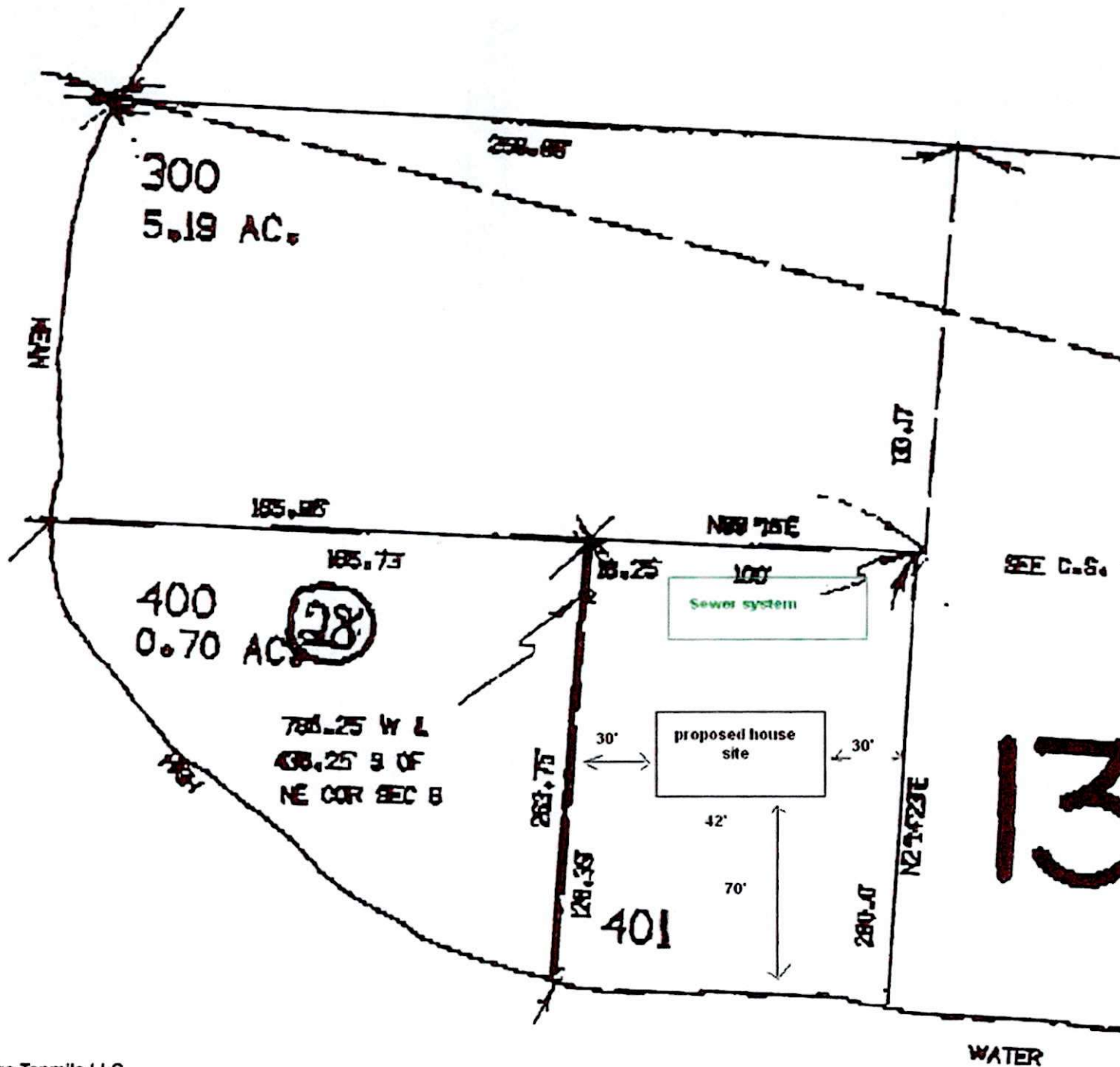
The Millicoma soil is 20 to 40 inches deep to bedrock. It is loamy, high in rock fragments, well drained and occurs on mountains. Water erosion is a potential hazard. The Templeton soil is 40 to 60 inches deep to bedrock. It is silty, well drained and occurs on mountains. Water erosion is a potential hazard.

Component Yields, Irrigated & Non-Irrigated (B)

Coos County, Oregon

[Yields in the "N" columns are for nonirrigated areas; those in the "I" column are for irrigated areas. Yields are those that can be expected under a high level of management. Absence of a yield indicates that the soil is not suited to the crop or the crop generally is not grown on the soil]

Map symbol and soil name	Land capability		Grass hay		Grass-legume hay		Pasture	
	N	I	N	I	N	I	N	I
			<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>Tons</i>	<i>AUM</i>	<i>AUM</i>
39F:								
Millicoma	7e	---	---	---	---	---	---	---
Templeton	7e	---	---	---	---	---	---	---



Sage Tenmile LLC

Prepared by Daryn Chapman

23s 12w 08AA TL401

November 13, 2006

0.34 acre



1" = 45'

N. Tenmile Lake

Sage Conditional Use Map

2006-11-14 11:05

MAKENA TAN

5416777284 >>

541 759 3306

P 2/5

Criteria for a Template Dwelling

- 1. If the dwelling is not within a residential fire protection district and has not contracted with a fire protection district, the applicant shall provide evidence that he/she has asked to be included in the nearest such district; and

Note: Alternative means for protecting the dwelling from fire hazards may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.

Please have the following blanks completed by the fire chief:

The applicant has asked to be included in/ is contracting/with/is part of
Sakunde Rural Fire Protection District.

District Chief: Dale H. [Signature] Date: 11/23/06

- 2. The following information must also be submitted with your application:
 - a. A copy of the deed of record for the parcel on which you are proposing to establish a dwelling; a copy of the deed is also required for the tracts, lots or parcels in the same ownership which are contiguous to the subject property;
 - b. If you are not the owner, a letter of consent to apply for a dwelling must be completed from the current landowner(s);
 - c. Site plan to scale of where you propose to place the dwelling and any other existing or proposed structures; (see plot plan instructions)
 - d. A letter from the Oregon Department of Forestry (ODOF) indicating the "forest site index" and the "cubic feet per acre per year growth estimates" or its equivalent;
 - e. A soils report from the Natural Resources Conservation Service (NRCS) identifying the soil types and class or its equivalent. The NRCS office is located at 382 N. Central, Coquille, Oregon.
 - f. Detach and retain Attachment B. If an approval is granted, Attachment B will need to be completed and returned to the Department for your file.
 - g. Sign the application and return it with the required information and fee.

to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration is established and an addition or alteration to said structure

g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure

or maintain irrigation pumps. except as needed to provide an access to the water to site does not encroach further into the vegetation buffer corridors, etc.) provided that such vegetation removal harvesting farm crops customarily grown within riparian irrigation pumps, to limit encroaching brush, to allow existing agricultural operations (e.g. to site or maintain Riparian vegetation may be removed in conjunction with

or Riparian vegetation may be removed in order to site or property maintain public utilities and road right-of-way;

USFS stream enhancement plan; or ODFW, BLM, Soil & Water Conservation District, or or streambank clearance project under a port district, Riparian vegetation may be removed to facilitate stream

stabilization measures; or establishment of authorized structural shoreline Riparian vegetation may be removed in order to allow

access for a water-dependent use; or Riparian vegetation may be removed to provide direct

minimize such hazard; or posting an erosion or safety hazard may be removed to District, a port district or U.S. Soil Conservation Service Trees certified by the Coos Soil and Water Conservation

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

1. Riparian Vegetation Protection.

greater. 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

B. Setbacks: All buildings or structures with the exception of fences shall

SECTION 4.8.750. Development Standards. All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL)

B. 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.

3. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

1. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions. 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 15 feet 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.

A. Firebreak:

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 he has contacted the Department of Forestry of the proposed development.

SECTION 4.8.700 Fire Siting and Safety Standards. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable.

represents not more than 100% of the size of the existing structure's "footprint";

- 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
 - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - 4. The risks associated with wildfires are minimized.
- A. Dwellings and structures shall be sited on the parcel so that:

These criteria 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, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

These criteria 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, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

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These criteria 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, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

- SECTION 4.8.600. Minimum Standards Required for Dwelling and Structures in the Forest Zone.** The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homestead. 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.
- Chapter VII.**
- H. Access to new dwellings shall meet road and driveway standards in
 - G. 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 fire fighting equipment.
 - F. 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.
 - E. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
 - D. The dwelling shall not be sited on a slope of greater than 40 percent.
 - C. 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).

Coos County Planning Department
Mail: Coos County Courthouse, Coquille, Oregon 97423
Location: 290 N. Central, Coquille, Oregon 97423
Phone: (541) 396-3121 ext. 210
Fax: (541) 396-2690

File No. _____

**PRE-ELIGIBILITY REVIEW
FOR FIRST DWELLING IN THE FOREST ZONE**

The \$412.00 fee for this review is non-refundable. Should you decide to apply for a first dwelling in a forest zone \$100.00 will be credited toward the conditional use application fee, which is \$780.00.

NOTE: The following must be completed in full. Incomplete requests will not be accepted and will be returned.

A. PROPOSED DWELLING TYPE: (check one)

X Lot-of-Record* _____ Template

B. LEGAL DESCRIPTION OF PROPERTY:

Township 23s Range 12w Section 08 AA Tax Lot 401
Tax Account 146.08 Acres 0.34 Acre

C. List all lots or parcels that the current owner owns or is purchasing which have a common boundary with the subject property. Attach additional pages if necessary.

TL 300 Michael Gardner, TL 400 Chapman Tenmile Lake Exchange

D. ZONING: Forest Forest/Mixed Use

E. INDIVIDUAL REQUESTING REVIEW:

Name: DARYN CHAPMAN Phone: 360-834-9030
Address: 2214 NW IRIS CT
City: CLATSOP State: WA Zip Code: 98607

F. PROPERTY OWNER:

Name: Sage Tenmile, LLC Phone: 541-389-7711
Address: PO Box 752
City: Bend State: OR Zip Code: 97709

[Signature]
Signature

11-13-04
Date

*NOTE: Evidence must be submitted in support of item #1 and item #2 of the first dwelling in the forest zone application (as quoted below) with this pre-application for Lot-of-Record only:

- 1. The parcel on which the dwelling will be sited was lawfully created before January 1, 1985;
- 2. The parcel has been owned by the same person (or person's heir) since January 1, 1985;

(For the purpose here, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild or the owner of a business entity owned by any one or combination of these family members.)"

OFFICE USE ONLY

Fee: \$412.00 Receipt No. _____ Check # _____
Received By: _____ Date: _____

GRANTS

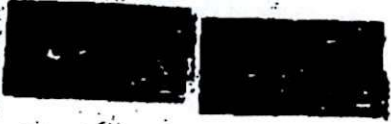
KNOW ALL MEN BY THESE PRESENTS, That **Grace Lillian Bourne**,
widow

In consideration of **Ten and no/100**
to grantor paid by **Carl A. Sandline and Agnes T. Sandline**,
hereinafter called the grantees, then hereby grant, bargain, sell and convey unto the grantees, as tenants in
the entirety, the heirs of the survivor and their assigns, the certain real property, with the improvements,
hereditaments and appurtenances thereto belonging or appertaining, situated in the State of Oregon
and the County thereof named below, described as follows, to-wit:

Beginning at a point located 785.25 feet West and 436.75
feet South of the Northwest corner of Section 8, Township 23
South, Range 12 West of the Willamette, Coos County, Oregon;
thence North 1° 07' East a distance of 16.75 feet; thence North
89° 16' East a distance of 100.00 feet; thence South 1° 07'
West a distance of 280 feet; thence South 89° 16' East a dis-
tance of 100 feet; thence North 1° 07' East a distance of 265.75
feet to the place of beginning, containing 0.61 acres, more or
less and 0.57 of these acres being an dry land and being a
portion of Section 8, Township 23 South, Range 12 West of the
Willamette, Coos County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees, or tenants
by the entirety, their heirs and assigns forever.
And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns,
that grantor so lawfully entered in fee simple of the above granted premises, free from all encumbrances
except as to any portion lying below high water line of North Lake
and easements recorded in Book 293 page 390 and Book 304 page 316,
Deed Books of Coos County, Oregon, that grantor doth defend the above granted premises and every part and parcel
thereof against the lawful claims and demands of all persons whatsoever, except as stated
above.

In witnessing this deed and where the survivor so requires, the singular includes the plural
WITNESS grantor's hand and seal this 21st day of April 1965.



