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Coos County Community Development
Mailing Address: 250 N. Baxter, Coquille, Oregon
Office Location: 60 E. Second St., Coquille OR 97423
Planning, Building, Onsite and Enforcement
Phone: 541-396-7770
Fax: 541-266-1146

TDD (800) 735-2900

NOTICE OF LAND USE DECISION

Wednesday, May 21, 2025
File Number: ACU-24-064

Dear Recipient,

You are receiving this notice because you are a property owner, legal representative, consultant, surveyor, adjacent landowner, or an interested party. This notice is required by ORS 215.416 and the Coos County Zoning and Land Development Ordinance (CCZLDO) to inform affected and interested parties of a land use decision on the subject property (see attached vicinity map).

Notices are sent to the applicant, property owner(s), adjacent landowners (based on distance: Urban – 100 ft, Rural – 250 ft, Resource – 750 ft), special districts, agencies, and anyone who has requested notice.

Per ORS 215.513, if you are a mortgagee, lienholder, vendor, or seller and you receive this notice, you must forward it to the purchaser.

If you are adversely affected or aggrieved, you may appeal the decision to the Coos County Hearings Body under CCZLDO Article 5.8 by filing a written appeal within the timeframe provided in this notice. For appeals or questions, contact the Coos County Community Development at 250 N. Baxter, Coquille, OR 97423.

Please read this notice carefully. It outlines how to access details, provide input, or appeal the decision.

Subject Property Information

Account Number:	494606
Map Number:	26S122900-01802
Property Owner:	LUCERO, JOHN E & KARI M 93876 ROSE MOUNTAIN LN NORTH BEND, OR 97459-8247
Situs Address:	NO SITUS ADDRESS
Acreage:	6.43 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	ARCHAEOLOGICAL AREAS (ARC) FOREST MIXED USE (MU)

This notice shall be posted from May 28, 2025 to June 12, 2025

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Community Development by 5 p.m. on **Wednesday, May 28, 2025**. Appeals are based on the applicable land use criteria.

This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically:

- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
- **Conditional Use Review:** The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. Section 4.6.110 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. **The requested use is #63 Template Dwelling (ORS 215-750) which requires a Conditional Use to address Section 4.6.120 Review Standard #9(B)(II).** Development is also subject to Section 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones and 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2.

IMPORTANT INFORMATION ABOUT THIS NOTICE

Please be advised that civil matters, including private property disputes that fall outside the scope of applicable land use criteria, will not be considered as part of this decision process. This notice does not entitle you to appeal directly to the Land Use Board of Appeals (LUBA). Notices mailed pursuant to ORS 215 are considered legally served upon those property owners listed in the affidavit of mailing prepared by the designated county official. Failure to notify an owner due to recent ownership changes **or** newly created lots not yet reflected in the most recent tax assessment roll does not invalidate this decision or ordinance. Additionally, issues not raised at the appropriate time, either orally at a hearing **or** in writing, and supported by sufficient evidence, may not be raised later on appeal to LUBA.

Pursuant to Chapter 5 of the Coos County Zoning and Land Development Ordinance a party may represent themselves or be represented by a licensed attorney. A consultant or other non-attorney professional may assist with preparing materials, submitting applications, or providing technical expertise. However, such individuals are not considered legal representatives and do not have standing to act on behalf of a party in a legal capacity unless they have been granted power of attorney by the property owner.

Specifically, a consultant may appear as a fact witness, meaning they can present information, data, or professional opinions, or assist with application preparation in support of a party's position. However, they do not have standing to appeal or legally represent a client unless they are a licensed attorney in the state of Oregon.

Standing to appeal is limited to the applicant, an adversely affected party, or their legal counsel. If a consultant wishes to participate in a proceeding, they must do so in coordination with the party they are assisting, and any formal appeal must be filed by the party themselves or by their attorney.

This ensures compliance with procedural requirements and maintains the integrity of the quasi-judicial process, particularly where legal rights and obligations are being determined.

All relevant materials—including the application, staff report, and decision documents—are available online at: <https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

For more information, please contact Staff at (541) 396-7770.

