

D. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:

1. Project summary and details including timelines.
2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).

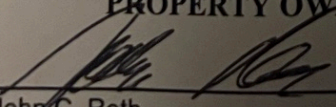
II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- Owner's name, address, and phone number, map and Tax lot number
- North Arrow and Scale - using standard engineering scale.
- Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
- Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
- All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
- Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.

III. DEED: A copy of the current deed, including the legal description, of the subject property.

IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING


John C. Roth

9-25-23
Date

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: N/A. Near 88541 Windhurst Ln, Bandon

Type of Access: Private Easement - Provide Easement Name of Access: Windhurst Ln

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance [\[CCZLDO Article 7\]](#).

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

PROPERTY OVERVIEW

Applicant	John C Roth
Site Address	Near 88541 Windhurst Ln, Bandon
Map No.	29S14W05
Parcel No.	300
Coos County Account No.	1203200
Size	102.24 Acres
Zoning	EFU & F
Special Development Considerations and Overlays	<ul style="list-style-type: none"> - Coos County Beaches and Dunes Development Suitability: Suitable for Most Uses - FEMA Flood Maps: None - DOGAMI Landslide Susceptibility: Low to Moderate - DOGAMI Liquefaction Susceptibility: Low - Coos Coastal Shorelands Boundary: N/A - Coos County LWI: Cranberry Bogs - National Wetland Inventory: Freshwater Forested/Shrub Wetland, Freshwater Pond
Proposal	Forest Template Dwelling
Access	Private driveway off Windhurst Ln. Easements 2013-10433 and 2009-4111 (Attachment 6)
Site Description	Operating cranberry farm
Surrounding Zoning & Use	Subject property is a 3.5 mile drive southeast from downtown Bandon. It is located between Rosa Road and Morrison Road, on Windhurst Ln. There are single family dwellings and cranberry farms along the approximately 2.5 miles of Windhurst Ln, in the lowland; to the north and south of those dwellings+farms are forested hills. Surrounding zoning is Rural Residential, Exclusive Farm Use, and Forest.
Related Coos County Planning Files	ZCL 98-299 (authorized the other dwelling on the then 1998-tract); see Attachment 4 for property line adjustments affecting subject property.

APPLICATION OVERVIEW & BACKGROUND

This is an application for a Forest Template Dwelling on 29S14W05 TL 300. Subject property is “tied together for planning purposes” with neighboring TLs 100 and 200 (88541 Windhurst Ln, Bandon), pursuant to a condition of approval of the Zoning Compliance Letter which authorized the construction of a single family dwelling at 88541 Windhurst Ln as a replacement of a 1947 dwelling on subject property;¹ another condition of that approval was that the 1947 be demolished.²

Concurrent with this application, the owners of TLs 100 and 200 (Marquesses) have filed an application for the verification of a nonconforming use. Specifically a request to:

- (a) Re-qualify the 1947 dwelling on TL 300 (1203200) as a non-conforming dwelling
- (b) Re-qualify the dwelling (Marquess home) on TLs 100 and 200 (1203100 and 1203000) as a replacement of that non-conforming dwelling

The responses below to Coos County’s Criteria and Guidance Sheet for Forest Template Dwellings demonstrate the proposed Forest Template Dwelling can meet the standards of ORS 215.750 Alternative Forestland Dwelling and CCZLDO 4.6.110(9)(B)(II), 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones, and Section 4.6.140 Development and Siting Criteria.

The site upon which the applicant plans to construct the Forest Template Dwelling is near the site of the to-be-demolished-1947 dwelling; the site is developed for residential use and served by an existing driveway and access easement.

Note: subject property has split zoning: EFU and Forest. The proposed Forest Template Dwelling (and accessory garage structure) are proposed on the Forest-zoned area of subject property, as depicted by Attachment 1 Plot Plan

ATTACHMENTS

1. Plot Plan
2. Template and Notice Area Map and List
3. Map of 01/01/2019 and 01/01/2021 Tracts
4. Property Line Adjustments to 2021 Tract
5. Deed (2021-11940)
6. Access Easements: 2013-10433 and 2009-4111
7. NRCS Soil Survey of Subject Property
8. Recommended Fire Siting Standards for Dwellings and Structures

¹ “Applicant is obtaining clearance to replace the existing dwelling on TL 300 with a new dwelling TL 100. Tax Lots 100, 200 and 300 are tied together for planning purposes. Only one dwelling is permitted on these tax lots. After the new dwelling is completed, the existing dwelling must be declared uninhabitable or destroyed. Only one dwelling is permitted on the tract.” (ZCL 98-299, July 7, 1998)

² The 1947 dwelling on TL 300, required to be demolished as a condition of the Marquess dwelling approval (ZCL 98-299) was never demolished. The applicant purchased subject property in 2020 and was unaware of the condition. The applicant now understands they’re required to demolish the 1947 dwelling, regardless of the outcome of this or the concurrently-filed Marquess nonconforming use verification application.

NARRATIVE

Coos County Planning Department Criteria and Guidance Sheet: Forest Template Dwelling:
Applicant's responses in **blue**

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), (9)(C)

(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) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (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 road³ 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.

³ 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.

- (d) Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.
- (3) A proposed “template” dwelling under this rule is allowed only if:
 - (a) It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;
 - (b) It complies with the requirements of OAR 660-006-0029 and 660-006-0035;
 - (c) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;
 - (d) The tract on which the dwelling will be sited does not include a dwelling.
 - (e) The lot or parcel on which the dwelling will be sited was lawfully established.
 - (f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.
 - (g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
 - (h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.
- (4) Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:
 - (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.

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.

Response to SECTION 4.6.110(9)(B)(II)

Questions to Answer:

1. Has your property been involved in a property line adjustment?

Yes. Attachment 4 depicts and lists all property line adjustments affecting the subject tract, as it was configured January 1, 2021.

2. Was your property part of a tract on January 1, 2019? Tract means same ownership as an abutting property.

Yes. Attachment 3 depicts subject tract, as it was configured January 1, 2019 (the “January 1, 2019 Big Horn Owl LLC Tract”).

3. Was your property part of a tract on January 1, 2021?

Yes. Attachment 3 depicts subject tract, as it was configured January 1, 2021 (the “January 1, 2021 Bills Creek LLC Tract”).

4. Did you own abutting property as of January 1, 2021 that contained another dwelling or dwelling authorization? Please list all properties within your ownership that were abutting.

Yes. One other dwelling existed on the January 1, 2021 Bills Creek LLC tract: the dwelling on TL 100/200.

Attachment 3 depicts subject tract, as it was configured January 1, 2021 (the “January 1, 2021 Bills Creek LLC Tract”).

Notes:

1) There was also only one other dwelling which existed on the January 1, 2019 Big Horn Owl LLC tract – the same dwelling on TL 100/200.

2) There are two other dwellings adjacent to (but not within) the 2019 and 2021 tracts: (a) the dwelling on 28S14W32 2001 (owned by John C. Roth and Kristina K. Campina) and (b) the dwelling on 29S14W04 400 (owned by Scherer Farms LLC); neither are part of the tract or were part of the tract in January 1, 2021 (or January 1, 2019).

5. Do you have a current template map completed?

Yes

a. Which template did you apply and why? (See Section I & II)

Which template: 160-acre square.

Why: Subject property is capable of producing greater than 85 cubic feet per acre per year of wood fiber.

b. How many lots and/or parcels were all or part within the template prior to January 1, 1993? Please list all properties

At least 11. See attached list and map.

c. How many dwellings are located within lots and parcels described above that were sited prior to January 1, 1993? Please list all properties that contain the qualifying dwellings.

At least 3. See attached list and map.

d. Are there any covenants, conditions and restrictions on this property and if so do they specifically prohibit a dwelling? Please provide the restrictions if apply.

Yes. There is a dwelling on subject property which was constructed in 1947. In 1998, that dwelling was replaced with a dwelling on TLs 100/200 (now owned by Marquesses). The following condition of that approval (ZCL 98-299) was applied to subject property: “Lots 100, 200 and 300 are tied together for planning purposes. Only one dwelling is permitted on these tax lots. After the new dwelling is completed, the existing dwelling must be declared uninhabitable or destroyed. Only one dwelling is permitted on the tract.”

Concurrent with this application, the Marquesses have filed an application to:

- (a) Re-qualify the dwelling on TL 300 (1203200) as a non-conforming dwelling
- (b) Re-qualify the dwelling on TLs 100 and 200 (1203100 and 1203000) as a replacement of that non-conforming dwelling

The applicant understands that the 1947 dwelling on subject property is required to be removed. The applicant plans to remove that 1947 dwelling prior to construction of the proposed template dwelling.

The template dwelling is proposed to be sited near the site of the 1947 dwelling, as depicted by Attachment 1 Plot Plan.

