



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: **Tuesday, April 25, 2023**
File No: ACU-22-040

Proposal: Request for a Single Family Dwelling and Accessory Structure in the Forest Zone.

Applicant(s): Joseph Michael Cosby and Sheri Lynn Cosby
9775 E 325 S
Huntsville, UT 84317

Staff Planner: Chris MacWhorter, Principal Planner

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 **Wednesday, May 10, 2023**. 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. 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: 7498900
Map Number: 26S1433CC-06500

Property Owner: COSBY, JOSEPH MICHAEL & SHERI LYNN
9775 E 325 S
HUNTSVILLE, UT 84317-9628

Situs Address: 60848 KONA PLAZA RD BANDON, OR 97411

Acreage: 1.20 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: FOREST MIXED USE (MU)

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. **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 Chris MacWhorter, Principal 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: Chris MacWhorter Date: Tuesday, April 25, 2023
Chris MacWhorter, Principal 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. 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 and prior to the issuance of the zoning compliance letter.
 - 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 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 Zoning Compliance Letter.

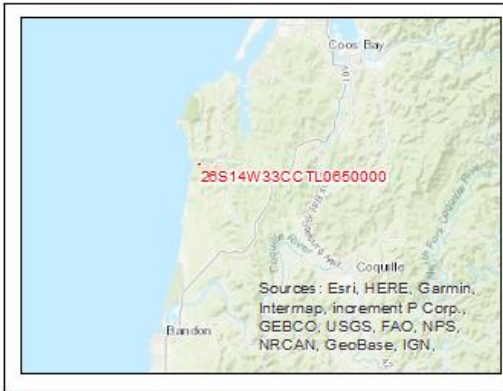
- g. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall 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.
3. The following shall be confirmed by the County Plans Examiner prior to issuance of a Building Permit:
- 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.
 - Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
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. This shall be shown on the plot plan.
- 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.

EXHIBIT "B"
Vicinity Map

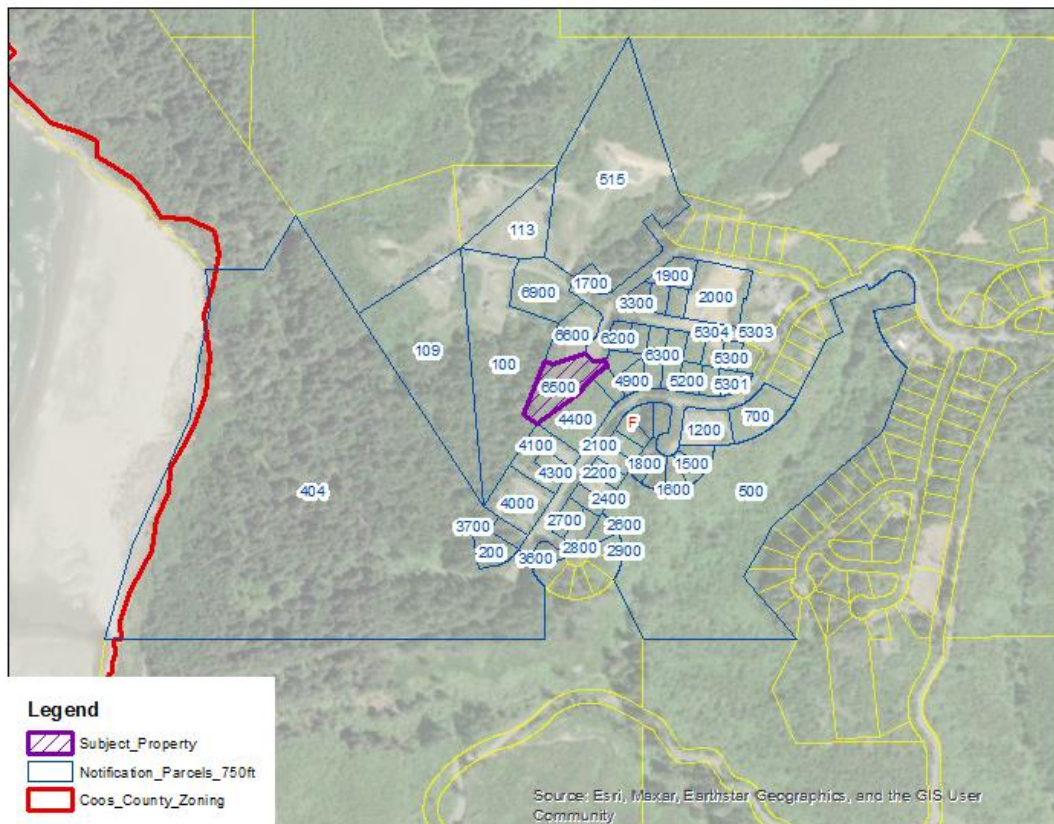


COOS COUNTY PLANNING DEPARTMENT

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-22-040
Owner: Joseph Michael and Sheir Lynn Cosby
Date: March 28, 2023
Location: Township 26S Range 14W
Section 33CC TL 6500
Proposal: Administrative Conditional Use



