



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: **Thursday, April 27, 2023**
File No: ACU-22-053

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

Applicant(s): Adam R. Kleist JR
148050 Highway 97
La Pine, OR 07739-9195

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 **Friday, May 12, 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: 1201900
Map Number: 29S140300-01100

Property Owner: KLEIST, ADAM R JR
148050 HIGHWAY 97
LA PINE, OR 97739-9195

Situs Address: NONE

Acreage: 3.28 Acres

Zoning: FOREST (F)

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

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: _____ Date: **Thursday, April 27, 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. This can be shown on a plot plan. Proof of the firebreak shall be provided 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

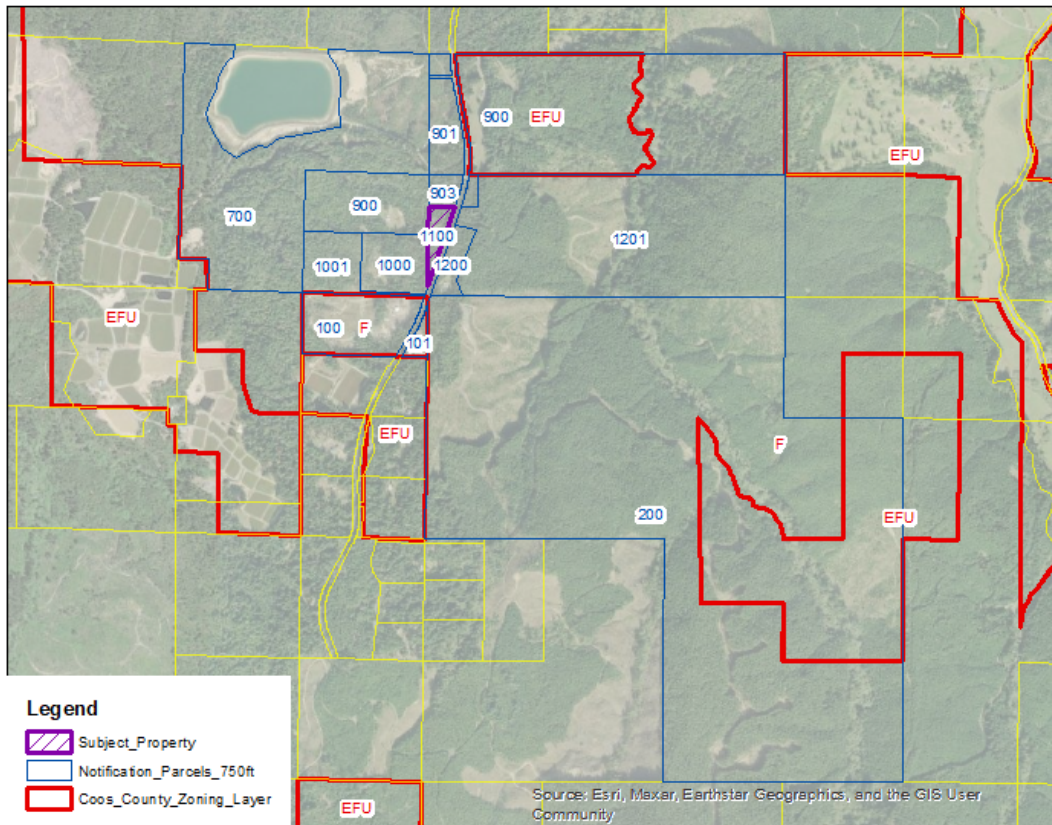
Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-22-053
Owner: Adam R. Kleist Jr
Date: April 11, 2023
Location: Township 29S Range 14W
Section 03 TL 1100
Proposal: Administrative Conditional Use



Template Map



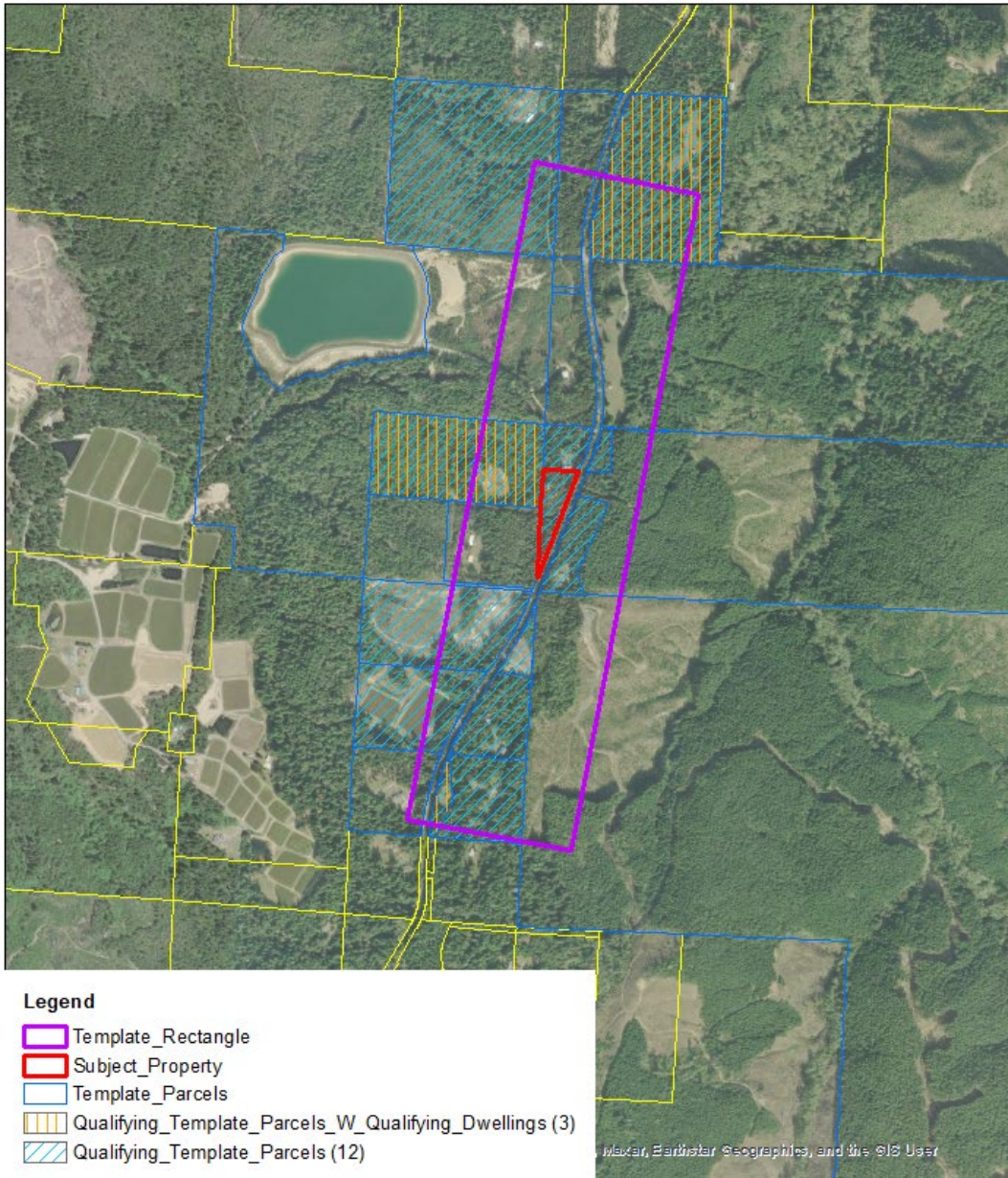
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



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

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

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

B. BACKGROUND/PROPERTY HISTORY:

On September 7, 1979, a zoning compliance letter was issued for septic site evaluation only.

