



# 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](mailto:planning@co.coos.or.us)

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

Date of Notice: **Wednesday, February 07, 2024**

File No: ACU-23-043/ V-23-007

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

Applicant(s): Caleb Owens

Staff Planner: Crystal Orr, Associate Planner

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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, February 22, 2024**. 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). 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. Variance to Road Standards pursuant to Section 7.3.100 Variance Procedure and Criteria. 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.***

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### Subject Property Information

Account Number: 495810

Map Number: 26S1231A0-00104

Property Owner: OWENS, CALEB ET AL  
1490 S 17TH ST  
COOS BAY, OR 97420-1004

Situs Address: 94485 BOONE CRK LN COOS BAY, OR 97420

Acreage: 15.63 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: FOREST MIXED USE (MU)  
NATIONAL WETLAND INVENTORY (NWI)

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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

This notice shall be posted from February 7, 2024 to February 22, 2024

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

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

**Reviewed by:** \_\_\_\_\_ **Date:** Wednesday, February 07, 2024  
Crystal Orr, Associate Planner

**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 "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 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.
  - 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 rivers then this is not applicable.
  - f. 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.

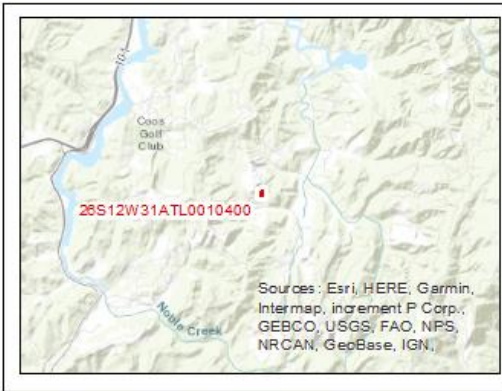
- g. A new plot plan meeting requirements must be submitted to Staff prior to receiving a Zoning Compliance Letter.
3. Prior to the issuance of a final occupancy permit by the Coos County Building Official, the following conditions shall be confirmed by the County Plans Examiner during the building review:
  - a. Section 4.6.140(7)(a) & Section 4.6.140(9) All new and replacement structures shall use non-combustible or fire-resistant roofing materials.
  - b. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
  - c. Section 4.6.140(10) 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 Final Occupancy Permit. In this case a Variance to the driveway standards is being granted, but the driveway application still needs to be submitted, and all standards other than the requested variance portion (max grade) will need to be adhered to.
4. The applicant is responsible to comply and maintain the following:
  - a. Section 4.6.140(7)(b) The dwelling shall not be sited on a slope of greater than 40 percent.
  - b. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) 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 (as identified in staff report) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (as identified in staff report) 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. Proof of the construction of the primary and secondary fuel break is required prior to the issuance of the zoning compliance letter.
5. A deed declaration acknowledgment of conditional use shall be recorded with the Coos County Clerk’s Office acknowledging that this approval is a Variance to Road and Access Standards.

**EXHIBIT "B"**  
**Vicinity Map**



**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423  
Physical Address: 60 E. Second, Coquille Oregon  
Phone: (541) 396-7770  
TDD (800) 735-2900



