



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, February 29, 2024**
File No: ACU-23-050

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

Applicant(s): Jason Bodewig

Staff Planner: Crystal Orr, Associate 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, March 15, 2024**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. 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: 1220600
Map Number: 29S142000-01200

Property Owner: 52566 KNOLL ROAD LLC
C/O BODEWIG, JASON C
52569 KNOLL RD
BANDON, OR 97411-7268

Situs Address: 52566 KNOLL RD BANDON, OR 97411

Acreage: 13.67 Acres

Zoning: FOREST (F)

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

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice

This notice shall be posted from February 29, 2024 to March 15, 2024

may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

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

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

Reviewed by: _____ **Date:** Thursday, February 29, 2024
Crystal Orr, Associate Planner

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

EXHIBIT "A"

The applicant shall comply with the following conditions of approval, with the understanding that all costs associated with complying with the conditions are the responsibility of the applicant(s), and that the applicant(s) are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval, the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval, and if you have any questions, contact planning staff.

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application.
 - c. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - d. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single-family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a Single-Family Dwelling.
 - e. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rivers then this is not applicable.
 - f. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use

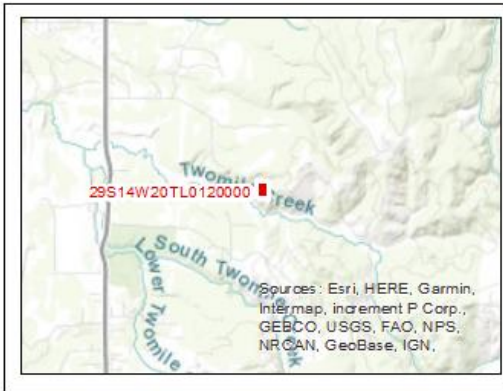
- authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
- g. A new plot plan meeting requirements must be submitted to Staff prior to receiving a Zoning Compliance Letter.
 - h. A Driveway/Access/ Parking Application and Address Application must be submitted prior to receiving a Zoning Compliance Letter.
 - i. A Geological Report for Landslide meeting requirements under Section 4.11.150 & 4.11.150 must be submitted along with the appropriate application type per the findings within the Geological Report.
 - j. Must submit the after the fact fee of \$1600.00.
3. Prior to the issuance of a final occupancy permit by the Coos County Building Official, the following conditions shall be confirmed by the County Plans Examiner during the building review:
 - a. Section 4.6.140(7)(a) & Section 4.6.140(9) All new and replacement structures shall use non-combustible or fire-resistant roofing materials.
 - b. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
 - c. Section 4.6.140(10) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Final Occupancy Permit.
 4. The applicant is responsible to comply and maintain the following:
 - a. Section 4.6.140(7)(b) The dwelling shall not be sited on a slope of greater than 40 percent.
 - b. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (as identified in staff report) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (as identified in staff report) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. Proof of the construction of the primary and secondary fuel break is required prior to the issuance of the zoning compliance letter.
 - c. All structures must maintain a 30 foot primary and 150 foot additional downslope setback unless proof that the slopes are less than 50% is submitted to Community Development.