On September 26, 1979, Oregon Department of Environmental Quality sent response to applicant and Coos County Planning Department that the subject property fails to meet the minimal standards for issuance of subsurface sewage disposal.

C. LOCATION: The subject property is located 3.5 air miles southeast of the City of Bandon off Morrison County Road. The subject property is accessed by traveling approximately 1.5 miles east of the City of Bandon along Highway 42S, then proceed south on Morrison County Road for 3.75 miles. The subject property is located on the western side of Morrison County Road.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

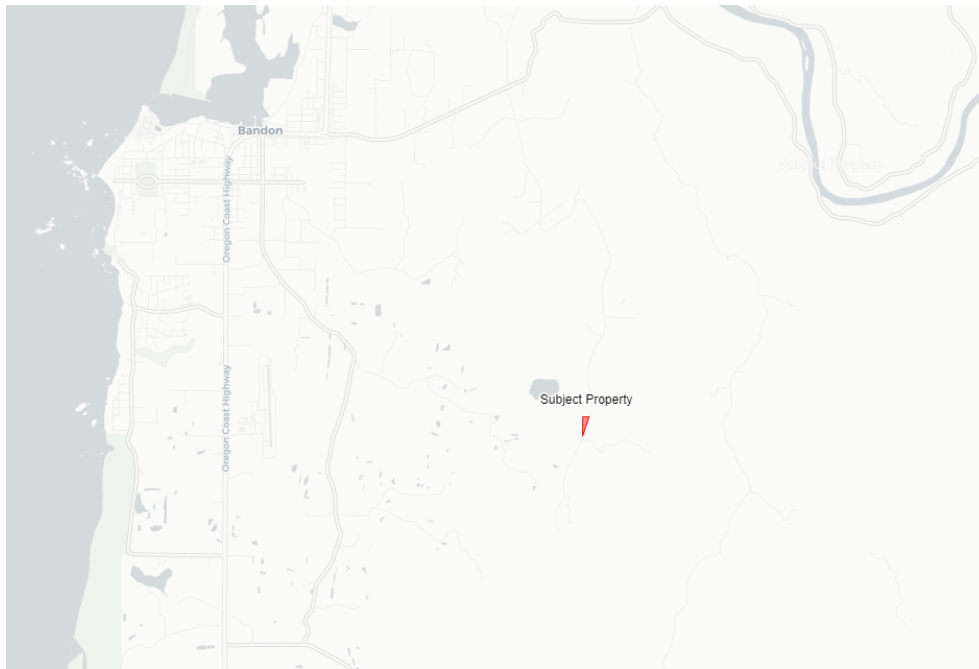
Forest Mixed Use (FMU): The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest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

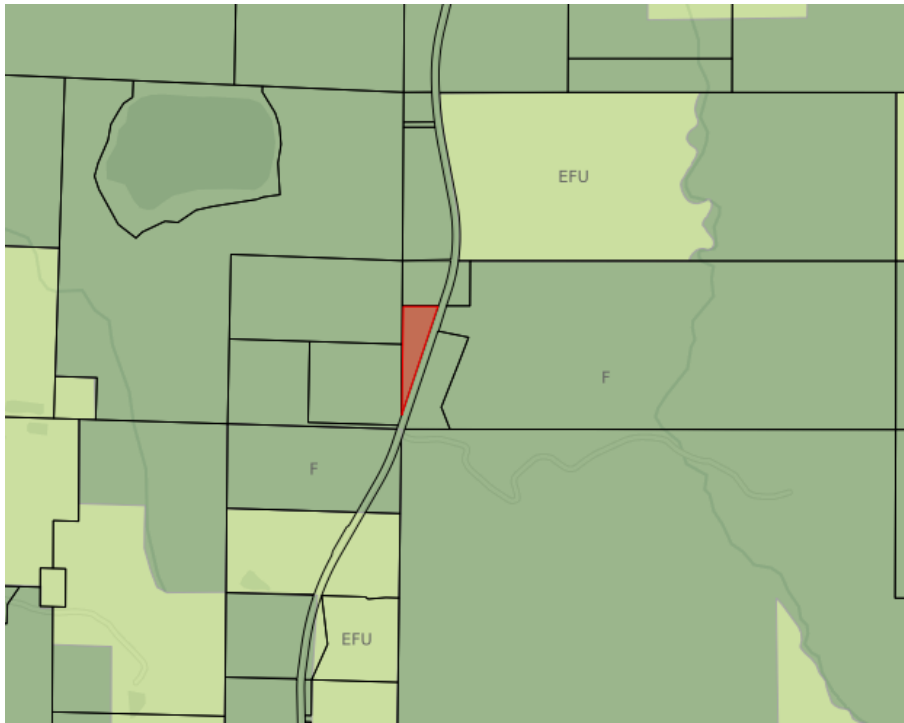
E. SITE DESCRIPTION AND SURROUNDING USES:

The lot is located east of the city limits of Bandon. The property is within the Forest Zoning district and is 3.28 acres in size. There is not a situs address for this property. No development has taken place on this property, and it is not being used for farm or forestry purposes.

The property is accessed by traveling approximately 1.5 miles east of the City of Bandon along Highway 42S, then proceed south on Morrison County Road for 3.75 miles. The subject property is located on the western side of Morrison County Road. There is existing driveway that crosses the subject property to access neighboring tax lot 900 and tax lot 1000.

Based on the aerial imagery, the subject property appears to be currently covered in timber with shrubs. There are smaller parcels located to the north and west of the subject property which are developed with residential uses. There are three large timber tract parcels located within the notification area.





- a. **PUBLIC AGENCY:** The property did not require any request for comments prior to the release of the decision and none were received.
- b. **PUBLIC COMMENTS:** The property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** The 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 files at the time of this report; the properties are compliant with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-compliant.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an intervening 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.e by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The property’s deed history can be traced back to Volume 301, Page 15 in the Coos County Clerk’s record. The current acknowledge zoning is Forest which makes this property a legal non-conforming lot. Therefore, staff concludes the property is lawfully created lots.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