Grace Lillian Bourne (Seal)
(Seal)
(Seal)
(Seal)

NOTARY PUBLIC OF OREGON, County of Coos
Personally appeared the above named
Grace Lillian Bourne, widow
and acknowledged the foregoing instrument to be

Notary Public for Oregon
My commission expires 3/31/96

WARRANTY DEED

Grace Lillian Bourne
vs
Carl A. Sandline and
Agnes T. Sandline

30
10-11

RECORDED
INDEXED
MAR 1 9 20 1965
317 50

ATTACHMENT D

Dec 29 06 03:00p Daryn Chapman
OCT-12-2006 10:10 AM

360-834-4101

P. 2 EXHIBIT 4
Page 74 of 82



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN PLANNING DIRECTOR

August 23, 2006

Attn: Carolyn Chapman
Ticor Title
240 Stergar Lane
Roseburg OR 97470

**RE: Property located at Township 23, Range 12, Section(s) 8AA, Tax Lot(s) #400
 Property owned by Gloria Tate & Vicki Frederick
 Discrete Parcel Determination**

Dear Ms. Chapman:

This letter is being written in response to information regarding a discrete parcel determination on the above referenced property, which was submitted and certified by you on August 18, 2006.

The Coos County Planning Department concurs with this certification and submitted findings and will file the evidence submitted, noting it in our records that the above noted tax lot consist of two discrete parcels.

If you have any questions or need further information, please do not hesitate to contact the Coos County Planning Department at (541) 396-3121, extension 210 during regular business hours. The Coos County Planning Department is opened to the public Monday - Thursday from 8:00 AM - 5:00 PM.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT
Chris Francis, Planning Tech

C: Patty Evernden, Planning Director
 Carolyn Chapman, Title Co. Officer
 file

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900
e-mail plansec@co.coos.or.us

PATTY EVERNDEN

PLANNING DIRECTOR

December 22, 2006

Daryn Chapman
2214 NW Iris Ct.
Camas WA 98607

RE: Submitted application

Dear Mr. Chapman:

Your application for a change in a grandfathered use located on Township 23, Range 12, Section 08AA, Tax Lot(s) 401 was received on December 21, 2006. After reviewing the application and all submitted documentation the Planning Department has determined the following:

- Your application has been deemed complete as of the date of this letter and will be processed. The application has been given file number _____. You will receive a letter in the mail after the Planner has completed the review of your request.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. A decision will be made to review your application administratively or to send it to the Hearings Body.
- Your application has been deemed complete as of the date of this letter and it will be processed. The application has been given file number _____. Your application will be scheduled for hearing(s) and you will receive notice twenty days prior to the scheduled date(s).
- Your application is incomplete and will be held until the additional information has been submitted, as noted below:

There were no deeds submitted. Pursuant to Section 5.2.200(2) the most current deed must be submitted in order to offer evidence in support of your statement that you are the property owner. Section H on page 2 of the conditional use application form details this under required supplemental information to submit with the application. You may have 7 days in which to submit this additional information, no later than December 28, 2006. If we have not heard from you by that date, your application and check will be returned to you.

Pursuant to state law and the Coos County Zoning and Land Development Ordinance, the County must take final action within 150 days after the application has been deemed complete; however, if the subject property is located within the Urban Growth Boundary or if the request is for aggregate mining final action must be taken within a 120 days. A waiver to the 150/120 day timeline may be obtained from the applicant.

The Planning Department is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. If you have any questions or concerns please contact the department.

Sincerely,
Coos County Planning Department
Debby Darling, Planning Tech

C: Patty Evernden, Planning Director
file

Phone Log

Date: 12/29/06 Time: 7:40 am/pm (pm) Taken By: JAN

Name: Darlyn Chapman

Address: _____

Phone No.: _____

Township _____ Range _____ Section _____ Tax Lot _____

Account No.: _____ Owner: _____

Question: didn't receive Debbie's letter until today.
Copying deed.

Answer: _____

Call Returned By: _____

Date: _____ Time: _____

After recording return to:

American Exchange Services, Inc.
15 Oregon Avenue, Suite B
Bend, OR 97701

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

SAGE TENMILE, LLC
c/o American Exchange Services
PO Box 752
Bend, OR 97701

This space reserved for recorder's use

47-91133
AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

**STATUTORY
BARGAIN AND SALE DEED**

TENMILE LAKE EXCHANGE BX060801, LLC, an Oregon Limited Liability Company, Grantor, conveys to
SAGE TENMILE, LLC, an Oregon Limited Liability Company, Grantee,
the following described real property situated in Coos County, Oregon, to-wit:
See Exhibit "A" attached

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT
DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF
APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN
ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,
UNDER CHAPTER 1, UNDER ORS 197.352.

The true consideration for this conveyance is \$PURSUANT TO AN IRC SECTION 1031 EXCHANGE. (Here comply with the
requirements of ORS 93.030)

Dated November 15, 2006.

TENMILE LAKE EXCHANGE BX060801, LLC

Glenda D. Sibbald
By American Exchange Services, Inc.
Sole and Managing Member,
Glenda D. Sibbald, Assistant Secretary

STATE OF OREGON } ss
County of Deschutes

This instrument was acknowledged before me on November 15, 2006
by GLEND A. SIBBALD
as ASSISTANT SECRETARY
of AMERICAN EXCHANGE SERVICES, INC.

Rachel Matthews
Notary Public for Oregon
My commission expires July 29, 2010



COOS COUNTY CLERK, OREGON TOTAL \$31.00
TFRRT L. TURI, CCC, COUNTY CLERK

ORSTBSD
11/17/2006 #2006-15524
01:53PM 1 OF 2

Exhibit "A"

Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon; thence North 1° 07' East a distance of 16.25 feet; thence North 09° 16' East a distance of 100.00 feet; thence South 1° 07' West a distance of 280 feet; thence South 89° 16' West a distance of 100 feet; thence North 1° 07' East a distance of 263.75 feet to the place of beginning. Containing 0.64 acres, more or less and 0.37 of those acres being on dry land and being a portion of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon.

RE: 23-12-08aa-400 and 401

Dear Mr. Chapman:

The deeds you faxed and emailed to me are fairly unreadable, but appear to be the original deeds for the property. These are not the deeds that are required for your current application.

I have received a deed document from Laurie in the Assessor's office, but this is also not the correct deed. While this deed appears to describe both pieces of property as discrete parcels, it does not convey them separately to create separate ownerships.

As we have discussed in the past, this is necessary because the criteria in the Coos County Zoning and Land Development Ordinance (CCZLDO), Section 4.8.525(B) states that in order for a property to qualify for a dwelling within the forest zone, no other dwellings may be sited on the tract. A tract of land is defined as two or more contiguous properties which are within the same ownership. Unless one of the tax lots is conveyed to a separate ownership and this is recorded with the Coos County Clerk's office, this property will not qualify for a template dwelling and the application must be denied.

What you need to do is to draw up a deed that conveys one of the tax lots to the other ownership. Then this deed must be filed with the Clerk's office and recorded. Once this has been recorded, a copy of that recorded deed showing separate ownership must be submitted to the Planning Department in order to continue processing your application for the template dwelling. You may have another 30 days in which to accomplish this – no later than February 2, 2007.

At this time, your application is still deemed incomplete and will not be processed. If we have not heard from you with the correct deeds by February 2, 2007, then the Planning Department will have no choice but to process the application and deny your request.

Thank you for your co-operation.
Coos County Planning Department
Debby Darling, Planning Tech

From: Daryn Chapman [mailto:webmaster@chapmaninvestments.com]
Sent: Friday, December 29, 2006 3:08 PM
To: ddarling@co.coos.or.us
Subject: submitted application

Debby,

Attached is a copy of the deed for T/L 401. I also faxed copies but thought a scanned version might be more clear.

Thanks,
Daryn

After recording return to:



AmeriTitle, Inc.
P.O. Box 1609
1495 NW Garden Valley Blvd.
Roseburg, OR 97470 00067749

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

American Exchange Services, Inc.
PO Box 752
Bend, OR 97709

This space reserved for recorder's use

47-90522
AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

STATUTORY WARRANTY DEED

VICKI FREDERICK and GLORIA TATE, as tenants in common, Grantor, conveys and warrants to CHAPMAN TENMILE LAKE EXCHANGE BX060801 LLC., an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in COOS County, Oregon, to wit:

See exhibit A attached hereto and made a part hereof.

This property is free from encumbrances, EXCEPT: ALL THOSE ITEMS OF RECORD, IF ANY, AS OF THE DATE OF THIS DEED AND THOSE SHOWN BELOW, IF ANY:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.

The true consideration for this conveyance is \$315,000.00. (Here comply with the requirements of ORS 93.030)

** True Consideration for this conveyance is pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantee

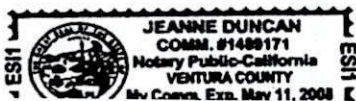
Dated 8/29, 2006.

Vicki L. Frederick
VICKI FREDERICK

Gloria Tate
GLORIA TATE

STATE OF California
COUNTY OF Ventura } ss:

This instrument was acknowledged before me on August 29, 2006
by VICKI FREDERICK



Jeanne Duncan
156
Notary Public for California

STATE OF Oregon
COUNTY OF COOS

} ss:

This instrument was acknowledged before me on August 31, 2006
by GLORIA TATE

Janet M. Rubin
Notary Public for Oregon
My commission expires 11-17-2006



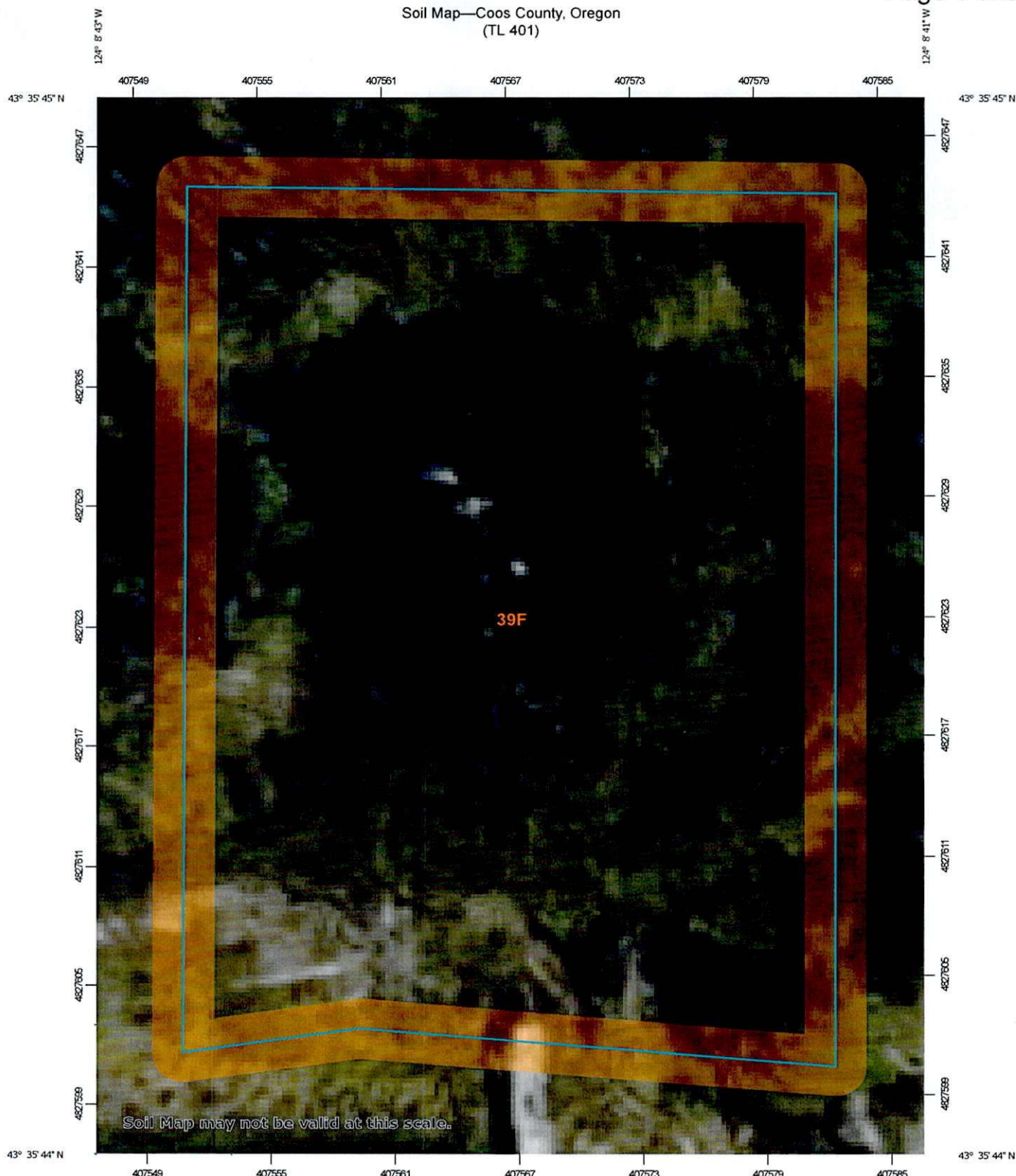
**EXHIBIT A
LEGAL DESCRIPTION**

Beginning at an iron pipe which is 785.25 feet West and 436.25 feet South from the Northeast corner of Section 8, Townships 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 1° 07' East 6.25 feet; thence South 89° 16' West 165.75 feet to an iron pipe on the bank of North Tenmile Lake located 39 feet from low water and continuing South 89° 16' West a total distance of 528 feet to the 1/16th Section line; thence South 1° 07' West along the 1/16th Section line 276.44 feet; thence North 89° 16' East 528 feet; thence North 1° 07' East and at 150 feet passing through an iron pipe located on the bank of North Tenmile Lake 50 feet from low water and continuing a total distance of 260.19 feet to the point of beginning.