EXHIBIT "B"
Vicinity Map

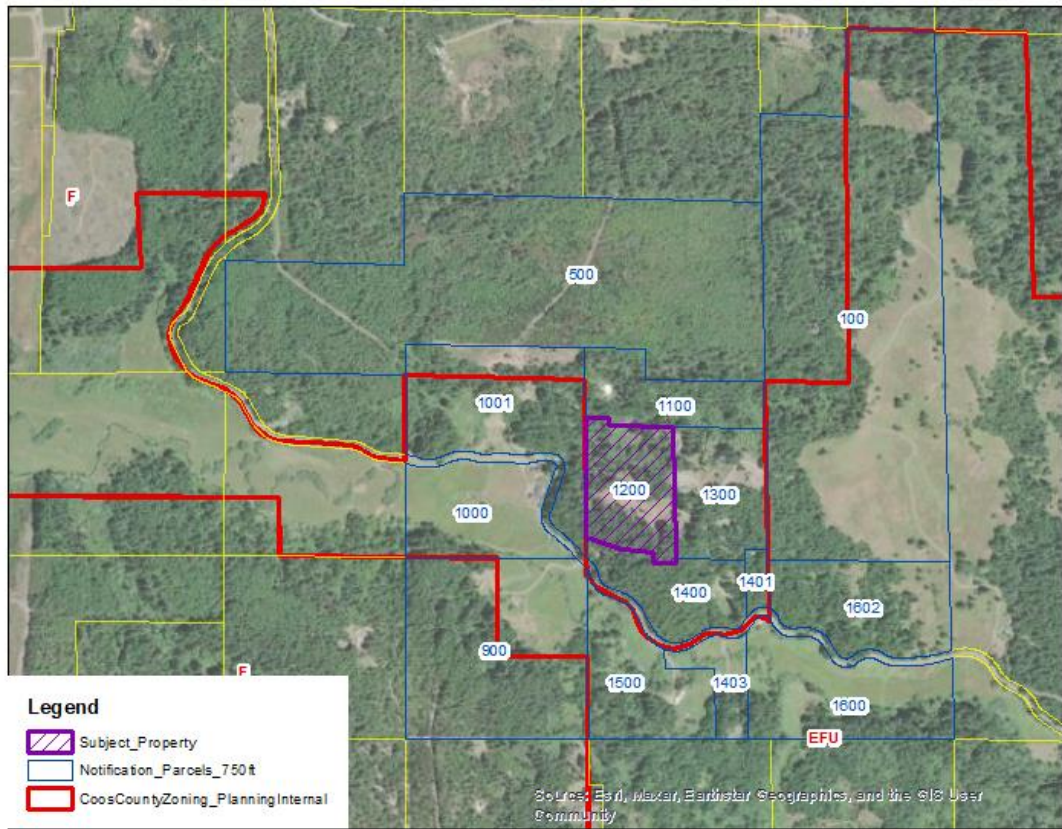


COOS COUNTY PLANNING DEPARTMENT

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



File: ACU-23-050
Applicant/ Owner: Sheri McGrath/ 52569 Knoll Road, LLC
Date: February 21, 2024
Location: Township 29S Range 14W Section 20 TL 1200
Proposal: Administrative Conditional Use



Template Map & Plot Plan



COOS COUNTY PLANNING DEPARTMENT

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

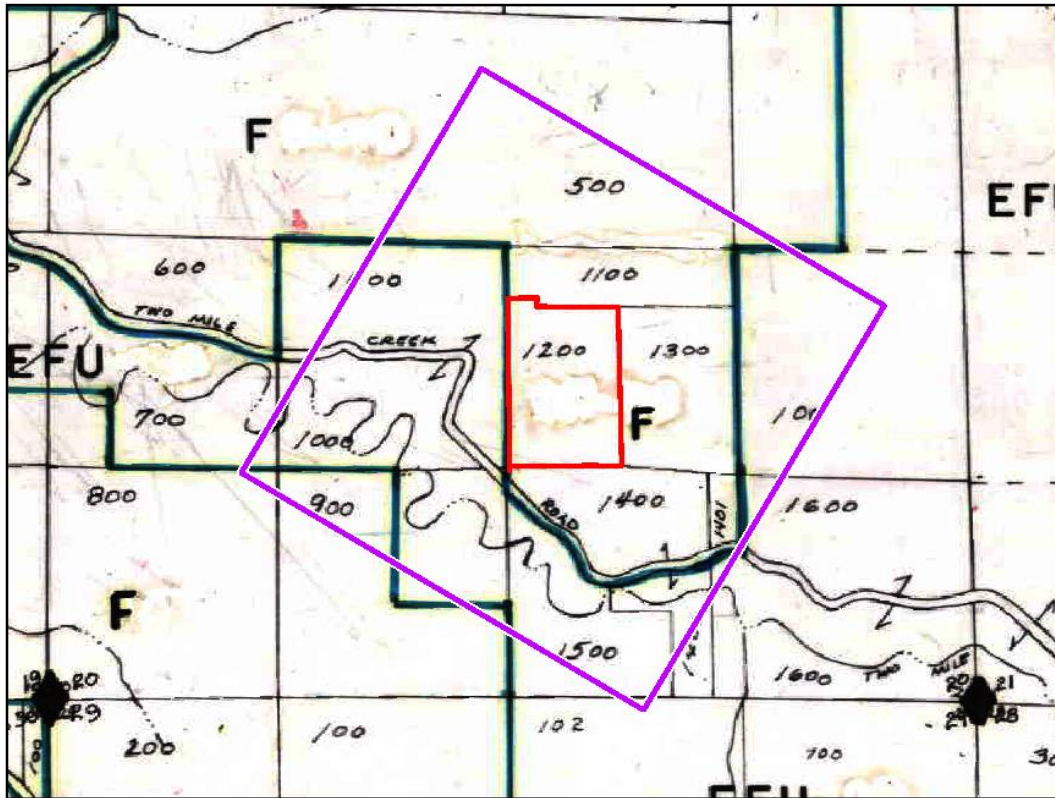
Physical Address: 225 N. Adams, Coquille Oregon