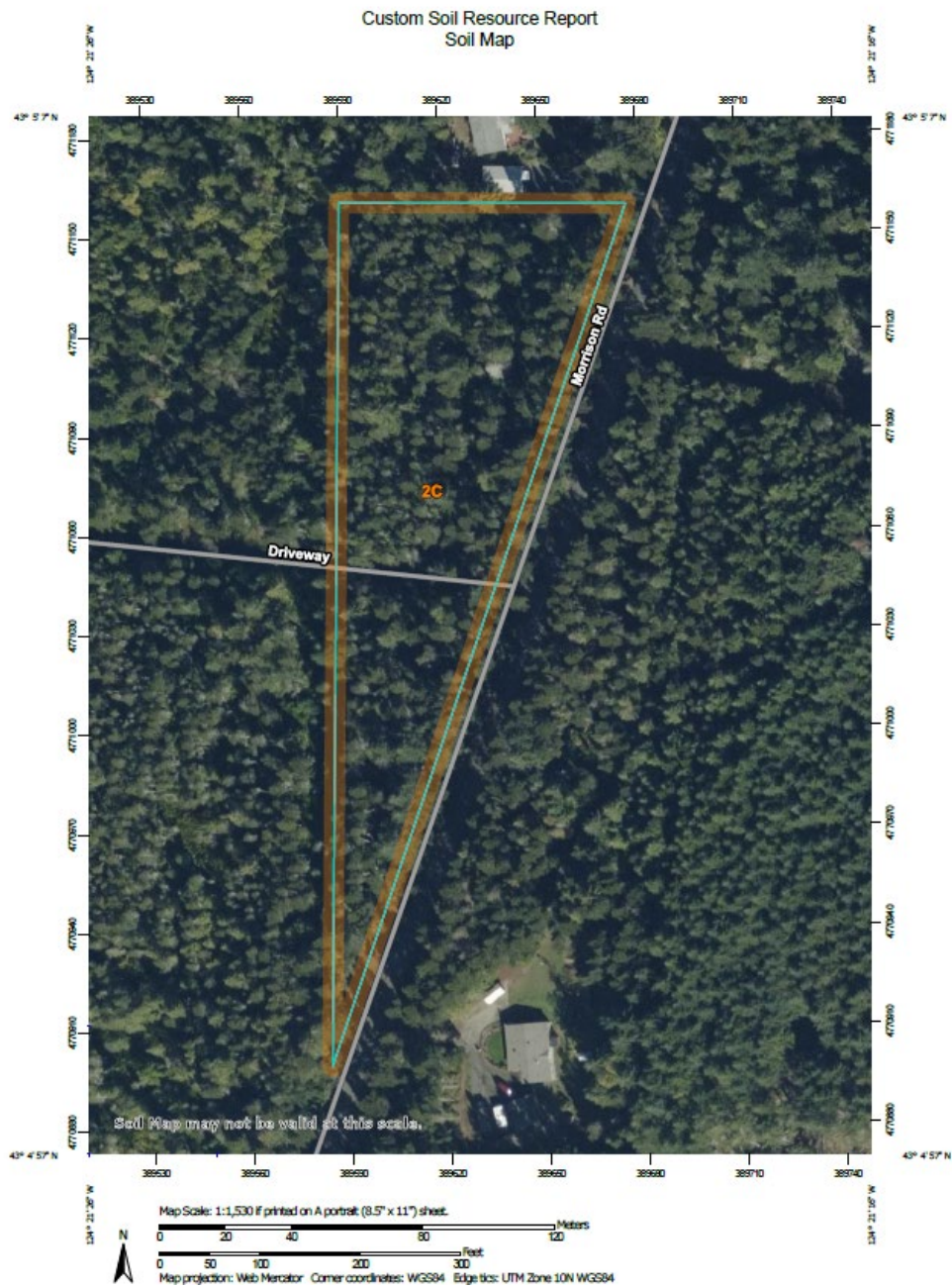
Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63.	Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU (9)(B)(II)

- 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
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	2.8	100.0%
Totals for Area of Interest		2.8	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
2C—Bandon-Blacklock complex, 0 to 12 percent slopes				
Bandon	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Port orford cedar	—	—	
	Red alder	—	—	
	Shore pine	94	86.00	
	Sitka spruce	142	200.00	
	Western hemlock	134	200.00	
	Western redcedar	—	—	
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	

2C-Bandon-Blacklock complex, 0 to 12 percent slopes.

This map unit is on dissected marine terraces. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 25 to 300 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

This unit is 60 percent Bandon sandy loam and 20 percent Blacklock fine sandy loam. The Bandon soil is in slightly convex areas where slope is 0 to 12 percent, and the Blacklock soil is in scattered depressional areas where slope is 0 to 3 percent. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Bullards, Heceta, and Yaquina soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

The Bandon soil is deep and well drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of decomposed organic litter 1 inch thick. The surface layer is dark grayish brown sandy loam 5 inches thick. The upper 25 inches of the subsoil is dark reddish brown sandy loam and loam, and the lower 13 inches is pale brown, cemented, sandy material. The substratum to a depth of 60 inches or more is yellowish brown loam.

Permeability of the Bandon soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 2 to 6 inches. Effective rooting depth is 18 to 36 inches. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.

The Blacklock soil is deep and poorly drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray loamy fine sand 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown, red, and brown sand.

Permeability of the Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.

This unit is used mainly for timber production and wildlife habitat. Areas of the Bandon soil are also used for pasture, recreation, and homesite development.

The Bandon soil is suited to the production of Douglas fir. Among the other species that grow on this soil are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle.

The Blacklock soil is suited to the production of shore pine. Among the other species that grow on this soil are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 137 on the Bandon soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.

On the basis of a 100-year site curve, the mean site index for shore pine is 90 on the Blacklock soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year.

High winds from the Pacific Ocean may seriously limit the growth of trees on this unit unless the trees are in a protected area.

The main limitations for the management of timber on this unit are the hazard of windthrow, seasonal wetness on the Blacklock soil, and plant competition on the Bandon soil. Windthrow is a hazard when the soil is wet and winds are strong. Tree roots are restricted by the cemented layer in the soils. The seasonal high water table in the Blacklock soil limits the use of equipment during wet periods. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings on the Bandon soil and shore pine seedlings on the Blacklock soil.

Tree seedlings on the Blacklock soil have only a moderate rate of survival because of the seasonal high water table.

If this unit is used for pasture, the main limitations are the droughtiness of the Bandon soil in summer and the wetness of the Blacklock soil. Supplemental irrigation is needed for maximum production on the Bandon soil. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs. Drainage is needed for maximum production. Water on or near the surface can be removed with open ditches or tile drains. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion.

If this unit is used for recreational development, the main limitations are the very slow permeability of the Bandon soil and the wetness and very slow permeability of the Blacklock soil. Water perched above the cemented layer may limit the use of recreational facilities to dry periods. Drainage should be provided for paths and trails. Wetness can be reduced by ripping the cemented layer in the Bandon soil and by installing open ditches or tile drains in the Blacklock soil.

If this unit is used for homesite development, the main limitations are the very slow permeability of the soils and the hazard of erosion. Use of septic tank absorption fields is limited by the very slow permeability. Because of the cemented layer, onsite sewage disposal systems often fail or do not function properly during periods of high rainfall. The limitation of very slow permeability may be overcome by increasing the size of the absorption field.

Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. Structures to divert runoff are needed if buildings and roads are constructed.

This map unit is in capability subclass Vlw.

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 2C – Bandon-Blacklock complex soil type. The proposed dwelling location is sited in 2C soil type. The volume of wood fiber per year for 2C is 143 cubic feet per acre per year for Douglas-fir species. This volume requires (all or part of) to be at least 11 other lots or lots that existed on January 1, 1993 and within those qualifying lots and parcels at least three 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.

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.