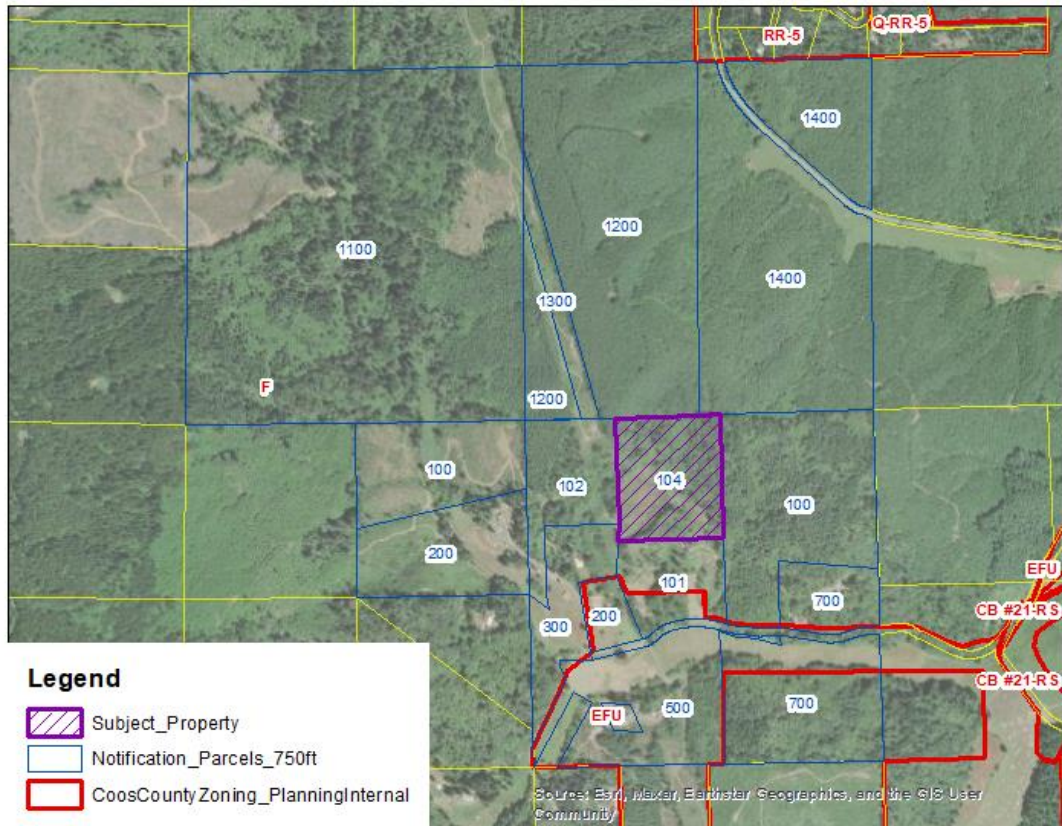
File: ACU-23-043/V-23-007

Applicant/  
Owner: Caleb Owens

Date: January 23, 2024

Location: Township 26S Range 12W  
Section 31A TL 104

Proposal: Administrative Conditional Use/  