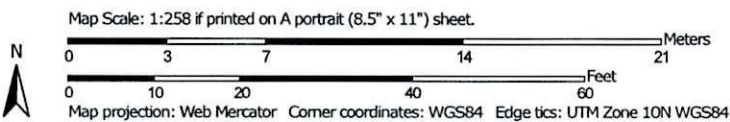
Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 1° 07' East 16.25 feet; thence North 89° 16' East 100.00 feet; thence South 1° 07' West 280 feet; thence South 89° 16' West 100 feet; thence North 1° 07' East 263.75 feet to the point of beginning.

;

Soil Map—Coos County, Oregon
(TL 401)

















Soil Map may not be valid at this scale.



Soil Map—Coos County, Oregon
(TL 401)

MAP LEGEND

- | | | | | |
|---|---|---|---|-----------------------|
| Area of Interest (AOI) |  | Area of Interest (AOI) |  | Spoil Area |
| Soils |  | Soil Map Unit Polygons |  | Stony Spot |
| |  | Soil Map Unit Lines |  | Very Stony Spot |
| |  | Soil Map Unit Points |  | Wet Spot |
| Special Point Features | | |  | Other |
|  | Blowout | |  | Special Line Features |
|  | Borrow Pit | Water Features | | |
|  | Clay Spot |  | Streams and Canals | |
|  | Closed Depression | Transportation | | |
|  | Gravel Pit |  | Rails | |
|  | Gravelly Spot |  | Interstate Highways | |
|  | Landfill |  | US Routes | |
|  | Lava Flow |  | Major Roads | |
|  | Marsh or swamp |  | Local Roads | |
|  | Mine or Quarry | Background | | |
|  | Miscellaneous Water |  | Aerial Photography | |
|  | Perennial Water | | | |
|  | Rock Outcrop | | | |
|  | Saline Spot | | | |
|  | Sandy Spot | | | |
|  | Severely Eroded Spot | | | |
|  | Sinkhole | | | |
|  | Slide or Slip | | | |
|  | Sodic Spot | | | |

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 17, Oct 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
39F	Millicoma-Templeton complex, 50 to 75 percent slopes	0.3	100.0%
Totals for Area of Interest		0.3	100.0%

Forestland Productivity

This table can help forestland owners or managers plan the use of soils for wood crops. It shows the potential productivity of the soils for wood crops.

Potential productivity of merchantable or common trees on a soil is expressed as a site index and as a volume number. The *site index* is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. Commonly grown trees are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability. More detailed information regarding site index is available in the "National Forestry Manual," which is available in local offices of the Natural Resources Conservation Service or on the Internet.

The *volume of wood fiber*, a number, is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

Trees to manage are those that are preferred for planting, seeding, or natural regeneration and those that remain in the stand after thinning or partial harvest.

Reference:

United States Department of Agriculture, Natural Resources Conservation Service, National Forestry Manual.

Report—Forestland Productivity

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

Data Source Information

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 17, Oct 27, 2021

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

Lake Cabin LLC
31206 NE 23rd Street
Washougal, WA 98671

Coos County, Oregon	2021-14049	
\$91.00	Pgs=2	12/22/2021 09:30 AM
eRecorded by: VIAL FOTHERINGHAM LLP - OREGON		
Debbie Heller, CCC, Coos County Clerk		

After Recording Return To:
T. Beau Ellis
Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

WARRANTY DEED

Chapman and Chapman Investments, LLC, an Oregon limited liability company, Grantor, conveys and warrants to **Lake Cabin LLC**, an Oregon limited liability company, Grantee, the following real property situated in Coos County, Oregon, to-wit:

SEE ATTACHED EXHIBIT A.

SUBJECT TO: All easements, rights-of-way, and restrictions of record.

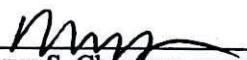
The liability and obligations of the Grantors to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantors under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

The true consideration for this conveyance stated in terms of dollars is \$0.00 (NONE).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED December 22nd, 2021

Chapman and Chapman Investments, LLC



Daryn S. Chapman, as manager

ACU-21-092

Personally appeared before me the above named **Darryl S. Chapman**, as manager of Chapman and Chapman Investments, LLC and declared the same to be his voluntary act and deed.

ATTACHMENT D



[Handwritten Signature]

Notary Public for Oregon

Coos County, Oregon	2021-14050
\$91.00 Pgs=2	12/22/2021 09:31 AM
eRecorded by: VIAL FOTHERINGHAM LLP - OREGON	
Debbie Heller, CCC, Coos County Clerk	

Until a change is requested,
all tax statements shall be
sent to the following address:
Lake Villa LLC
31206 NE 23rd Street
Washougal, WA 98671

After Recording Return To:
T. Beau Ellis
Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

WARRANTY DEED

Chapman & Chapman Investments, LLC, an Oregon limited liability company, Grantor,
conveys and warrants to **Lake Villa LLC**, an Oregon limited liability company, Grantee, the following
real property situated in Coos County, Oregon, to-wit:

SEE ATTACHED EXHIBIT A.

SUBJECT TO: All easements, rights-of-way, and restrictions of record.

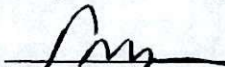
The liability and obligations of the Grantors to Grantee and Grantee's heirs and assigns under the
warranties and covenants contained herein or provided by law shall be limited to the extent of coverage
that would be available to Grantors under a standard policy of title insurance. The limitations contained
herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely
define the scope, nature, and amount of such liability or obligations.

The true consideration for this conveyance stated in terms of dollars is \$0.00 (NONE).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING
FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,
SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE
PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF
LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED
IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS
DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING
PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER
855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED December 22nd, 2021

Chapman & Chapman Investments, LLC




Daryn S. Chapman, as manager

STATE OF OREGON)
County of Clackamas) ss.

December 22nd, 2021

Personally appeared before me the above named Daryn S. Chapman, as manager of Chapman &
Chapman Investments, LLC and declared the same to be his voluntary act and deed.





Notary Public for Oregon

EXHIBIT A

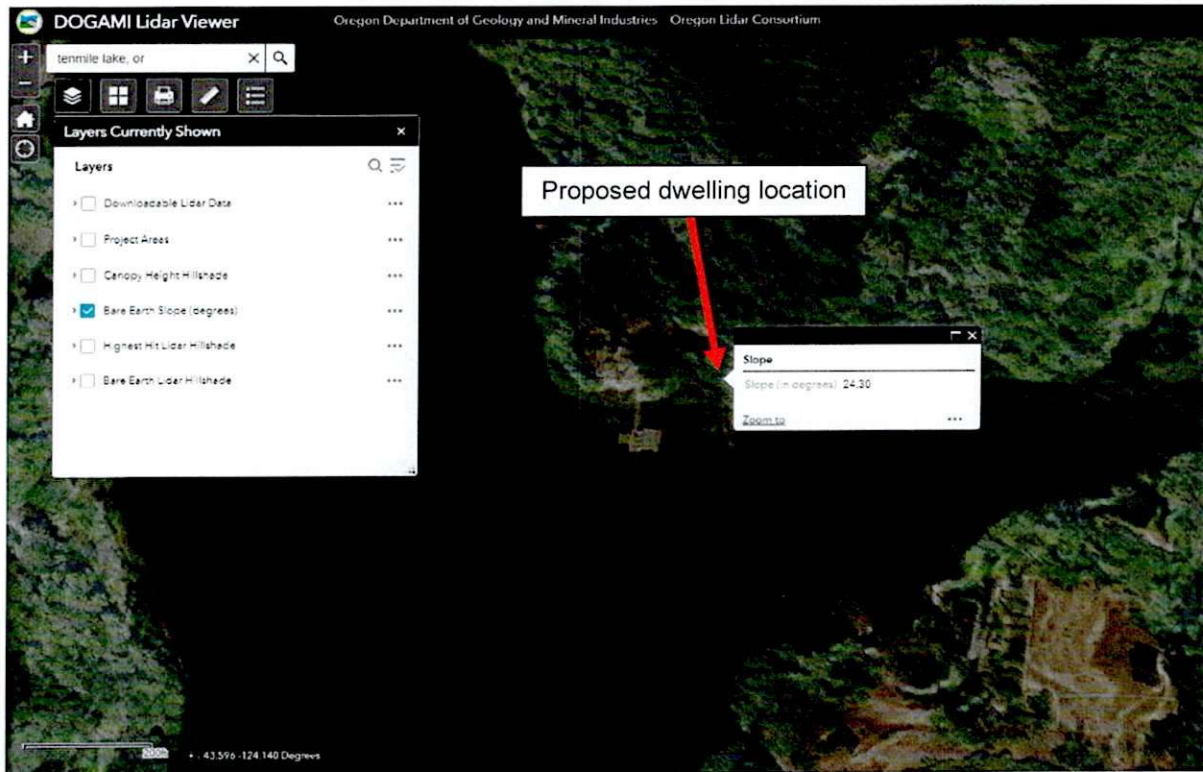
Beginning at an iron pipe which is 785.25 feet West and 436.25 feet South from the Northeast corner of Section 8, Townships 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 1° 07' East 16.25 feet; thence South 89° 16' West 165.75 feet to an iron pipe on the bank of North Tenmile Lake located 39 feet from low water and continuing South 89° 16' West a total distance of 528 feet to the 1/16th Section line; thence South 1° 07' West along the 1/16th Section line 276.44 feet; thence North 89° 16' East 528 feet; thence North 1° 07' East and at 150 feet passing through an iron pipe located on the bank of North Tenmile Lake 50 feet from low water and continuing a total distance of 280.19 feet to the point of beginning.

Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 1° 07' East 16.25 feet; thence North 89° 16' East 100.00 feet; thence South 1° 07' West 280 feet; thence South 89° 16' West 100 feet; thence North 1° 07' East 263.75 feet to the point of beginning.

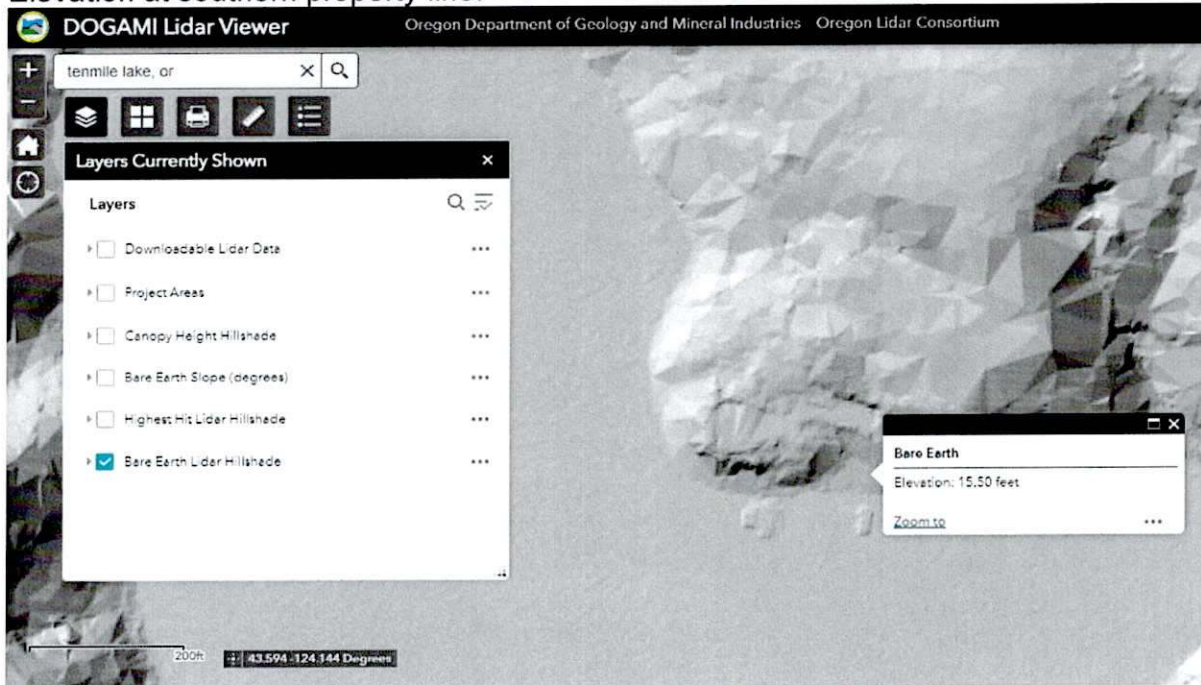
EXCEPTING there from that portion described as follows:

*Beginning at a point located 785.25 feet West and 436.25 feet South of the Northeast corner of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon; thence North 1° 07' East a distance of 16.25 feet; thence North 89° 16' East a distance of 100.00 feet; thence South 1° 07' West a distance of 280 feet; thence South 89° 16' West a distance of 100 feet; thence North 1° 07' East a distance of 263.75 feet to the place of beginning. Containing 0.64 acres, more or less and 0.37 of those acres being on dry land and being a portion of Section 8, Township 23 South, Range 12 West of the Willamette, Coos County, Oregon.