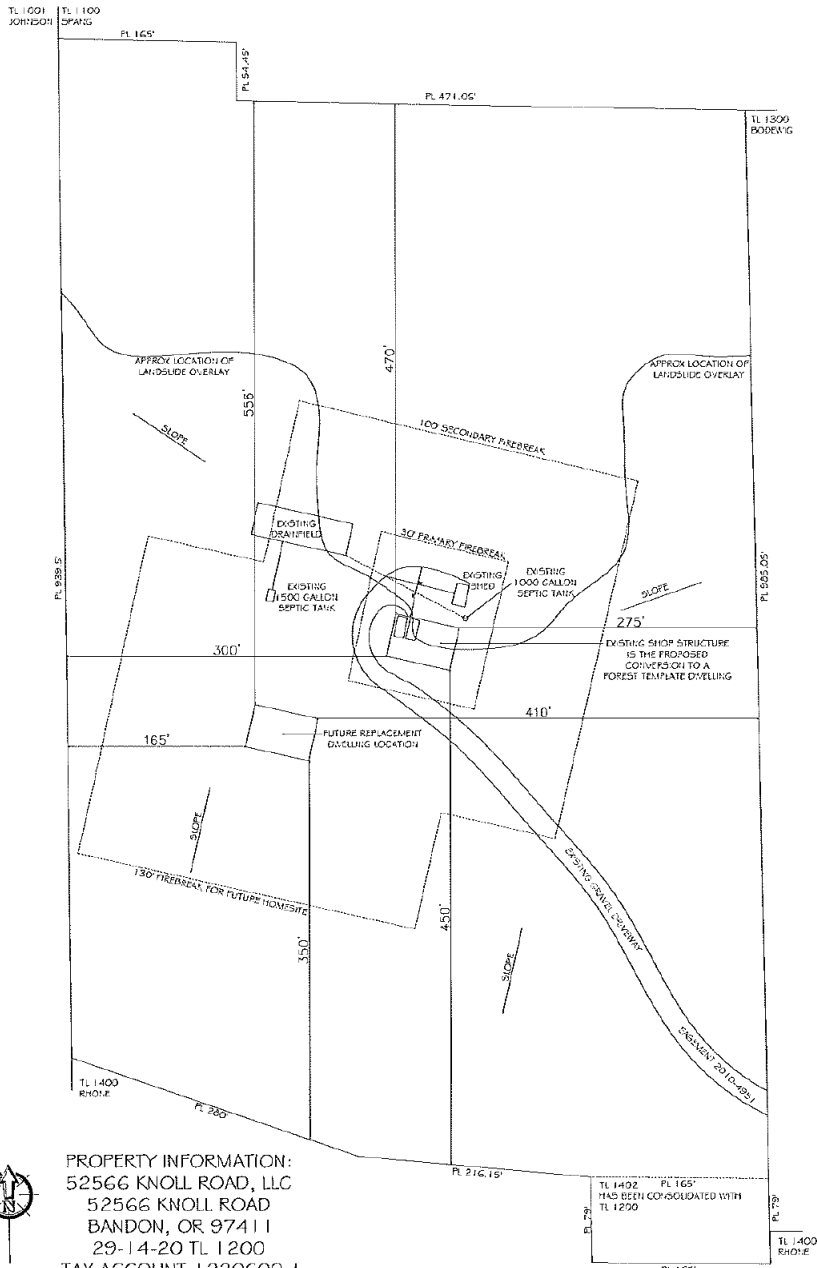
Phone: (541) 396-7770

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



File: ACU-23-050
Applicant/Owner: Sheri Mcgrath/
52569 Knoll Road, LLC
Date: February 22, 2024
Location: Township 29S Range 14W
Section 20 TL 1200
Proposal: Dwelling within Forest Zone





PROPERTY INFORMATION:
 52566 KNOLL ROAD, LLC
 52566 KNOLL ROAD
 BANDON, OR 97411
 29-14-20 TL 1200
 TAX ACCOUNT 1220600 J
 FOREST ZONED 13.67 ACRES