Variance



# Template Map & Plot Plan



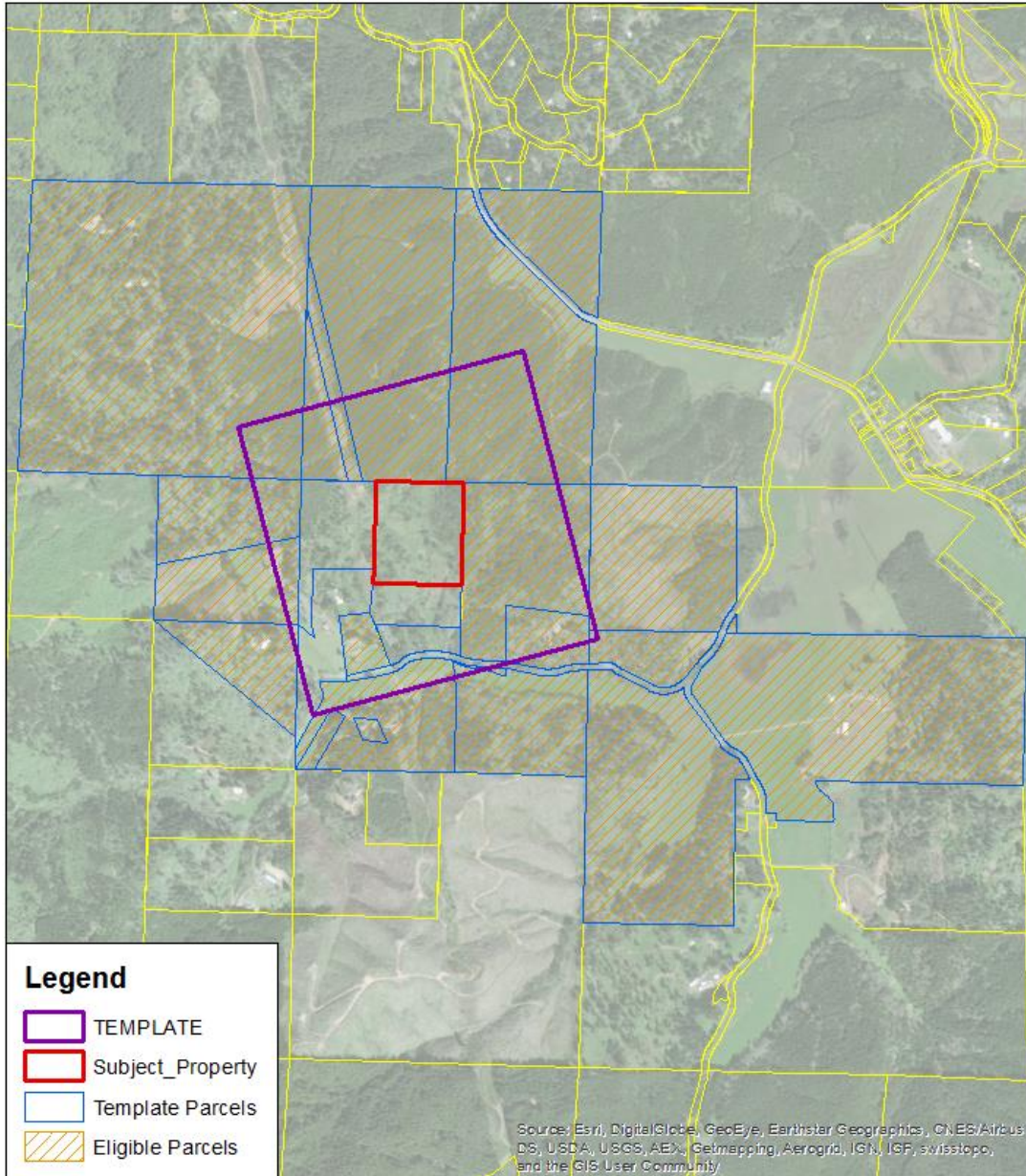
## COOS COUNTY PLANNING DEPARTMENT

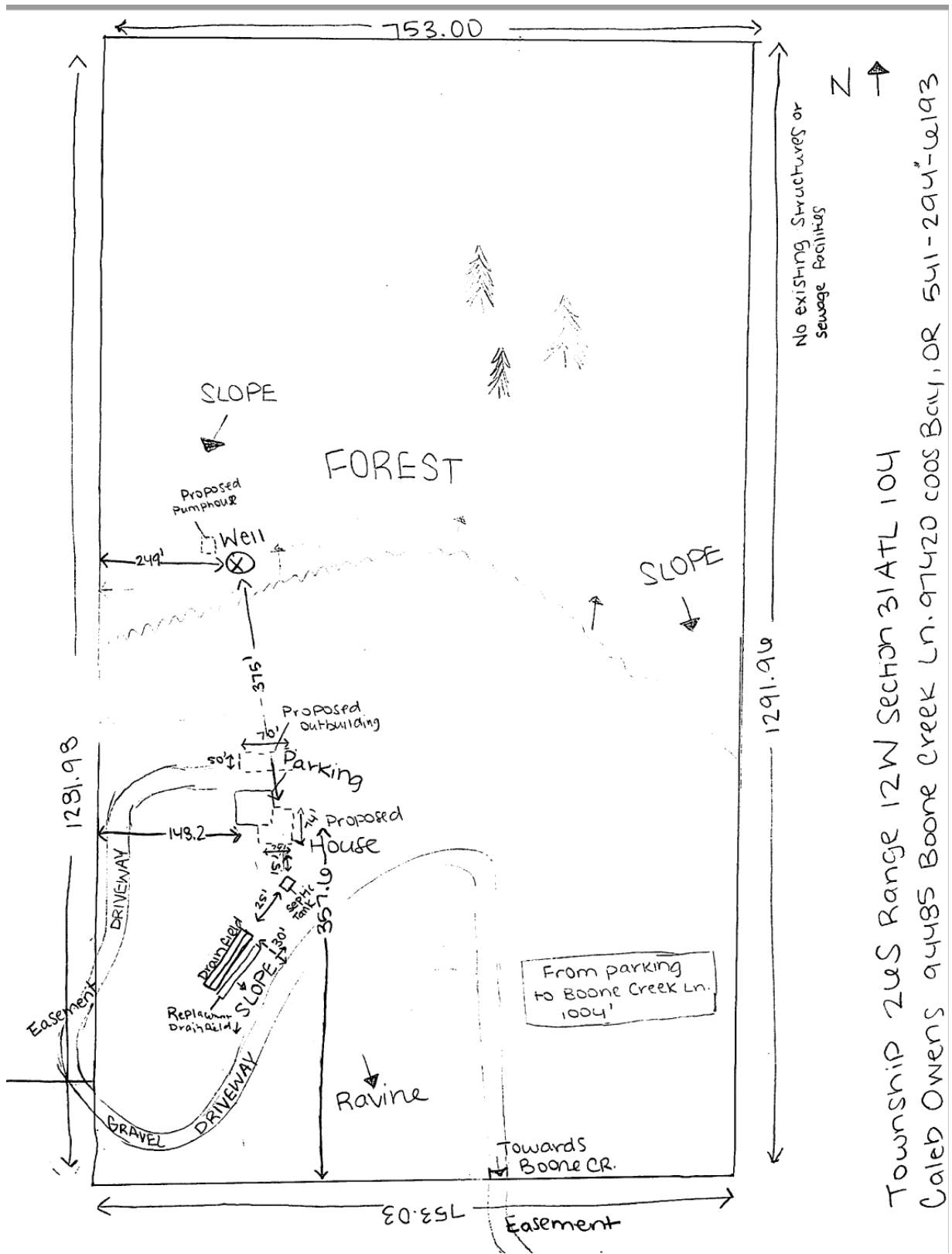
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900