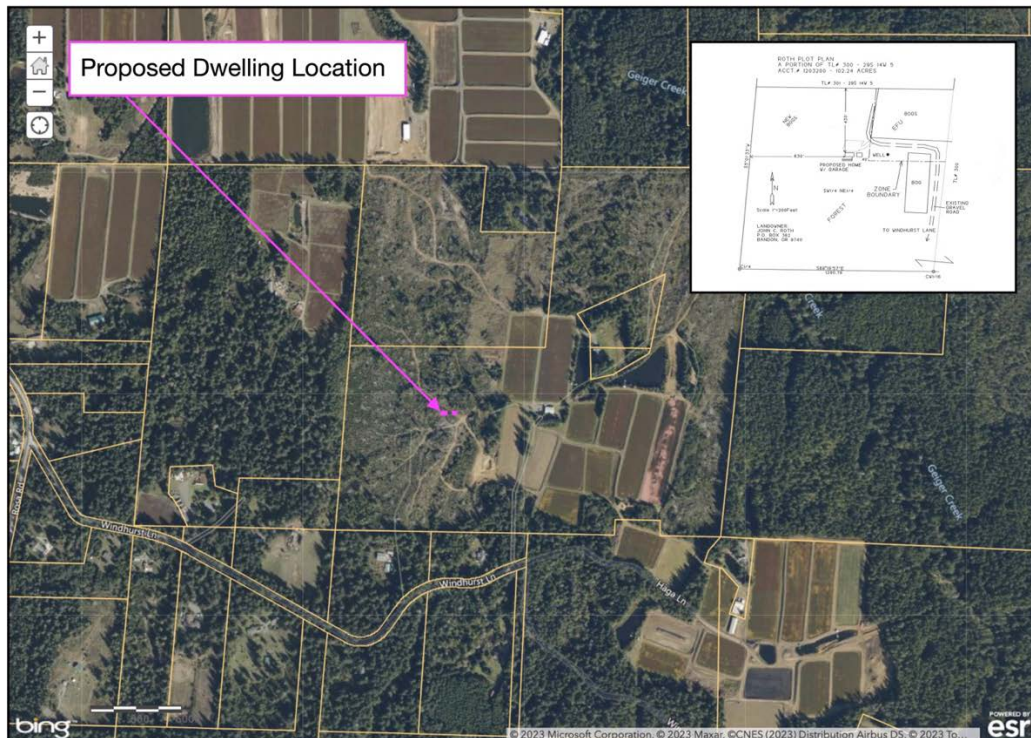
Additional evidence and responses to address the criteria?

SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider 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 nearby⁴ 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.

Response shall explain how or why, providing a yes or no will not satisfy the criteria and will result in an incomplete application:



⁴ 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.

Attachment 2 depicts and lists nearby properties and their use (as determined by aerial photos and assessor's summaries). The proposed site:

- Has the least impact on nearby and adjoining forest or agricultural lands (specifically those depicted/listed on Attachment 2).
 - The dwelling is proposed to be located near the (to be demolished) 1947 dwelling on subject property. In other words: the proposed site has already been / is developed for residential use.
- The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - The nearby / nearest-by farm in this case is subject tract (a cranberry farm). The farm owner / applicant has proposed a dwelling site determined not to adversely impact the cranberry farm.
- The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized.
 - No new roads or driveways are proposed; access to the site has already been / is developed.
- The risks associated with wildfire are minimized.
 - The dwelling is proposed to be located at the edge (as opposed to in the middle) of a forested area.
 - Per Coos County's requirements, the property owner will (1) maintain a fire break per CCZLDO 4.6.140(10) Firebreak, and (2) maintain a water tank and hose per 4.6.140(9) Fire Siting Standards for New Dwellings.

The proposed site:

- Is within the applicable setbacks: (a) 30' defensible space setbacks, (b) 35' setback from the centerline of Windhurst Ln, (c) septic system setback at least 100' from neighboring wells.
- Is near or among existing structures along Windhurst Ln. There are at least 12 other single family dwellings nearby (ie within the 750' notice area).
- Is sited on a portion of the parcel less suited for growing trees: the portion of the property which has been developed for residential use.

Per Coos County's requirements, to minimize the impact of dwellings in forest lands, the property owner will file in the deed record of Coos County, a Forest Management Covenant per CCZLDO 4.6.140(5) Minimizing Impacts.

Alternative sites were considered, and the proposed site determined to be the least impactful to nearby lands and subject property.

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

- (1) 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.

Water Resource Department Information: <https://www.oregon.gov/owrd/pages/index.aspx>

Response shall include the source of water and how it is permitted:

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

- (2) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement which could include an easement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Response shall include what road the property is accessing, maintenance agreements and easements that pertain to the road. This information may be included in your deed.

[Access via private driveway off Windhurst Ln. Easements 2013-10433 and 2009-4111 \(Attachment 6\).](#)

- (3) Approval of a dwelling shall be subject to the following requirements:
- (d) 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;
 - (e) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (f) 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;
 - (g) 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
 - (h) 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.

1. Will sufficient tress be replanted?

Yes

2. Is the property more than 10 acres in size? If so, the applicant shall acknowledge a stocking survey will be filed with the County Assessor's Office as a condition of approval.

Yes. The applicant understands a stocking survey will be filed with the County Assessor's Office as a condition of approval.

3. Upon receiving approval, will the applicant/property owner 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 injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Yes

Additional Response Information:

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. Slope⁵ will also determine additional firebreak in Section 8 Firebreak.
 - c. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
 - d. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
 - e. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.
 - i. Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.
 - f. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
 - g. The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.

⁵ 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 Oregon⁵ 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.

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 include poof 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.

RESPONSE TO SECTION 4.6.140

1. Is the property a legal unit of land? Please provide reference to how it was created.

Yes. TLs 100, 200, and 300 are acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.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”. Those land use decisions are:

D-07-20: A discrete parcel determination made in 2007, establishing TL 300 as a discrete parcel and TLs 100 and 200 as a discrete parcel (one unit of land).

The subsequent property line adjustments affecting those parcels, depicted and described in Attachment 4.

2. Will the applicant meet the road setback (shall be shown on plot plan)?

Yes. See Attachment 1 Plot Plan. Development is setback at least 35’ from centerline of Windhurst Ln.

3. Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?

No.

4. Has a driveway/access/parking permit been requested at the time of the application?

Yes

5. Has the applicant acknowledged that they will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter? (This shall be done after the conditional use is approved, but before a zoning clearance letter is issued. A Forest Management Covenant cannot be filed if the conditional use has not been approved but a draft may be submitted with the application.)

Yes

6. Has the applicant shown any waterways that require a 50 feet setback and if so will the setback be met?

No. No waterways which require a 50 foot setback are present.

7. Fire related questions:

- a. The proposed dwelling shall use non-combustible or fire resistant roofing materials. Describe the materials that will be used.

Non-combustible or fire resistant roofing materials

- b. What is the slope of the property on average and where the dwelling will be located?

Slope of the property is less than 5%. The dwelling will be located as depicted on Attachment 1 Plot Plan, on ground sloped less than 5%.

- c. What evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry?

The dwelling will be served by a new water well; no Class II stream water is proposed for use.

- d. Is the property within a Fire District and if so which Fire District.

- i. If the property is within a Fire District you shall explain how you have requested to be included in the Fire District with a copy of the request.

Subject property is within and served by the Bandon Rural Fire Protection District

- ii. If the property is outside of a Fire District and cannot be served by a Fire District you are required to provide the contract with a private fire protection company.

N/A

- iii. 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. Include on the plot plan water storage and access to meet the following standards:

1. 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.
2. 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.

N/A

- e. Does the proposed dwelling have a chimney and if so will a spark arrester be installed?

The proposed dwelling has not yet been designed. If it has a chimney, a spark arrester will be installed on that chimney.

8. Firebreak Safety:

- 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. This information shall be included on the plot plan and described how you intend to maintain this firebreak.**

The property owner will maintain a 30' primary fire break consistent with the attached Recommended Fire Siting Standards for Dwellings and Structures (Attachment 8) and plot plan.

- b. **On the plot plan provide a diagram of where the garden hose will be located and describe the length that will allow it to reach the perimeter of the primary safety zone shall be available at all times.**

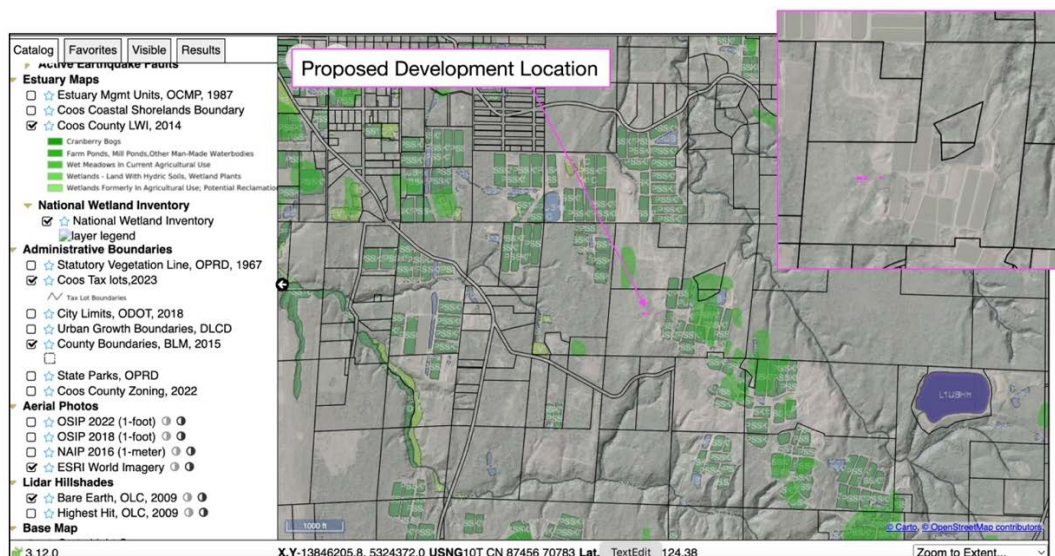
See attached plot plan (Attachment 1), which depicts the placement of this water tank. The property owner agrees to provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback (length of hose = 100', as described on plot plan.

- c. **Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report explain and provide evidence to show how the slope was determined. If additional safety zones are required based on the slope table you will need to show them on the plot plan.**

Slope of subject property is less than 5%. Subject property is over 100 acres; the soil report (Attachment 7) indicates the slopes on/around the proposed dwelling site are 7-12%; the applicant's plot plan (drawn by registered surveyor Troy Rambo) depicts the actual slope on/around the proposed dwelling to be less than 5%.