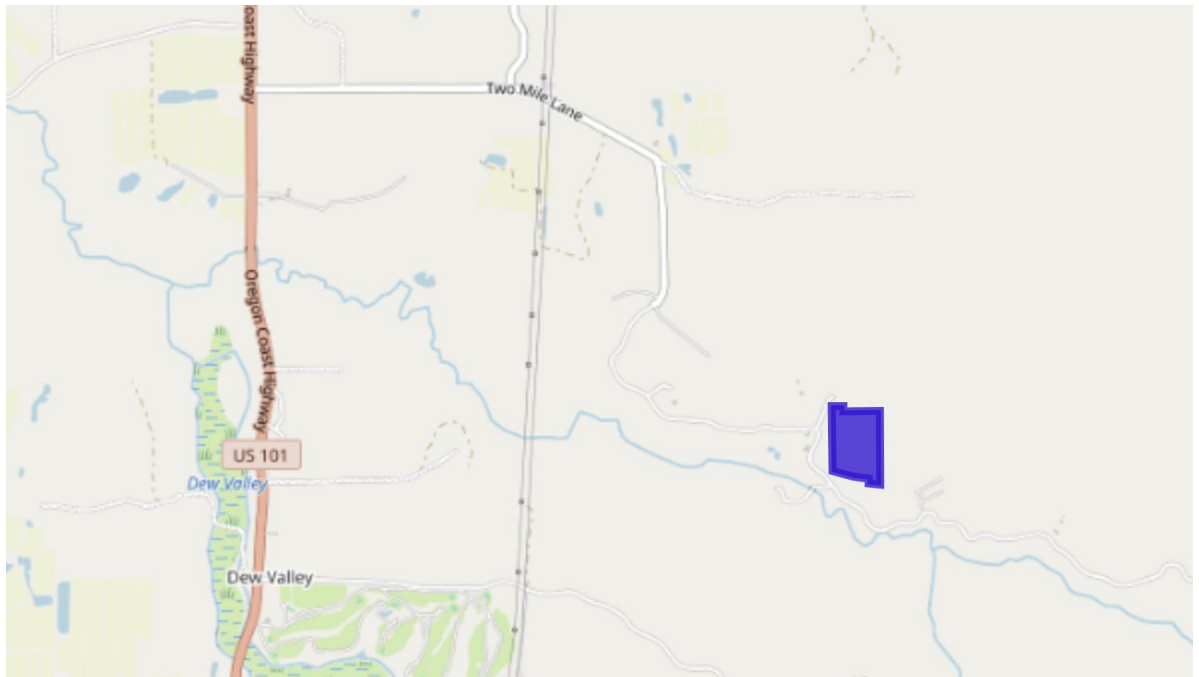


⊙ PLOT PLAN
 NTS ON LETTER SIZE PAPER

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

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

- A. PROPOSAL:** The application indicates that the property owner is seeking approval for a Single-Family Dwelling and detached Accessory Structure, a well and Onsite Septic System.
- B. BACKGROUND/PROPERTY HISTORY:** This property has a structure that was approved as a farm/agricultural exempt structure, but appears it was not built for that use, or was converted to a nonfarm structure. The following permits were applied for and or approved:
- January 4, 2008 a Conditional Use (ACU-07-49) was approved for a Forest Template Dwelling.
 - April 30, 2008 a Road Name (RN-08-03) was approved, naming the road Knoll Road.
 - May 22, 2008 a Zoning Compliance Letter (ZCL-08-193) was issued to allow the following development: Single Family Dwelling, two (2) Accessory Structures, and install a Septic System.
 - October 9, 2008 the Zoning Compliance Letter issued on May 22, 2008 (ZCL-08-193) was updated to allow a farm structure.
 - December 26, 2013 a Property Line Adjustment (PLA-13-28) was approved with tax lot 1400.
 - September 30, 2014 a Conditional Use (ACU-14-18) was approved for a Forest Template Dwelling.
- C. LOCATION:** The subject property is located southeast of the City of Bandon and is accessed via Two Mile Lane. Two Mile Lane is off of Oregon State Highway 101.



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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

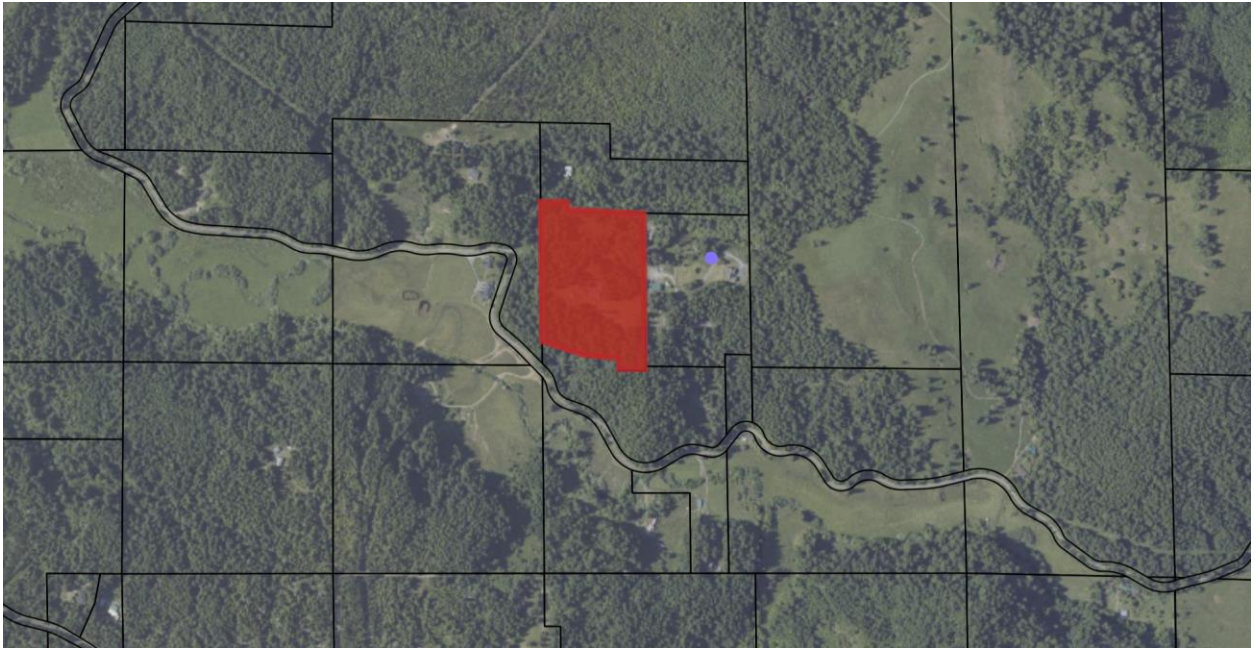
Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

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

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

- E. SITE DESCRIPTION AND SURROUNDING USES:** The property is zoned Forest Mixed Use (FMU) and contains 13.67 acres.

The surrounding properties are all resource zoned, Exclusive Farm Use (EFU) & Forest (F). The parcels within the area are engaging in forest and farm uses, quite a few of them also have residential development. The parcels are similar in size to the subject parcel.



Maps are not to scale

F. COMMENTS:

- a. PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision, and non were received.

- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property is not within an area of archaeological concern, therefore; request for comments were not required.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

FINDING: Staff has reviewed the property history and county records available up to the time of this report, and has found that the property is not in compliance. The property was approved for an Agricultural Exemption Structure, the structure use is not agriculture nor for forest uses. Staff has conditioned this approval to bring the property into compliance.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) and Accessory Structure in the Forest Mixed Use Zone. 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.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

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

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

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



Summary by Map Unit – Coos County, Oregon (OR011)				
Map unit symbol	Map unit name	Rating (cubic feet per acre per year)	Acres in AOI	Percent of AOI
49E	Remote loam, 30 to 50 percent slopes	143.00	8.8	71.7%
49F	Remote loam, 50 to 75 percent slopes	143.00	3.5	28.3%
Totals for Area of Interest			12.3	100.0%

FINDING: Soil information is used to determine the property's capability for wood fiber production, which, in turn, dictates the criteria for the number of qualifying lots or parcels. According to the Soil Survey of Coos County in the NRCS National Soil Information System, the majority of the parcel is 49E, Remote Loam soil type. Both soils on the parcel yield 143 cubic feet of wood fiber per acre per year. To meet the criteria, there must be at least 11 other lots or parcels that existed on January 1, 1993, and within those qualifying lots and parcels, at least three (3) dwellings existed on January 1, 1993.

Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(c) applies to the template test.

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:*

(2) *The following review standards apply to “template” dwellings approved under this rule:*

- a. *Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.*
- b. *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a 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)*

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.

of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

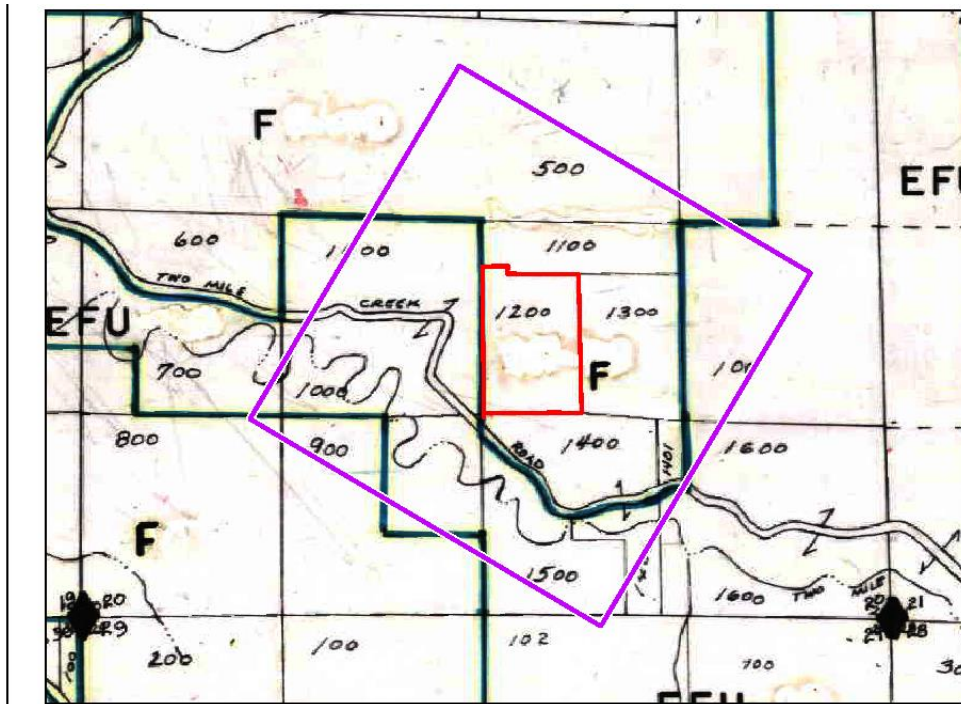
- (3) *A proposed “template” dwelling under this rule is allowed only if:*
- a. It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;*
 - b. It complies with the requirements of OAR 660-006-0029 and 660-006-0035;*
 - c. No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
 - d. The tract on which the dwelling will be sited does not include a dwelling.*
 - e. The lot or parcel on which the dwelling will be sited was lawfully established.*
 - f. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
 - g. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
 - h. If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*
- (4) *Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:*
- a. On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:*
 - i. Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
 - 1. No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
 - 2. The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (5) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
- a. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - b. Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - c. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
 - d. The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

FINDING: None of the lots or parcels used for the template test are located within Urban Growth Boundaries; therefore, no Urban Growth Boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.

According to Coos County Clerk and Assessor records, the subject property was part of a tract on January 1, 2019; however, the tract was deeded into different ownerships since then. There is one (1) other dwelling within the 2019 tract ownership at this time. This application was submitted prior to the November 1, 2023 deadline; therefore, an additional dwelling can be permitted pursuant to Section 4.6.120(4)(i).

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

The parcel is 13.67 acres in size. To meet the criteria, there must be 11 parcels with three current dwellings each, sited prior to January 1, 1993, based on the soil type. Planning Staff conducted the template test using the square template method. Based on the template map below, the parcel meets the requirements.