- g. *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
 - h. *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*
- (4) *Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:*
- a. *On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:*
 - i. *Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
 - 1. *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
 - 2. *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (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 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.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

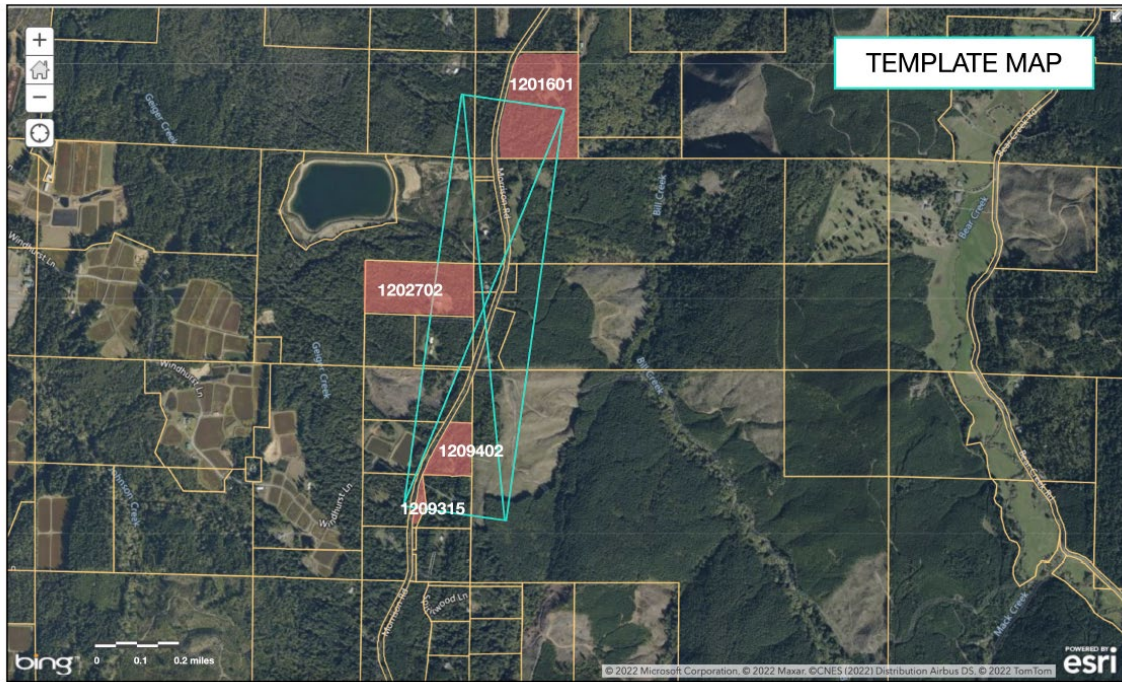
There has not been any previous property line adjustment on the subject property.

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 subject property is 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:

TEMPLATE					
Parcels Within 160-Acre Rectangle	Account #	Owner	Dwelling Sited Prior to 1/1/93?	"Nearby" / Within Notification Area	Property Class
29S14W04 100	1202100	CLARK, RICH A & STACEY L			
29S14W03 500	1201602	WILLIAM & MARY SECHLER REV TRUST			
29S14W03 600	1201601	HORTENSE M. JOYCE TRUST	Yes - 1966		
29S14W04 700	1202400	FIVE J CRANBERRY FARMS LP		Yes	641 - IMP HIGHEST/ BEST USE F
29S14W03 901	1201702	RONNY O. HAGA TRUST		Yes	649 - IMPRVD TRACT- FOREST DFL W/MHS
29S14W03 905	1201705	RONNY O. HAGA TRUST			
29S14W03 900	1201700	FIVE J CRANBERRY FARMS LP		Yes	641 - IMP HIGHEST/ BEST USE F
29S14W04 900	1202702	DAVIES, ROBERT EARLE	Yes - 1975	Yes	661 - IMPRVD TRACT- FOREST STFL
29S14W04 1001	1202701	THE DONALD & JEANNE SMITH REVOCABLE FAMI		Yes	640 - HIGHEST/BEST USE FOREST
29S14W04 1000	1202700	THE DONALD & JEANNE SMITH REVOCABLE FAMI		Yes	641 - IMP HIGHEST/ BEST USE F
29S14W03 903	1201704	KISTNER, DOUG & IVA		Yes	101 - RESIDENTIAL - IMPROVED
29S14W03 1100	1201900	KLEIST, ADAM R JR			
29S14W03 1200	1201901	STRADER, PAULA A & VICKI L		Yes	141 - IMPROVED RESIDENTIAL W/ FOREST
29S14W03 1201	1201902	LONE ROCK TIMBER INVESTMENTS MDB-LAND CO		Yes	650 - H & B USE FOREST Q
29S14W09 100	1209400	ANDERSON, SUKHEE ET AL		Yes	649 - IMPRVD TRACT- FOREST DFL W/MHS
29S14W09 101	99920225	PORTER, MICHAEL L & BERNADETTE M		Yes	100 - RESIDENTIAL - UNIMPROVED
29S14W10 200	1210200	BAVARIAN OLYMPUS TIMBER LLC		Yes	650 - H & B USE FOREST Q
29S14W09 200	1209401	RICHERT, DOUG & TIFFANY			
29S14W09 201	1209402	ENDERLE, DENNIS WAYNE & ROSEMARY	Yes - 1989		
29S14W09 300	1209301	URLACHER, EDWARD & ROSALIE			
29S14W09 401	1209315	ORDONEZ, JOHN L. & ANNA R.	Yes - 1953		
29S14W09 400	1209304	MOUNT, SUZANNE			

The applicant submitted the following information for dwellings sited prior to January 1, 1993 on these select parcels.

**Coos County
2022 Real Property Assessment Report
Account 1201601
NOT OFFICIAL VALUE**

Map 29S1403-00-0000 Tax Status Assessable
Code - Tax ID 5403 - 1201601 Account Status Active
Legal Descr See Record Subtype NORMAL
Mailing HORTENSE M. JOYCE TRUST JOYCE, HORTENSE M., TRUSTEE 53935 MORRISON RD BANDON OR 97411-8384 Dead Reference # See Record Sales Date/Price See Record Appraiser

Property Class	661	MA	SA	NH					
RMV Class	601	06	27	RRL					
Site / Situs Address		City							
10 53935 MORRISON RD		BANDON							
Value Summary									
Code Area	RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR%		
5403 Land	53,819					Land	0		
Impr	313,830					Impr	0		
Code Area Total	367,649	289,290	300,240	11,809	10,950		0		
Grand Total	367,649	289,290	300,240	11,809	10,950		0		
Land Breakdown									
Code Area	ID #	RFPD	Plan Ex Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	30	<input checked="" type="checkbox"/>	F	Forest Site	100	1.00 AC	AVF	006*	5,810
40	<input checked="" type="checkbox"/>	F	Market	100	4.00 AC	MV	003		42,010
				SITE AMENITIES	100				4,000
10			F	Small Tract Forest land	100	23.20 AC	STF-E	005*	2,199
Code Area Total							28.20		53,819
Improvement Breakdown									
Code Area	ID #	Year Built	Class Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	1	1999	144 Two story with basement-Class 4	100	3,073			304,660	
2	316		FEEDER BARN	100	512			3,940	
3	341		HAY COVER	100	768			5,230	
Code Area Total							4,353		313,830

**Coos County
2022 Real Property Assessment Report
Account 1202702
NOT OFFICIAL VALUE**

Map 29S1404-00-0000 Tax Status Assessable
Code - Tax ID 5403 - 1202702 Account Status Active
Legal Descr See Record Subtype NORMAL
Mailing DAVIES, ROBERT EARLE PO BOX 185 BANDON OR 97411-0185 Dead Reference # See Record Sales Date/Price See Record Appraiser