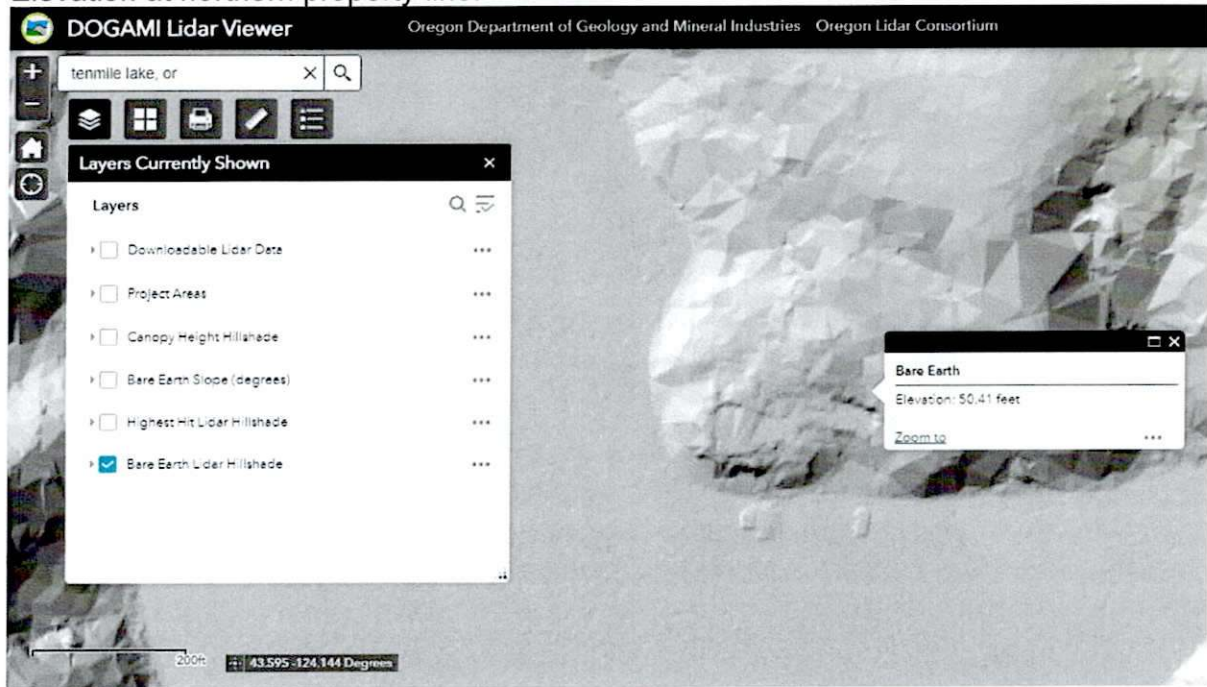
Property Slope Information



Elevation at southern property line:



Elevation at northern property line:



Slope calculation:

$$m = \frac{\text{rise}}{\text{run}} = \frac{\Delta y}{\Delta x}$$

$$m = \frac{y_2 - y_1}{x_2 - x_1}$$

$$m = \frac{50.4 - 15.5}{126 - 0}$$

$$m = \frac{34.9}{126}$$

$$m = 0.276984$$

Water Supply Requirements

Siting Dwellings for Structures in the Forest Zone to satisfy OAR 660-06-029(3)

Items 1 and 2 are to be completed by the applicant.

- 1. Pursuant to OAR 660-06-029 (Siting standards for dwellings and other structures in Forest zones) applicants shall provide evidence to the Planning Department that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's applicable Oregon Revised Statutes and administrative rules for the appropriation of ground water or surface water and Practices Rules (OAR Chapter 629).

To comply with OAR 660-06-029(3) check the appropriate statement below and attach evidence as required.

_____ Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water; or

X A water use permit or water right issued by the Oregon Water Resources Department for the use described in the application; or

_____ Verification from the Oregon 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.

- 2. This application pertains to Township 23 South, Range 12 West, Section 08AA, Tax Lot 401, of the Willamette Meridian.

Item 3 to be filled out by OWRD Staff.

- 3. I, Susan Douthit, have reviewed the information attached and will provide input to the Coos County Planning Department, as appropriate, regarding the proposed or existing water source(s).

Susan Douthit
Signature of OWRD Staff

Wastewater #15
Title

12/22/2021
Date

certificate 33707

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CARL A. SARDINE

of 1788 Virginia, North Bend, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a spring

a tributary of Ten Mile Lake for the purpose of domestic use of one family

under Permit No. 29030 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 25, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.005 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NE 1/4, Section 8, T. 23 S., R. 12 W., W. M. Diversion point located 180 feet South and 120 feet West from the NE Corner, Section 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NE 1/4 NE 1/4
Section 8
T. 23 S., R. 12 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

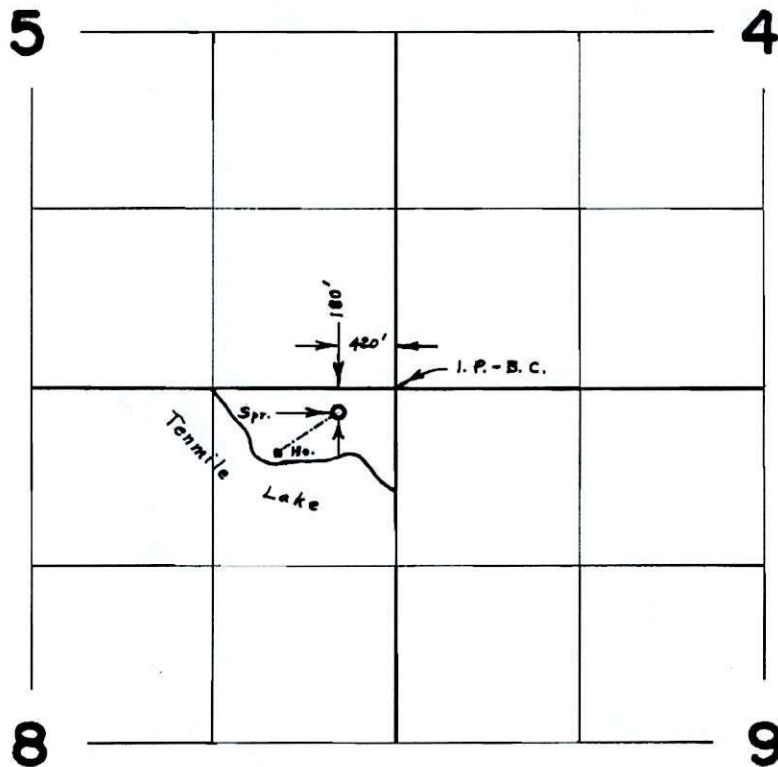
WITNESS the signature of the State Engineer, affixed

this date. March 13, 1967

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33707

T.23S.R.12W.W.M.



FINAL PROOF SURVEY UNDER

Application No. ~~38997~~ Permit No. ~~29030~~
IN NAME OF

CARL A. SANDINE

Surveyed Sept. 17, 1966, by L. E. Gould

RECEIVED
OCT 23 1963
STATE ENGINEER
SALEM, OREGON

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Carl A. Sandine

(Name of applicant)

of Route 2, Box 530 North Bend

(Mailing address)

State of OREGON, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is A SPRING

(Name of stream)

a tributary of Ten Mile Lake

2. The amount of water which the applicant intends to apply to beneficial use is .01

cubic feet per second FROM SPRING

(If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is domestic

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 185.3 ft. S and 120.2 ft. W from the NE

(N. or S.)

(E. or W.)

corner of Section 8

(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet, if necessary)

being within the NE1/4 NE1/4 of Sec. 8, Tp. 23S

(Give smallest legal subdivision)

(N. or S.)

R. 12W, W. M., in the county of Coos

(E. or W.)

5. The pipe line to be 534 feet

(State ditch, canal or pipe line)

(Miles or feet)

in length, terminating in the NE1/4 NE1/4 of Sec. 8, Tp. 23S

(Smallest legal subdivision)

(N. or S.)

R. 12W, W. M., the proposed location being shown throughout on the accompanying map.

(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 18 feet, length on top 12 feet, length at bottom

18 feet; material to be used and character of construction Earth

(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate none

(Timber, concrete, etc., number and size of openings)

But have spillway and drain to flush dam

(c) If water is to be pumped give general description gravity

(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Municipal or Domestic Supply—

10. (a) To supply the city of _____

_____ County, having a present population of _____
and an estimated population of _____ to 19_____

(b) If for domestic use state number of families to be supplied _____ one

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$100.00 _____

12. Construction work will begin on or before _____ completed _____

13. Construction work will be completed on or before _____ completed _____

14. The water will be completely applied to the proposed use on or before _____ whenever
the application is approved. _____

Carl A. Sanderson

(Signature of applicant)

Remarks: PROPERTY DESCRIPTION—

BEGINNING AT AN IRON PIPE WHICH IS 785.25 FEET WEST + 436.25 FEET S. FROM
THE NORTHWEST CORNER OF SEC. 8, TOWNSHIP 23 S., RANGE 12 W. OF THE WYAMETTE
MERIDIAN, COOS COUNTY, ORE; THENCE N. 1° 07' EAST A DISTANCE OF 16.25; THENCE S. 89°
N. W. A DISTANCE OF 528 FEET TO THE 1/4 SEC. LINE; THENCE S. 1° 07' W. ALONG
THE 1/4 SECTION LINE A DISTANCE OF 280 FT., THENCE N. 89° 16' EAST A
DISTANCE OF 525 FEET; THENCE N. 1° 07' EAST AND AT 137.31 FEET PASSING THRU
AN IRON PIPE LOCATED ON THE BANK OF NORTH TEN MILE LAKE 50 FEET
FROM LOW WATER AND CONTINUING A TOTAL DISTANCE OF 263.75 FEET
TO THE PLACE OF BEGINNING, CONTAINING 2.80 ACRES, MORE OR LESS
+ LOCATED IN NORTHEAST QUARTER OF THE NORTHEAST QUARTER
OF SAID SECTION 8.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying
maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with correc-
tions on or before _____, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER

By _____ ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, }

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.005 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from a spring

The use to which this water is to be applied is domestic use of one family

If for irrigation, this appropriation shall be limited to - - of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is October 25, 1963

Actual construction work shall begin on or before December 20, 1964 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1965

Complete application of the water to the proposed use shall be made on or before October 1, 1966

WITNESS my hand this 20th day of December, 1963

Chris L. Wheeler
STATE ENGINEER

Application No. 38237
Permit No. 29030

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 25th day of October, 1963, at 8:00 o'clock P. M.

Returned to applicant:

Approved:

December 20, 1963

Recorded in book No. 80 of 29030 Permits on page

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 17 page 4F
Fees \$20.00

State Printing 1962

COOS County Assessor's Summary Report
 Real Property Assessment Report
 FOR ASSESSMENT YEAR 2021

December 3, 2021 10:19:43 am

Account #	14604	Tax Status	ASSESSABLE
Map #	23S1208AA00401	Acct Status	ACTIVE
Code - Tax #	1302-14604	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	CHAPMAN & CHAPMAN INVESTMENTS, LLC	Deed Reference #	See Record
Agent		Sales Date/Price	See Record
In Care Of		Appraiser	
Mailing Address	31206 NE 23RD ST WASHOUGAL, WA 98671-8503		
Prop Class	800	MA	SA
RMV Class	800	01	06
		NH	LKF
		Unit	327-1

Situs Address(s)	Situs City
------------------	------------

Code Area	RMV	MAV	Value Summary		MSAV	RMV Exception	CPR %
			AV	SAV			
1302	Land	70,980				Land	0
	Impr.	0				Impr.	0
Code Area Total		70,980	50,480	50,480	0	0	0
Grand Total		70,980	50,480	50,480	0	0	0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
1302	10	<input checked="" type="checkbox"/>		F	Market	110	A	0.33	MV	001	70,980
Grand Total								0.33			70,980

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total							0		0	

Code Area	Type	Exemptions/Special Assessments/Potential Liability				
1302	FIRE PATROL:					
	■ FIRE PATROL TIMBER	Amount	18.75	Acres	0.33	Year 2021



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

August 23, 2006

Attn: Carolyn Chapman
Ticor Title
240 Stergar Lane
Roseburg OR 97470

RE: Property located at Township 23, Range 12, Section(s) 8AA, Tax Lot(s) #400
Property owned by Gloria Tate & Vicki Frederick
Discrete Parcel Determination

Dear Ms. Chapman:

This letter is being written in response to information regarding a discrete parcel determination on the above referenced property, which was submitted and certified by you on August 18, 2006.