Regardless, the downward slope within the 30' buffer around the proposed structures does not exceed 10%.

The recommended 30' firebreaks around both structures are indicated on the plot plan.

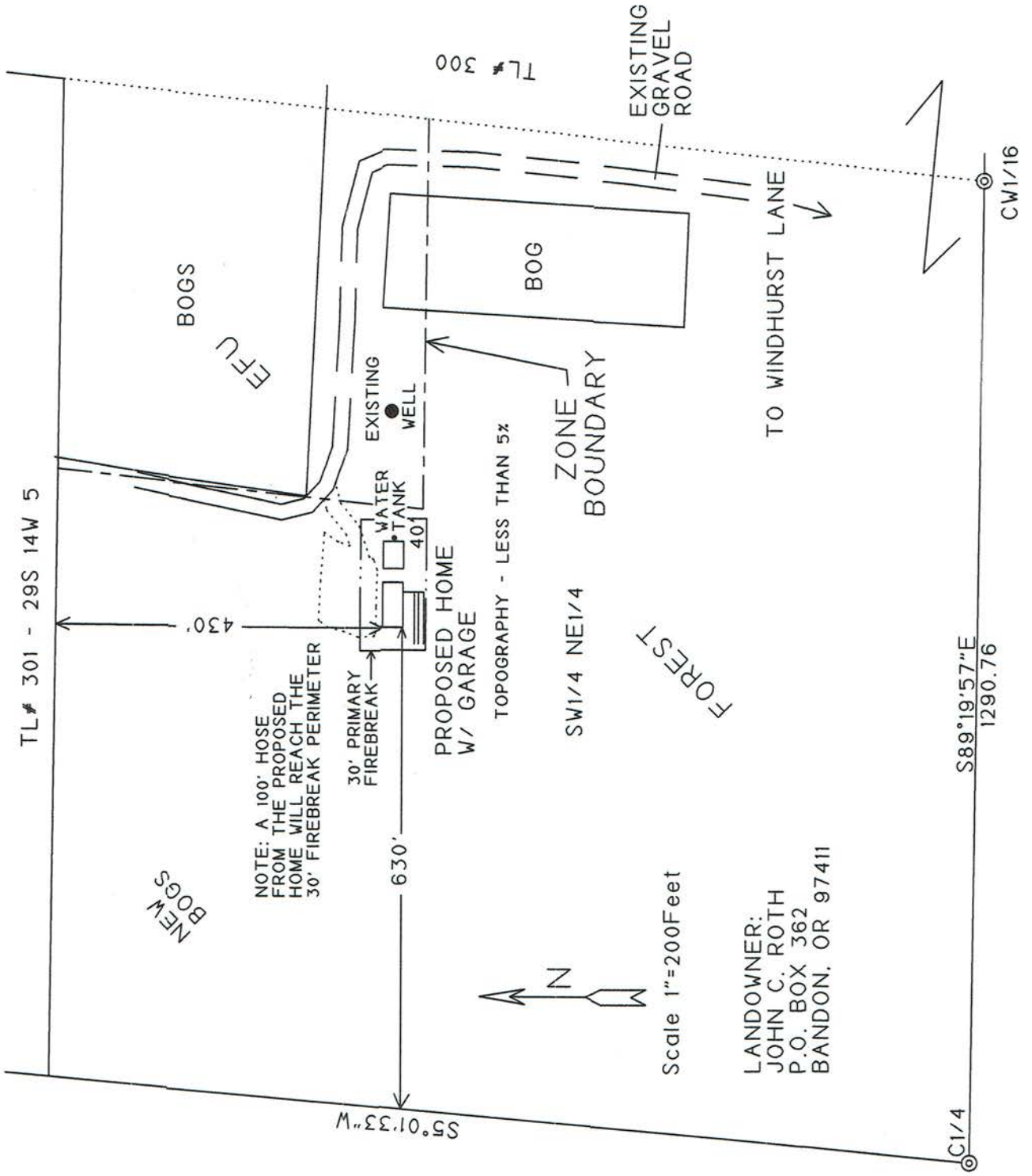


ATTACHMENT 1

Plot Plan

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023

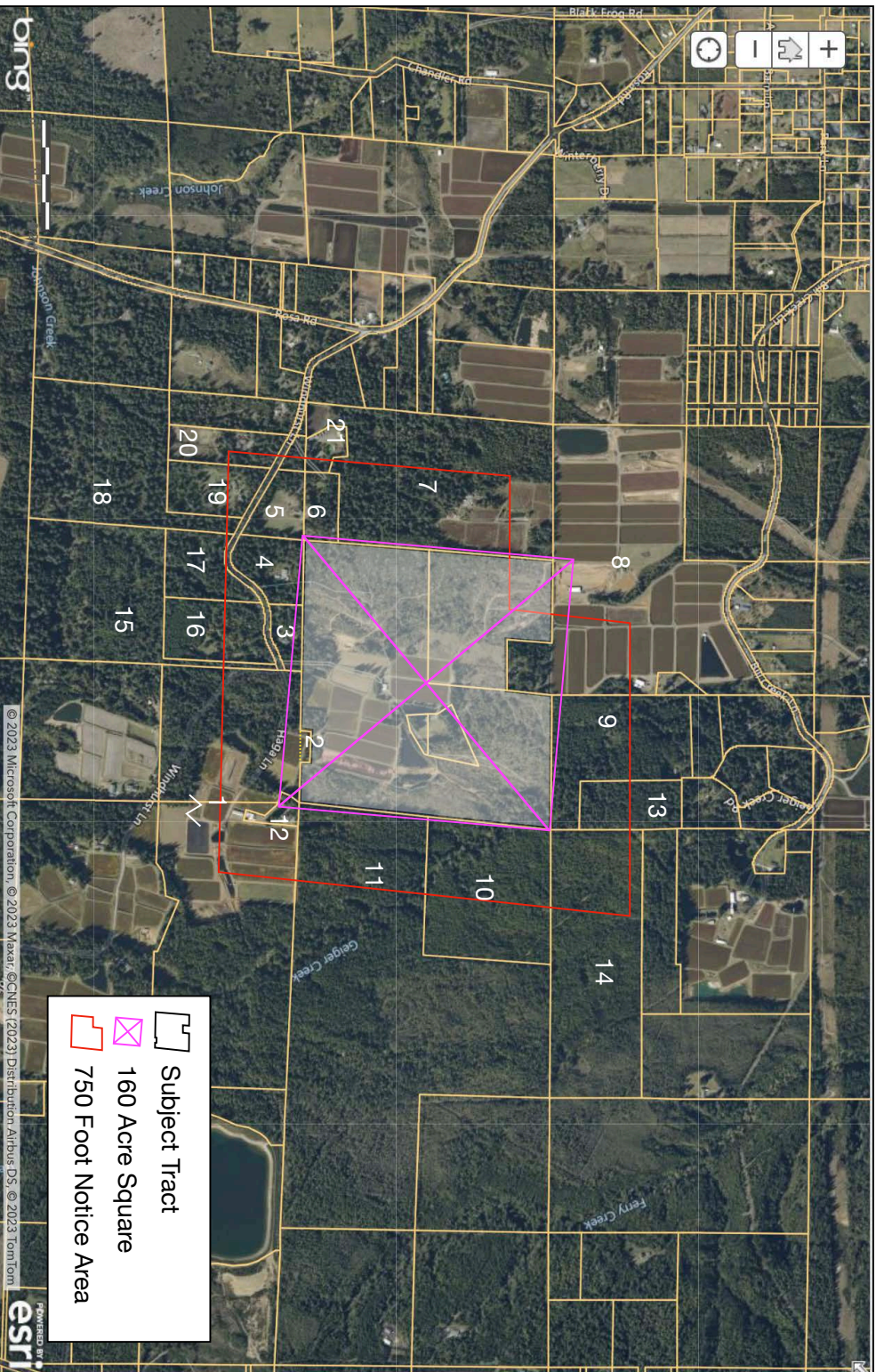
ROTH PLOT PLAN
 A PORTION OF TL# 300 - 29S 14W 5
 ACCT.# 1203200 - 102.24 ACRES



ATTACHMENT 2

Template and Notice Area Map and List

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023



Application to Coos County for Forest Template Dwelling
 John C. Roth / 29S14W05 300
Template and Notice Area Map & List

September 2023
 1 / 4

#	1/1/93 Parcel w/ In 160 Acre Square?	Dwelling Sited Prior to 1/1/93?	Map #	Act #	Owner	Coos County Property Class	Zone	Acres	Applicant's Description of Use
1	Y		29S14W05 3400	1202900	CAMPINA, KRISTINA K	HIGH AND BEST USE FARM LAND	EFU/F	40.40	Forest and cranberry bogs
1	Y		29S14W04 402	99916864	CAMPINA, KRISTINA K	HIGH AND BEST USE FARM LAND	EFU/F	76.01	Forest and cranberry bogs, accessory structure
2	Y			Vol. 131 Pg. 446	N/A	N/A	N/A	N/A	Was a parcel in 1993. Now combined with 1.
3	Y		29S14W05 3300	1203507	SELLERS, ROGER W & KATE	RESIDENTIAL - IMPROVED	RR-5	4.12	Single family dwelling and accessory structure.
4	Y	Y	29S14W05 3000	1203508	GIAMBRONE, JAMES, JR.	HIGH/BEST USE FOREST w/ IMPROV	RR-5		Single family dwelling and accessory structure. 1977 mobile home destroyed 2015 and replaced with 2015 single family dwelling. Garage constructed in 1985.
5	Y		29S14W05 2900	1203506	BOSTON, MINDY M.; ETAL	RESIDENTIAL - IMPROVED	RR-5	6.50	Single family dwelling and accessory structure.
6	Y	Y	29S14W05 500	1203311	BOSTON, LANNY R. & MARY E.; ETAL	RESIDENTIAL - IMPROVED	RR-5	5.00	Single family dwelling constructed in 1937.
7	Y		29S14W05 400	1203300	BOSTON, LANNY & MARY	HIGH AND BEST USE FARM LAND	F/EFU	70.23	Forest, cranberry bogs, accessory structure