Property Class	661	MA	SA	NH					
RMV Class	601	06	27	RRL					
Site / Situs Address		City							
10 5398 MORRISON RD		BANDON							
Value Summary									
Code Area	RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR%		
5403 Land	34,541					Land	0		
Impr	88,920					Impr	0		
Code Area Total	123,461	49,910	60,059	17,361	16,149		0		
Grand Total	123,461	49,910	60,059	17,361	16,149		0		
Land Breakdown									
Code Area	ID #	RFPD	Plan Ex Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	30	<input checked="" type="checkbox"/>	F	Forest Site	100	1.00 AC	AVF	006*	10,844
40	<input checked="" type="checkbox"/>	F	Market	100	1.25 AC	MV	003		17,100
				SITE AMENITIES	100				4,000
10			F	Small Tract Forest land	100	15.00 AC	STF-D	006*	2,144
50	<input checked="" type="checkbox"/>	F	Small Tract Forest land	100	2.75 AC	STF-D	006*		393
Code Area Total							20.00		34,541
Improvement Breakdown									
Code Area	ID #	Year Built	Class Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	1	1978	151 One story-Class 3	100	619			85,510	
2	303		General Purpose Building	100	1,200			30,410	
Code Area Total							1,819		86,920
Exemptions / Special Assessments / Notations									
Notations									
■ FARM/FOREST POTL ADDL TAX LIABILITY									
■ FOREST									
■ FOREST HOMESITE									
Code Area	5403				Amount	Acres	Year		
■ FIRE PATROL SRCHG							47.50	2022	
■ FIRE PATROL TIMBER							35.23	18.00	2022

**Coos County
2022 Real Property Assessment Report
Account 1209402
NOT OFFICIAL VALUE**

Map 29S1409-00-0001 Tax Status Assessable
Code - Tax ID 5403 - 1209402 Account Status Active
Legal Descr See Record Subtype NORMAL
Mailing ENDERLE, DENNIS WAYNE & ROSEMARY 53403 MORRISON RD BANDON OR 97411-8393 Dead Reference # 2013-3993 Sales Date/Price 04-26-2013 / \$340,000 Appraiser

Property Class	641	MA	SA	NH					
RMV Class	601	06	27	RRL					
Site / Situs Address		City							
20 53403 MORRISON RD		BANDON							
Value Summary									
Code Area	RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR%		
5403 Land	74,354					Land	0		
Impr	376,410					Impr	0		
Code Area Total	450,764	346,660	348,390	2,754	1,720		0		
Grand Total	450,764	346,660	348,390	2,754	1,720		0		
Land Breakdown									
Code Area	ID #	RFPD	Plan Ex Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	30	<input checked="" type="checkbox"/>	F	Designated Forest Land	100	1.67 AC	E	006*	1,950
40	<input checked="" type="checkbox"/>	F	Market	100	1.00 AC	HS	003		71,800
Code Area Total							6.81		74,354
Improvement Breakdown									
Code Area	ID #	Year Built	Class Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	1	0	153 Two story-Class 4	100	2,208			347,500	
2	1987	303	General Purpose Building	100	1,200			29,110	
Code Area Total							3,408		376,410
Exemptions / Special Assessments / Notations									
Notations									
■ FARM/FOREST POTL ADDL TAX LIABILITY									
■ FOREST									
Code Area	5403				Amount	Acres	Year		
■ FIRE PATROL SRCHG							47.50	2022	
■ FIRE PATROL TIMBER							18.75	5.81	2022

**Coos County
2022 Real Property Assessment Report
Account 1209315
NOT OFFICIAL VALUE**

Map 29S1409-00-0001 Tax Status Assessable
Code - Tax ID 5403 - 1209315 Account Status Active
Legal Descr See Record Subtype NORMAL
Mailing ORDONEZ, JOHN L & ANNA R PO BOX 745 BANDON OR 97411-0745 Dead Reference # See Record Sales Date/Price See Record Appraiser DANNY R. STEELE

Property Class	101	MA	SA	NH					
RMV Class	101	06	27	RRL					
Site / Situs Address		City							
10 53329 MORRISON RD		BANDON							
Value Summary									
Code Area	RMV	MAV	AV	SAV	MSAV	RMV Exception	CPR%		
5403 Land	230,880					Land	0		
Impr	179,110					Impr	0		
Code Area Total	409,990	162,950			162,950		0		
Grand Total	409,990	162,950			162,950		0		
Land Breakdown									
Code Area	ID #	RFPD	Plan Ex Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	10	<input checked="" type="checkbox"/>	F, EFU	Market	132	1.43 AC	HS	002	230,880
Code Area Total							1.43		230,880
Improvement Breakdown									
Code Area	ID #	Year Built	Class Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	1	1993	141 One story-Class 4	123	1,434			179,110	
Code Area Total							1,434		179,110
Exemptions / Special Assessments / Notations									
Code Area 5403									
■ FIRE PATROL SRCHG							47.50	2022	
■ FIRE PATROL TIMBER							18.75	0.43	2022

Staff calculated the template test using the 160-acre rectangle centered on the subject property. Staff finds at least twelve (12) parcels with the 160-acre template rectangle that were created before January 1, 1993. These parcels will be 29S14W03-600, 903, 1100, 1200; 29S14W04-100, 900; and 29S14W09-101, 200, 201,400, 401.

Staff found that at least three (3) of these parcels had dwellings created before January 1, 1993. These parcels will be 29S14W03-600; 29S14W04-900 and 29S14W09-401.

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

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:

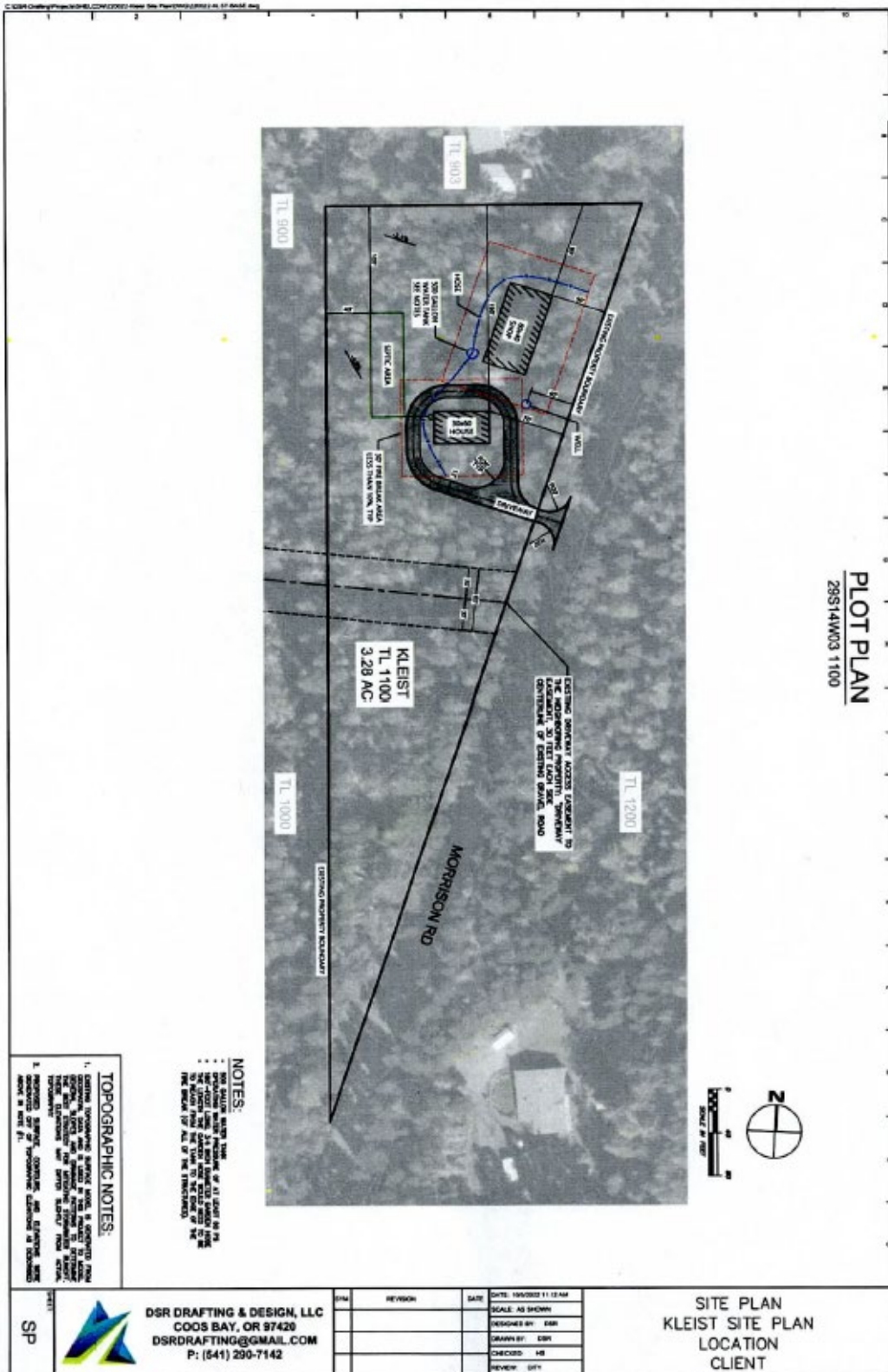
1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby² or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount 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 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