The Coos County Planning Department concurs with this certification and submitted findings and will file the evidence submitted, noting it in our records that the above noted tax lot consist of two discrete parcels.

If you have any questions or need further information, please do not hesitate to contact the Coos County Planning Department at (541) 396-3121, extension 210 during regular business hours. The Coos County Planning Department is opened to the public Monday - Thursday from 8:00 AM - 5:00 PM.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT
Chris Francis, Planning Tech

C: Patty Evernden, Planning Director
Carolyn Chapman, Title Co. Officer
file

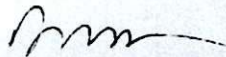
1 **BEFORE THE COOS COUNTY PLANNING DEPARTMENT**
2 **DEPARTMENT OF COMMUNITY DEVELOPMENT**

3 I, Daryn Chapman, am over the age of 18 and am competent to testify and
4 make this declaration from my own personal knowledge. I hereby declare as
5 follows:

- 6 1. I am the managing member of Chapman & Chapman Investments LLC.
- 7 2. Chapman & Chapman Investments LLC owns real property that is
8 described as being located at 23S 12W 8AA TL 401.
- 9 3. I am the person who receives the mail for Chapman & Chapman
10 Investments LLC.
- 11 4. I received no mailed or other notice from either Coos County or DLCD
12 about the enactment of that state statute adopted in HB 2225 (2019) before
13 November 1, 2021, the date I understand that state statute was effective for
14 Coos County.
- 15 5. The only notice I have ever received from the county or DLCD related to
16 HB 2225 was a county notice that was dated November 10, 2021 and that I
17 received on November 17, 2021, that indicated that the county was
18 considering the adoption of amendments to the county code in December to
19 implement HB 2225.

20 I hereby declare that the above statements are true to the best of my
21 knowledge and belief and I understand that the above statements are made for use
22 as evidence in an administrative or judicial proceeding and are subject to penalty
23 for perjury.

24 DATED this 27th day of December, 2020.

25 
26 _____
27 Daryn Chapman



Sarah C. Mitchell
P.O. Box 159
Lake Oswego, OR 97034

Phone: (503) 636-0069
Fax: (503) 636-0102
Email: sm@klgpc.com

February 7, 2022

Via Certified First Class U.S. Mail
And via Email

Amy Dibble
Coos County Planning
60 E. Second St.
Coquille, OR 97423
planning@co.coos.or.us

RE: Local File No. ACU-21-092 Incompleteness Submittal

Dear Amy:

Below are the Applicant's responses to the County's Notice of Completeness letter dated January 27, 2022.

I. Incompleteness Items and Responses:

A. "Requires an additional ACU for development within the Coastal Shoreland Boundary, a new application does not have to be submitted; however, there is an additional fee of \$450.00."

Applicant's Response: The Applicant has paid the additional \$450.00 fee associated with review of development within the Coastal Shoreland Boundary on the County Planning Department's online payment portal.

B. "The Coastal Shoreland Boundary criteria needs to be addressed."

Applicant's Response: The Coastal Shoreland Boundary criteria and the Applicant's Responses to each of those criteria are provided below.

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- Coastal Shoreland Boundary
- Beach Erosion
- Coastal Recreation Areas
- Area of Water-Dependent Uses
- Riparian Vegetation

- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*
- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

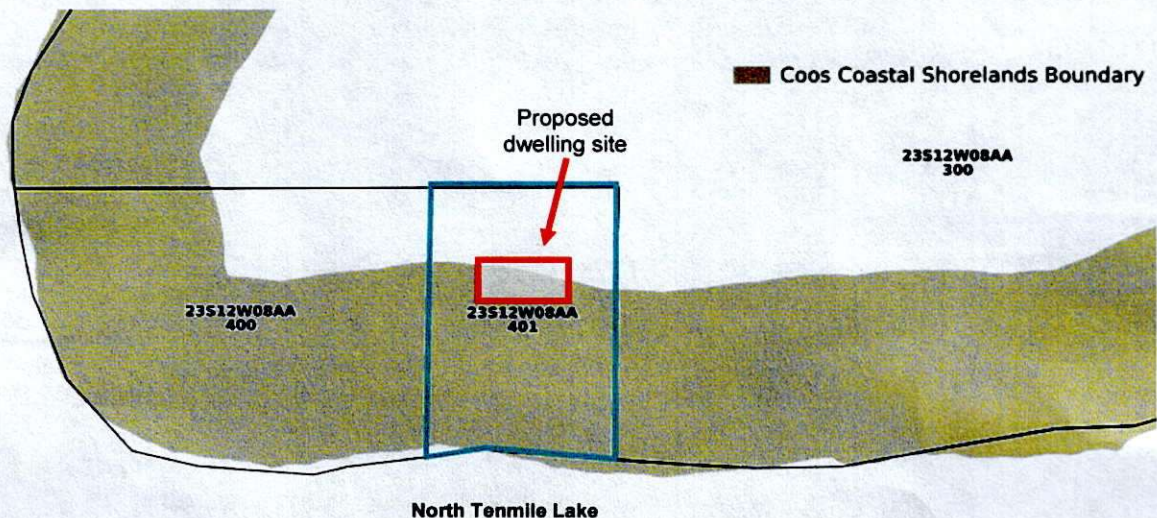
Purpose Statement:

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

Coos County shall consider:

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

Applicant's Response: The Coastal Shoreland Boundary covers a portion of the subject site (tax lot 401 of map 23S12W08AA) and extends approximately 100 feet from the ordinary high water mark (OHWM) of North Tenmile Lake:



The dwelling is proposed to be sited approximately 70 feet from the OHWM of the lake and so will be partially within the Coastal Shoreland Boundary.

- a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
 - i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
 - a) *Farm uses as provided in ORS 215;*
 - b) *Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) *private and public water dependent recreation developments;*
 - d) *aquaculture;*
 - e) *water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such*

uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;

- f) single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
- g) any other uses, provided that the Board of Commissioners determines that such uses:
 - a. Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;*
 - b. Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
 - c. The "other" use complies with the implementation standard of the underlying zone designation; and*
 - d. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.**

Applicant's Response: The proposal is for a single-family residence on an existing lot (tax lot 401 of map 23S12W08AA), which is an allowed use within the Coastal Shoreland Boundary under CCZLDO § 4.11.130(a)(i)(f) and allowed in the underlying Forest zone as a forest template dwelling under CCZLDO § 4.6.120(9)(B)(II).

- ii. A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

Applicant's Response: The Applicant was unable to locate "Comprehensive Plan Volume I Part 3 § 3.5" referenced in the above criterion, because it does not exist. If that reference is meant to refer to Comprehensive Plan Volume I, Part 2 § 3.5: Historical & Archaeological Resources, Natural Areas and Wilderness, then that section says that a site plan *could* be required for development in Significant Botanical Areas, archaeological or historical sites. The development proposed in this application is not in any of those areas. Accordingly, if the reference to the plan section in the above criterion is meant to refer to Volume I, Part 2 § 3.5, then a site plan and design review is not necessary for this application. Nevertheless, the Applicant's have provided a site plan (Exhibit 3 to Application) and provide responses to the Site Review and Approval Criteria below.

a) *Site Review and Approval Criteria.*

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

Applicant's Response: The Applicant notes that several of the standards in this subsection are not "clear and objective" and so cannot be applied to this application for a forest template dwelling, which is an application for housing. ORS 197.307(4) provides that the standards, conditions, and procedures regulating the development of housing must be "clear and objective." LUBA has said that the term "clear" means "easily understood without obscurity or ambiguity" and the term "objective" means "existing independent of mind." *Nieto v. City of Talent*, __ Or LUBA __ *10, n 6 (LUBA No. 2020-100, March 10, 2021). If the standards "involve subjective, value-laden analyses that are designed to balance or mitigate impacts of the development" they are not clear and objective. *Rogue Valley Ass'n of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd*, 158 Or App 1, 970 P2d 685 (1999). *See also Legacy Development Group, Inc. v. City of the Dalles*, __ Or LUBA __ *19 (LUBA No. 2020-099) (phrases like "strive to minimize," "to the greatest extent practicable," "reasonably free from," and "interfere with or discourage" are not clear and objective). The Applicant has noted in its responses to the following standards which standards are not clear and objective and so cannot be applied to this application for housing. Nevertheless, the Applicant is willing to work with the County to comply with the following standards as much as reasonably practicable.

1. *Landscaping*

- a. *The landscape shall be such to minimize soil erosion and lessen the visual impact;*

- b. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

Applicant's Response: Standards that the landscaping “lessen the visual impact” and grade changes shall be “in keeping with the general appearance of neighboring developed areas” are not clear and objective and so cannot apply to this application for housing. Nevertheless, the Applicant is willing to work with the County to comply with this standard as much as reasonably practicable.

2. *Structures*

- a. *Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
- b. *The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

Applicant's Response: Standards that the proposed structures be “related harmoniously to the terrain and existing buildings in the vicinity that have a visual relationship to the proposed buildings” are not clear and objective and cannot be applied to this application. As stated in its responses to the other standards in this section, the Applicant is willing to work with the County to comply with this standard as much as reasonably practicable.

3. *Drives, Parking and Circulation*

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

Applicant's Response: This application does not propose vehicular access or parking areas. The subject property is accessible by boat only. This standard and the standards in Chapter VII do not apply.

4. *Surface Water Drainage*

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

Applicant's Response: The Applicant is willing to work with the County to ensure that surface drainage will not adversely affect neighboring properties or create environmental problems.

5. *Utility Service*

- a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. *Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

Applicant's Response: The standard that utilities have a "harmonious relation to neighboring properties and the site" is not clear and objective and cannot be applied to this application. Nevertheless, the Applicant is willing to work with the County to comply with this standard as much as reasonably practicable. The application explains that the subject property contains an existing septic system, which is shown on the Applicant's Site Plan (Exhibit 3 to Application).

b) *Application Submittal and Review Procedure.*

1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*
 - a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
 - b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
 - c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
 - d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
 - e. *An application request which shall include:*
 - 1) *Name and address of applicant;*
 - 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
 - 3) *Address and legal description of the property;*

- 4) *Statement explaining the intended request;*
 - 5) *The required fee; and*
 - 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*
2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

Applicant's Response: In 2020, the County approved a different application for forest template dwelling on another Tenmile Lake property that was also subject to the Coastal Shoreland Boundary standards, despite the applicant having not submitted the plans required by the above section, but requiring that those plans be submitted as a condition of approval. See Exhibit 1 (County approval ACU-19-033), p. 4 (Condition of Approval #5). There is no reason the same condition of approval cannot be imposed here. The Applicant requests that the County impose the same condition of approval, allowing those more detailed plans required by the above section to be submitted at a later date.

- b. *Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:*
- i. *That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
 - ii. *That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*
 - iii. *That the new land divisions are in a documented area, "committed" area; or*
 - iv. *That the new land divisions have been justified through a goal exception.*

Applicant's Response: The Applicant does not propose a land division within the Coastal Shoreland Boundary. Accordingly, CCZLDO § 4.11.130(b) is inapplicable.

- c. *Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*
- i. *promote uses, which maintain the integrity of estuaries and coastal waters;*
 - ii. *provide for water-dependent uses;*
 - iii. *provide for water-related uses;*
 - iv. *provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
 - v. *provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
 - vi. *permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.

Applicant's Response: The subject property has an existing dock and the proposed single-family dwelling will promote the continual use of water-dependent and water-related recreational activities of Tenmile Lake. No development is proposed in the floodplain.

- d. *Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*

Applicant's Response: The proposed dwelling will be sited 70 feet from the OHWM of the lake and does not propose any plans for erosion control. This criterion is not applicable.

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

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

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

Applicant's Response: As stated in the Application, and required by CCZLDO § 4.6.140(6), the Applicant will maintain the riparian vegetation within 50 feet of the lake. The Applicant is willing to accept a condition of approval to this effect. This criterion can be met.

The Applicant does not propose to harvest timber on the subject property. This criterion does not apply.

- C. **Unchecked box for "All road, driveway, access, parking plan or traffic impact analysis has been submitted as required by the Coos County Zoning and Land Development Ordinance."**

Applicant's Response: The subject property is accessible by boat only. The application does not propose any road, driveway, access or parking. No traffic impact analysis is required for this application. Accordingly, nothing is required to be submitted for this item.