Application to Coos County for Forest Template Dwelling
John C. Roth / 29S14W05 300
Template and Notice Area Map & List

September 2023
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#	1/1/93 Parcel w/ In 160 Acre Square?	Dwelling Sited Prior to 1/1/93?	Map #	Act #	Owner	Coos County Property Class	Zone	Acres	Applicant's Description of Use
8	Y		28S14W32 2002	99917027	BILL'S CREEK, LLC	HIGH AND BEST USE FARM LAND	F	96.48	Cranberry bogs, accessory structure
9	Y	Y	28S14W32 1900	1030900	AYERS, JANIS D 54592 GEIGER CRK RD BANDON OR 97411-8849	HIGH AND BEST USE FOREST LAND	F	33.00	Single family dwelling constructed in 1991.
10	Y		29S14W04 300	1202300	CITY OF BANDON	MISCELLANEOUS	F	38.71	Forest
11	Y		29S14W04 200	1202200	CITY OF BANDON	MISCELLANEOUS	F/EFU	159.08	Forest
12	Y	Y	29S14W04 400	1202491	SCHERER FARMS, LLC	RESIDENTIAL - IMPROVED	F/EFU	2.05	Single family dwelling constructed in 1975; remodeled 1989.
13			28S14W32 1800	1031000	STRATTON, MARJORIE J.	HIGH AND BEST USE FOREST LAND	F	10.00	Forest
14			28S14W33 1500	1031600	CITY OF BANDON	MISCELLANEOUS	F	56.99	Forest
15			29S14W05 2700	1203505	BENLICH, JANE E.	HIGH/BEST USE FOREST W/ IMPROV	F	41.54	Single family dwelling

Application to Coos County for Forest Template Dwelling
John C. Roth / 29S14W05 300
Template and Notice Area Map & List

#	1/1/93 Parcel w/ In 160 Acre Square?	Dwelling Sited Prior to 1/1/93?	Map #	Act #	Owner	Coos County Property Class	Zone	Acres	Applicant's Description of Use
16			29S14W05 3200	1203500	MCLEOD, JOSEPH J. & PENNY G.	HIGH/BEST USE FOREST W/ IMPROV	EFU	14.16	Single family dwelling
17			29S14W05 3101	1203504	STURGES, MARK U & GROVE, MARYANNE	HIGH/BEST USE FOREST W/ IMPROV	F	10.66	Single family dwelling
18			29S14W05 2701	1203513	FUDGE, LESLIE A ET AL	HIGH AND BEST USE FOREST LAND	F	42.76	Forest
19			29S14W05 2800	1203502	WAYNE, ANTHONY C. & GILLAN	HIGH/BEST USE FOREST W/ IMPROV	EFU	10.58	Single family dwelling
20			29S14W05 2600	1203509	HERNANDEZ, MANUEL C.; ET AL	HIGH AND BEST USE FARM LAND	EFU	8.33	Single family dwelling
21			29S14W05 600	1203305	BOSTON, LANNY & MARY E.	RESIDENTIAL - IMPROVED	RR-5	3.26	Single family dwelling

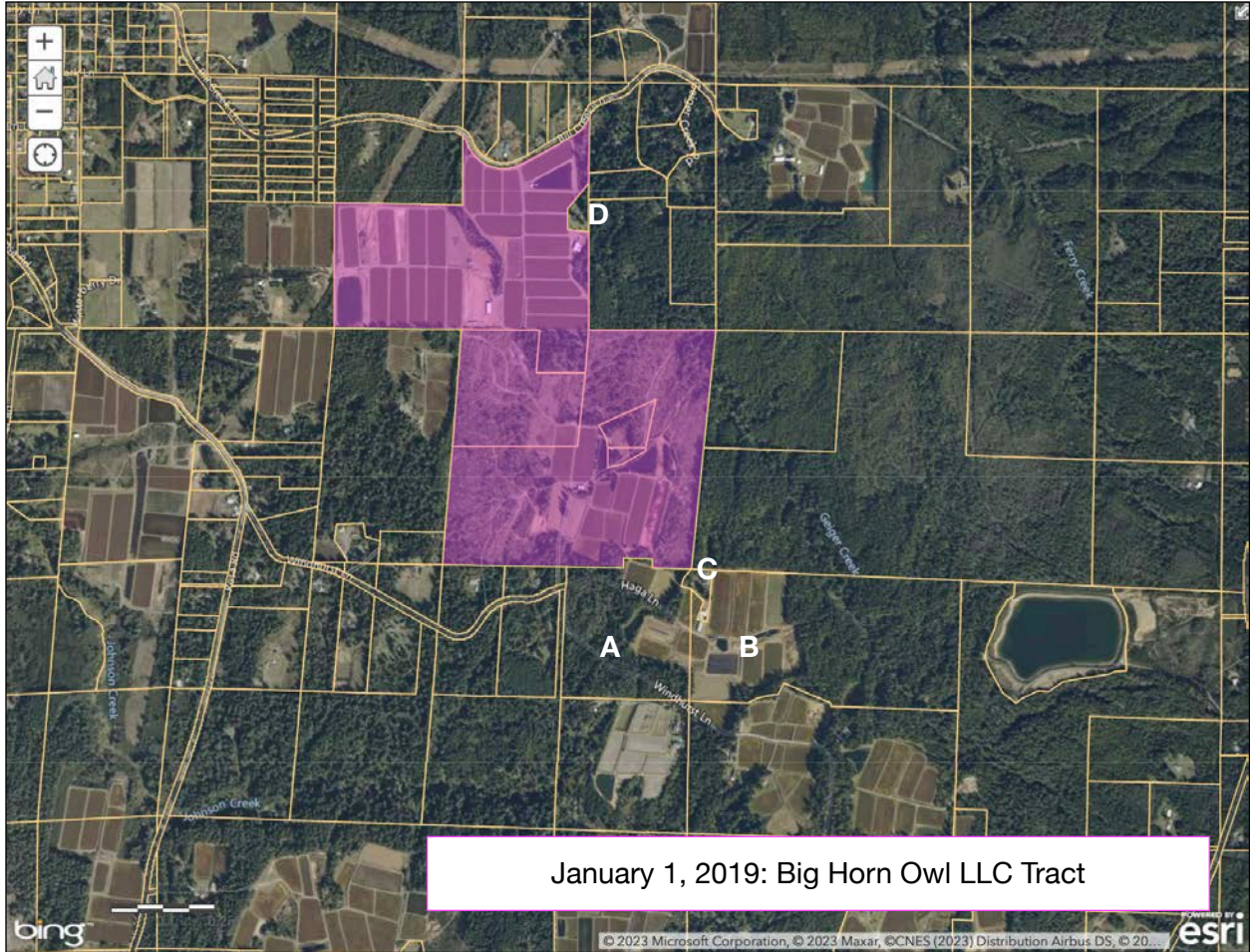
Application to Coos County for Forest Template Dwelling
John C. Roth / 29S14W05 300
Template and Notice Area Map & List