	Qualified parcel	Qualified Dwelling	
29S14W20TL0010000	Yes	1 no	0
29S14W20TL0050000	Yes	1 no	0
29S14W20TL0070000	Yes	1 no	0
29S14W20TL0080000	yes	1 yes	1
29S14W20TL0090000	yes	1 no	0
29S14W20TL0100000	yes	1 yes	1
29S14W20TL0100100	Yes	1 no	0
29S14W20TL0110000	yes	1 yes	1
29S14W20TL0120000			
29S14W20TL0130000	no	0 no	0
29S14W20TL0140000	no	0 no	0
29S14W20TL0140100	yes	1 yes	1
29S14W20TL0140200			
29S14W20TL0140300	yes	1 no	0
29S14W20TL0150000	yes	1 no	0
29S14W20TL0160000	yes	1 yes	1
29S14W20TL0160200	yes	1 no	0
29S14W29TL0080000	yes	1 no	0
		14	5

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

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

1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby² or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department*

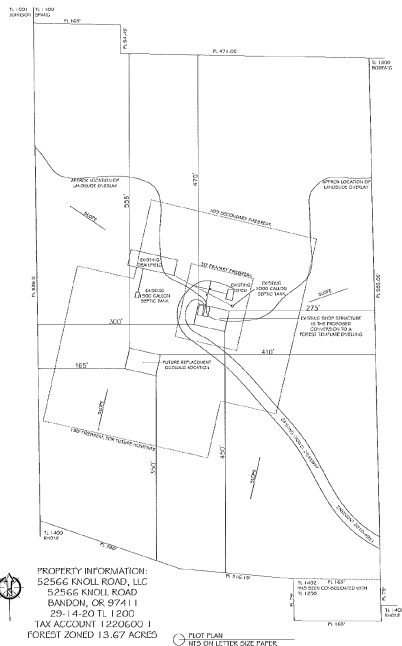
²*For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

(e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of minimizing adverse impacts to the subject properties and nearby Farm and Forest operations. Staff finds that within the 750' property buffer the properties are zoned Forest (F) and Exclusive Farm Use (EFU). According to the submitted plot plan, the proposed dwelling will be located centrally on the subject property, within an existing structure. The structure will be converted to a Single-Family Dwelling. All of the immediately surrounding parcels contain residential development other than the parcel to the south.

Staff finds that because the dwelling will be located near residential development, and will use existing roads for access, there will be no change in farming/forest practices. To ensure minimal impact, only the amount of land that is necessary for access and residential development will be impacted.





PROPERTY ZONING: FOREST



AERIAL MAP WITH SURROUNDING LAND USES

Maps are not to scale

The applicant sufficiently addressed the criteria below:

Based on the aerial imagery of the surrounding properties, there are active agricultural lands located west and south of the subject property. These lands are being utilized for either livestock ranching or grass hay production. These types of agricultural uses involve either the growing of grass which is then cut and baled for hay, or running livestock on said land. In order to minimize impact on nearby haying operations, the applicant proposed to install and maintain the required primary and secondary fuel breaks. The applicant also promises to install and maintain the required ¾ hose to reach the primary fuel break. In order to minimize impacts to nearby livestock operations, the applicant proposes to site the house in the center of the subject property. The noise and other ancillary disturbances created from the proposed dwelling should be the same as other dwellings located on the adjacent subject properties.

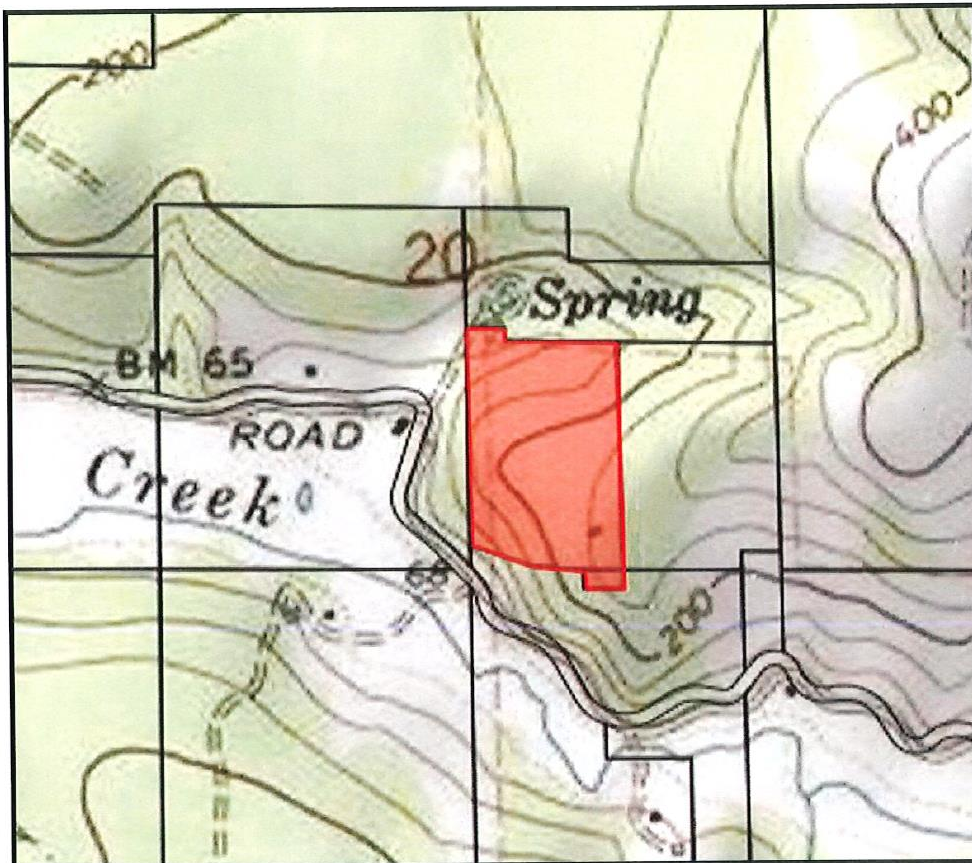
There are forest zoned properties located north and east of the subject property. There are primarily two types of forest lands in the Bandon area, either non-industrial or industrial. There are a few scattered government timber lands located in the rural Bandon area. There are significant blocks of industrial timberlands located approximately 2 miles east of the subject property. The nearby properties are utilizing their lands for non-industrial timber lands.

