

**STATEMENT OF CODE COMPLIANCE for  
WIRELESS COMMUNICATION FACILITY APPLICATION  
VERTICAL BRIDGE (US-OR-5130 MISTY MEADOWS)**

**NOTE:** Vertical Bridge’s (VB’s) responses to the applicable Coos County Zoning and Land Development Ordinance Sections 4.6.100, 4.6.110, 4.6.120, 4.6.130, and 4.6.140, below, are indicated in *italicized, blue text*.

**ARTICLE 4.6 RESOURCE ZONING DISTRICT  
FOREST (F) AND FOREST MIXED-USE (FMU)  
Coos County Land Development Ordinance**

**Section 4.6.100 Forest and Forest Mixed Use – Use Tables**

*VB: VB is proposing to install a new unmanned Wireless Communication Facility (“WCF”) located in a Forest (F) zone. According to the above-referenced use tables subsection 29, Television, microwave and radio communication facilities and transmission towers are reviewed as an Administrative Conditional Use subject to review standards of sections (4)(h), (5), and (6).*

**Section 4.6.110 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.

*VB: VB is proposing to install a new unmanned Wireless Communication Facility (“WCF”) located in a Forest (F) zone. According to the authorized uses listed above, this installation would be an authorized use under (C) locationally dependent uses, such as communication towers, and mineral and aggregate resources.*

**SECTION 4.6.120 REVIEW STANDARDS**

...

**(4) CONDITIONAL USES** - The following uses may be allowed on forest lands as a conditional use (see table for type of conditional use) subject to the review standards in section (5) of this rule:

(h) COMMUNICATION FACILITIES AND TRANSMISSION TOWERS – Television, microwave and radio communication facilities and transmission towers;

...

*VB: VB is proposing to install a new unmanned Wireless Communication Facility (“WCF”) located in a Forest (F) zone. According to the above-referenced use tables subsection 29, Television, microwave and radio communication facilities and transmission towers are reviewed as an Administrative Conditional Use subject to review standards of sections (4)(h), (5), and (6).*

**(5) REVIEW CRITERIA FOR CONDITIONAL USES: A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:**

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

*VB: VB intends to comply with this requirement. Vertical Bridge’s installation of the new WCF at this location will not force a significant change in forest practices as this installation impacts no agricultural, or forest lands. See Attachment 6, Final Zoning Drawings.*

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

*VB: This is a proposed installation of the new unmanned Wireless Communication Facility that will be run on primary electric power provided by the existing infrastructure at this location. The only fuel source will be a small diesel generator that will only be used in emergency operations. Additionally, VB intends to comply with all development standards and fire siting and safety standards per the county’s code. See Attachment 6, Final Zoning Drawings.*

3. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

*VB: Not applicable. The proposed WCF is an unmanned facility. There will be no change to existing covenants and no interruption to the rights to conduct forest operations consistent with the Forest Practices Act and the Rules of adjacent and nearby landowners.*

4. All uses must comply with applicable development standards and fires siting and safety standards.

*VB: This is a proposed installation of an unmanned Wireless Communication Facility that will be run on primary electric power provided by the existing infrastructure at this location. The only fuel*

*source will be a small diesel generator that will only be used in emergency operations. Additionally, VB intends to comply with all development standards and fire siting and safety standards per the county's code. See Attachment 6, Final Zoning Drawings.*

**(6) COMPLIANCE WITH OTHER REGULATIONS:** Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) that exist on forest lands..