September 2023
4 / 4

ATTACHMENT 3

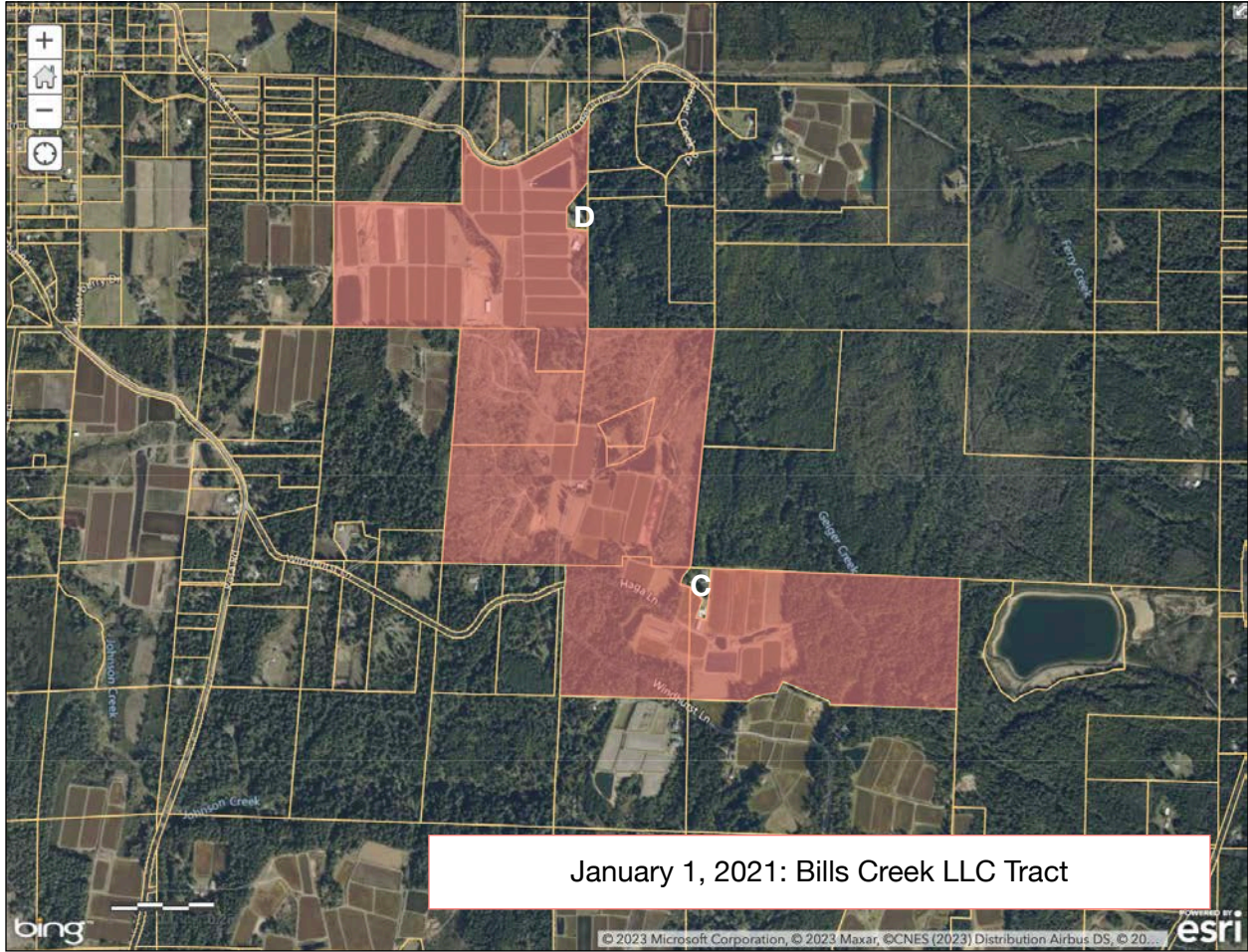
Map of 01/01/2019 and 01/01/2021 Tracts

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023



Notes re Adjacent Properties Not in Tract

#	Map #	Document	Owner	Notes
A	29S14W05 3400	2018-12331	BILLS CREEK LLC	
B	29S14W04 402	2018-12331	BILLS CREEK LLC	
C	29S14W04 400	1991-114602	SCHERER FARMS LLC	Configured as depicted by CS 38A122 on 01/01/2019
D	28S14W32 2001	2014-02867	ROTH, JOHN C. & CAMPINA, KRISTINA K.	

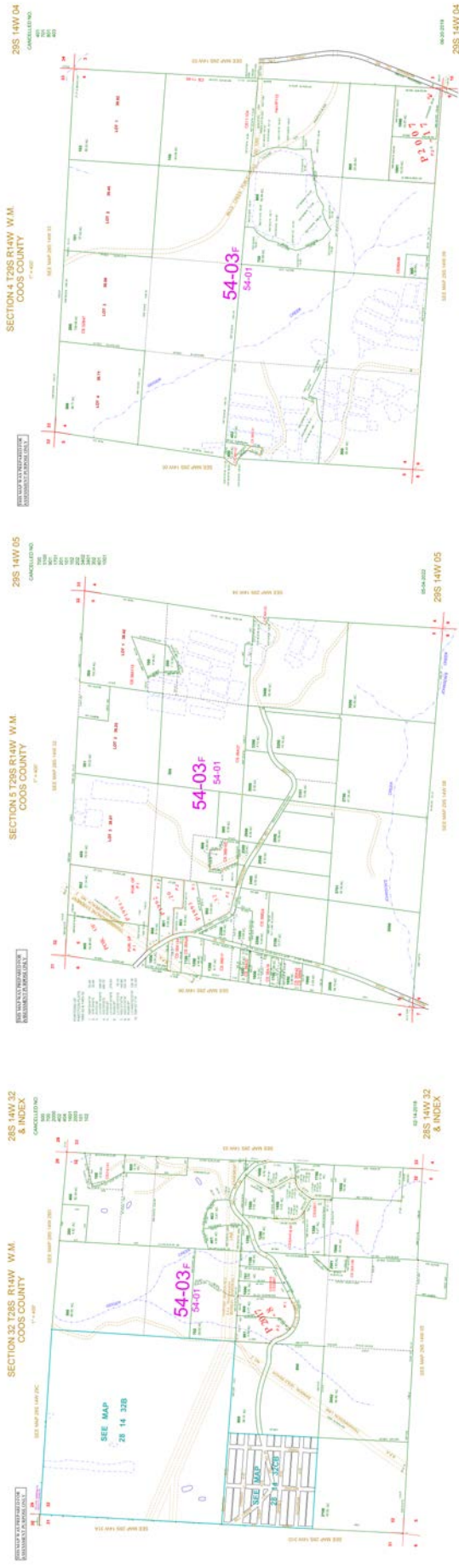


Notes re Adjacent Properties Not in Tract				
#	Map #	Document	Owner	Notes
C	29S14W04 400	1991-114602	SCHERER FARMS LLC	Configured as depicted by CS 38A131 on 01/01/2021
D	28S14W32 2001	2014-02867	ROTH, JOHN C. & CAMPINA, KRISTINA K.	

ATTACHMENT 4

Property Line Adjustments to 2021 Tract

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023



Property Line Adjustments to 2021 Bills Creek LLC Tract					
Date of PLA	Planning File	County Survey	Document	Did PLA occur after January 1, 2019 and have the effect of qualifying the lot or parcel for a dwelling under ORS 215.750(5)?	
09/11/2007	PLA-07-67	38A113	2007-16105 (Corrected 2007-11722)	No. Occurred after January 1, 2019.	
10/31/2011	PLA-11-27	38A138	2011-9631	No. Occurred after January 1, 2019.	
11/30/2011		38A122		No. Occurred after January 1, 2019.	
03/27/2012	PLA-12-07	N/A	2012-2355	No. Occurred after January 1, 2019.	
05/07/2019	PLA-18-028	38A131	2019-03694	No. The property line had the effect of removing 0.38 acres of land and a shop from the then-Bills Creek LLC tract. The receiving parcel, owned by Scherer Farms LLC, configured as depicted by CS38A122, contained the dwelling; that parcel was not part of the Bills Creek LLC or Big Horn Owl LLC tract.	

Application to Coos County for Forest Template Dwelling
 John C. Roth / 29S14W05 300
Property Line Adjustments to 2021 Tract

September 2023
 1 / 1

Grantor:
KIDS PLACE FARMS, INC.
P.O. Box 503
Bandon, OR 97411

Grantee:
Bill's Creek LLC
P.O. Box 362
Bandon, OR 97411

After recording return to: Bill's Creek LLC
P.O. Box 362
Bandon, OR 97411

Consideration: There is no monetary consideration for this conveyance, the purpose of this document to complete the intentions of the property line adjustment procedure approved by the Coos County Planning Department per PLA-12-07.

Until a change is requested, all tax statements are to be sent to the following address:
Bill's Creek LLC
P.O. Box 362
Bandon, OR 97411

PROPERTY LINE ADJUSTMENT DEED

Known all men by these presents that KIDS PLACE FARMS, INC., an Oregon Corporation, Grantor, conveys to Bill's Creek LLC, Grantee, the following real property located in Government Lot 2 of Section 5, Township 29 South, Range 14 West, of the Willamette Meridian, Coos County, Oregon, more particularly described as follows;

ADJUSTED PARCEL

Beginning at the axle at the Northeast corner of Government Lot 2 of said Section 5, Township 29 South, Range 14 West thence South along East line of said Lot 2 a distance of 435 feet; thence West parallel with the North line of said Lot 2 a distance of 500 feet; thence North parallel with the East line of said Lot 2 a distance of 435 feet to a point on the North line of said Lot 2; thence East a distance of 500 feet, more or less, to the point of beginning.

ADJUSTED LINE

Beginning at the axle at the Northeast corner of Government Lot 2 of said Section 5, Township 29 South, Range 14 West thence South along East line of said Lot 2 a distance of 435 feet; thence West parallel with the North line of said Lot 2 a distance of 500 feet; thence North parallel with the East line of said Lot 2 a distance of 435 feet to a point on the North line of said Lot 2.

Coos County Assessor's Account No.'s 1203201 and 1030703.



This as a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.
2. The deed whereby the Grantor acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 98-05-0928 Coos County Deed Records.
3. The deed whereby the Grantee acquired title to the property to which the transferred properties are joined is recorded as Instrument No. 2008-332 Coos County Deed Records.
4. Under ORS 92.060(8) and county ordinance a survey and monumentation is not required.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND TO SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 21ST day of MARCH, 2012.



GRANTOR:

Bonnie L. Iverson
Bonnie L. Iverson
Secretary of KIDS PLACE FARMS, INC.

STATE OF OREGON)
) ss.
County of COOS)



The foregoing instrument was acknowledged before me this 23rd
day of MARCH, 2012 by Bonnie L. Iverson.

Troy Jon Rambo
Notary Public for Oregon

GRANTEE:

John Roth
John Roth, Member of Bill's Creek LLC

Kristina Roth
Kristina Roth, Member of Bill's Creek LLC

STATE OF OREGON)
) ss.
County of COOS)

The foregoing instrument was acknowledged before me this 21st
day of March, 2012 by John Roth and Kristina Roth.