Reviewed by:

Date: Wednesday, May 28, 2025

Jill Rolfe, Director

This decision is authorized by the Community Development Director based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

Exhibit C: Staff Report -Findings of Fact and Conclusions (available by contacting staff)

**EXHIBIT “A”
CONDITIONS OF APPROVAL**

All applicable federal, state, and local permits must be obtained prior to the commencement of any development activity. If any comments from other agencies were provided as part of this review, it is the responsibility of the property owner to ensure compliance.

The applicant shall comply with the following conditions of approval, understanding that all costs associated with meeting these conditions are the responsibility of the applicant(s) and that the applicant(s) are not acting as an agent of the county. Failure to comply with or maintain compliance with these conditions may result in the revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance.

Please read the following conditions of approval carefully. If you have any questions, contact Community Development staff.

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 (ZCL) shall be required prior to the commencement of construction or use of the approved dwelling. This authorization is subject to the following conditions. The applicant shall submit a written request for the ZCL, accompanied by documentation demonstrating that the following have been satisfied:
 - a. The property owner is responsible for ensuring compliance with all conditions of approval, and the land use authorization shall remain recorded in the chain of title. A covenant must be recorded with the Coos County Clerk and a copy provided to the Community Development Department. The covenant shall address:
 - i. Forest Management responsibilities pursuant to CCZLDO § 4.6.140(5), acknowledging wildfire risk, vegetation management duties, and responsibilities associated with developing on forest lands.
 - ii. Right to Farm and Forest Practices pursuant to CCZLDO § 4.6.130(5)(e) and ORS 30.936–30.937, stating that the landowner and successors shall not pursue claims against lawful farming or forestry practices.
 - iii. Development Transferability pursuant to CCZLDO § 5.2.700, affirming that a conditional use approval may be transferred only upon submission of a signed statement from the transferee acknowledging receipt of the land use approval and agreement to fulfill all applicable conditions. This must be recorded in the chain of title.

These three requirements may be satisfied through the recording of a single, consolidated covenant.

- b. Siting Standards – CCZLDO § 4.6.130(1)-(2): The dwelling and structures shall be sited to:
 - i. Minimize impacts on nearby or adjoining forest and agricultural lands;
 - ii. Minimize adverse impacts on forest operations and farming practices;
 - iii. Reduce forest land used for roads and development;
 - iv. Minimize wildfire risks. These criteria shall be supported by a site plan showing clustering, proximity to roads, and siting on less productive areas.

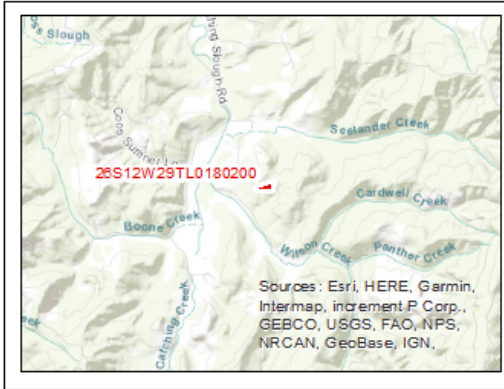
- c. Water Supply – CCZLDO § 4.6.130(3): Evidence shall be provided that water is from a source authorized under Water Resources Department rules and not from a Class II stream. If exempt under ORS 537.545, submit the well constructor's report upon completion.
 - d. Road Access – CCZLDO § 4.6.130(4): If the dwelling is accessed via a privately maintained or agency-maintained road, submit proof of a long-term access agreement or easement showing responsibility for maintenance.
 - e. Forest Stocking – CCZLDO § 4.6.130(5)(a)-(d): The applicant shall plant sufficient trees to meet Oregon Department of Forestry stocking standards. The Community Development will notify the Assessor. If the parcel is >10 acres (western Oregon), a stocking survey must be submitted to the assessor's office and confirmation provided to Community Development. Noncompliance may result in tax penalties per ORS 321.359.
 - f. Setbacks – CCZLDO § 4.6.140(2): Structures must be set back 35 feet from road centerlines or 5 feet from the right-of-way line, whichever is greater. Show this on the plot plan.
 - g. Parking – CCZLDO § 4.6.140(4): Off-street parking shall comply with Chapter VII. At least two spaces must be provided.
 - h. Riparian Protection – CCZLDO § 4.6.140(6): Riparian vegetation within 50 feet of mapped water features must be preserved unless exempted. If no water features exist, this standard is not applicable.
 - i. Roofing Materials – CCZLDO §§ 4.6.140(7)(a), 4.6.140(9): Roofing must be fire-resistant or non-combustible. If unavailable at ZCL review, this must be verified prior to occupancy.
 - j. Chimneys – CCZLDO § 4.6.140(14): All chimneys must have spark arresters. Submit building plans or verify prior to occupancy.
 - k. Slope – CCZLDO § 4.6.140(7)(b): Dwelling must not be sited on a slope >40%. Include slope on plot plan.
 - l. Fire Protection Standards – CCZLDO §§ 4.6.140(7)(c)-(d), 4.6.140(8):
 - Provide proof of fire protection district coverage or contract;
 - The applicants will be required to install a 30 feet primary fuel-free break and 50 feet additional primary safety downslope around all structures on the subject property based on a 10% slope.
 - Provide sufficient garden hose and vegetation management.
 - m. Driveway Access – CCZLDO § 4.6.140(10): Road access must meet driveway and road standards in Chapter VII. Provide sign-off or certification.
 - n. Addressing: An address application must be submitted and approved prior to ZCL issuance.
3. Final Occupancy Conditions (Verified by Plans Examiner): Prior to issuance of a Certificate of Occupancy, the following shall be verified:
- Fire-resistant roofing materials (CCZLDO §§ 4.6.140(7)(a), 4.6.140(9));
 - Spark arresters on chimneys (CCZLDO § 4.6.140(14));
 - Access driveway approved and compliant with standards.