Township 26S Range 12W Section 31ATL 104  
 Caleb Owens 94485 Boone Creek Ln. 97420 Coos Bay, OR 541-294-6193

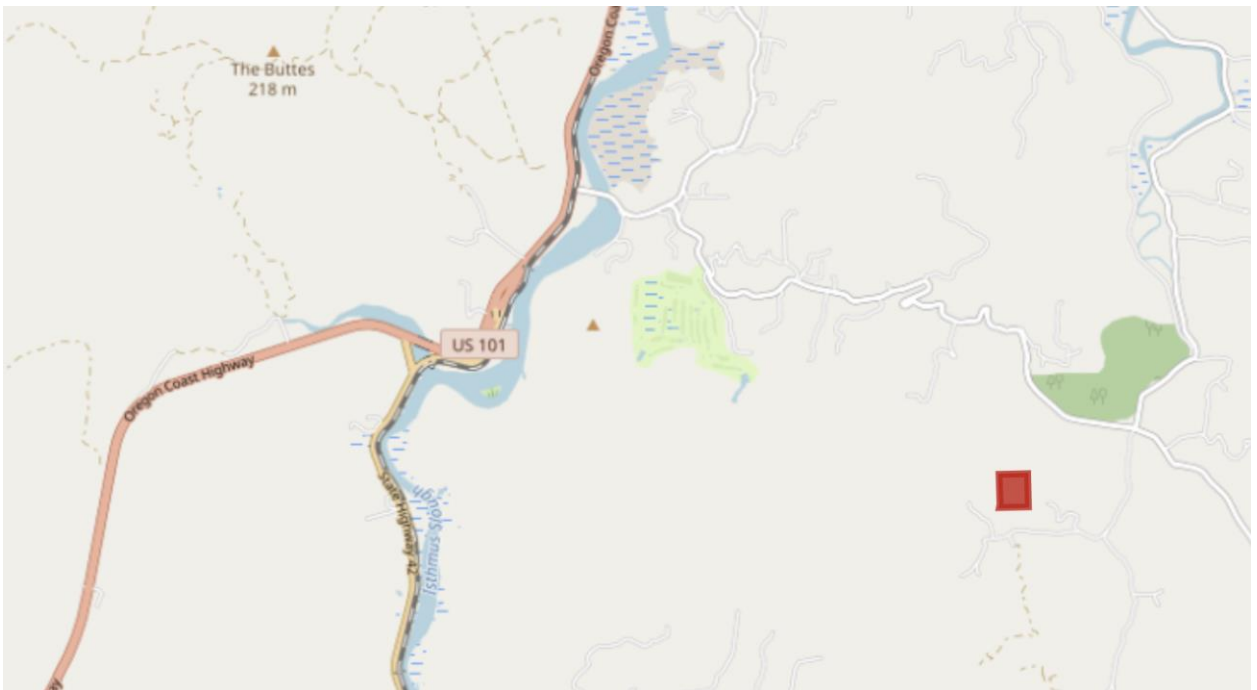
**EXHIBIT “C”  
STAFF REPORT  
FINDINGS OF FACT AND CONCLUSIONS**

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

**A. PROPOSAL:** The application indicates that the property owner is seeking approval for a *Single-Family Dwelling*, two (2) *Accessory Structures* (one attached to the dwelling) and Onsite Septic System to serve the *Residential Use*.