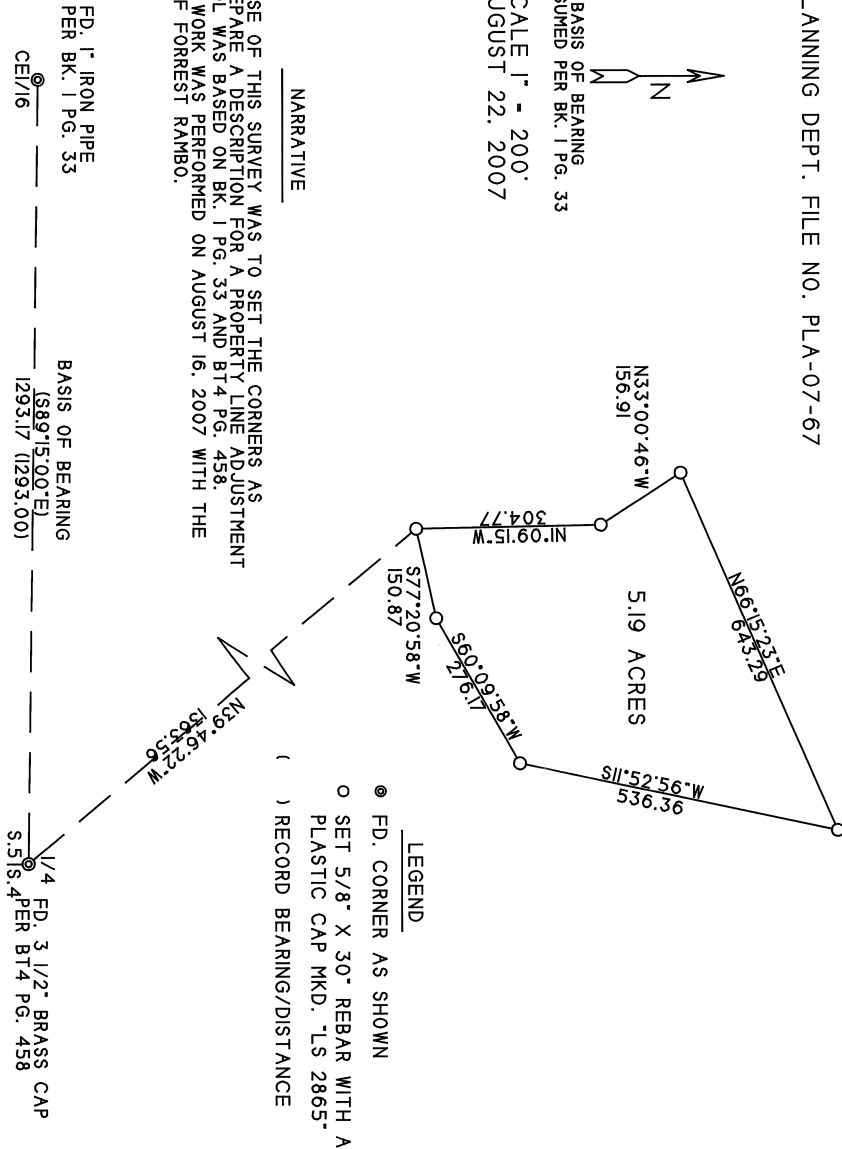
Racheal J. Smith
Notary Public for Oregon



PROPERTY LINE ADJUSTMENT SURVEY - LOCATED IN THE E1/2 NE1/4 S.5.
T.29S., R.14W., W.M. COOS COUNTY, OREGON

PLANNING DEPT. FILE NO. PLA-07-67

BASIS OF BEARING
ASSUMED PER BK. 1 PG. 33
SCALE 1" = 200'
AUGUST 22, 2007



NARRATIVE
THE PURPOSE OF THIS SURVEY WAS TO SET THE CORNERS AS SHOWN TO PREPARE A DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT DEED. CONTROL WAS BASED ON BK. 1 PG. 33 AND BT 4 PG. 458. THE FIELD WORK WAS PERFORMED ON AUGUST 16, 2007 WITH THE ASSISTANCE OF FORREST RAMBO.

LEGEND

- FD. CORNER AS SHOWN
- SET 5/8" X 30" REBAR WITH A PLASTIC CAP MKD. "LS 2865"
- () RECORD BEARING/DISTANCE

COOS COUNTY SURVEYOR
 DATE RECEIVED: August 23, 2007
 DATE ACCEPTED/FILED: 9/11/2007
Karlus E. Seidel
 COOS COUNTY SURVEYOR

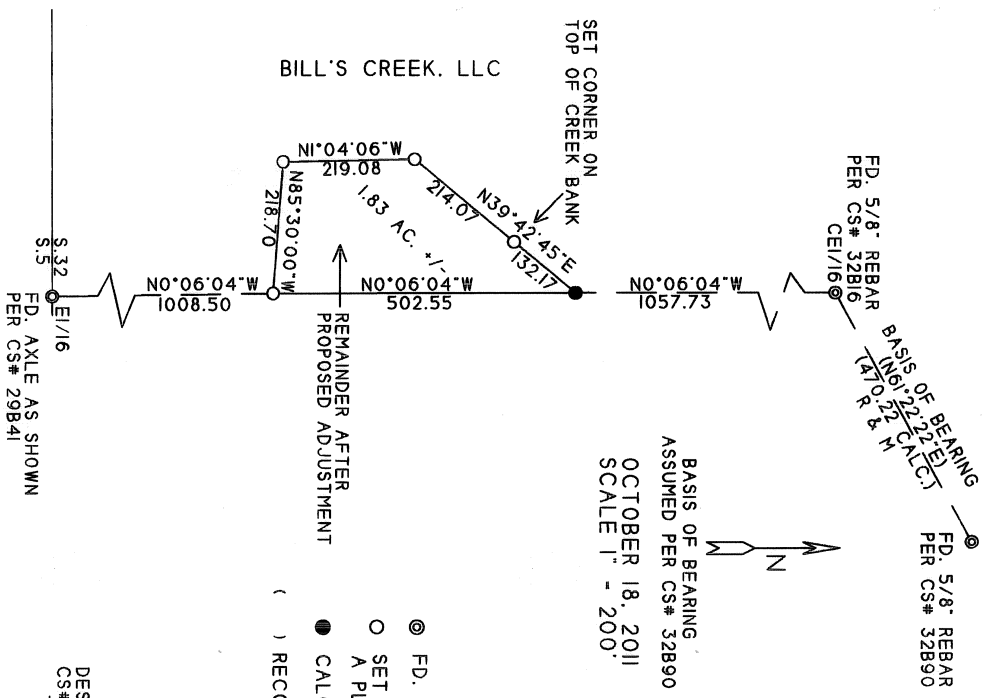
SURVEYED FOR:
GUY SCHERER
P.O. BOX 503
BANDON, OR 97411

SURVEYED BY:
MULKINS & RAMBO, LLC
P.O. BOX 809
NORTH BEND, OR 97459

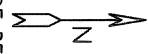
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Larry K. Rambo
 OREGON
 JULY 14, 1998
 TROY J. RAMBO
 2865
 EXPIRES 12-31-08

FD. 1" IRON PIPE
PER BK. 1 PG. 33
 BASIS OF BEARING
(S89°15'00"E)
1293.17 (1293.00)
 1/4 FD. 3 1/2" BRASS CAP
S. 515.4 PER BT 4 PG. 458

PROPERTY LINE ADJUSTMENT SURVEY
 LOCATED IN THE W/2 SE1/4 OF SECTION 32,
 T.28S., R.14W., W.M., COOS COUNTY, OREGON



BASIS OF BEARING
 ASSUMED PER CS# 32890
 OCTOBER 18, 2011
 SCALE 1" = 200'



- LEGEND**
- ⊙ FD. CORNER AS SHOWN
 - SET A 5/8" X 30" REBAR WITH A PLASTIC CAP MKD. "LS 2865"
 - CALCULATED POSITION
 - () RECORD BEARING/DISTANCE

PLANNING DEPT. FILE NO. - PLA-II-27

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SET THE CORNERS AS SHOWN AND TO PREPARE A DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT DEED. CONTROL FOR THIS SURVEY WAS BASED CS# 32816, CS# 32890 AND BT 4 PG. 467. THE FIELD WORK WAS PERFORMED ON OCTOBER 12, 2011.

COOS COUNTY SURVEYOR
 DATE RECEIVED: Oct. 28, 2011
 DATE ACCEPTED/FILED: 10/31/11
Melinda J. Rambo
 COOS COUNTY SURVEYOR

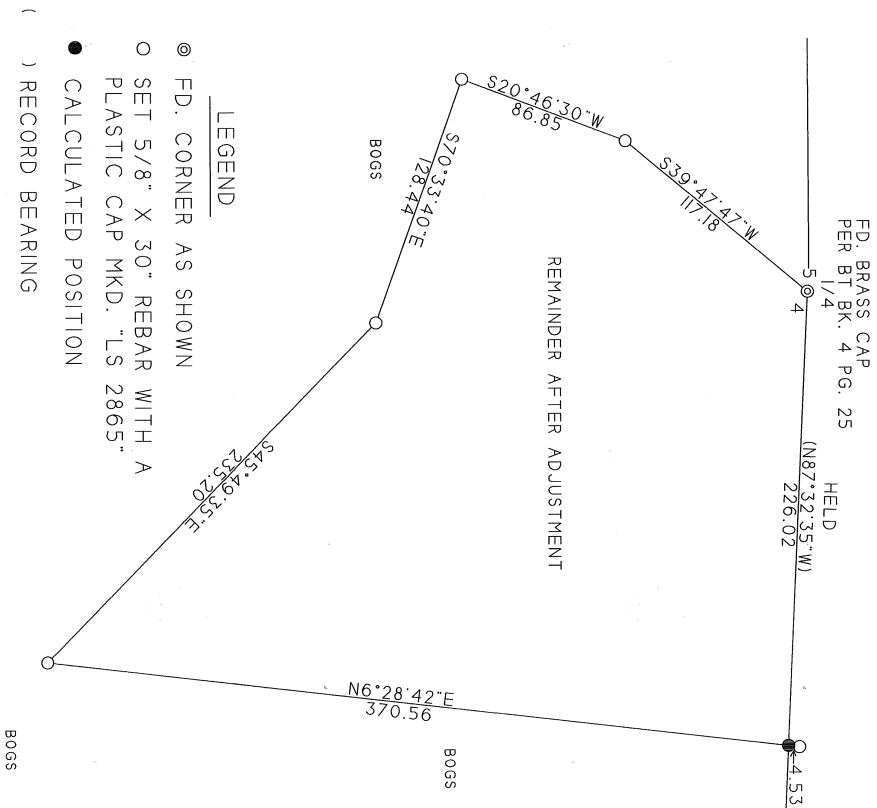
SURVEY FOR:
 BILL'S CREEK, LLC
 P.O. BOX 362
 BANDON, OR 97411

SURVEY BY:
 MULKINS & RAMBO, LLC
 P.O. BOX 809
 NORTH BEND, OR 97459

REGISTERED
 LAND SURVEYOR
Troy J. Rambo
 OREGON
 JULY 14, 1998
 TROY J. RAMBO
 2865
 RENEWAL 12-31-12

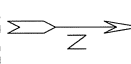
38A122

PROPERTY LINE ADJUSTMENT SURVEY -
 LOCATED IN THE NW1/4 SW1/4 OF SEC. 4
 & NE1/4 SE1/4 SEC. 5, T.29S., R.14W.