Conclusion

The Applicant has provided all of the information required by the County's Notice of Completeness letter dated January 27, 2022. The County should deem the application complete and approve the application.

Very truly yours,



Sarah C. Mitchell

SCM:scm

CC: Client

Exhibits

Exhibit 1 – ACU-19-033 Notice of Land Use Decision



NOTICE OF LAND USE DECISION

EXHIBIT 1

Page 1 of 29

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

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. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: Friday, February 21, 2020

File No: ACU-19-033

Proposal: Request for Single Family Dwelling in the Forest Zone – Forest Template Dwelling

Applicant(s): Zyta Construction
C/O Sheri McGrath
PO Box 1548
Bandon, OR 97411

Staff Planner: Amy Dibble, Planner II

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, March 09, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, § 4.11.125 Special Development Considerations § 4.11.300 Bandon, Lakeside, Powers Airports – Purpose; § 4.11.305 Designation of Airport Surfaces; § 4.11.310 Airport Sub-Zones; § 4.11.315 Airport Surfaces Height Limitations; § 4.11.320 Permitted Uses; § 4.11.325 Conditional Uses; § 4.11.330 Use Restrictions; and § 4.11.345 Conformance requirements. This proposal is not subject to review under Floodplain or Natural Hazards. **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: 7593900
Map Number: 23S120800-00800

Property Owner: EWING FAMILY TRUST
EWING, ELIZABETH B & GERALD L TTEE
17720 PONA DEROSA LN
PRUNDALE, CA 93907-9053

Notice shall be posted from February 21, 2020 until 12 PM March 9, 2020

ACU-21-092

Situs Address: 135 N TENMILE LAKE LAKESIDE, OR 97449
72312 POTLATCH RD LAKESIDE, OR 97449

Acreage: 5.44 Acres

Zoning: FOREST (F)
RURAL RESIDENTIAL-2 (RR-2)

Special Development Considerations and overlays: BIRD SITE MEETS GOAL 5C REQRMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
LAKESIDE AIRPORT CONICAL ZONE (ALC)
NATURAL HAZARD - TSUNAMI (NHTHO)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, 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.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> . 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 225 North Adams Street, 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 Amy Dibble, Planner II 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: *Amy Dibble* Date: Friday, February 21, 2020 .
Amy Dibble, Planner II

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 Exhibits below are mailed/mailed to the Applicant and Planning Commission only. Copies are available upon request or at the following website:

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx> . The or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: Staff Report - Findings of Fact and Conclusions

Exhibit D: Comments Received

Exhibit E: Submitted Application

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants 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

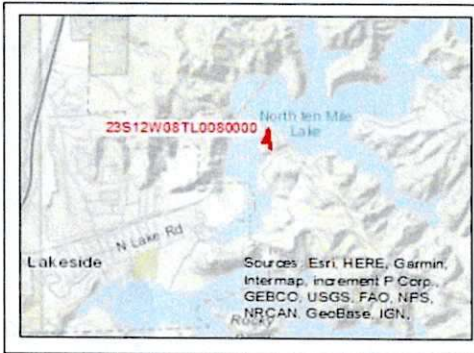
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
2. The property owner is responsible for ensuring compliance, and 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.
3. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 - a. All uses must comply with applicable development standards and fire siting and safety standards.
 - b. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
 - c. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
 - d. Proof of a long-term road access use permit or agreement.
 - e. Shall comply with Oregon Department of Aviation, Oregon Department of State Lands, and Oregon Department of Fish and Wildlife comments once received.
4. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with prior to issuance of a zoning compliance letter:
 - a. Shall provide the percentage of down slope in order for staff to assure that the additional feet of primary fuel free firebreak will be satisfied or provide 150 additional feet of primary fuel free firebreak.
 - b. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 - c. The dwelling shall not be sited on a slope of greater than 40 percent.
 - d. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
 - e. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
5. Pursuant to CCZLDO § 4.11.130.b).1
 - a. A site plan, drawn to scale, shows the proposed layout of all structures and other improvements.
 - b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
 - c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.
 - d. Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors.
6. Must comply with any comments received from Oregon Department of State Lands, Oregon Department of Aviation, and the Oregon Department of Fish and Wildlife.
7. Must submit a Driveway/ Access Parking application, and driveway will need to be signed off prior to receiving a Zoning Clearance Letter.
8. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all conditions have been satisfied.

EXHIBIT "B"
Vicinity Map

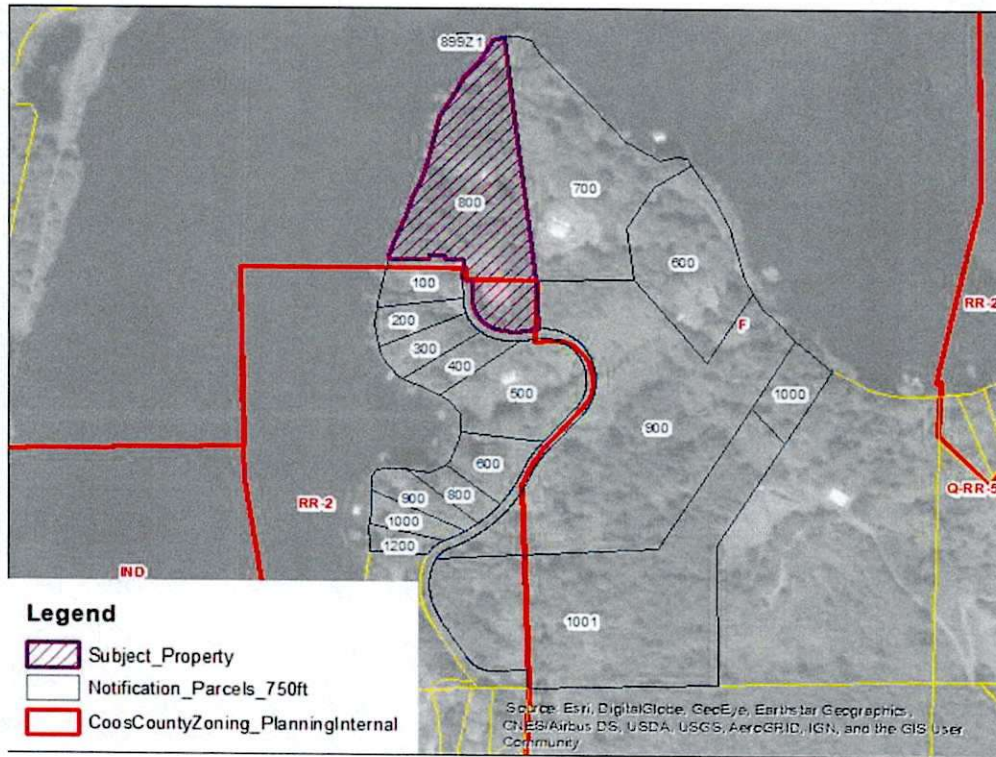


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille Oregon
Phone: (541) 396-7770
Fax: (541) 396-1022/TDD (800) 735-2900



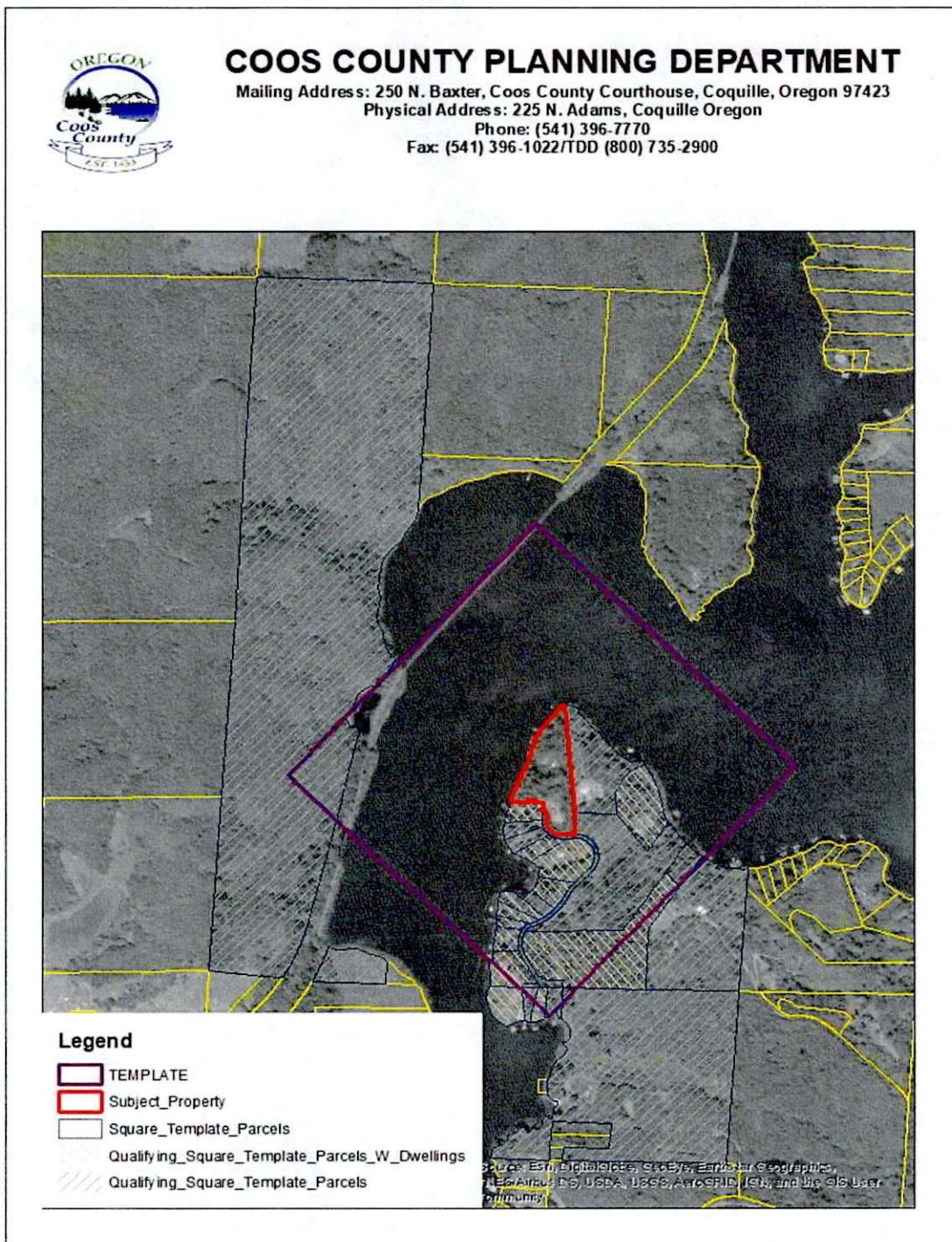
File: ACU-19-033
Applicant/ Owner: Zyta Construction C/O Sheri McGrath/ Ewing Family Trust
Date: January 27, 2020
Location: Township 23S Range 12W Section 08 TL 800
Proposal: Administrative Conditional Use



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Template Map



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EXHIBIT "C"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL

Request for Planning Director Approval for re-authorization of an expired Conditional Use Application for a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, § 4.11.125 Special Development Considerations; and § 4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10).

II. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: The unit of land was created pursuant to 6.1.125.1.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 (Deed Document 78-47643).

LOCATION: The subject property is located east of the City of Lakeside and accessed off of Potlatch Road, which is a public road that turns into a private road at address 72304.

III. BACKGROUND

- July 3, 2001 - A Zoning Compliance Letter is issued (ZCL-01-260) granting authorization for a site evaluation to be completed and power connected to an existing shed.
- October 4, 2001 - An Administrative Conditional Use Permit for a Forest Template Dwelling (ACU-01-33) is approved with conditions.
- October 4, 2001 - Zoning Compliance Letter ZCL-01-260 is updated to grant authorization to install a septic system and single family dwelling, pursuant to ACU-01-33.
- October 11, 2001 - A copy of a "Waiver of Right to Object Forest and Farm Practices Management Covenant" is received in an attempt to fulfill Requirement of Approval #1 of ACU-01-33. However, the document was not recorded with the Coos County Clerk's office, so the Requirement was not fulfilled and remains in effect.
- October 18, 2001 - Driveway Confirmation #199 is received from the Coos County Road Department, fulfilling Requirement of Approval #3 of ACU-01-33.
- June 23, 2003 - A request to extend the expiration date of ACU-01-33 is received from James E. Micinski and Dolores M. Taggart, stating they had recently purchased the property.
- June 23, 2003 - Zoning Compliance Letter ZCL-01-260 is updated to authorize a single family dwelling and accessory building (shop), pursuant to ACU-01-33.
 - July 2, 2003 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2004.
- August 23, 2004 - A request to extend the expiration date of ACU-01-33 is received from James Micinski, stating construction is expected to begin the following spring.
 - August 30, 2004 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2005.
- October 8, 2004 - A Zoning Compliance Letter is issued (ZCL-04-578) granting after-the-fact authorization to site a dock on the property.
- October 11, 2005 - A request to extend the expiration date of ACU-01-33 is received from James Micinski, stating he had been unable to begin construction.