EXHIBIT "B"
Vicinity /Template Map
(not to scale)

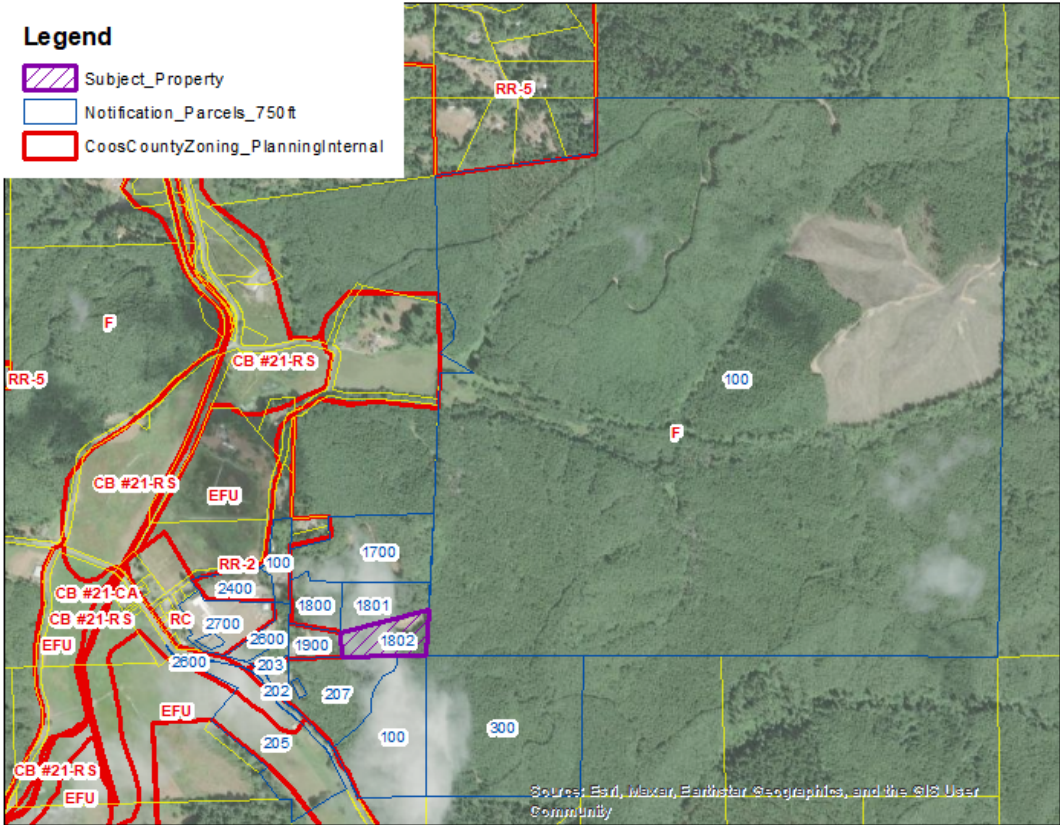


COOS COUNTY COMMUNITY DEVELOPMENT

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



File:	ACU-24-064
Applicant/ Owner:	LUCERO, JOHN E & KARI M