**B. BACKGROUND/PROPERTY HISTORY:** This property has no development. The property was given clearance for a Property Line Adjustment (PLA-14-026) with tax lot 101 in 2014. In 2018 a Conditional Use (ACU-18-009) was approved to allow a Forest Template Dwelling, the approval was not utilized and expired July 11, 2022. Since that timeframe the state has altered the dwelling criteria for Forest Template Dwellings. Staff has applied the new criteria to the request.

**C. LOCATION:** The subject property is located south of the City of Coos Bay and is accessed off of Boone Creek Ln. Boone Creek is located off of South Sumner Road, which is accessed via Coos Sumner Lane. The map below depicts the general location of the dwelling in conjunction to the roads.



**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**

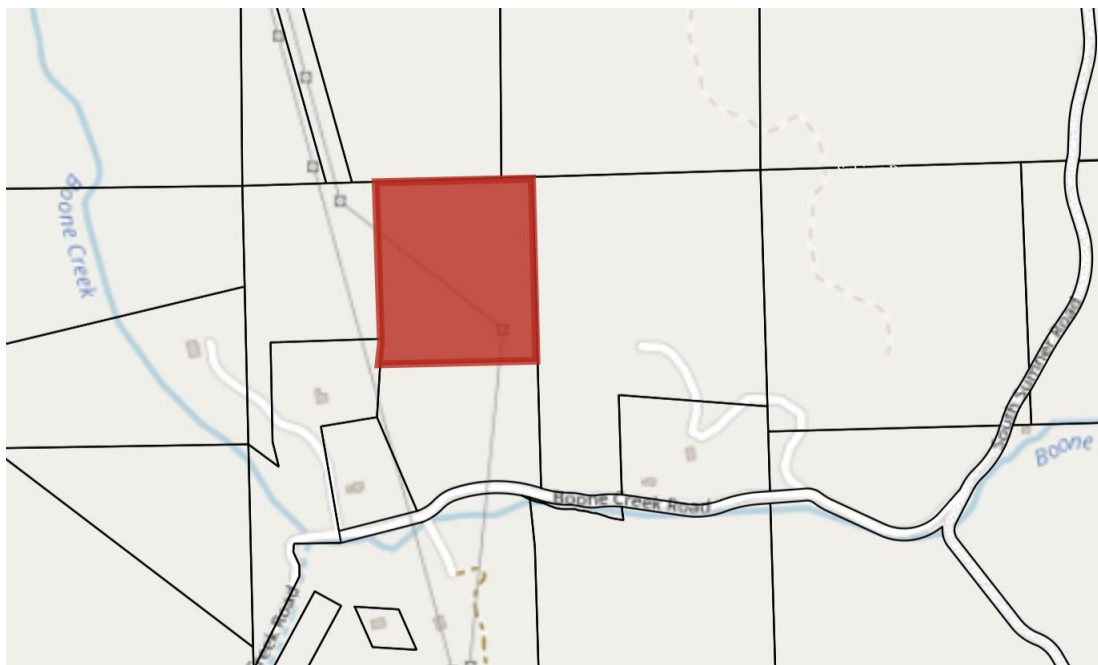
*Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.*

*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 property is zoned Forest Mixed Use (FMU) and is 15.63 acres. This property appears to be heavily treed other than where the existing road has been built, and the area that contains utility lines.

The properties to the north, east, and west are zoned Forest (F). The property to the south is zoned Forest (F) and Exclusive Farm Use (EFU). Several of the surrounding properties have residential development. There are fifteen (15) properties within the 750-foot buffer. There are six (6) properties with residential development.



*Maps are not to scale*

**F. COMMENTS:**

- a. **PUBLIC AGENCY:** This property required a request for comments from Department of State Lands as the property has National Wetland Inventory as a special development consideration. A request for comments was sent, but comments have not been received by the time of this notice of decision.

- 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 county records available up to the time of this report, and as of now, the property is deemed compliant. However, it's possible that additional information, not available during this review, could affect the compliance status of the properties.