Template Map



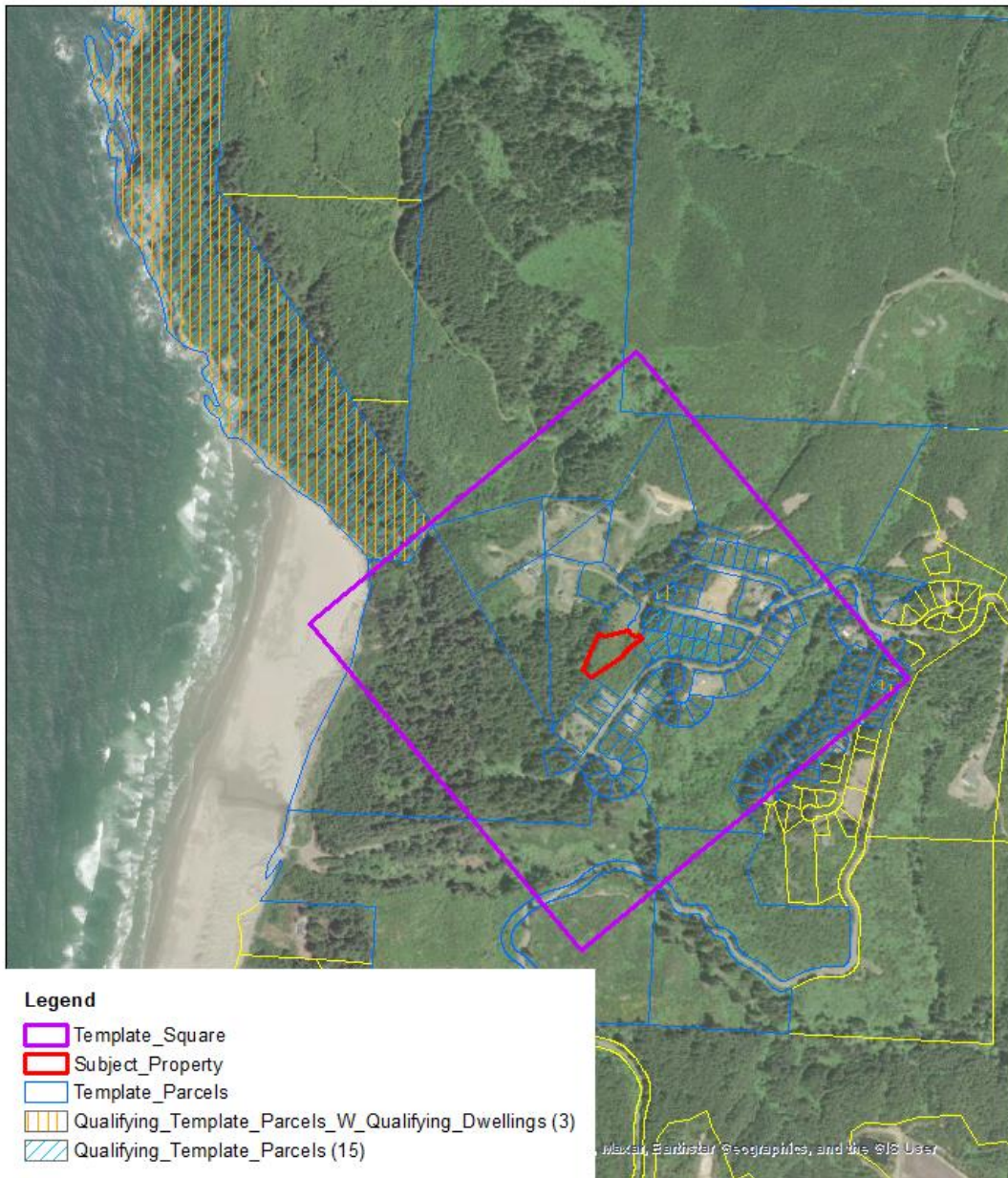
COOS COUNTY PLANNING DEPARTMENT

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 to “prepare for property improvements to include the following: Septic system, well, power, and garage/shop with future intent to build a single-family home”. The applicant will be required to construct a Single-Family Dwelling prior to constructing a detached Accessory Structure. There is no indication that any other development is proposed at this time.

B. BACKGROUND/PROPERTY HISTORY:

Tax Lot 6400 – Lot 14

On May 1, 2006, a Correction Deed was re-recorded to correct a property line adjusted deed recorded by #2000-1124.

On May 22, 2006, A property line adjustment was approved between tax lot 4400 through PLA-06-029.

Tax Lot 6500 – Lot 13

On June 12, 2000 a Multi-Property Line Adjustment was approved by Coos County Planning with tax lots 3800, 4100, 4600, 6400, 6500, 6600, 6800, and 6900.

In 2014, tax lot 6400 and 6500 were consolidated by the Coos County Assessor’s office into the current configuration.

C. LOCATION: The subject property is located north of the City of Bandon in the Sansaria Subdivision. The subject property is lot 13 and 14 of Block 6, Plat of First Addition to Sansaria. Both lots have been adjusted through property line adjustment deeds. The subdivision is accessed off of Seven Devils Road and the lots are accessed off of Pacific Surf Lane.

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.

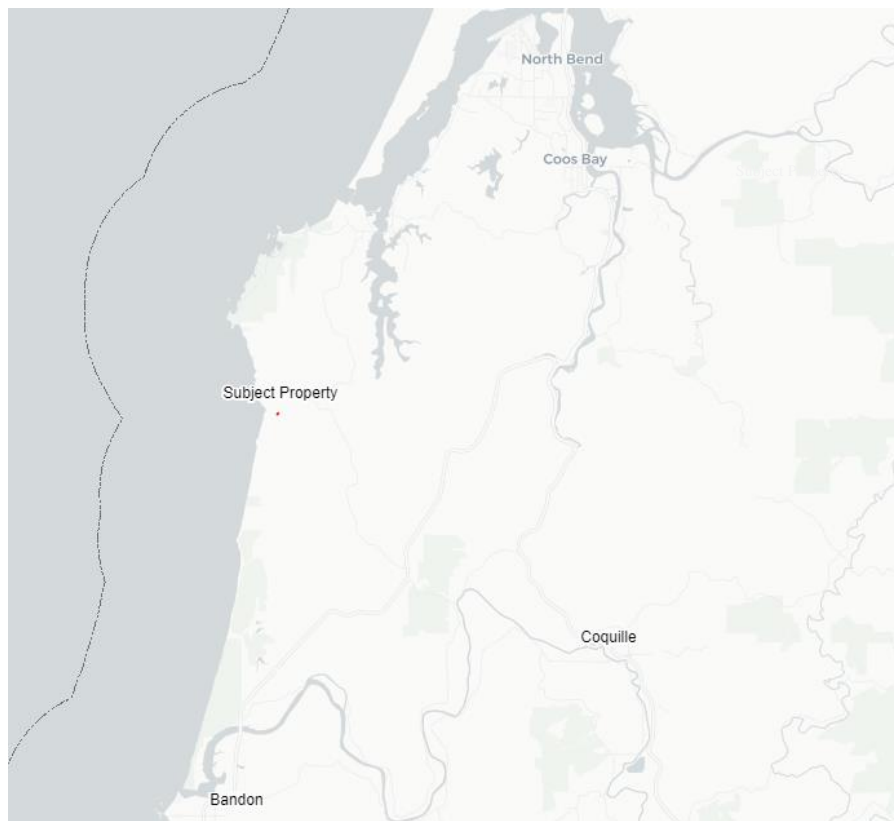
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest 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.

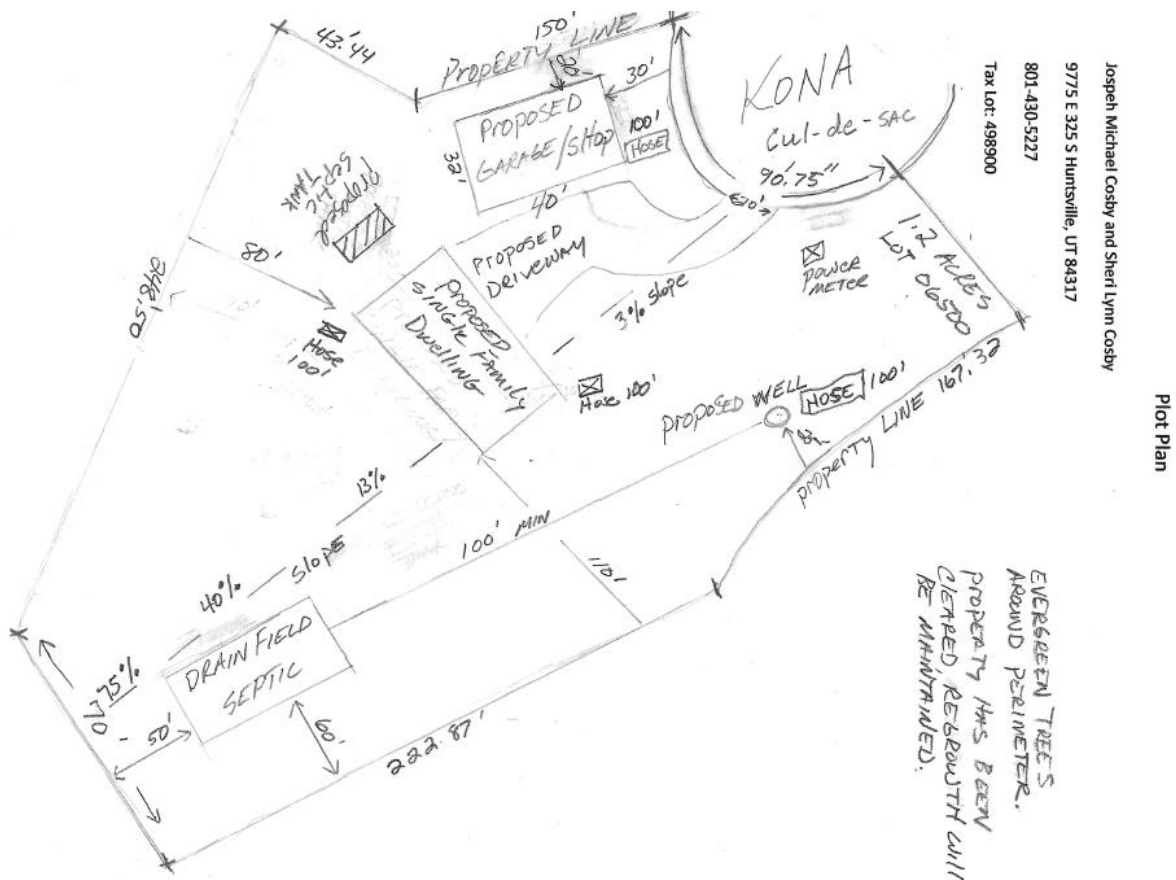
E. SITE DESCRIPTION AND SURROUNDING USES:

The lots are located in the 1968 Plat of First Addition to Sansaria off Pacific Surf Lane. The lots were created during the original subdivision process. Both lots directly access off of Kona Plaza Road. Kona Plaza Road directly connects to Sacchi Lane, which connects to Pacific Surf Lane when traveling east. Pacific Surf Lane connects to Seven Devils Road. Seven Devils Road connects Hwy 101 when traveling south. All roads within the subdivision are public dedicated roads. On December 6, 1999 the Coos County Road Department issued a Gate permit subject to conditions on Pacific Surf Drive (Public Dedicated Road). The conditions are specific that all property owners must be issued keys. All appropriate emergency services, fire, ambulance, etc., will also be issued keys. The person issued the permit shall bear all cost of construction and maintenance of the gate. This gate must remain a safe distance from the junction with Seven Devils Road to allow vehicles to stop and open or close gate. This permit was issued pursuant to ORS 368.056. There was reference to a prior gate, but it was not lawfully sited, and the 1999 permit alleviated the noncompliance issue. The gate does not in any way change the status of the road from public to private.

The subject property is mostly covered with small trees and sits at the end of Kona Plaza. The subject property is relatively flat with steep slopes towards the west. The subject property is surrounded by Forest zoned parcels.







Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none were received.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments 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 lands were created pursuant to Section 6.1.125.1.a as it was platted and recorded in 1968. These are known as Lot 13 and 14, Block 6 of the Plat of First Addition to Sansaria. In 1962 Coos County had Subdivision Regulations based on ORS 92. The phased subdivision was reviewed between the 1968 and 1974 time period. The lots were created but there were some issues with water and sanitation brought up through the process. Zoning was applied to the properties in 1974 which further limited the lawfully created status of the property. The current acknowledged zoning is Forest which makes this property a legal non-conforming lot. These units of land were adjusted with Coos County Planning approval, and then consolidated into one lot giving the parcel its current configuration.

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) and an Accessory Structure 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). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is not subject to review under Natural Hazards Section 4.11.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

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

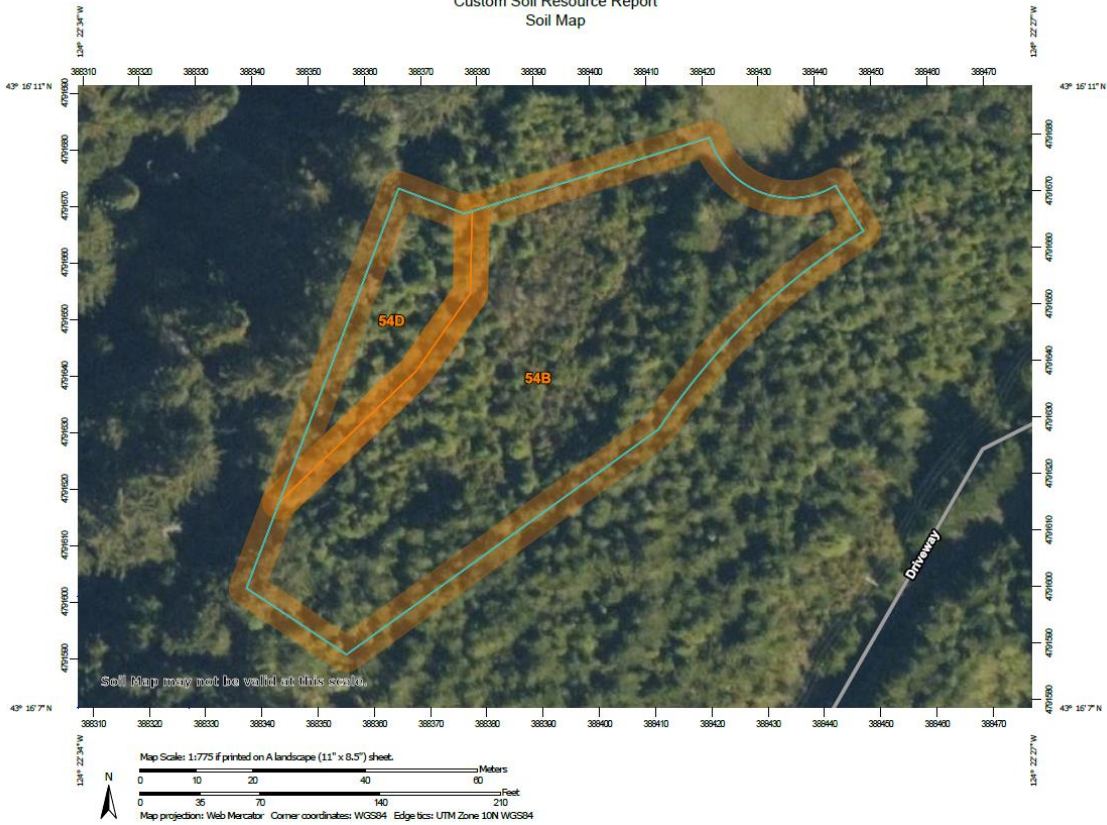
- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.
 - (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot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

FINDING: Soil information is used to determine if the subject property is capable of producing 0-49, 50-85 or 85+ cubic feet per year of 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
54B	Templeton silt loam, 0 to 7 percent slopes	1.0	85.4%
54D	Templeton silt loam, 7 to 30 percent slopes	0.2	14.6%
Totals for Area of Interest		1.2	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 Cu ft/ac/yr	
54B—Templeton silt loam, 0 to 7 percent slopes				
Templeton	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	94	114.00	
	Sitka spruce	169	257.00	
	Western hemlock	161	257.00	
	Western redcedar	—	—	
54D—Templeton silt loam, 7 to 30 percent slopes				
Templeton	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	94	114.00	
	Sitka spruce	169	257.00	
	Western hemlock	161	257.00	
	Western redcedar	—	—	

54B-Templeton silt loam, 0 to 7 percent slopes.

This deep, well drained soil is on ridgetops and benches of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 450 feet. The average annual precipitation is 60 to 70 inches.

the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface 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 and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.

Included in this unit are small areas of Geisel soils and deep gravelly loam. Also included are areas of soils, mainly between Beaver Hill and south slough, that are similar to this Templeton soil but formed in marine sediment on coastal terraces. In some areas these soils have mottles in the subsoil and have a sandy substratum. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this 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 slow, and the hazard of water erosion is slight.

This unit is used mainly for timber production and wildlife habitat. It has potential for homesite development and livestock grazing.