Date:	May 27, 2025
Location:	Township 26S Range 12W Section 29 TL 1802
Proposal:	Administrative Conditional Use





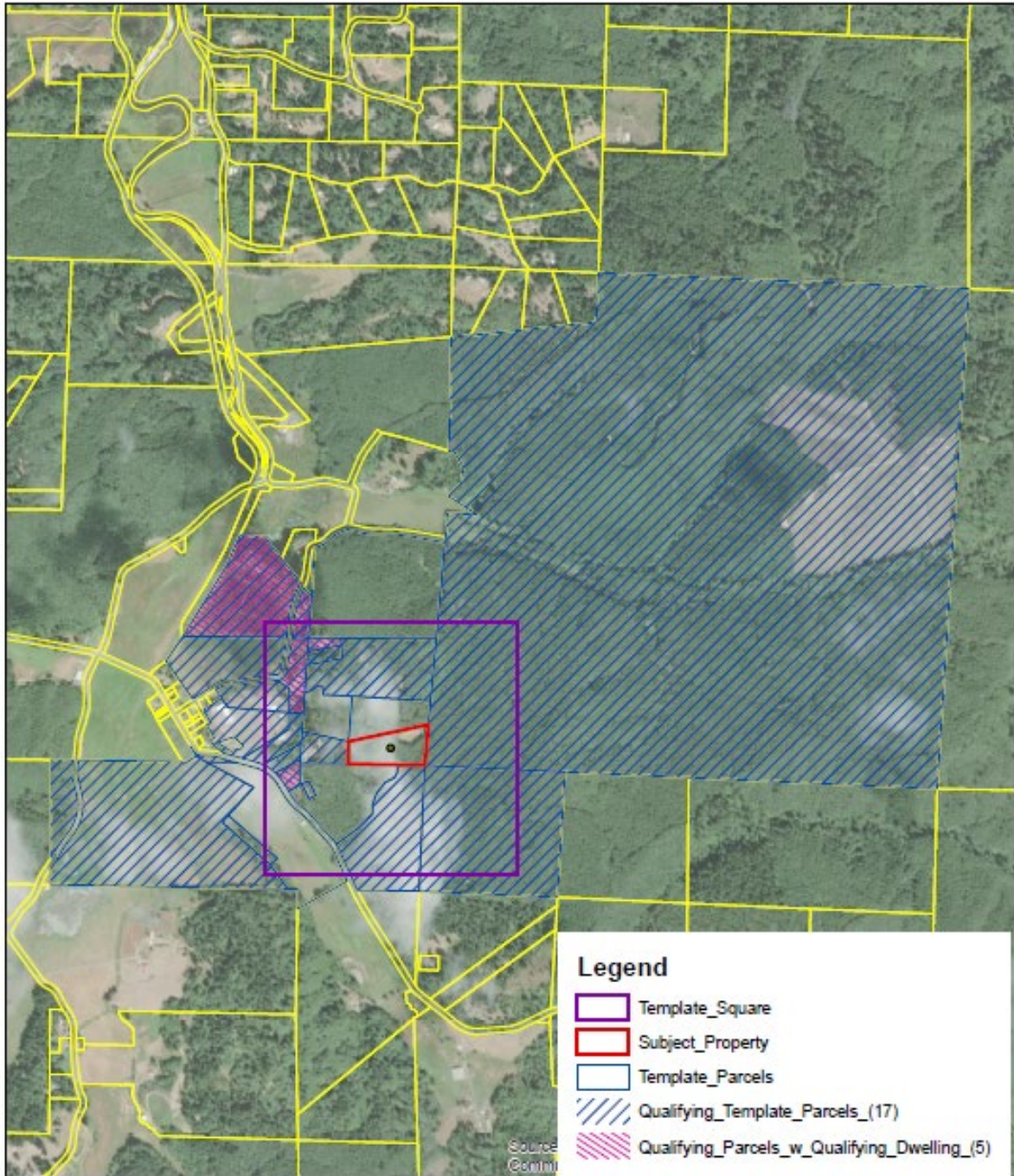
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