### 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 determined to be lawfully created pursuant to 6.1.125.1.b through a prior land use decision (ACU-18-009), which thoroughly assessed and confirmed its compliance with the relevant criteria.

## 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 as well as a Variance to the Road Standards. 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). 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. Variance to Road Standards is subject to Section 7.3.100 Variance Procedure and Criteria

**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)

- 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 is used to determine whether the subject property is capable of producing 0-49, 50-85, or 85+ cubic feet of wood fiber per year, which, in turn, determines the applicable criteria for the number of parcels.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
52F	Salander silt loam, 50 to 75 percent slopes	13.5	83.9%
54E	Templeton silt loam, 30 to 50 percent slopes	2.6	16.1%
<b>Totals for Area of Interest</b>		<b>16.1</b>	<b>100.0%</b>

Tables — Forest Productivity (Tree Site Index): Douglas-fir (King 1966 (795)) — Summary By Map Unit				
Summary by Map Unit — Coos County, Oregon (OR011)				
Summary by Map Unit — Coos County, Oregon (OR011)				
Map unit symbol	Map unit name	Rating (feet)	Acres in AOI	Percent of AOI
52F	Salander silt loam, 50 to 75 percent slopes	125	13.5	83.9%
54E	Templeton silt loam, 30 to 50 percent slopes	125	2.6	16.1%
<b>Totals for Area of Interest</b>			<b>16.1</b>	<b>100.0%</b>

The property's capability for wood fiber production, which, in turn, dictates the criteria for the number of qualifying lots or parcels, is assessed based on the Soil Survey of Coos County in the NRCS National Soil Information System. The majority of the parcel is 52F, Salander Silt Loam. It is challenging to determine from the plot plan whether the dwelling is located within the 52F or 54E soil type. For Douglas-fir species, this soil type yields 125 cubic feet of wood fiber per acre per year. To meet the criteria, there must be at least 11 other lots or parcels that existed on January 1, 1993, and within those qualifying lots and parcels, at least three (3) dwellings existed on January 1, 1993.

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:

- (2) The following review standards apply to “template” dwellings approved under this rule:
  - a. Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.
  - b. Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road<sup>1</sup> that existed on January 1, 1993, the measurement may be made by

<sup>1</sup> The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled by local legislative intent rather than by statute. Petersen v. Yamhill County, 33 Or LUBA 584 (1997). The road may be public or private as long as it has been existence and continued to be in existence since January 1, 1993 and meets the following local definition: A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as

*creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

- c. *If the:*
    - i. *Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must 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-quarter 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.*
    - ii. *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.*
  - d. *Notwithstanding subsection (6)(a) of this rule, 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 sections (3) and (4) of this rule or subsections (b) or (c) 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.*
- (3) *A proposed “template” dwelling under this rule is allowed only if:*
- a. *It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;*
  - b. *It complies with the requirements of OAR 660-006-0029 and 660-006-0035;*
  - c. *No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
  - d. *The tract on which the dwelling will be sited does not include a dwelling.*
  - e. *The lot or parcel on which the dwelling will be sited was lawfully established.*
  - f. *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
  - g. *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
  - 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.*
- (4) *Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:*
- a. *On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:*
    - i. *Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
      - 1. *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
      - 2. *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*

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the use it serves; (b) a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

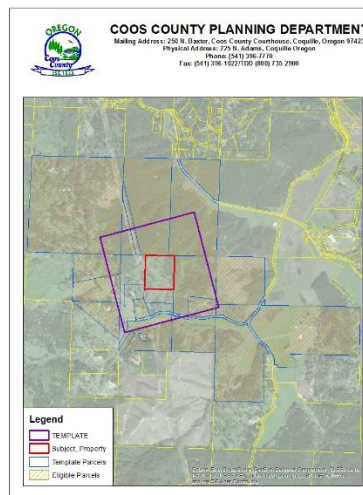
- (5) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
- a. *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
  - b. *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
  - c. *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
  - d. *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

**FINDING: None of the lots or parcels used for the template test 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.**

**According to Coos County Clerk and Assessor records, the subject property was not part of a tract on January 1, 2019.**

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

**The parcel is 15.63 acres in size. To meet the criteria, there must be 11 parcels with three current dwellings each, sited prior to January 1, 1993, based on the soil type. The applicant states that in a prior application there were 15 qualifying parcels and 5 qualifying dwellings. Planning Staff conducted the template test using the square template method. Based on the template map below, the parcel meets the requirements.**