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- October 13, 2005 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2007.
- September 18, 2006 - A Zoning Compliance Letter is issued (ZCL-06-548) granting authorization to site a pole building on the property for use during construction of the dwelling approved under ACU-01-33.
- October 5, 2007 - A request to extend the expiration date of ACU-01-33 is received from James E. Micinski and Dolores M. Taggart, stating they had made some progress on construction on the property.
 - October 9, 2007 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2009.
- July 13, 2009 - A request to extend the expiration date of ACU-01-33 is received from Dolores M. Taggart, stating financial hardship had prevented construction from occurring.
 - July 16, 2009 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2011.
- September 30, 2011 - A request to extend the expiration date of ACU-01-33 is received from Dolores M. Taggart, stating financial hardship had prevented construction from occurring.
 - October 7, 2011 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2013.
- September 20, 2013 - A request to extend the expiration date of ACU-01-33 is received from Jim Lake.
 - November 15, 2013 - The extension request is approved and the expiration date of the Conditional Use Permit is moved to October 19, 2015.
- October 14, 2015 – An extension request (ACU-15-37) was received stating financial hardship had prevented construction from occurring.
 - November 03, 2015 a decision to approve the extension request was rendered.
 - November 18, 2015 – No appeals were received regarding the appeal and the decision was rendered final making the expiration date October 19, 2017.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The majority of the subject property is zoned Forest Mixed Use (FMU) with approximately 0.7 acres zoned Rural Residential -2 (RR-2) which is located at the lower southern portion. The property is approximately 5.44 acres and is treed with a few cleared areas. The development on the property consists of two structures, identified as being a shop and storage building, a septic tank and drain field, driveway, and a dock. North Ten Mile Lake borders the property to the west and north. The adjacent properties to the east are zoned FMU and are treed with a cleared area around the residential development and the other is undeveloped. The properties to the south are zoned RR-2 and are treed and residentially developed
- b. **PROPOSAL:** The applicant is requesting approval of a Single Family Dwelling in the Forest Mixed Use zone.

IV. APPROVAL CRITERIA & FINDINGS OF FACT

- **Forest (F)**
Purpose and Intent: 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)**

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

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the Predominate use of the tract on January 1, 1993.

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

- **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.

TEMPLATE DWELLING

- **SECTION 4.6.110(3)(b) RESIDENTIAL USES [IN THE FOREST ZONE]- TEMPLATE DWELLING**

b. Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

- i. There are no other dwellings on the tract on which the dwelling will be sited.*

FINDING: **The subject property contains approximately 5.44 acres. There is no dwelling on the property and the property is not part of a tract.**

Therefore, this criterion has been met.

- ii. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.*

FINDING: **There is no deed restrictions listed in the current recorded deed of records regarding establishing a dwelling on the subject property.**

Therefore, this criterion has been met.

- iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year*

	<i>CF/Ac/Yr of Growth</i>		
	<i>0-49</i>	<i>50-85</i>	<i>+85</i>
<i>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.</i>	3	7	11
<i>Required minimum number of dwellings existing on January 1, 1993,</i>	3	3	3

on the lots or parcels			
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NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. *If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using 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 maximum extent possible, aligned with the road or stream. 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. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
- 1) *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*
 - 2) *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.*
- v. *If a tract 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. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.*
- vi. *The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.*

FINDING: Evidence in the record indicates there are no deed restrictions that would prohibit a dwelling on the subject property. Based on soil types and cubic foot per acre per year growth, this criterion requires a demonstration of 11 parcels and 3 dwellings within 160 acre square centered on the subject tract. Staff applied the 160-acre square centered on the center of the subject tract. After applying the template to the subject property it exceeds the number of parcels and dwellings.

Therefore, the criteria listed in Section 4.6.110.3.b have been complied with.

• **SECTION 4.6.130 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY):**

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*
2. *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

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FINDING: The property will be accessed off of Potlach Road, which is a public road that turns to private. The subject property is located towards the end of Potlach Road and there are several dwellings located along Potlach Road, with no properties being used for agriculture or timber production. The Plot Plan shows that setback requirements will be satisfied and the proposed dwelling will be sited on flat ground. Staff is unable to determine the down slope of the property; however, the applicant states that the fire safety setbacks will be met and this will minimize the risk for wildfires and have the least impact on farming and forest practices on agricultural land.

In this case the applicants are required to show that by constructing a single family dwelling and infrastructure to support the development it will not force a significant change in or increase the cost of accepted farming or forest practices on agricultural or forest lands. The applicant stated that they will keep all vegetation mowed, trimmed and spaced to maintain the firebreak setbacks. The road will be required to be maintained to allow fire suppression in the event that there is a fire.

The applicant have provided sufficient evidence within the plot plan to ensure the development will not impact forest practice and have stated that the fuel free firebreak setbacks will be met. The applicant shows that proposed dwelling will be located near the western boundary of the property (closest to North Tenmile Lake), and centered within the northern and southern boundaries.

Therefore, staff finds that the proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices or fire suppression cost.

3. *All uses must comply with applicable development standards and fires siting and safety standards.*

FINDING: This criterion is addressed in CCZLDO 4.6.140. Therefore, this criterion has been addressed.

4. *A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.*

FINDING: As a condition of approval a Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

5. *The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. 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. These criteria 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.

- a. *Dwellings and structures shall be sited on the parcel so that:*
 - i. *They have the least impact on nearby or adjoining forest or agricultural lands.*
 - ii. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
 - iii. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - iv. *The risks associated with wildfires are minimized.*

- b. *The applicant shall provide evidence 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. For the purposed of this Section, evidence of a domestic water supply means:*
 - i. *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.*
 - ii. *A water use permit issued by the Water Resources Department for the use described in the application. Or*
 - iii. *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.*

FINDING: Some of these criteria have been addressed as part of other provisions within this staff report. Impacts to nearby resource land is addressed in § 4.6.130(1). Impacts to forest operations and accepted farming practices are addressed in § 4.6.130(4). The amount of forest land used for the proposed use is addressed in § 4.6.130(1). The risk from wildfires is addressed § 4.6.140(7-17).

A Water Supply Requirement form shall be submitted and signed off by the Watermaster which will satisfy 4.6.130(5)b.

Therefore, this criterion has been addressed.

6. *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 United States Bureau of Land Management, or the United States 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.*

FINDING: Access to the subject property is through Potlatch Road. Potlatch Road is a public road that turns into a private road at address 72304. Therefore, proof of a long-term road access use permit or agreement will be required, this may include accepting responsibility for road maintenance.

Therefore, this criterion has been addressed.

7. *Approval of a dwelling shall be subject to the following additional requirements:*
- a. *Approval of a dwelling requires the owner 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, 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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.*
 - 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 the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and 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 pursuant to ORS 321.372.*
 - e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDING: The subject property is 5.44 acres; therefore, a stocking survey will not be required.

Therefore, this criterion has been addressed.

• **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.*

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

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.*

FINDING: Based on the submitted Plot Plan the proposed structures will meet the minimum road setback.

Therefore, this criterion has been met.

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

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

Therefore, this criterion has been addressed.

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

FINDING: A Road/ Driveway Access will need to be submitted and will need to be signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

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.*

FINDING: This requirement has been addressed.

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.*

FINDING: The dwelling will be located at least 50 feet from any identified wetland, stream, lake or river. The riparian vegetation will be protected within the required 50 feet of North Tenmile Lake.

Therefore, this criterion has been met.

- 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 Department of Forestry of the proposed development.*

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

Therefore, this criterion has been met.

- 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.*

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

Therefore, this criterion has been addressed.

- 9. Fire Siting Standards for New Dwellings:*

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- 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.*

FINDING: **The property owner shall provide proof that 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 prior to the issuance of a zoning clearance letter.**

Therefore, this requirement has been addressed.

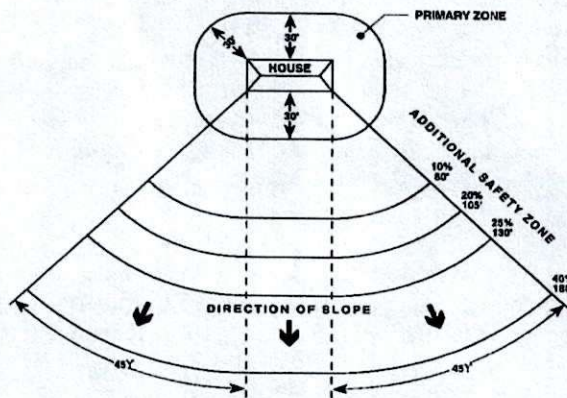
10. Firebreak:

- a. *A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.*
- b. *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.*
- c. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- d. *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

EXAMPLE OF SAFETY ZONE SHAPE



FINDING: According to the soils on this property the proposed location of the dwelling will be located within an area identified as having soils that are comprised of Millicoma-Templeton complex that typically have 50 to 75 percent slopes. However, given this is a general slope staff has determined that the building site is fairly flat but it appears to have a down slope of greater than 10 percent; therefore, the applicant shall determine and provide the percentage of down slope in order for staff to assure that the additional feet of primary fuel free firebreak will be satisfied, or provide 150 additional feet of primary fuel free firebreak.

Therefore, this criterion has been addressed.

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.

FINDING: 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.

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.)

FINDING: The property does abut North Tenmile Lake, however it appears that the topography of the property does not make this a suitable source of water for fire suppression. The applicant states that they are aware that additional water storage may be required, stating that the amount is determined by the Fire Code Appendix B.

Therefore, this criterion has been addressed.

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

FINDING: The dwelling shall not be sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

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

FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this criterion has been addressed.

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.

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

Therefore, this criterion has been met.

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.

FINDING: A Road/ Driveway Access shall be submitted and signed off prior to receiving a Zoning Clearance Letter for development.

Therefore, staff finds that the road and driveway will provide adequate access for firefighting equipment.

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

FINDING: A Road/ Driveway Access shall be submitted and signed off prior to receiving a Zoning Clearance Letter for development.

Therefore, this criterion has been met.

• **4.11.130 NON-ESTUARINE SHORELAND BOUNDARY (BALANCE OF COUNTY POLICY 5.10)**

The Coastal Shoreland Boundary map has inventoried the following:

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

- *Headland Erosion*

Purpose Statement:

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

Coos County shall consider:

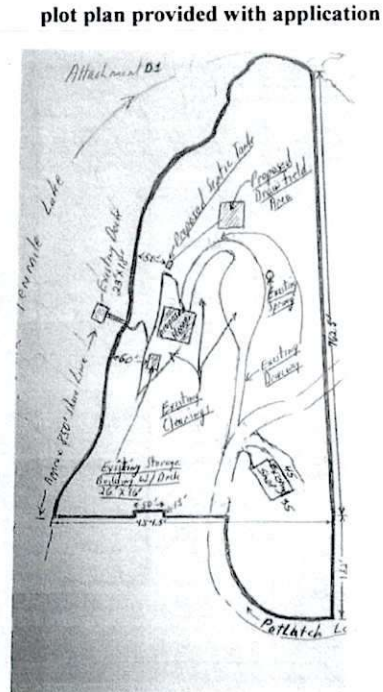
- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
- ii. *"Significant wildlife habitat" to include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

Finding: Staff has reviewed the inventory maps to confirm there are no major marshes, coastal headlands, archaeological sites identified that require protections. There is a bird site in the vicinity and a notice was provided to Oregon Department of State Lands and the Oregon Department of Fish and Wildlife; however, comments had not been received as of the date of this review. The applicant/contractor(s)/property owner(s) should contact ODF&W to verify they are not impacting a protected site.

- a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
 - i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
 - a) *Farm uses as provided in ORS 215;*
 - b) *Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) *private and public water dependent recreation developments;*
 - d) *aquaculture;*
 - e) *water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*

- f) single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or
- g) any other uses, provided that the Board of Commissioners determines that such uses:
 - a. Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;
 - b. Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;
 - c. The "other" use complies with the implementation standard of the underlying zone designation; and
 - d. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

Finding: Single family dwellings are a permitted use within the Coastal Shoreland Boundary; however, an administrative conditional use is required to site a dwelling within the Forest Mixed Use zoning district and within the Coastal Shoreland Boundary (CSB). The applicant submitted an administrative conditional use application. The property had prior land use authorization for a forest template dwelling and had filed for several extensions the last expiring on October 19, 2017. In reviewing the aerial with the CSB layer and the plot plan provided staff can not determine whether the dwelling will be located outside of the CSB; therefore, they shall comply with the criteria required for siting a residence within the CSB.



- ii. A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative

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Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.

a) Site Review and Approval Criteria.