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

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

- A. PROPOSAL:** According to the applicant the proposal for this request is an approval of a Conditional Land Use Application to construct a single-family home based on criteria for Forest Template Dwelling. Associated developments include an Accessory Structure, improving the driveway, power, a primary septic installation and backup drain field, and a well. No other structures are proposed. Fuel breaks will be maintained around all structures.
- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of zoning and development compliance activities. On October 18, 2024, a Research Request was submitted to Coos County Community Development requesting that Staff perform a template test on the subject property. On November 21, 2024, Staff issued a response to the Research Request confirming that the parcel meets the template requirements.
- C. LOCATION:** The subject property is located southeast of the City of Coos Bay, off Hardy Lane, which is accessed via Coos Sumner Lane.
- D. ZONING:** - The parcel is zoned Forest (F).

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.

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 finds that, at the time of this report, the property is compliant with the Coos County Zoning and Land Development Ordinance. This does not preclude the possibility that additional information, which was unavailable during this review, could render the property 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 Community Development, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable Community Development, 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 parcel was lawfully created pursuant to Section 6.1.125.2.b, through a prior land use decision (P-05-08).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Request for a Land Use Approval through an Administrative Conditional Use to allow a Forest Template Dwelling, subject to Review Standard #9(B)(III) and an Accessory Structure. Development is also subject to Section 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones and 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2.

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. FOREST TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed cond</i>		

63..	Template Dwelling (Alternative forestland dwellings ORS 215.)	ACU	(9)(B)(II)
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- 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 “template” dwelling authorized under ORS 215.750 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 zero 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 and 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 and continue to exist on the other lots or parcels.
 - (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. 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
 - (d) As used in this section, “center of the subject tract” means the mathematical centroid of the tract.
 - (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 road¹¹ 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:
 - (A) 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:
 - (i) 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

(ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(B) 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.

FINDING: The Coos County Community Development determined that the subject property can produce over 85 cubic feet per acre per year of wood fiber based on the USDA web soil survey. This establishes that the subject property must meet criteria (1)(c)(A): all or part of at least 11 other lots or parcels that existed on January 1, 1993, were within a 160- acre square centered on the tract; and (1)(c)(C): at least 3 dwelling existed on January 1, 1993, on the other parcels.

The applicant supplied a map created during the pre-eligibility process. The results confirmed the presence of three dwellings and more than eleven parcels, meeting the necessary qualifications.



Summary by Map Unit – Coos County, Oregon (OR011)

Map unit symbol	Map unit name	Rating (cubic feet per acre per year)
54D	Templeton silt loam, 7 to 30 percent slopes	186.00
54E	Templeton silt loam, 30 to 50 percent slopes	186.00

- (3) *A proposed “template” dwelling under this rule is allowed only if:*
- (a) *It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;*
 - (b) *It complies with the requirements of OAR 660-006-0029 and 660-006-0035;*
 - (c) *No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
 - (d) *The tract on which the dwelling will be sited does not include a dwelling.*
 - (e) *The lot or parcel on which the dwelling will be sited was lawfully established.*
 - (f) *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
 - (g) *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
 - (h) *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*

FINDING: The property in question complies with the following criteria:

(a) Compliance with Comprehensive Plan and Land Use Regulations: The proposed development adheres to the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other relevant provisions of law.

(b) Compliance with OAR 660-006-0029 and 660-006-0035: The property meets the requirements set forth in OAR 660-006-0029 and OAR 660-006-0035, ensuring that the proposed dwelling complies with state land use rules for forest lands.

(c) No Additional Dwellings Allowed on Tract: This parcel is not part of a tract ownership and wasn’t part of a tract ownership on January 1, 2019.

(d) No Existing Dwelling on the Tract: The tract on which the dwelling will be sited does not include an existing dwelling, ensuring compliance with this requirement.