This unit is suited to the production of Sitka spruce. Among the other species that grow on this unit are western hemlock, Douglas fir, Port Orford cedar, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, western swordfern, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site index for Sitka spruce is 169. 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 255 cubic feet per acre per year. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the production of timber on this unit are the susceptibility of the surface layer to compaction, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment damages the soil less and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control 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. Sitka spruce, a shallow rooted species, 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, western hemlock, and Douglas fir seedlings.

This unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates and pasture rotation help to keep the pasture in good condition. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.

If this unit is used for homesite development, absorption lines should be installed on the contour. Preserving the existing plant cover during construction helps to control erosion. Topsoil can be stockpiled and used to reclaim areas disturbed during construction. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This unit is in capability subclass Ille.

54D-Templeton silt loam, 7 to 30 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface 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 and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.

Included in this unit are small areas of Salander soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this 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 medium, and the hazard of water erosion is moderate.

This unit is used mainly for timber production and wildlife habitat. It is also used for livestock grazing and homesite development.

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, Sitka spruce, grand fir, and red alder. The understory vegetation is mainly vine maple, thimbleberry, creambush oceanspray, red huckleberry, western swordfern, and Pacific trillium.

On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180. 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. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.

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 gullyng unless they are provided with adequate water bars or are protected by plant cover, or both. Sitka spruce, a shallow rooted species, 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 unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition.

If this unit is used for homesite development, the main limitations are slope and depth to bedrock. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep.

Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass VIe.

FINDING: Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per year of wood fiber which determines the applicable criteria for the number of qualifying lots or parcels. According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 54B and 54D – Templeton silt loam soil type. The proposed dwelling location is sited in 54B soil type. The volume of wood fiber per year for 54B is 186 cubic feet per acre per year for Douglas-fir species. This volume requires (all or part of) that there are 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 road¹ that existed on January 1, 1993, the measurement may be made by 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:*

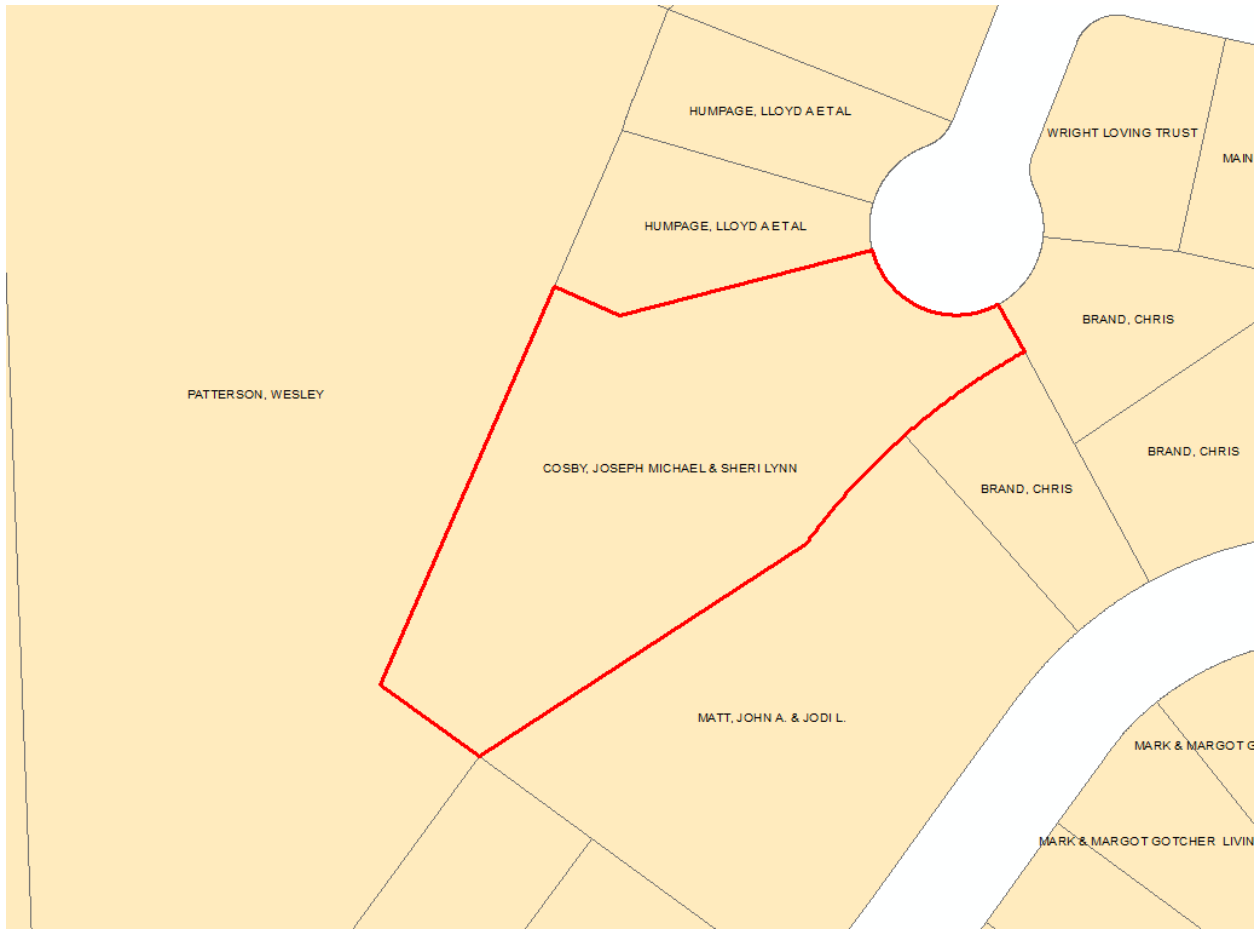
¹ The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled 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 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.

- 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.*
- (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.

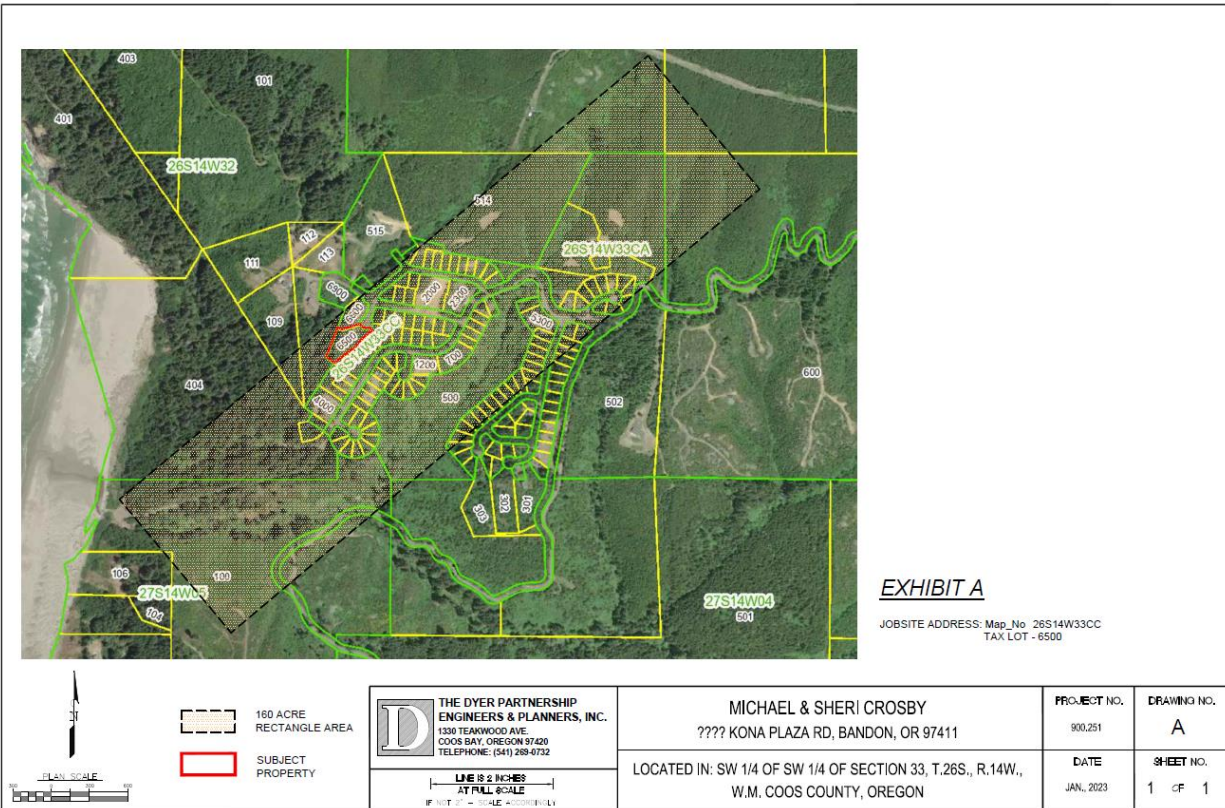
The unit of lands were created pursuant to Section 6.1.125.1.a, as it was platted and recorded in 1968. Both lots have been adjusted by property line adjustments.