²For 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.

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 property and nearby Farm and Forest operations. The subject property is located off Morrison County Road, 3.5 miles southeast of Bandon. The proposed homesite is located at the northern center portion 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 195 feet to the northern property line, 70 feet to the eastern property line (Morrison Road) and approximately 130 feet for the western property line.





Maps are not to scale

The subject property is located 3.5 air miles southeast of the City of Bandon off Morrison County Road. The subject property is accessed by traveling approximately 1.5 miles east of the City of Bandon along

Highway 42S, then proceed south on Morrison County Road for 3.75 miles. The subject property is located on the western side of Morrison County Road.

The applicants stated the following information:

“Attachment 2 includes a table which depicts and lists the properties within 750' of subject property; the list includes the property class of each. Attachment 4 contains the assessor's summary of each. The nearby properties are used for residential, forest (Designated Forestland and Small Tract Forestland), and farm use.

The applicant's proposed site plan was drawn in order to have the least impact on nearby forest and farm lands. minimize adverse impacts on forest operations and accepted farming practices, minimize the amount of forest land used for non-forest-related purposes, and minimize the risk of wildfire. Alternative site plans were considered. The narrative below describes why the proposed site plan is the least impactful alternative.

The proposed dwelling, shop, and driveway are proposed to be:

1) Clustered near or among existing structures: the proposed dwelling and shop are (a) clustered together on subject property and (b) clustered with existing dwellings on adjoining properties TL 903 (~ 75' to the north) and TL 900 (~500' to the west).

2) Sited close to existing roads: the proposed dwelling and shop are located within 70 feet of Morrison Rd.

3) Setback from adjoining properties: the proposed dwelling and shop meet the applicable setback requirements: (a) at least 35 feet from the centerline of Morrison Rd, (b) at least 30 feet from property lines, to maintain firebreak (subject property contains no slopes greater than 10%),

(c) septic drain field set back a minimum of 100 feet from wells and livestock areas (on subject property and adjacent properties), and (d) well setback minimum of 5 feet from structures and 50 feet from septic tanks and storm drain systems (on subject property and adjacent properties).

4) Sited on that portion of the parcel least suited for growing trees. The circular driveway depicted on the proposed site plan is existing (see Attachment 9 Site Photos). The proposed development is clustered around that existing driveway. The remainder of the trees on subject property will remain, as a visual buffer from surrounding dwellings.

As such, the applicant's proposed site plan meets all siting criteria described under 4.6.130(2), and therefore satisfies 4.6.130(1).

Moreover, per Coos County's requirements, to minimize the impact of dwellings in forest lands, the property owner will (1) file in the deed record of Coos County, a Forest Management Covenant per CCZLDO 4.6.140(5) Minimizing Impacts, (2) maintain a fire break per CCZLDO 4.6.140(10) Firebreak, and (3) maintain a water tank and hose per 4.6.140(9) Fire Siting Standards for New Dwellings.

Staff requested additional information regarding impacts on nearby forest and agricultural operations. The applicant submitted the additional following information:

Please accept the following information, to complete application ACU 22-053:

1) See enclosed Revised Attachment 2 Template and Notice Area Map & List, which has been amended to include two additional columns: (a) "Applicant's Description of Nearby Farm and Forest Operations" and (b) "Applicable Siting Criteria Minimizing Impact."

2) 4.6.130(2) states: "Siting criteria satisfying section (1) [above] of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees."

The submitted application narrative (below) describes how the applicant's proposed site plan was drawn to meet these siting criteria. References to these criteria have been added to the enclosed Revised Attachment 2 in the column "Applicable Siting Criteria Minimizing Impact."

"Attachment 2 includes a table which depicts and lists the properties within 750' of subject property; the list includes the property class of each. Attachment 4 contains the assessor's summary of each. The nearby properties are used for residential, forest (Designated Forestland and Small Tract Forestland), and farm use.

The applicant's proposed site plan was drawn in order to have the least impact on nearby forest and farm lands, minimize adverse impacts on forest operations and accepted farming practices, minimize the amount of forest land used for non-forest related purposes, and minimize the risk of wildfire. Alternative site plans were considered. The narrative below describes why the proposed site plan is the least impactful alternative.

The proposed dwelling, shop, and driveway are proposed to be:

1) Clustered near or among existing structures: the proposed dwelling and shop are (a) clustered together on subject property and (b) clustered with existing dwellings on adjoining properties TL 903 (~ 75' to the north) and TL 900 (~500' to the west).

2) Sited close to existing roads: the proposed dwelling and shop are located within 70 feet of Morrison Rd.

3) Setback from adjoining properties: the proposed dwelling and shop meet the applicable setback requirements: (a) at least 35 feet from the centerline of Morrison Rd, (b) at least 30 feet from property lines, to maintain firebreak (subject property contains no slopes greater than 10%), (c) septic drain field set back a minimum of 100 feet from wells and livestock areas (on subject property and adjacent properties), and (d) well setback minimum of 5 feet from structures and 50 feet from septic tanks and storm drain systems (on subject property and adjacent properties).

4) Sited on that portion of the parcel least suited for growing trees. The circular driveway depicted on the proposed site plan is existing (see Attachment 9 Site Photos). The proposed development is clustered around that existing driveway. The remainder of the trees on subject property will remain, as a visual buffer from surrounding dwellings.

As such, the applicant's proposed site plan meets all siting criteria described under 4.6.130(2), and therefore satisfies 4.6.130(1).

Moreover, per Coos County's requirements, to minimize the impact of dwellings in forest lands, the property owner will (1) file in the deed record of Coos County, a Forest Management Covenant per CCZLDO 4.6.140(5) Minimizing Impacts, (2) maintain a fire break per CCZLDO 4.6.140(10)

Firebreak, and (3) maintain a water tank and hose per 4.6.140(9) Fire Siting Standards for New Dwellings.”