Forest operations generally include the following types of forest practices:

1. Harvesting (final harvests and commercial thinnings)
2. Disposal or treatment of slash (including prescribed burning)
3. Site preparation (including application of herbicides)
4. Reforestation
5. Pre-commercial thinning
6. Stand maintenance (including herbicide and chemical applications for insect and disease control, competing vegetation control, and fertilization)
 - Senate Bill 1602
7. Road construction and maintenance
8. High Landslide Hazard Locations

Based on the County's Comprehensive Plan, the primary difference between industrial and non-industrial forest practices is that non-industrial practices tend to grow longer rotations and utilize herbicides and pre-commercial thinning at a lower intensity.

1. The adjacent parcels appear to have a slope below 35% according to the topographic map below. Groundside harvesting methods would be preferred based on Oregon Department of Forestry Land Use Note #2. Ground-side timber harvesting involves machines that cut, delimb, and buck the trees into logs. It is designed to transport these machines via public roads via standard commercial truck and lowboy trailers, even though they are pretty large. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained within the harvest unit. Forest dwellings should have a setback distance of at least 300 feet from ground-side harvest and 500 feet from cable logging operations, according to ODF's Considerations for Dwellings on Forest Land. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels. The adjacent property owners could harvest their properties within 300 feet of a dwelling. They just need to use caution.



TOPOGRAPHIC DATA FROM INTERNET

2. Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The applicant will create fuel breaks around the proposed dwelling. The fuel breaks will reduce the chances of embers from neighboring slash burns igniting dead trees next to the proposed dwelling leading to a crown fire. Vice versa, the fuel breaks will minimize the impact of a spreading forest fire if the dwelling is burning.

3. When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of a habitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

There are active forestlands on the adjacent lands. The proposed dwelling is located approximately 470 from the northern property. There is a timber parcel larger than 40 acres that is located north of the subject property. The proposed dwelling is located over 300 feet from this parcel, so the effects of the proposed dwelling on the adjacent herbicide-related forest practices will be minimized. The dwelling is only 275 feet from the eastern property line which abuts a parcel under 40 acres. The applicant finds it reasonable to assume that since the parcel is under 40 acres, that it is likely that parcel would utilize ground based herbicide treatments.

4) Reforestation, or planting trees, of recently logged, relatively flat timberlands typically has little effect on nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually have a more significant impact on nearby dwellings. The nearby timber stands range from a 12-acre parcel with a dwelling to a 95+ acre tract with multiple harvest units. This practice is relatively short-term, lasting about a week or two, depending on crew size, over the life of the stand.

5) Pre-commercial thinning involves the selective cutting and leaving of mid-stage trees to increase the ability of the forest stand to grow in height and volume. These practices involve hand crews selecting cutting the forest stand to pre-determine stand prescription. Close to reforestation, this practice is relatively short-term (approximately a couple of weeks) over the life of the stand. In comparison, this practice does create an increase in fire hazard. The risk to forest-dwelling is reduced when active measures like fuel breaks are designed to minimize risks by wildfire.

6) To successfully manage nearby timberlands, the adjacent owners will need to maintain their timber stands. Maintenance of these stands will include practices such as pre-commercial thinning and the use of pesticides. Please see the responses above in those applicable sections.

7) To minimize the effects of road and maintenance on nearby forest parcels. The applicant plans on using the existing private easement, known as Knoll Road, and the driveway to the proposed dwelling is already installed.

8) Pursuant to OAR 629-623-0000, the Oregon Department of Forestry's HLHL regulations affects and restricts timber harvest restrictions when high landslide hazard locations within the operation area and if there may be structures or roads in the path of a potential shallow, rapidly moving landslide below the operation area. While a complicated set of rules and guidelines. The first factor to check is if slopes above 60% are upslope of 300 ft of the dwelling. Based on the topo map, there are no slopes meeting this criterion within 300 ft. The nearby forestlands are not affected by this proposal.

(c) Section 4.6.130(1)(c) requires the amount of forest lands used to site access roads, service corridors, the dwelling and structures to be minimized. The proposed dwelling will be located in the center portion of the parcel. The proposed dwelling's location minimizes the distance of the non-resource use roads while maintaining the farthest reasonable distance from adjacent non-industrial forestlands and nearby farmland.