Based on Coos County Clerk and Assessor records, the subject property was not part of a tract on January 1, 2019. Below is the map showing the parcels adjacent to the tract.



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 combined lots are less than 60 acres. The property is touching a road created before Jan 1, 1993. The applicants submitted the following map below showing their template rectangle. There will need to be 11 parcels with 3 current dwellings that were created before January 1, 1993 based on the soil type.



Applicant's Template Map

The applicants did list out the following parcels to meet the minimum 11 parcels created before Jan 1, 1993, and the parcels with dwellings established prior to January 1, 1993:

Parcels created prior to Jan 1, 1993.

Map 26S14W32: TL 100, 101, 109, 111, 112, 113, 200, 404

Map 26S14W33: TL 500, 514, 515

Map 26S14W33CA: TL 300, 400, 500, 600, 700, 800, 90U2, 1000, 1100, 1200, 1400, 1500

Map 26S14W33CB: TL 100, 500, 600, 700, 800, 900, 1100, 1700, 1900, 2000, 2300, 3100, 3200, 3300

Map 26S14W33CC: TL 100, 200, 300, 400, 500, 600, 700, 1200, 1400, 1600, 1700, 1800, 2800, 2900, 3000, 3100, 3200, 3300, 3500, 3700, 3600, 4000, 4100, 4200, 4300, 4400, 4800, 4900, 5000, 5100, 5200, 5300, 5301, 5302, 5303, 5304, 5800, 5900, 6000, 6100, 6200, 6300, 6600, 6500, 6900

Map 26S14W33CD: TL 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1400, 3300, 3400, 3500,

3600, 3800, 3900, 4000, 4100, 4300, 4400, 4500, 4600, 4800, 4900, 5100, 5200, 5300, 5600

Map 27S14W04: TL 301, 32, 303, 400, 501

Map 27S14W05: TL 100, 106

Dwelling sited on Parcels created prior to Jan 1, 1993.

Map 27S14W05: TL 106 Built 1990

Map 26S14W33CA: TL600 Built 1968

Map 26S14W33CD: TL500 Built 1970

The applicant elected to use the 160-acre rectangle option, as allowed per (2)(b) of this rule. However, the applicant must “centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road”. The alignment of road labeled as Kona Plaza Road, that abuts the subject property, does not match the alignment of the applicant’s template rectangle. It is not entirely clear that Kona Plaza connects to the north side of the Sacchi Lane. Sacchi Lane is mapped as Paradise Dr on the County Assessor’s map. However, Sacchi Lane is the official name of that roadway. Staff could only conclude that the road is the mapped cul-de-sac as shown on the map below.

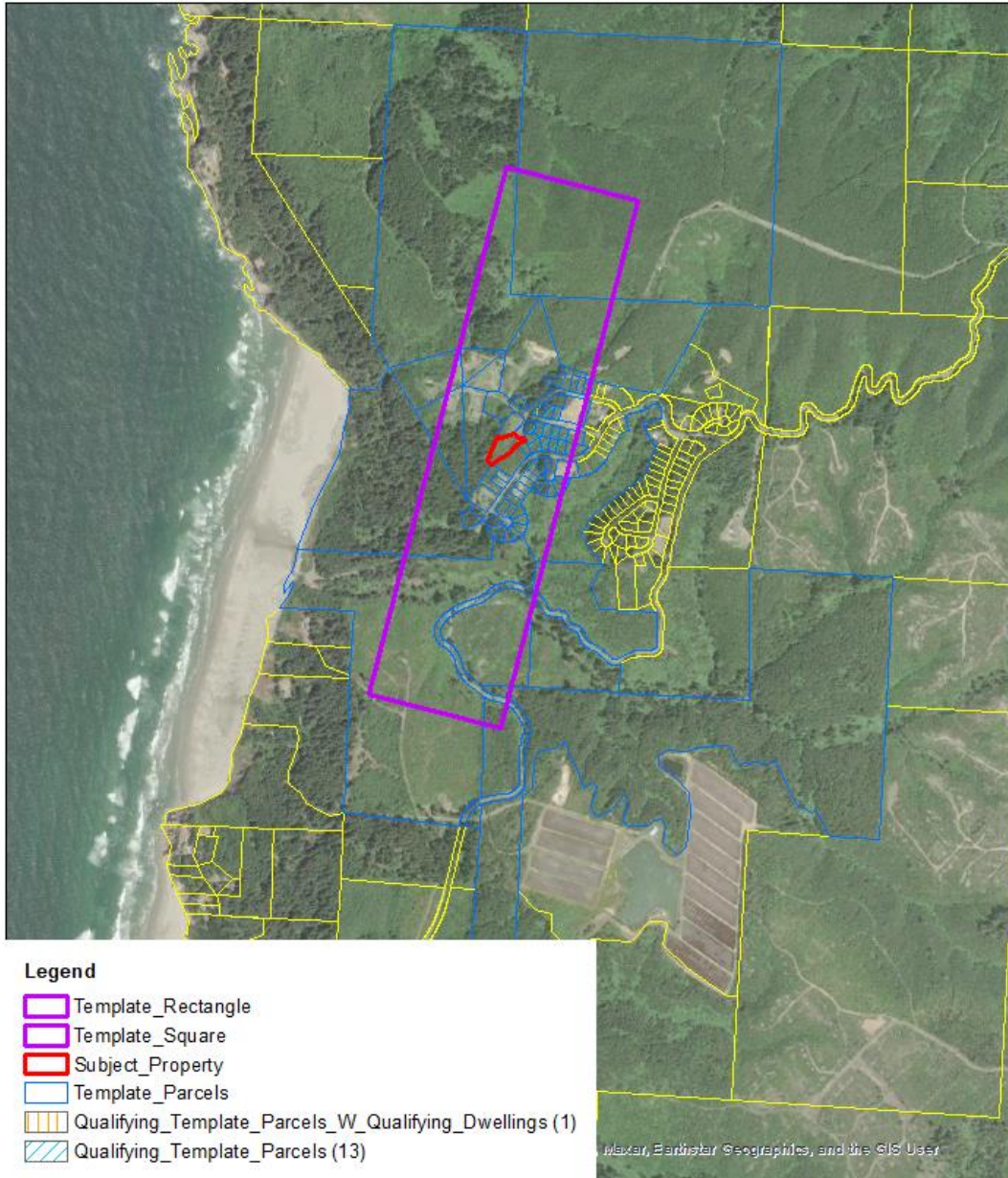


Staff calculated the template test using the 160-acre rectangle that aligns with the abutting road. Staff finds at least thirteen (13) parcels with the 160-acre template rectangle that were created before January 1, 1993. However, Staff found that at one (1) of these parcels had a dwelling created before January 1, 1993. This parcel will be 26S14W33CB-3300.