(e) Lawful Establishment of the Lot or Parcel: The lot or parcel on which the dwelling will be sited was lawfully established in accordance with applicable land use regulations.

(f) Compliance with Property Line Adjustment Provisions: This property has not been adjusted through a property line adjustment.

(g) No Qualifying Property Line Adjustment After January 1, 2019: This property has not been adjusted through a property line adjustment; therefore, an adjustment

made 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.

(h) No Existing or Approved Dwelling on Tract as of January 1, 2019: The lot or parcel on which the dwelling will be sited was not part of a tract on January 1, 2019.

(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:

(A) 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;

(i) No more than one other dwelling exists or has been approved on another lot or

parcel that was part of the tract; and

(ii) 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 Community Development 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 Community Development office.

FINDING: This parcel is not part of a tract and there is not a dwelling already sited on the parcel; therefore, subject (4) and (5) are not applicable to the request.

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

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

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

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

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

FINDING: Staff has reviewed the application and response and find that the applicant has addressed most of Section 4.6.130 as detailed below.

1. Siting Criteria for Dwellings and Structures

(a) Least Impact on Nearby or Adjoining Lands

- **Applicant Response: The applicant did not address this section.**
- **Staff Confirmation: The proposed dwelling and accessory structure will be sited in the northeast portion of the property, within an area that was cleared of trees over 10 years ago. The proposed building site is within the least sloped portion of the property. The applicant has demonstrated that the proposed dwelling and structures will have a minimal impact on nearby or adjoining lands. Therefore, this section has been addressed.**

(b) Minimized Adverse Impacts on Forest Operations and Accepted Farming Practices

- **Applicant Response: The applicant did not address this section.**
- **Staff Confirmation: The siting and associated infrastructure are designed to minimize adverse impacts on forest operations. The portion of the property proposed for development has been cleared of vegetation, and the structures will be reasonably distanced from abutting properties to limit impacts to forest or farm operations.**

(c) Minimized Use of Forest Lands for Access Roads and Structures

- **Applicant Response: The applicant did not address this section.**

- **Staff Confirmation:** Although the applicant did not address minimized use of forest lands for access to roads and structures, the plot plan shows that the proposed access and driveway will be the existing roadway within the property, other than the southern loop portion of the driveway. Staff find that this proposal meets this section.

(d) Minimized Wildfire Risks

- **Applicant Response:** The applicant did not address this section.
- **Staff Confirmation:** The applicant has provided measures to minimize wildfire risks on the plot plan, such as fuel free setbacks and hose bibs.

2. Siting Criteria for Minimizing Impacts

- **Applicant Response:** The applicant did not address this section.
- **Staff Confirmation:** Staff has reviewed the plot plan, and aerial photos and determined that the applicant has met the siting criteria, as detailed.

3. Domestic Water Supply

- **Applicant Response:** The water source will be groundwater using a private domestic well, which is exempt under ORS 537.545 for water use permits. The well has yet to be drilled, after completion of the well evidence will be submitted to Coos County Community Development as a condition of approval.
- **Staff Confirmation:** As a condition of approval, the applicant will provide evidence that the water source meets the criteria.

4. Road Access

- **Applicant Response:** The applicant provided proof of an easement through the privately owned roadway.
- **Staff Confirmation:** This property does not have direct access to the county road, the access road to the property is maintained by a private party. The application did provide sufficient proof of long-term road access agreement.

5. Requirements for Approval of a Dwelling

- 1. Tree Planting and Forest Stocking Requirements**
 - **Applicant Response:** The applicant stated that they will be replanting trees to meet the forest stocking requirements.
 - **Staff Confirmation:** Tree planting and forest stocking requirements will be met; this has been made a condition of approval.
- 2. Size of the Property**
 - **Applicant Response:** The property size is less than 10 acres, so a stocking survey is not required.
 - **Staff Confirmation:** The property size is less than 10 acres, so a stocking survey is not required.
- 3. Deed Restriction for Farm or Forest Practices**

- **Applicant Response:** The applicant will comply with the requirement if deemed applicable.
- **Staff Confirmation:** This is a condition of approval.