Parcels Within 160-Acre Rectangle	Account #	Owner	Dwelling Sited Prior to 1/1/93?	“Nearby” / Within Notification Area	Property Class	Applicant’s Description of Nearby Farm and Forest Operations	Applicable Siting Criteria Minimizing Impact
29S14W04 100	1202100	CLARK, RICH A & STACEY L					
29S14W03 500	1201602	WILLIAM & MARY SECHLER REV TRUST					
29S14W03 600	1201601	HORTENSE M. JOYCE TRUST	Yes - 1966				
29S14W04 700	1202400	FIVE J CRANBERRY FARMS LP		Yes	641 - IMP HIGHEST/ BEST USE F	Aerial photo shows forest. Assessment report shows designated forestland.	Distance from subject property line: ~330 feet. Distance from reservoir (on TL 800) to subject property line: ~1,300 feet. Not adjoining. Proposed dwelling is also: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W03 901	1201702	RONNY O. HAGA TRUST		Yes	649 - IMPRVD TRACT- FOREST DFL W/ MHS	Aerial photo shows forest and structure. Assessment report shows designated forestland and shed.	Distance from subject property line: ~330 feet. Not adjoining. Proposed dwelling is also: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W03 905	1201705	RONNY O. HAGA TRUST					
29S14W03 900	1201700	FIVE J CRANBERRY FARMS LP		Yes	641 - IMP HIGHEST/ BEST USE F	Aerial photo shows forest and structure. Assessment report shows designated forestland, feeder barn, deck.	Distance from subject property line: ~400 feet. Separated by Morrison Road. Not adjoining. Proposed dwelling is also: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.

Template and Notice Area Map & List
Kleist | Morrison Rd

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Parcels Within 160-Acre Rectangle	Account #	Owner	Dwelling Sited Prior to 1/1/93?	"Nearby" / Within Notification Area	Property Class	Applicant's Description of Nearby Farm and Forest Operations	Applicable Siting Criteria Minimizing Impact
29S14W04 900	1202702	DAVIES, ROBERT EARLE	Yes - 1975	Yes	661 - IMPRVD TRACT-FOREST STFL	Aerial photo shows forest and structure. Assessment report shows small tract forestland, dwelling, and general purpose building.	Adjoining property. Proposed dwelling clustered between dwelling on this property, 53636 Morrison (Kistner), 53487 Morrison (Strader), and 53562 Morrison (Smith). Proposed dwelling is also: (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W04 1001	1202701	THE DONALD & JEANNE SMITH REVOCABLE FAMI		Yes	640 - HIGHEST/BEST USE FOREST	Aerial photo shows forest. Assessment report shows designated forestland.	Adjoining tract. Proposed dwelling clustered between dwelling on this property, 53636 Morrison (Kistner), 53487 Morrison (Strader), and 53564 Morrison (Davies).
29S14W04 1000	1202700	THE DONALD & JEANNE SMITH REVOCABLE FAMI		Yes	641 - IMP HIGHEST/BEST USE F	Aerial photo shows forest and structures. Assessment report shows designated forestland, dwelling, carport, machine shed, general purpose building.	Proposed dwelling is also: (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W03 903	1201704	KISTNER, DOUG & IVA		Yes	101 - RESIDENTIAL - IMPROVED	Aerial photo shows forest and structures. Assessment report shows dwelling and other residential improvements.	Adjoining property. Proposed dwelling clustered between dwelling on this property, 53562 Morrison (Smith), 53487 Morrison (Strader), and 53564 Morrison (Davies). Proposed dwelling is also: (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W03 1100	1201900	KLEIST, ADAM R JR					

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Kleist | Morrison Rd

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Parcels Within 160-Acre Rectangle	Account #	Owner	Dwelling Sited Prior to 1/1/93?	"Nearby" / Within Notification Area	Property Class	Applicant's Description of Nearby Farm and Forest Operations	Applicable Siting Criteria Minimizing Impact
29S14W03 1200	1201901	STRADER, PAUL A & VICKI L		Yes	141 - IMPROVED RESIDENTIAL W/ FOREST	Aerial photo shows forest and structures. Assessment report shows dwelling and garage.	Adjacent parcel (directly across Morrison Rd). Proposed dwelling clustered between dwelling on this property, 53562 Morrison (Smith), 53564 Morrison (Davies), and 53636 Morrison (Kistner). Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W03 1201	1201902	LONE ROCK TIMBER INVESTMENTS MDB-LAND CO		Yes	650 - H & B USE FOREST Q	Aerial photo shows forest. Assessment report shows designated forest land.	Separated by Morrison Road. Not adjoining property. Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W09 100	1209400	ANDERSON, SUKHEE ETAL		Yes	649 - IMPRVD TRACT-FOREST DFL W/ MHS	Aerial photo shows forest. Assessment report shows designated forest land, carport, and general purpose building.	Not adjoining property. Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W09 101	99920225	PORTER, MICHAEL L & BERNADETTE M		Yes	100 - RESIDENTIAL - UNIMPROVED	Aerial photo shows forest. Assessment report shows new dwelling construction.	Separated by Morrison Road. Not adjoining property. Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.
29S14W10 200	1210200	BAVARIAN OLYMPUS TIMBER LLC		Yes	650 - H & B USE FOREST Q	Aerial photo shows forest. Assessment report shows designated forest land.	Separated by Morrison Road. Not adjoining property. Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.

Template and Notice Area Map & List
Kleist | Morrison Rd

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Parcels Within 160-Acre Rectangle	Account #	Owner	Dwelling Sited Prior to 1/1/93?	"Nearby" / Within Notification Area	Property Class	Applicant's Description of Nearby Farm and Forest Operations	Applicable Siting Criteria Minimizing Impact
29S14W09 200	1209401	RICHERT, DOUG & TIFFANY					
29S14W09 201	1209402	ENDERLE, DENNIS WAYNE & ROSEMARY	Yes - 1989				
29S14W09 300	1209301	URLACHER, EDWARD & ROSALIE					
29S14W09 401	1209315	ORDONEZ, JOHN L. & ANNA R.	Yes - 1953				
29S14W09 400	1209304	MOUNT, SUZANNE					

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. The applicant is responsible for the burden of proof to justify the application.

Based on the aerial photos, there appears to be industrial forested lands on the adjacent properties to the east of the subject property. West, north, and east of the subject property are 3.93-to-20-acre Forest zoned parcels that developed with dwellings. When looking at the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

The proposed dwelling location is only 70 feet from the eastern property line, which abuts Morrison County Road. Based on aerial imagery and Assessor tax lot data, there is a parcel (tax lot 1201) that covered in reprod 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. The applicant submitted the following information in regards to minimizing impacts to the resource uses on this site: *“Separated by Morrison Road. Not adjoining property. Proposed dwelling is: (a) clustered near or among existing structures, (b) sited close to existing roads, (c) sited on that portion of the parcel least suited for growing trees.”* The applicant did not describe the resources uses on the adjacent site (tax lot 1201), thus Staff was not able to render how the proposed measures minimizes impact to the adjacent resources uses.

Therefore, Staff finds the proposed location of dwelling may, or may not, interfere with adjacent forest management herbicide practices.