COOS COUNTY PLANNING DEPARTMENT

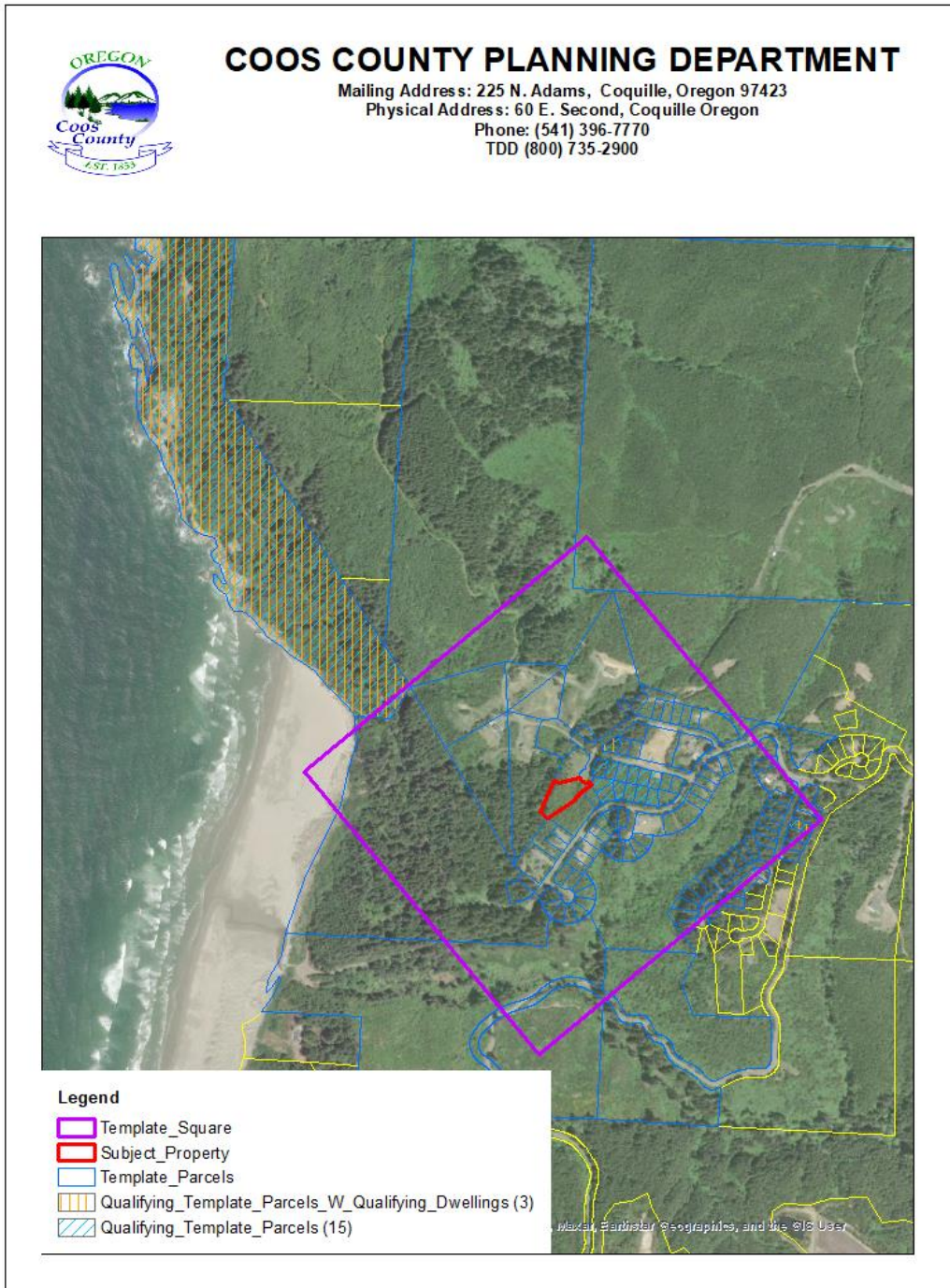
Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



Staff calculated the template test using the 160-acre square. Staff rotated the square based on Staff preferences. Staff finds at least fifteen (15) parcels with the 160-acre template square that were created before January 1, 1993. These parcels will be 26S14W32-401; 26S14W33CB-3300;

26S14W33CC-4900,5000,5100,5200,5300,5304,5800,5900,6000,6100,6200,6300; and 27S14W33CD-500.

Staff found that at least three (3) of these parcels had dwellings created before January 1, 1993. These parcels will be 26S14W32-401; 26S14W33CB-3300 and 27S14W33CD-500.



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

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

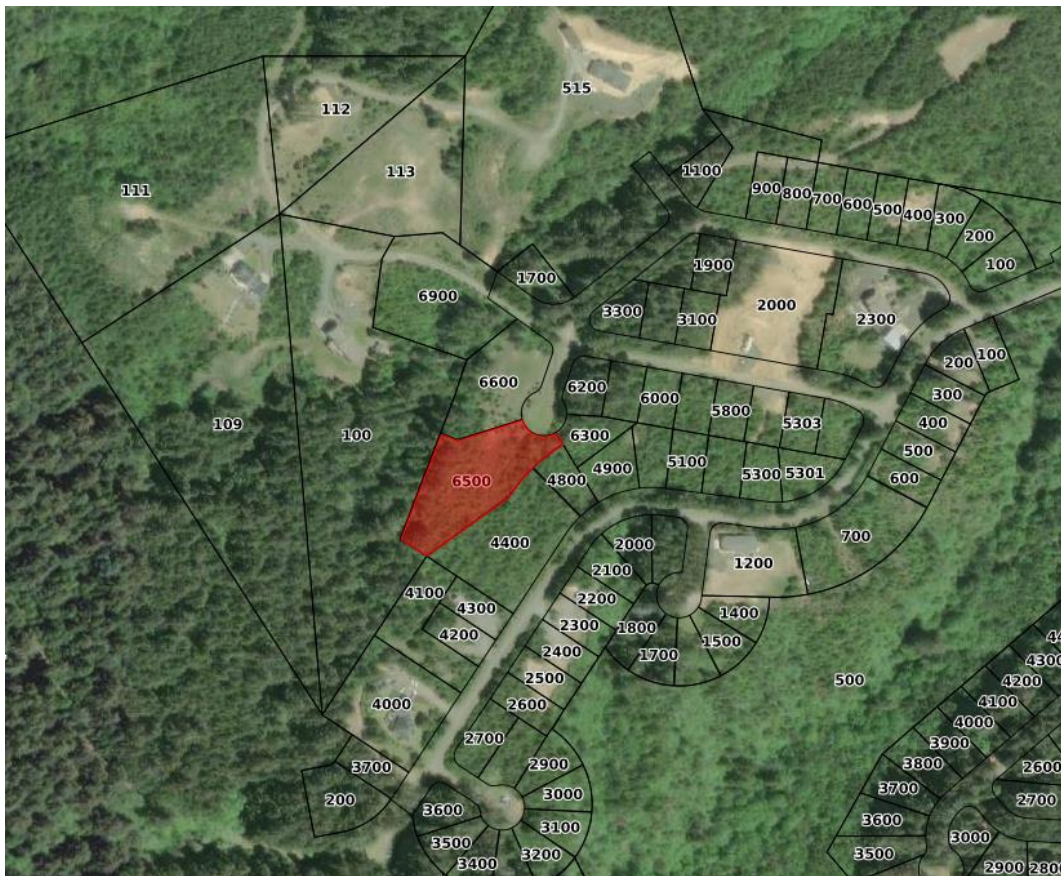
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found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