(d) Section 4.6.130(1)(d) requires that the proposal minimize wildfire risks. Slope is the first factor to consider when assessing wildfire risk. The proposed dwelling will be located in the center of the subject property where there is a slope less than 10%. Based on the NRCS soil type, there are 30 to 50% slopes generally in this soil type. There are sloped areas of the site. The second consideration for wildfire is access to the parcel. The road will be constructed with an aggregate surface and have a relatively flat slope based on the contours of the land. During wildfire events, these roads are often used as anchor points for fire trails. The applicant will install an adequate turnaround at the end of the driveway for fire truck operations. In order to get the final driveway permit, the applicants will need to construct this driveway and emergency vehicle turnaround. A third consideration will be managing fuel near the proposed dwellings. Based on the attached NRCS web soil survey. The proposed development site will be located in Remote loam soil type, which has slopes between 30 to 50%.

Therefore, there are 30 percent slopes in the proposed location of the dwelling for the primary and secondary fuel breaks. The requirement is for the structures to have at least an 30 ft primary fuel break, with a 100 ft secondary fuel break. The physical size of the building area will create the primary fuel break required. A secondary fuel break will be maintained by the applicant. It will extend 100 feet beyond the primary fuel break. Trees in this area will be limb up to 8 ft, and no tree canopies will touch.

Section 4.6.130(1)(c) mandates the removal of minimum forest lands for access roads, service corridors, and structures. The proposed dwelling, however, will utilize existing privately maintained roadways for access.

Section 4.6.130(1)(d) stipulates the need to minimize the risk associated with wildfires.

In accordance with Section 4.6.130(3), applicants must provide evidence to the governing body that the domestic water supply is from an authorized source as per the Water Resources Department's administrative rules. The applicants have stated that the water source will be a well. However, a water supply requirement form, signed off by the Oregon Water Resources Department, is still required before requesting a zoning compliance letter.

Section 4.6.130(4) necessitates the submission of a long-term access use permit or agreement if road access to the dwelling is through a road owned and maintained by a private party, ODF, or BLM. The access road, Knoll Road, is a private easement (deed document 2010-4951).

Section 4.6.130(5) mandates a stocking survey for properties larger than ten (10) acres. The property is over ten (10) acres, the applicant property addressed the criteria, see below:

- (a) The parcel is already reforested. The applicant will submit a stocking survey report to the County Assessor's Office as required.**
- (b) Not applicable to the applicant.**
- (c) The parcel is over 10 acres in size. The applicant will submit a stocking survey to the Coos County Assessor's Office.**
- (d) The Department of Forestry is responsible for this criterion. The applicant understands that deferred taxes may be collected by the Assessor's office.**
- (e) The applicant will record a Farm Forest Management Covenant with the Coos County Clerk's office and then submit a copy of the recorded form to Coos County Planning Department before requesting a Zoning Compliance Letter.**

In conclusion, all the criteria outlined in SECTION 4.6.130 have been satisfactorily addressed.

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

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

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

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

- 2. Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
- 3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
 - a. *The dwelling has a fire retardant roof.*
 - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak.*

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. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
- d. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
- e. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.
 - i. Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.
- f. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- g. The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.

8. Firebreak:

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

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 provided proof that the development will meet this requirement.

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

Sections 4.6.140(4) require parking, loading, access and road standards be addressed. Driveway/Access/Parking Verification Permit application must be submitted and signed off prior to issuance of a Final Occupancy Permit. 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. All development must maintain the required setback. Therefore, this criterion has been addressed.

Section 4.6.140(7)

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

(b) Requires that a dwelling not be located on a slope of greater than 40%. The applicant stated:

(b) Based on the attached NRCS web soil survey. The proposed development site will be located in Remote loam soil type, which has slopes between 30 to 50%. Therefore, there are less than 40% percent slopes in the proposed location of the dwelling location.

Staff cannot verify that the dwelling will be on a slope of greater than 40% based on the soil report as the soils could be up to 50%. The approval has been conditioned to meet this requirement. Therefore, this criterion has been addressed.

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

(d) Requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bandon Rural 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 there are two (2) existing wood stoves, they both contain fire arrestors. Therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. The applicant stated:

(g) Based on the attached NRCS web soil survey. The proposed development site will be located in Remote soil type, which has slopes between 30 to 50%. Therefore, there are 25 to 40 percent slopes in the proposed location of the dwelling for the primary and secondary fuel breaks. The requirement is for the dwellings to have at least an 130 ft primary fuel break, with a 100 ft secondary fuel break.

Staff needs to know how the slopes were determined to be 25 to 40 percent. The soil report can be used to base the slopes, but the highest percent of slope would need to be used, which would be 50%. The applicant must maintain a 30 foot primary setback and 150 feet of additional downslope setback unless proof that the slopes are less than 50% is submitted, this has been made a condition of approval.

Section 4.6.140(8)

(a) Determines the primary and secondary fire safety setbacks. The applicant must maintain a 30 foot primary setback and 150 feet of additional downslope setback unless proof that the slopes are less than 50% is submitted, this has been made a condition of approval.

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

(c & d) Determines the primary and secondary fire safety setbacks. Based on the applicant's plot plan and Dogami Lidar & available, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicant's will be required to install a 30 ft primary fuel free break and 50 ft of additional fuel break downslope around all structures on the subject property

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

Section 4.6.140 (10) requires adequate access for firefighting equipment. At the time of 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 residential development within a resource zone and is valid for four years from the date of final approval Wednesday, March 15, 2028.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: 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.