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

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

1. *Dwellings and structures shall be sited on the parcel so that:*
  - (a) *They have the least impact on nearby<sup>2</sup> or adjoining forest or agricultural lands;*
  - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
  - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
  - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
  - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
  - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
  - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
5. *Approval of a dwelling shall be subject to the following requirements:*
  - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
  - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
  - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*

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<sup>2</sup>*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.*



*Maps are not to scale*



**The map above shows the surrounding properties. The proposed development is in the southwestern portion of the parcel, avoiding parcels used for farm and forest uses. The development will utilize existing roads, aiding in minimizing its size and making it non-viable for commercial timber production. Although the property to the north appears to be used for timber production, there is a large tree buffer between the proposed dwelling and the northern parcel. Given that the proposed dwelling is to be sited at least 140 feet from the only property abutting that may be utilized for timber production, the proposed location will have the least impact on nearby or adjoining forest or agricultural lands.**

**Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors, and structures. The proposed dwelling will use existing privately maintained roadways as access.**

**Section 4.6.130(1)(d) requires that risks associated with wildfires 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 groundwater or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicants stated that the water source will be from a well. However, the applicants will still be required to submit a water supply requirement form signed off by the Oregon Water Resources Department prior to requesting a zoning compliance letter. Staff did not receive a copy of the well constructor log but did receive a well test result.**

**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 access road (Boone Creek Lane) is a Public Coos County Privately Maintained Road. Therefore, this criterion has been addressed.**

**Section 4.6.130(5) requires a stocking survey if the property is larger than ten (10) acres. This property is more than ten (10) acres; therefore, a stocking survey is required. Therefore, 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. *Except as provided in subsection 4.6.145 of this ordinance, the following minimum lot or parcel sizes apply for land designated forestland, is 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 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.*
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 to site or properly maintain public utilities and road rights-of-way;*
  - 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 and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
- a. The dwelling has a fire retardant roof.*
  - b. The dwelling will not be sited on a slope of greater than 40 percent. Slope<sup>3</sup> will also determine additional firebreak in Section 8 Firebreak.*
  - 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. 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 or contract with a private fire protection company.*
  - e. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.*
    - i. Water storage 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. The access to the water source shall be marked with signs for fire water sources.*
  - 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 and complies with Section 8 Firebreak.*
- 8. Firebreak:*
- a. The property owner shall maintain a primary firebreak 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.*

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<sup>3</sup> Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon<sup>3</sup> published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon Agricultural Experiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make calculations based on the profession licensing requirements.

- 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.*
- d. *Proof that all of these items will be met includes proof of the slope to determine additional firebreak setbacks is required.*

Table 1 – Minimum Primary Safety Zone

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

- 9. *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.*
- 10. *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 offers evidence that the setbacks for the proposed dwelling will be met.**

**Section 4.6.140(3) applies to fences, hedges, and walls. The applicants stated, 'No, there will not be a fence, hedge, or wall developed at this time.' Therefore, the proposal does not include any new fences, hedges, or walls. This criterion does not apply.**

**Sections 4.6.140(4) requires parking, loading, access, and road standards to be addressed. A Driveway/Access/Parking Verification Permit application must be signed off before the issuance of a Final Occupancy Permit. Therefore, this criterion has been satisfied.**

**Section 4.6.140(5) requires that 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 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. 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. All development must maintain the required setback. Therefore, this criterion has been addressed.**

**Section 4.6.140(7)(a) Requires the roofing material to be non-combustible or fire-resistant. The applicants stated that they will be using noncombustible or fire-resistant roofing shingles. This will be verified during the building permit process. Therefore, this criterion has been addressed.**

**(b) Requires that a dwelling not be located on a slope of greater than 40%. The applicant stated that the slope of the dwelling site is flat and leveled. Staff reviewed lidar images and concurred that the area is generally flat. Therefore, this criterion has been addressed.**

**(c) Requires that 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. As a condition of approval, the applicants shall provide a sign-off from Oregon Water Resource for the domestic use of waters of the State before requesting a Zoning Compliance Letter.**

**(d) 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 Central Coos Fire Protection District; therefore, this criterion has been satisfied.**