- 1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby² or adjoining forest or agricultural lands;*
 - (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**

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

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 minimizing adverse impacts to the subject properties and nearby Farm and Forest operations. The subject properties are located in the Sansaria Subdivision. The proposed homesite is located at the center of the subject property, as shown on the applicant's plot plan. Based on the submitted plot plan, the proposed dwelling location will be approximately 150 feet to the northeastern property line (Kona Plaza Road), 80 feet to the northwestern property line and approximately 110 feet for the southeastern property line.





Joseph Michael Cosby and Sheri Lynn Cosby
 9775 E 325 S Huntsville, UT 84317
 801-430-5227
 Tax Lot: 498900

Plot Plan

Maps are not to scale

The subject property is located approximately ten miles north of the City of Bandon. The lots access is directly off Kona Plaza Road. Kona Plaza Road directly connects to Sacchi Lane, which connects to Pacific Surf Lane when traveling east. Pacific Surf Lane connects to Seven Devils Road. Seven Devils Road connects Hwy 101 when traveling south. Seven Devils is a County maintained road; however, Pacific Surf and the other roads in the Sansaria subdivision are non-County maintained publicly dedicated roads.

The applicants stated the following information:

“There is adjoining forest, zoned as forest, with no agricultural land near nearby. We contacted Coos County Forestry and spoke with Shawn Alexander- Coos Unit 63612 Fifth Rd. Coos Bay, 97420 (541-267-4136). Sansaria subdivision is private with no industrial forestry activity at this time with adjoining parcels. Notification for thinning on property nearby has been submitted by surrounding neighbors.

- Adjoining Neighbor Properties**
 Parcel 100 and 6900: Wesley Patterson
 Parcel 6600: Simon Blair & Todd Munroe
 Parcel 4400: Leigh Welling
 Parcel 4800 and 6300: Chris Brand

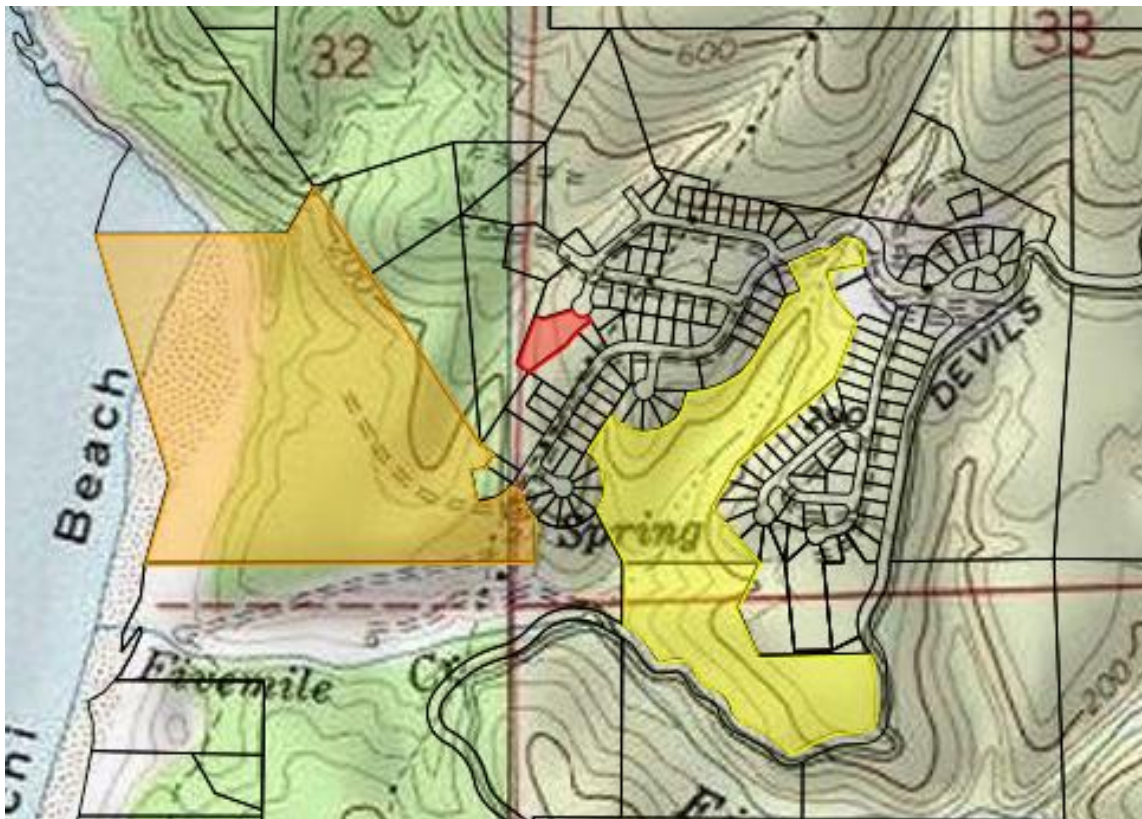
The property is not located not located near a forest operation or farming. There will be no impact.”

Staff must review the proposed use's impact on nearby farm and forest operations. 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.

Based on the aerial photos, there appears to be forested lands on the adjacent properties surrounding the subject property. North and east of the subject property are smaller less than acre lots in the Sansaria subdivision. 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. There are two proposed parcels that are larger than 40 acres within the 750 ft notification buffer. These parcels are 26S14W32-404 and 26S14W33-500.

Based on aerial imagery, these parcels are covered in timber. It is logical to assume there will be some type of future timber harvest on the site. The tract is over 40 acres and it is also logical to assume that the site will be treated using aerial herbicide applications.

However, when looking at the shape and topography of the 26S14W33-500 parcel. The parcel is steep, greater than 35% slopes and narrow, approximately 325 feet wide.



Staff finds there is reasonable assume the parcel would be treated using ground-based herbicide treatments given the narrow canyon would be difficult to fly a helicopter-based platform without spray drift.

The parcel located at 26S14W32-404 abuts the Pacific Ocean. The parcel is currently vacant with no structural development. There is no approval for a dwelling, nor is there application submitted for development. Staff finds it logical to assume that this property will have future timber harvest.

Both of these parcels are over 300 feet from the proposed dwelling. Therefore, Staff finds the proposed location of dwelling will not seriously interfere with adjacent forest management herbicide practices.