The applicant has demonstrated compliance with Section 4.6.130 by ensuring the proposed dwelling and structures are sited to minimize impacts on forest lands, reduce wildfire risks, and meet all relevant requirements, including providing a valid domestic water supply and securing proper road access. The applicant has also addressed tree planting and forest stocking requirements, and the property is under the required acreage threshold, exempting it from additional stocking surveys. If necessary, the applicant will comply with deed restrictions related to farm or forest practices.

○ **SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:**

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

1. *Except as provided in subsection 4.6.145 of this ordinance, the following minimum lot or parcel sizes apply for land designated forestland, is at least 80 acres.*

Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

2. *Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*

- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
- a. *The dwelling has a fire retardant roof.*
 - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope² 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.*

² *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 Oregon² 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.*

- i. *Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.*
- f. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
- g. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*

8. *Firebreak:*

- a. *The property owner shall maintain a primary firebreak safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
- b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*
- d. *Proof that all of these items will be met includes proof of the slope to determine additional firebreak setbacks is required.*

Table 1 – Minimum Primary Safety Zone

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

- 9. *All new and replacement structures shall use non-combustible or fire-resistant roofing materials, as may be approved by the certified official responsible for the building permit.*
- 10. *Access to new dwellings shall meet road and driveway standards in Chapter VII.*

FINDING: Section 4.6.140(1) is only applicable in the creation of new parcels, and division of land is not being requested; therefore, it is not applicable.

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

Section 4.6.140(3) applies to fences, hedges, and walls. The application did not include building any fences, hedges, or walls. "Therefore, the proposal does not include any new fences, hedges, or walls. This criterion does not apply.

Sections 4.6.140(4) require parking, loading, access, and road standards be addressed. A Driveway/Access/Parking Verification Permit application must be signed off before issuance of a Certificate of Occupancy by the Coos County Building Codes Department. 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 claims for relief or causes 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. The property does not contain any wetlands; therefore, this criterion has been addressed.

Section 4.6.140(7)

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

(b) Requires that a dwelling not be located on a slope of greater than 40%. The soils onsite, based on the soil report, are anywhere from 7 to 30% slopes. The applicant has stated the slope is approximately 10%. Therefore, this criterion has been addressed.

(c) Evidence must be provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry. As a condition of approval, the applicants shall provide a sign-off from the Oregon Water Resource for the domestic use of waters of the State before requesting a Zoning Compliance Letter.

(d) Requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Sumner 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 Sumner 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. A condition of approval has been added to meet this requirement; therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on available lidar and topographic imagery available the slope surrounding the proposed dwelling are less than 10%. The applicants will be required to install a 30 feet primary fuel-free break and 50 feet additional primary safety downslope 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.

Section 4.6.140(8)

(a) Determines the primary and secondary fire safety setbacks. Based on available lidar and topographic imagery available the slope surrounding the proposed dwelling are less than 10%. The applicants will be required to install a 30 feet primary fuel-free break and 50 feet additional primary safety downslope 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.

(b) Requires sufficient $\frac{3}{4}$ inch hose for the perimeter of the primary fire break. The applicants stated that a garden hose will be available at all times for fire suppression. This criterion will be made a condition of approval.

(c & d) Determines the primary and secondary fire safety setbacks. Based on available lidar and topographic imagery available the slope surrounding the proposed dwelling are less than 10%. The applicants will be required to install a 30 feet primary fuel-free break and 50 feet additional primary safety downslope 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.

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

Section 4.6.140(10) requires adequate access for firefighting equipment. At the time of 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.

DECISION

In conclusion, Staff finds that the applicant has 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 Forest Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

I. EXPIRATION:

This conditional use is for residential development within a resource zone and is valid for four years from the date of final approval June 12, 2029.

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.

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.

- A Notice of Decision and Staff Report will be provided to the following:
Mailed Copies: Applicants/Owners, Applicant’s Legal Representative, Applicant’s Consultant, and/or Applicant’s Surveyor
Emailed Copies: Department of Land Conservation and Development, Coos County Assessor’s Office, Tribes, Planning Commission and Board of Commissioners.

- A Notice of Decision only
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.

Special Districts: Charleston RFPD, Coos Bay School District #9, Coos Bay – North Bend Water Board, Oregon Int’l Port of Coos Bay