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

**(f) States that if a dwelling has a chimney, it shall have a spark arrester. The applicants stated that the dwelling will have a chimney, and a spark arrester will be installed. Therefore, this criterion has been addressed.**

**(g) Determines the primary and secondary fire safety setbacks. Based on the applicant's plot plan and DOGAMI Lidar available, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicants will be required to install a 30 ft primary fuel-free break around all structures on the subject property. The applicants stated that there is already a firebreak meeting these requirements installed. The applicants are only responsible for primary and secondary fuel-free breaks on land either owned or controlled by the landowner.**

#### **Section 4.6.140(8)**

**(a) Determines the primary and secondary fire safety setbacks. Based on the applicant's plot plan and DOGAMI Lidar available, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicants will be required to install a 30 ft primary fuel-free break around all structures on the subject property.**

**(b) Requires sufficient ¾ inch hose for the perimeter of the primary fire break. The applicants stated that a garden hose will be available at all times for fire suppression. This criterion will be made a condition of approval.**

**(c & d) Determines the primary and secondary fire safety setbacks. Based on the applicant's plot plan and DOGAMI Lidar & available, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicants will be required to install a 30 ft primary fuel-free break around all structures on the subject property.**

**Section 4.6.140 (9) Requires the roofing material to be non-combustible or fire-resistant. Compliance will be confirmed during the building review process. Therefore, this criterion has been addressed.**

**Section 4.6.140 (10) requires adequate access for firefighting equipment. At the time of the road inspection, before receiving a Zoning Compliance Letter, the Roadmaster or his designee.**

## **ARTICLE 7.3 VARIANCE TO ROAD AND ACCESS STANDARDS**

### **SECTION 7.3.100 VARIANCE PROCEDURE AND CRITERIA:**

*In lieu of the findings required by Article 5.3 this section shall apply to any variance to road, access, or parking standards. An application for a variance from road standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Variances to the road and access standards shall be reviewed as an administrative decision; however, the Planning Director may at his/her discretion forward the application onto the Planning Commission. The Planning Director in consultation with the Roadmaster shall review any road or parking variance request. If the varied standard request is in an urban area then the applicable city shall be consulted.*

1. Applicants shall include proof that:
  - a. Indirect access cannot be obtained;
  - b. No financially reasonable engineering or construction solutions can be applied to mitigate the condition; and
  - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
2. No variance shall be granted where such hardship is self-created.
3. An applicant requesting an access exception must submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. Access connections to a state highway, are required to be coordinated through ODOT and follow state standards. An access management plan shall at minimum contain all of the following:
  - a. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater;
  - b. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above;
  - c. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives;
  - d. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified; and
  - e. All references to standards or publications used to prepare the access management plan.

**FINDING:** The applicant submitted the Variance Application (V-23-007) on December 14, 2023. The application did not include detailed information on what they were requesting.

**Staff reached out to Jason Vinyard, Access/Permitting Specialist for the Coos County Road Department and received the following information:**

**This driveway is approximately 2,000 feet long. A pullout needs to be installed every 600 feet. Parking and emergency vehicle turnaround will need to be constructed, there is sufficient room for this, but there is currently no gravel. Presently the width of the driveway is approximately 8 to 9 feet with grass growing in the middle, the standards require a 14-foot base with 12 feet of travel surface. There are 2 sections that exceed the standard max grade of 18%. One is approximately 60 feet and the other approximately 40 feet.**

**In Mr. Vinyard’s opinion it would be impossible, and or cost prohibitive to bring the slope grade below the max grade. There also appears to be a culvert in the middle of the driveway that is failing.**

**Staff reached out to the applicant/ property owner (Caleb Owens), and provided the information from Mr. Vinyard and asked which portions of the requirements they were requesting a variance from. Mr. Owens responded that he is requesting a variance to the slope issues as these portions are on a corner, and it is nearly impossible to meet the required 18% max grade. Mr. Owens stated that he can meet the rest of the requirements.**

**This request is not for an access exception, and as such, an access management plan is not required Therefore, staff accepts the justification and finds the criteria in this section has been addressed.**

#### **IV. DECISION**

In conclusion Staff finds that the applicants have addressed most of the relevant criteria and the ones that have not been addressed 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 from the date of final approval Tuesday, February 22, 2028.

#### **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: Central Coos 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.