*VB: VB acknowledges, understands, and intends to comply with this provision.*

#### **SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES**

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 r 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:

1. They have the least impact on nearby or adjoining forest or agricultural lands;

*VB: Vertical Bridge's proposed installation of the new wireless facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140 See Attachment 6, Final Zoning Drawings.*

2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

*VB: Vertical Bridge's proposed installation of the new wireless facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140. The proposed location will not force a significant change in forest practices on the tract. Of note, VB is proposing to site its facility in an existing clearing on a portion of the property least suited for growing trees to minimize possible adverse impacts. See Attachment 6, Final Zoning Drawings.*

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

*VB: Vertical Bridge's proposed installation of a new wireless facility will only use a 50ft x 50ft lease area and approximately 145 ft of new driveway. Additionally, as noted, VB is proposing to site its facility in an existing clearing on a portion of the property least suited for growing trees to minimize possible adverse impacts. Additionally, because the proposed location for Vertical*

*Bridge's facility is sited close to an existing access road, no additional forest land will be utilized to construct an access road. Vertical Bridge's proposed facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140. Please see Attachment 6, Final Zoning Drawings.*

4. The risks associated with wildfire are minimized.

***VB:** Vertical Bridge's installation of a new wireless facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140, including the fire break requirements prescribed. Please see Attachment 6, Final Zoning Drawings.*

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.

***VB:** Vertical Bridge's proposed installation of a new wireless facility will only use a 50ft x 50ft lease area and approximately 145 ft of new driveway. Additionally, as noted, VB is proposing to site its facility in an existing clearing on a portion of the property least suited for growing trees to minimize possible adverse impacts. Additionally, because the proposed location for Vertical Bridge's facility is sited close to an existing access road, no additional forest land will be utilized to construct an access road. Vertical Bridge's proposed facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140. Please see Attachment 6, Final Zoning Drawings.*

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.

***VB:** Not applicable. The proposed WCF is an unmanned facility that will not be connected to a water source.*

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 which could include an easement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

*VB: Not applicable. The proposed WCF is adjacent to a public ROW.*

5. Approval of a dwelling shall be subject to the following requirements:
  - a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
  - e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

*VB: Not applicable.*

#### **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 for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

*VB: Not applicable.*

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.

*VB: Vertical Bridge's proposed installation of a new wireless facility has been designed to be consistent with all applicable provisions of this section. This tower and all ground equipment are setback from Cranberry Creek Rd. 115' +/- from the right-of-way centerline and 1250' +/- from Hwy 101. Please see Attachment 6, Final Zoning Drawings.*

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

*VB: Not applicable.*

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

*VB: Not applicable.*

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.

*VB: Not applicable. No new dwellings are being constructed as a result of this project.*

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

- a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
- c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road 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.

*VB: Not applicable.*

- 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.

*VB: Not applicable.*

- b) The dwelling will not be sited on a slope of greater than 40 percent. Slope5 will also determine additional firebreak in Section 8 Firebreak. 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.

*VB: Not applicable. The unmanned WCF is not on a slope.*

- c) 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.

*VB: The new structure, which is proposed for installation, is an unmanned wireless facility. The project is understood to be located within the Coos County Fourmile Sub-Unit Rural Fire Protection District.*

- d) 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 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.

*VB: Not applicable.*

- e) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

*VB: Not applicable.*

- f) 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.

*VB: Vertical Bridge's installation of a new wireless facility has been designed to be consistent with all applicable provisions of this section, including the development and siting criteria standards under Section 4.6.140, including the fire break requirements prescribed. The dwelling on the property is over 200' away from this new WCF. Please see survey sheet LS-2 below and Attachment 6, Final Zoning Drawings.*

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.

*VB: Vertical Bridge's proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, the location chosen is away from forest and agricultural lands. The remaining vegetation nearby will be maintained according to the specifications outlined above. Please see survey sheet LS-2 below and Attachment 6, Final Zoning Drawings.*