According to the topographic map above, the adjacent parcel to the south appears to have slopes less than 35%, so ground 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 300 feet buffer. The applicant’s proposed dwelling location is 70 feet from the eastern property line with a 60 feet right-of-way for Morrison Road. Therefore, the applicant’s proposed location does not minimize the effects of the proposed dwelling on harvesting practices on the adjacent property.

Therefore, Staff finds the proposed location may, or may not, minimize 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’s proposed plot plan showed the dwelling in the northern center portion of the property. The plot plan only shows two setback distances from the dwelling to property lines. The applicant did not appear to justify how the minimal amount of land was removed from forest use. 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 *“Moreover, per Coos County’s requirements, to minimize the impact of dwellings in forest lands, the property owner will (1) file in the deed record of Coos County, a Forest Management Covenant per CCZLDO 4.6.140(5) Minimizing Impacts, (2) maintain a fire break per CCZLDO 4.6.140(10) Firebreak, and (3) maintain a water tank and hose per 4.6.140(9) Fire Siting Standards for New Dwellings.”* The applicants did not provide a plot plan, with

contours, as proof of slopes on the subject property. Staff is relying on the NRCS data for slopes. The slopes for 2C soil type are 0-12%. Also relying the topographic map used above. Staff finds the primary and secondary fuel break slopes the proposed dwelling are less than 10%. The second factor to address is the vegetation fuel loads on the subject property. The applicant's will be required to install a 30 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 northern portion of the subject tract and the driveway is approximately 70 feet from the eastern property. The parcel is relatively narrow at 225 feet in the area where the dwelling is proposed 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. In order to minimize wildfire danger created by the construction process, the well shall be constructed prior to requesting the zoning compliance letter for said residential development. 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 new approved dwelling location that will be required as a condition of approval.

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:

"Domestic water supply will be from a well, used for (1) single or group domestic purposes in an amount not exceeding 15,000 gallons a day and (2) watering any lawn or noncommercial garden not exceeding one-half acre in area.

ORS 537.545 Exempt Uses serves as verification that a water use permit is not required for the use described in this application.

ORS 537.545: "No registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 (Short title) to 537.795 (ORS 537.505 to 537.795 supplementary) and 537.992 (Civil penalties) is required for the use of ground water for [. . .] (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day"

The applicant's plan therefore meets the standards of 4.6.130(3), above, given the applicant submits a well constructor's report to the county upon completion of the well."

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. The well shall be constructed prior to requesting the zoning compliance letter. The applicant will be required to submit the Well Constructor Log prior to requesting a zoning compliance letter. These will be conditions of approval. Therefore, these criterions have been addressed.

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. Based on the plot plan, the dwelling will be access via Morrison County Road. 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 criteria 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.

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.

- c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*
- d. *Proof that all of these items will be met includes proof of the slope to determine additional firebreak setbacks is required.*

Table 1 – Minimum Primary Safety Zone

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

- 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”. 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 “Non-combustible or fire resistant roofing materials”. 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%. Based on the NRCS soil type data for 2C Bandon-Blacklock complex, the property slope around the dwelling site is less than 40%. 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. The applicant stated that *“The dwelling will be served by a water well; no Class II stream water is available or proposed for use”*. 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.

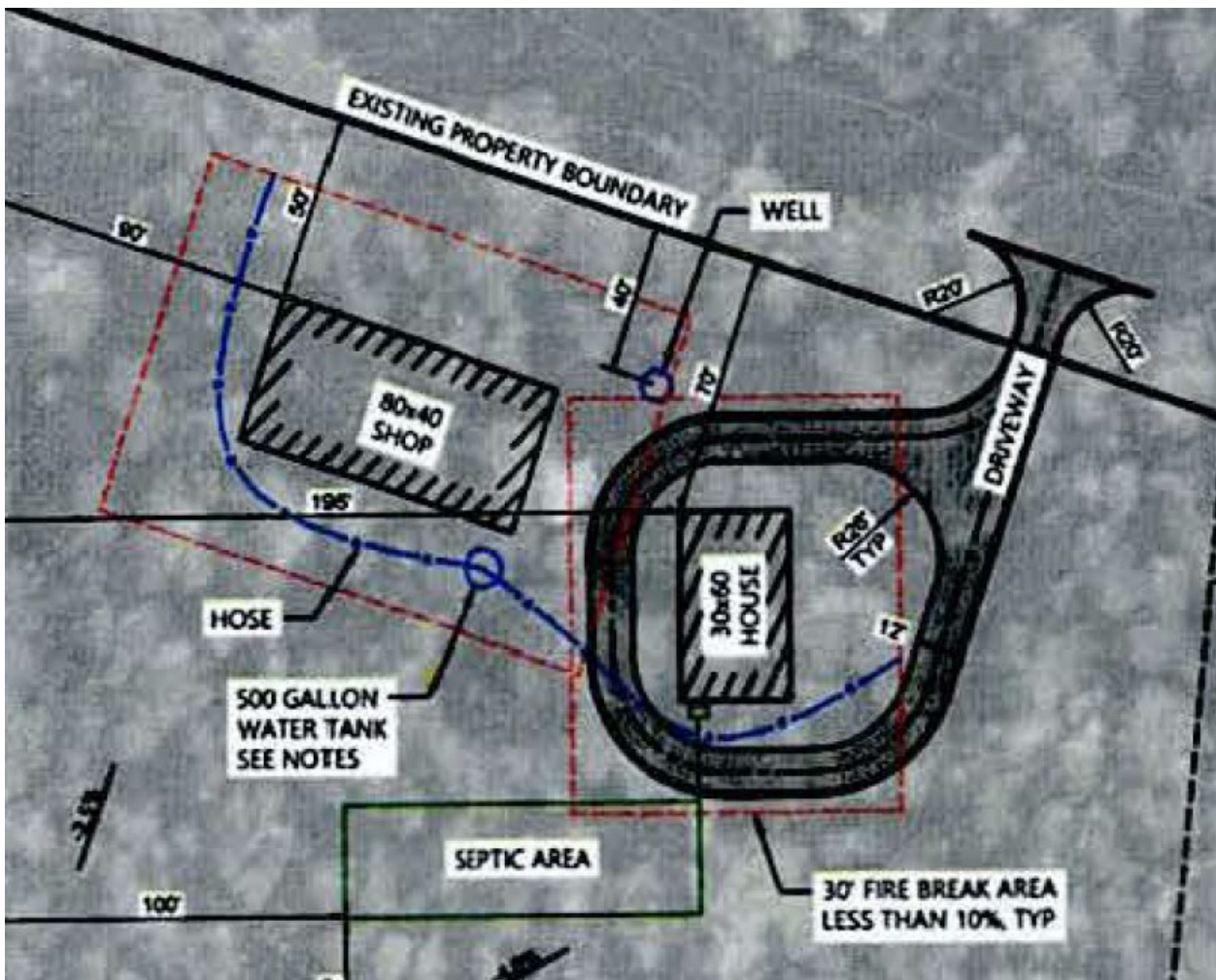
(f) States that if a dwelling has a chimney, it shall have a spark arrester. The applicants stated that *“A spark arrester will be installed on the proposed dwelling”*. Therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on the NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant’s will be required to install a 30 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 NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicants will be required to install a 30 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 water hose and water tanks, identified as with the blue line.



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 NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicants will be required to install a 30 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 Morrison Road, which is a non-County maintained public road. 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 Wednesday, May 12, 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.

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.