- LEGEND
- ⊙ FD. CORNER AS SHOWN
 - SET 5/8" X 30" REBAR WITH A PLASTIC CAP MKD. "LS 2865"
 - CALCULATED POSITION
 - () RECORD BEARING

BASIS OF BEARING
 SOLAR OBSERVATION
 SCALE 1" = 60'
 NOVEMBER 29, 2011



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SET THE CORNERS AS SHOWN SO A DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT DEED COULD BE PREPARED. CONTROL WAS BT BK. 4 PG. 25 AND CS# 32847. THE RECORD TRUE BEARING PER CS# 32847 ALONG THE EAST-WEST CENTERLINE OF SECTION 4 WAS HELD FOR THIS SURVEY.

COOS COUNTY SURVEYOR
 DATE RECEIVED: Nov. 30 2011
 DATE ACCEPTED/FILED: 11/30/11
Mulkins & Rambo
 COOS COUNTY SURVEYOR

SURVEYED FOR:
 SCHERER FARMS, LLC
 P.O. BOX 503
 BANDON, OR 97411

SURVEYED BY:
 MULKINS & RAMBO, LLC
 P.O. BOX 809
 NORTH BEND, OR 97459

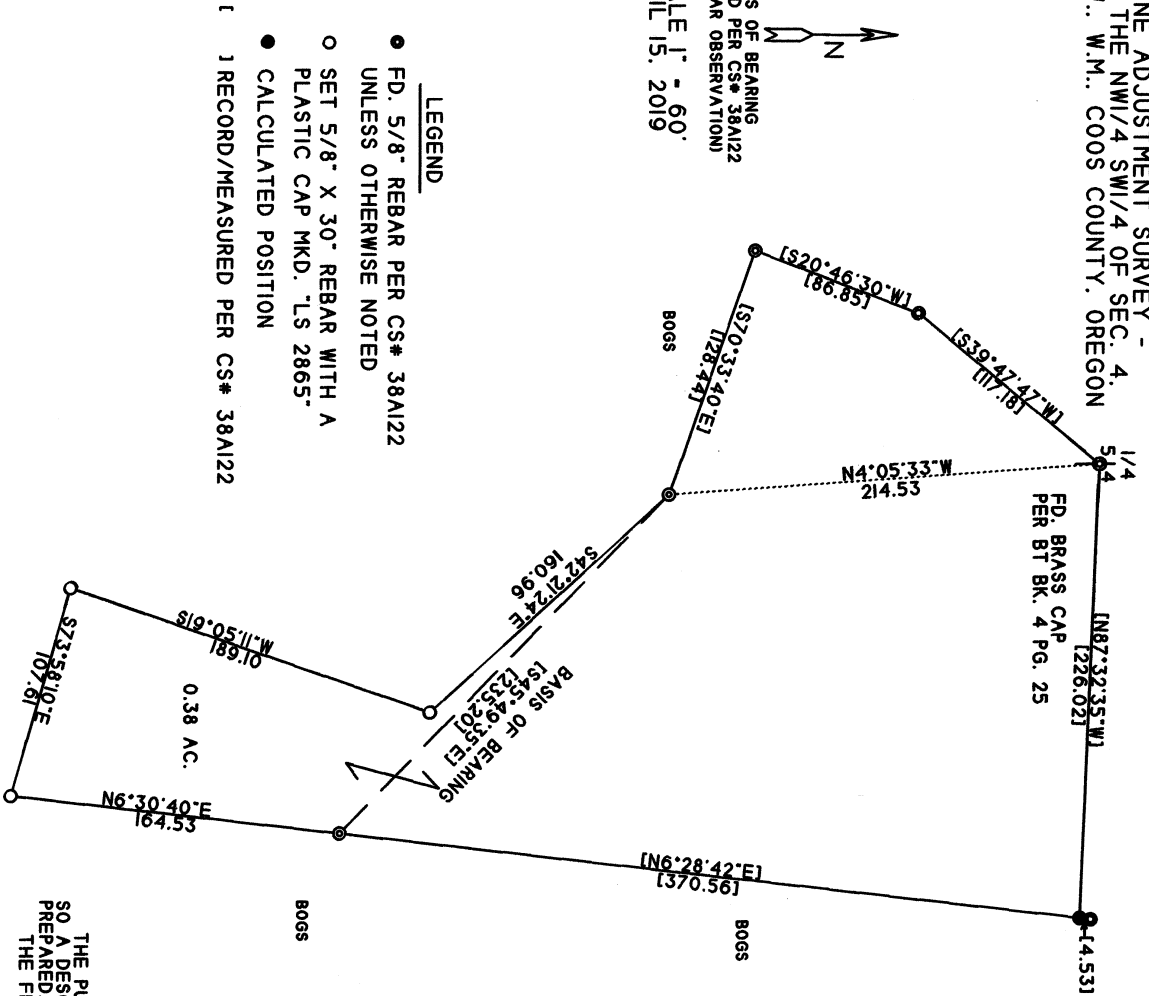
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Troy J. Rambo

OREGON
 JULY 14, 1998
 TROY J. RAMBO
 2865
 RENEWAL 12-31-12

PROPERTY LINE ADJUSTMENT SURVEY -
 LOCATED IN THE NW1/4 SW1/4 OF SEC. 4,
 T.29S., R.14W., W.M., COOS COUNTY, OREGON

BASIS OF BEARING
 ASSUMED PER CS# 38A122
 (SOLAR OBSERVATION)
 SCALE 1" = 60'
 APRIL 15, 2019



- LEGEND**
- FD. 5/8" REBAR PER CS# 38A122
UNLESS OTHERWISE NOTED
 - SET 5/8" X 30" REBAR WITH A
PLASTIC CAP MKD. "LS 2865"
 - CALCULATED POSITION
 - ┆ RECORD/MEASURED PER CS# 38A122

0.38 AC.
 BOGS

COOS COUNTY SURVEYOR
 DATE RECEIVED: May 7, 2019
 DATE ACCEPTED/FILED: 5-7-19
Michael J. Dale
 COOS COUNTY SURVEYOR

SURVEYED FOR:
 SCHERER FARMS, LLC
 P.O. BOX 503
 BANDON, OR 97411
 BILL'S CREEK LLC
 P.O. BOX 362
 BANDON, OR 97411
 SURVEYED BY:
 MULKINS & RAMBO, LLC
 P.O. BOX 809
 NORTH BEND, OR 97459

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Larry Scherer
 OREGON
 JULY 14, 1988
 TROY J. RAMBO
 2865
 RENEWAL 12-31-20

PLANNING DEPT. FILE NO. PLA-18-028
 Planning Dept. Approval
 DEED RECORDING NO. 2019 - 03694
 DATE 5/7/19

NARRATIVE
 THE PURPOSE OF THIS SURVEY WAS TO SET THE CORNERS AS SHOWN
 SO A DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT DEED COULD BE
 PREPARED. CONTROL WAS BT BK. 4 PG. 25 AND CS# 38A122.
 THE FIELD WORK WAS PERFORMED ON APRIL 8, 2019 BY MYSELF.

ATTACHMENT 5

Deed (2021-11940)

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023

AFTER RECORDED RETURN TO:

John C. Roth
P.O. Box 362
Bandon, OR 97411



Debbie Heller, CCC, Coos County Clerk

Until a change is requested all tax statements shall be sent to the following address:

John C. Roth
P.O. Box 362
Bandon, OR 97411

CONSIDERATION:

The true consideration for this conveyance is \$0.00 – purpose is to change vesting

BARGAIN AND SALE DEED

Know all men by these presents that Bills Creek LLC, an Oregon limited liability company, Grantor, conveys to John C. Roth, Grantee, the following property located in Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Parcel 1:

Government Lot 1 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SW1/4 of the NE1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SE1/4 of the NE1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

SAVING AND EXCEPTING THEREFROM: Beginning at a point 400 feet West of the Southeast corner of the SE1/4 of the NE1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North 100 feet; thence West 300 feet; thence South 100 feet; thence East 300 feet to the point of beginning.

ALSO SAVING AND EXCEPTING THEREFROM a parcel of land located in the E1/2 of the NE1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at a 5/8" rebar from which the 1/4 corner between Sections 4 and 5 of said Township 29 South, Range 14 West bears S39°46'22"E a distance of 1363.56 feet; thence N01°09'15"W a distance of 304.77 feet to a 5/8" rebar; thence N33°00'46"W a distance of 156.91 feet to a 5/8" rebar; thence N66°15'23"E a distance of 643.29 feet to a 5/8" rebar; thence S11°52'56"W a distance of 536.36 feet to a 5/8" rebar; thence S60°09'58"W a distance of 276.17 feet to a 5/8" rebar; thence S77°20'58"W a distance of 150.87 feet, more or less, to the point of beginning.