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

1. Landscaping

- a. The landscape shall be such to minimize soil erosion and lessen the visual impact;*
- b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

2. Structures

- a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
- b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

3. Drives, Parking and Circulation

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

4. Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

5. Utility Service

- a. Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. Any utility installations remaining above ground shall be located so as to*

- have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*
- b) *Application Submittal and Review Procedure.*
1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*
- a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
- b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
- c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
- d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
- e. *An application request which shall include:*
- 1) *Name and address of applicant;*
- 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
- 3) *Address and legal description of the property;*
- 4) *Statement explaining the intended request;*
- 5) *The required fee; and*
- 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*
2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

Finding: This proposal is a reauthorization of an expired conditional use application in which the property owner was unable to finish construction of the dwelling due to financial reasons. The proposed location of the dwelling remains unchanged. Improvements to the property have been made in regards to the proposed location, which include installation of a septic, driveway, and cleared area where the dwelling is to be sited. **The applicant submitted the plot plan as provided in the prior application, this plot plan does not seem to be to scale or include all the requirements set forth in subsection b).1 above; therefore, this will be made a condition of approval.**

- b. *Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within*

the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:

- i. That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
- ii. That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*
- iii. That the new land divisions are in a documented area, "committed" area; or*
- iv. That the new land divisions have been justified through a goal exception.*

Finding: This proposal does not include a land division; therefore, this criterion does not apply.

- c. Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*
 - i. promote uses, which maintain the integrity of estuaries and coastal waters;*
 - ii. provide for water-dependent uses;*
 - iii. provide for water-related uses;*
 - iv. provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
 - v. provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
 - vi. permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.

Finding: The subject property has an existing dock and the proposed single family dwelling will promote the continual use of recreational activities both water related and dependent off of Tenmile Lake. No development will occur in the floodplain at this time.

- d. Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*

Finding: The proposed dwelling will be sited at least 60 feet from the waters edge and does not include any plans for erosion control.

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

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

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

Finding: The applicant states that the riparian vegetation will be protected within 50 feet of the lake.

FLOATING ZONE: AIRPORT SURFACES

DESIGNATION: /AS

Bandon, Lakeside and Powers Airports

- **SECTION 4.11.300 PURPOSE:**

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

- **SECTION 4.11.305 DESIGNATION OF AIRPORT SURFACES:**

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

- **SECTION 4.11.310 AIRPORT SUB-ZONES:**

Sub-zones are hereby established and defined as follows:

1. *Approach zone—The inner edge of the approach zone coincides with the primary surface of the runway:*

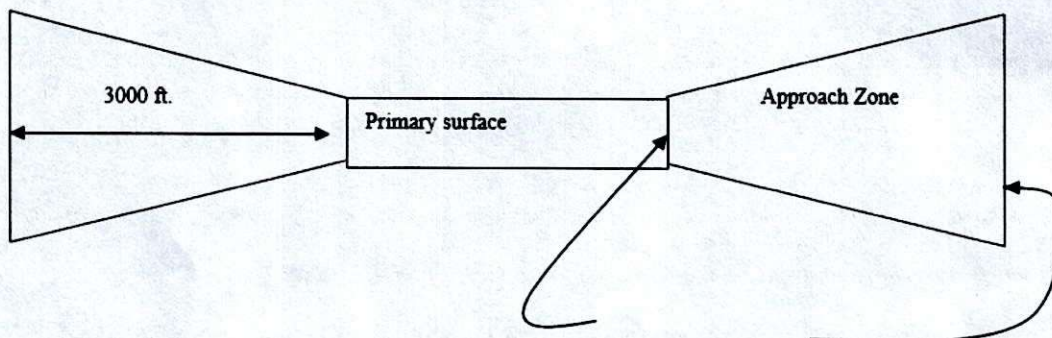
<i>Bandon =</i>	<i>500 ft. wide</i>
<i>Lakeside =</i>	<i>50 ft. wide</i>

Powers = 100 ft. wide

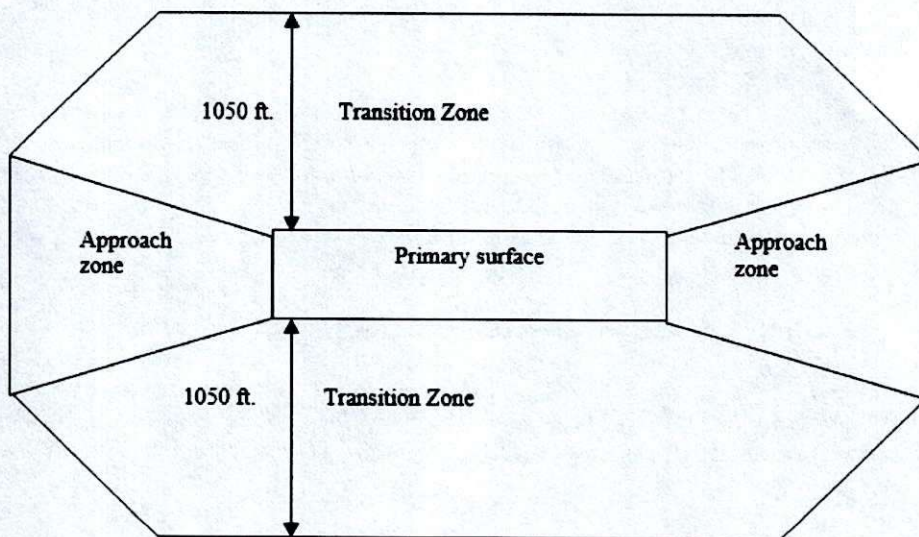
The approach zone expands outward uniformly to a width of:

Bandon = 1400 ft. wide
Lakeside = 900 ft. wide
Powers = 900 ft. wide

At a horizontal distance of 3000 feet for all airports from the primary surface. Its centerline is the continuation of the runway centerline.



1. **Transition Zone** – The inner edge of the transition zone coincides with the outer edges of the primary surface and approach zone. The outer edge of the transition zone parallels the primary surface and is 1050 feet wide tapering to the end of the approach zone.



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

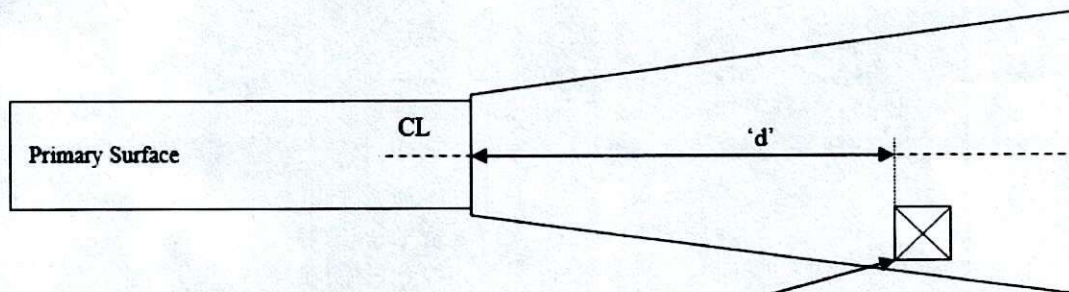
4. *Primary Surface Zone – The primary surface zone overlays the runway surface:*

*Bandon = 500 ft. wide
Lakeside = 50 ft. wide
Powers = 100 ft. wide*

• **SECTION 4.11.315 AIRPORT SURFACES HEIGHT LIMITATIONS:**

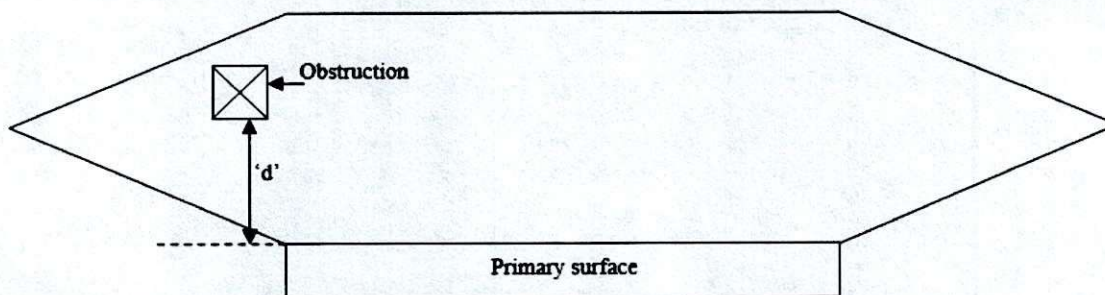
Notwithstanding other provisions of this Ordinance, no structure shall be created or altered to a height in excess of the applicable height limits herein established. Such applicable height limitations are hereby established:

1. *Approach zone – The maximum height allowed shall be 5% of the distance from the primary surface as measured along the centerline to a point, perpendicular to the obstruction, and shall not exceed 35 ft.*



'd' = distance from primary surfaces allowable height = (0.05) x ('d'). and not to exceed 35 ft.

2. *Transition Zone – The maximum height allowed shall be 14% of the distance as measured perpendicular to the outer edge of the primary surface (or an extension of the outer edge) but shall not exceed 35 feet.*



'd' = distance from the primary surface outer edge allowable height = (0.14) x ('d') and not to exceed 35 feet.

- 3. *Horizontal Conical Zone – Maximum allowable height = 35 feet.*
- 4. *Primary Surface – Maximum allowable building height = 0 (zero) feet for structures or other improvements. Siting of structures or improvements other than navigational aides permitted by State Aeronautics is prohibited.*

- **SECTION 4.11.320 PERMITTED USES:**

Except as restricted by Section 4.11.330, in a District in which the /AS zone is combined, those uses permitted by the underlying district are permitted outright in the /AS FLOATING ZONE.

- **SECTION 4.11.325 CONDITIONAL USES:**

Except as restricted by Section 4.11.330, in a District with which the /AS is combined, those uses subject to the provisions of ARTICLE 5.2 (Conditional Uses) may be permitted in the /AS FLOATING ZONE.

- **SECTION 4.11.330 USE RESTRICTIONS:**

Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport light and other, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- **SECTION 4.11.345 CONFORMANCE REQUIREMENT:**

All structures and uses within the Airport Operations District shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or its successor, and to other Federal and State laws as supplemented by Coos County Ordinances regulating structure height, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

Finding: Due to the fact that the property is located within the Lakeside Airport Conical Zone the height restriction for any structure is 35 feet; therefore, the proposed dwelling shall not exceed 35 feet in height. Notification has been sent to the Oregon Department of Aviation and as of the date of this staff report a response has not been received; however, the applicant/contractor/property owner shall comply with their comments once received.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

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

a. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*

i. *First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.*

1. *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
2. *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
3. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

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- ii. *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
1. *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 2. *The applicable residential development statute has not been amended following the approval of the permit; and*
 3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
 4. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Saturday, March 02, 2024

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
Lakeside Rural Fire Protection District

Planning Commission
Board of Commissioner

EXHIBIT "D"
Comments Received**Amy Dibble**

From: Michael Gray <Michael.E.Gray@state.or.us>
Sent: Monday, February 10, 2020 3:05 PM
To: Amy Dibble
Cc: Christopher Claire; Dominic M Rocco; Michael.E.Gray@state.or.us
Subject: RE: Request for Comments ACU-19-033

This Message originated outside your organization.

Hi, Amy:

I consulted our maps of known bird sites for this area, regarding the ACU-19-033 proposed construction of a single family dwelling. ODFW has these comments to offer with regard to this review:

There are multiple historic raptor nesting sites within one half mile of the proposed construction site at Tenmile Lake, including one at the north end of the subject property on the point which extends into the lake. The presence of these nest sites is cause for concern and our agency is cautious about any activity that may disturb nesting birds, specifically bald eagles and osprey. While we do not find acute cause to deny this permit application, we would strongly recommend that any activity related to construction occur outside of the critical nesting period for eagles and osprey as defined by the Forest Practices Act (FPA). The Oregon Department of Fish and Wildlife (ODFW) uses the FPA rules as guidelines when making any determination related to construction activities. The critical use period for bald eagles nesting sites is defined between the following dates: January 1st - August 31st (FPA 629-665-0220). The critical use period for osprey resource sites, which include nest trees, is defined between the following dates: March 1st - September 15th (FPA 629-665-0110).

In order to ensure protection of any nest sites, and in line with the Forest Practices Act (629-665-0020), "When (or if) a resource site (nest) is discovered by the operator, timber owner or landowner during a forest operation (construction activity), the party making the discovery shall: ... (b) Immediately notify ODFW. This notification should apply to any nesting sites within one-half mile of the property. At that time a site inspection will be completed by our agency to determine to risk associated with construction activities."

If you have any further questions, please feel free to contact Assistant District Wildlife Biologist Dominic Rocco at (541) 888-5515 ext. 236.

Mike Gray

Mike Gray
ODFW District Fish Biologist, Coos-Coquille-Tenmile District
Charleston Field Office
(541) 888-5515 michael.e.gray@state.or.us