According to the topographic map above, the adjacent parcel to the east appears to have slopes greater than 35%, so cable harvesting methods would be preferred. Based on Oregon Department of Forestry (ODF) Land Use Note #2, the preferred safety distance from cable harvesting to dwellings is a 500 feet buffer. The applicant's proposed dwelling location is 475 feet from the property line for 26S14W33-500.

The applicant's proposed dwelling is located approximately 600 feet from 26S14W32-404 parcel. This parcel slopes down to the ocean. Staff finds it logical that the timber will be harvested upslope with a yarding landing near the parcel eastern property line. Therefore, Staff finds the proposed location minimizes the effects of the proposed dwelling on farming/forestry practices on the adjacent property.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicant did not submit any responses to this criterion. The applicant's proposed plot plan showed the dwelling at the center portion of the property. Therefore, Staff finds that this new location may, or may not, minimize the amount of land being removed from forest uses.



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 applicants stated *“The property (1 acre) has been cleared of shrubs and will be maintained to minimize wildfire risk.”* The applicants did provide topographic survey stamped and signed by Oregon Professional Land Surveyor Michael W. Erickson, #2340, to be used as proof of slopes.

Relying on the topographic survey used above and the plot plan. Staff finds the primary and secondary fuel break slopes within the proposed dwelling site are 13%. Which is the 10-20% slope class that results in an 80 feet primary fuel break with a 100 ft secondary break. The second factor to address is the vegetation fuel loads on the subject property. The applicant's will be required to install an 80 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. Avoiding long driveways is also recommended. The applicant's plot plan places the proposed dwelling in center portion of the subject tract and the driveway is half the distance of the width of the property. However, the subject property is less than a 1.25 acres and Staff estimate the width of the property as 200 feet at the widest part. The parcel is relatively narrow and Staff is considering the requirements for an emergency vehicle turnaround, such as firefighting equipment, when issuing the findings that proposed dwelling location minimizes the risks of wildfires. 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 at the proposed dwelling location.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicants stated the following: *"We are on a list with Bandon Well to start drilling this coming year 2023-see attached proposal. Water Resource Department Information: <https://www.oregon.gov/owrd/pages/index.aspx> Response shall include the source of water and how it is permitted: We have Intentions to drill a well and will comply with requirements. Water resources department will be contacted after the well is drilled. We have contacted Jim Mack with Bandon Well & Pump Company who confirmed that he will facilitate completion of permits. Please see the Bandon Well and Pump proposal dated 10/22/2021. We are scheduled to have drilling begin this coming year 2023."* The landowners also submitted a letter from a local well driller. However, the applicants will still be required to submit a water supply requirement form signed off by Oregon Water Resources Department prior to requesting a zoning compliance letter. In addition to submitting the Well Constructor Log prior to requesting a zoning compliance letter.

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 applicants submitted the following information: *"Per the covenants of the tenants in the Sanaria subdivision, the Association shall be responsible for maintenance and improvements and provide for all necessary services (5.2-supplimental declaration). There is no assistance from any governmental body. Coos County issued a permit which allows the Association to maintain the gate and entry to Sansaria. The Association and owners who use the roads will maintain the roads. (5.8-supplimental declaration) Kona Plaza Rd will be the access to the subject property."* However, the subject property is accessed by the way of publicly dedicated non-County maintained roadways. Therefore, this criterion has been addressed.

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. Therefore, this criterion has been addressed.

All The criteria found in SECTION 4.6.130 have 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. *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. Slope³ 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.*
- 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.*

³ *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 Oregon³ 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.*

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>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

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 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 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 wall. This criterion does not apply.

Sections 4.6.140(4) require parking, loading, access and road standards be addressed. Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. Therefore, this criterion has been satisfied.

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

Section 4.6.140(6) requires a setback from any wetland. There are no mapped wetlands or water bodies requiring protection on, or adjacent to the subject property. 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 “Metal roofing will be used on all structures”. Metal roofing materials may, or may not, meet the requirements for non-combustible or resistant. 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.

(b) Requires that a dwelling not be located on a slope of greater than 40%. The applicant stated the following: “The slope of the property where the dwelling will be located is a 3%. Greater than 50% of the property is less than 10%. See topographic survey included with this application.” Based on the applicant’s plot plan and submitted topographic survey. The proposed dwelling is located on a 13% slope. 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 prior to 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 Bandon 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.

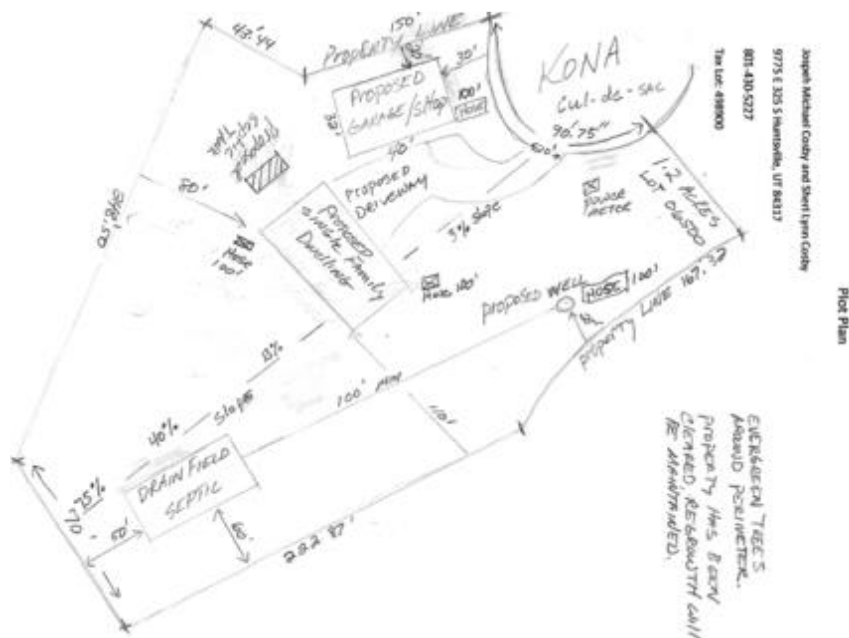
(f) States that if a dwelling has a chimney, it shall have a spark arrester. The applicants stated that “Yes, the proposed future dwelling will have a chimney and spark arrested will be installed”. Therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on the applicant’s plot plan and submitted topographic survey, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 10 to 20%. The applicant’s will be required to install an 80 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. This criterion will be made a condition of approval.

Section 4.6.140(8)

(a) Determines the primary and secondary fire safety setbacks. Based on the applicant’s plot plan and submitted topographic survey, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 10 to 20%. The applicant’s will be required to install an 80 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. This criterion will be made a condition of approval.

(b) Requires sufficient ¾ inch hose for the perimeter of the primary fire break. The applicants submitted the following plot plan showing location of 100 feet water hoses.



The property owner shall provide visual 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.

(c & d) Determines the primary and secondary fire safety setbacks. Based on the applicant's plot plan and submitted topographic survey, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 10 to 20%. The applicant's will be required to install an 80 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. This criterion will be made a condition of approval.

Section 4.6.140 (9) Requires the roofing material to be non-combustible or fire resistant. 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 (10) requires adequate access for firefighting equipment. The subject property is accessed off Kona Plaza Road, which is a non-County maintained public dedicated easement. At the time of road inspection, prior to receiving a Zoning Compliance Letter, the Roadmaster or his designee will confirm that all road standards have been met to provide adequate access for firefighting/emergency equipment. Therefore, this criterion is not applicable.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria have 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 for the date of final approval Monday, May 10, 2027.

VII. NOTICE REQUIREMENTS:

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

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

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