- b) Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

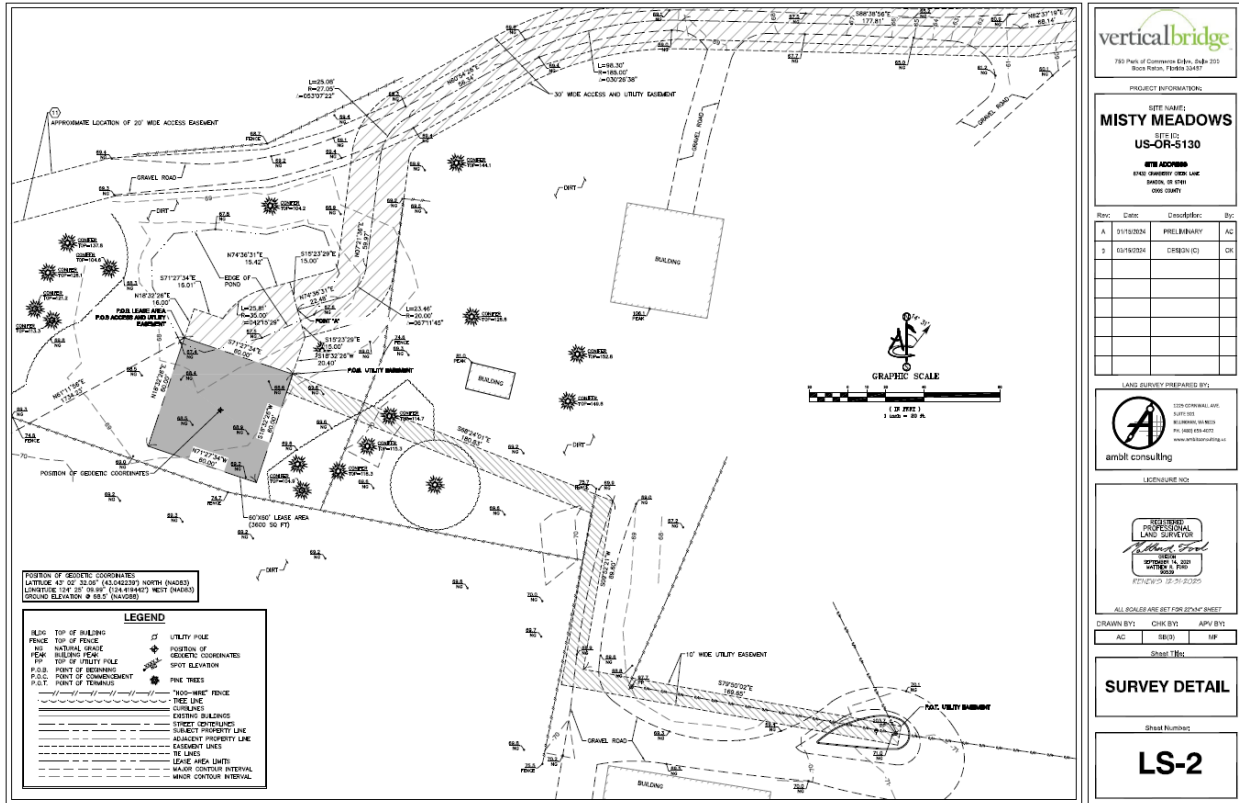
*VB: Vertical Bridge's proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, the primary safety zone is equipped with a garden hose that can reach the 30' needed for the primary safety zone. Of note, the dwelling on the property is over 200' +/- away on flat land from the proposed WCF. Please see survey sheet LS-2 below and Attachment 6, Final Zoning Drawings.*

- 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.

*VB: Vertical Bridge's proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, including the fuel-free break requirements prescribed in this section. All vegetation within 100' of the structure will be pruned in accordance with the Fire Siting standards outlined above. Please see survey sheet LS-2 below and Attachment 6, Final Zoning Drawings.*

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

*VB: Vertical Bridge's proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, including the fuel-free break requirements prescribed in this section. Please see survey sheet LS-2 below and Attachment 6, Final Zoning Drawings.*



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.

**VB:** Vertical Bridge’s proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, there is no roof proposed, the tower and ground equipment will be built on concrete pads with the entire compound surface filled by 6in of 3/4in crushed rock. Please see Attachment 6, Final Zoning Drawings.

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

**VB:** Vertical Bridge’s proposed construction of the new wireless facility has been designed to be consistent with all applicable provisions of this section, the new driveway to the site will be 12’ wide and be covered in 6in of 3/4in crushed rock with the required vertical clearances per Coos County requirements . Please see Attachment 6, Final Zoning Drawings.