Parcel 2:

Government Lot 2 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM a parcel of land conveyed in Property Line Adjustment Deed recorded March 27, 2012 an Instrument No. 2012-2355, Records of Coos County, Oregon and further described as follows: Beginning at the axle at the Northeast corner of Government Lot 2 of said Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South along the East line of said Government Lot 2 a distance of 435 feet; thence West parallel with the North line of Government Lot 2 a distance of 500 feet; thence North parallel with the East line of Government Lot 2 a distance of 435 feet to a point on the North line of Government Lot 2; thence East a distance of 500 feet, more or less, to the point of beginning.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND TO SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 and SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 23rd day of OCTOBER, 2021.

ATTACHMENT 6

Access Easements: 2013-10433 and 2009-4111

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023

After recording return to:
Robert S. Miller III, Attorney at Law
1010 First Street S.E., Suite 210
Bandon, OR 97411

AFTER RECORDING
RETURN TO
Ticor Title Company
300 West Anderson Ave. - Box 1075
Coos Bay, OR 97420-0233

Send tax statements to:
Richard Rice
Big Horn Owl LLC, a Wyoming limited liability company
977 Road 15, Powell, WY 82435

EASEMENT AGREEMENT

Dominant Parcel: (1) Map #29S1405-00-00200, Tax Account # 1203000 and Map #29S1405-00-00100, Tax Account # 1203100, with a legal description as described in appended Exhibit "A;" and
(2) Map # 29S1405-00-00300, Tax Account # 1203200 & 1203290, with a legal description as described in appended Exhibit "B;" and
Owner Dominant Parcel: Guy R. Scherer and Noreen T. "Noni" Scherer as to (1), above, and C. Gregory Scherer, Guy R. Scherer, and Bonnie L. Scherer Iverson (aka Bonnie L. Scherer) as to (2), above.
Servient Parcel: The property described in Coos County, Oregon Instrument # 97-11-0601 *See attached Exhibit "C"*
Owner Servient Parcel: Melvin T. Stanley

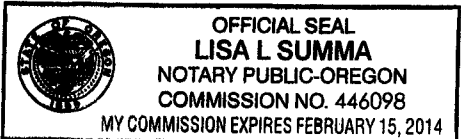
The Owner of Dominant Parcel and the Owner of Servient Parcel agree as follows: There is a permanent, perpetual, and appurtenant easement burdening Servient Parcel and benefiting Servient Parcel, for the purpose of providing ingress and egress to Windhurst Road, per the terms as described in Coos County, Oregon Instrument # 2009-4111.

C. Gregory Scherer as Agent under Power of Attorney *10.28.13*
Signature of Guy Scherer for C. Gregory Scherer Date Signed
as Agent under Power of Attorney

STATE OF OREGON)
County of Coos) ss.
_____)

This Easement Agreement was acknowledged before me by Guy Scherer as Agent under Power of Attorney for C. Gregory Scherer on the Date Signed, above.

Lisa Summa
Signature of Oregon Notary Public



Melvin T. Stanley
Signature of Melvin T. Stanley

10-28-2013
Date Signed

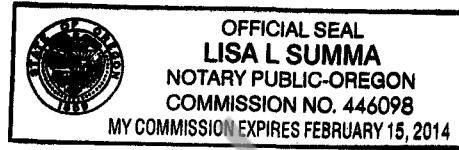
STATE OF OREGON)
)
County of Coos)

)

ss.

This Easement Agreement was acknowledged before me by Morgan T. Stanley on the Date Signed, above.

Lisa L Summa
Signature of Oregon Notary Public



Unofficial
Copy



Bonnie L. Scherer Iverson
Signature of Bonnie L. Scherer Iverson
(aka Bonnie L. Scherer)

10-20-13
Date Signed

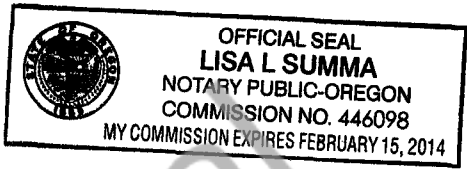
STATE OF OREGON)
)
County of Coos)

)

ss.

This Easement Agreement was acknowledged before me by Bonnie L. Scherer Iverson (aka Bonnie L. Scherer) on the Date Signed, above.

Lisa Summa
Signature of Oregon Notary Public



Unofficial Copy

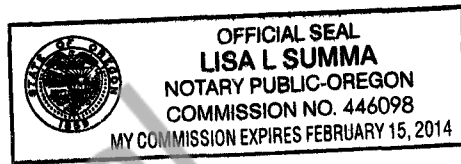
Guy R. Scherer
Signature of Guy R. Scherer, President,
Kids Place Farms, Inc.

10.28.13
Date Signed

STATE OF OREGON)
)
County of Coos)
_____)
) ss.

This Easement Agreement was acknowledged before me by Guy R. Scherer in his capacity as President, Kids Place Farms, Inc. on the Date Signed, above.

Lisa Summa
Signature of Oregon Notary Public



Guy R. Scherer
Signature of Guy R. Scherer

10.28.13
Date Signed

STATE OF OREGON)
)
County of Coos)
_____)
) ss.

This Easement Agreement was acknowledged before me by Guy R. Scherer on the Date Signed, above.

Lisa Summa
Signature of Oregon Notary Public

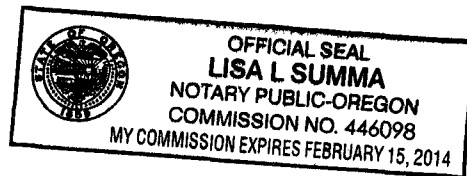


EXHIBIT "A"

A parcel of land located in the East 1/2 of the NE 1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows:

Beginning at a 5/8" rebar from which the 1/4 corner between Sections 4 and 5 of said Township 29 South, Range 14 West, bears South 39° 46' 22" East a distance of 1363.56 feet; thence North 01° 09' 15" West a distance of 304.77 feet to a 5/8" rebar; thence North 33° 00' 46" West a distance of 156.91 feet to a 5/8" rebar; thence North 66° 15' 23" East a distance of 643.29 feet to a 5/8" rebar; thence South 11° 52' 56" West a distance of 536.36 feet to a 5/8" rebar; thence South 60° 09' 58" West a distance of 276.17 feet to a 5/8" rebar; thence South 77° 20' 58" West a distance of 150.87 feet, more or less, to the point of beginning.

Unofficial
Copy

FDOR0553.rdw



Tax Lot 300: - EXHIBIT B

Government Lot 1 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SW ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SE ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

SAVING AND EXCEPTING THEREFROM: Beginning at a point 400 feet West of the Southeast corner of the SE ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North 100 feet; thence West 300 feet; thence South 100 feet; thence East 300 feet to the point of beginning.

ALSO EXCEPTING THEREFROM a parcel of land located in the East 1/2 of the NE 1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows:

Beginning at a 5/8" rebar from which the 1/4 corner between Sections 4 and 5 of said Township 29 South, Range 14 West, bears South 39° 46' 22" East a distance of 1363.56 feet; thence North 01° 09' 15" West a distance of 304.77 feet to a 5/8" rebar; thence North 33° 00' 46" West a distance of 156.91 feet to a 5/8" rebar; thence North 66° 15' 23" East a distance of 643.29 feet to a 5/8" rebar; thence South 11° 52' 56" West a distance of 536.36 feet to a 5/8" rebar; thence South 60° 09' 58" West a distance of 276.17 feet to a 5/8" rebar; thence South 77° 20' 58" West a distance of 150.87 feet, more or less, to the point of beginning.

Unofficial Copy



EXHIBIT "C"

All that portion of the East half of the Northwest quarter of the Southeast quarter lying North of the Windhurst County Road. Said road being more particularly described in instrument dated June 14, 1974, recorded June 26, 1974 as Microfilm Reel No. 74-6-101421, records of Coos County, Oregon and all in Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting all oil, gas and mineral rights reserved by Scott Paper Company in deed recorded April 19, 1963 in Book 300, Page 423 Deed Records of Coos County, Oregon.

Unofficial
Copy



EASEMENT

Recording Requested By:

Melvin T. Stanley & Virginia M. Stanley
88537 Windhurst
P.O. Box 307
Bandon, OR 97411

and

Kids Place Farm, Inc.
P.O. Box 503
Bandon, OR 97411

After recording return to:

Ronald S. Yockim
P.O. Box 2456
Roseburg, OR 97470

CONSIDERATION = \$10.00

THIS AGREEMENT made and entered into on ^{MAY} April 4, 2009, by and between Melvin T. Stanley and Virginia M. Stanley, (Grantors), and Kids Place Farm, Inc., (Grantees).

WITNESSETH:

WHEREAS: The first party is the owner of the following described real property in Coos County, State of Oregon, to-wit:

That parcel described in Instrument No. 97-11-0601, Grantor's hereby grants a 14 ft. non-exclusive easement for ingress and egress 7 ft. either side of the existing centerline of a private road that runs Northerly from Windhurst Road across the Eastern portion of the Grantor's property to KIDS PLACE FARM, INC., an Oregon Corporation, its heirs or assigns, Grantee, the owner of that parcel described in Instrument No. 98-05-0928. The existing road shall be maintained by the Grantee's or their heirs or assigns at Grantees expense.

Pertinent to the property described in Instrument No. 98-05-0928.

THE TERMS OF THESE EASEMENTS are as follows:

- 1) Grantee, its successors and assigns, is hereby granted the right to construct, maintain, repair, and use the easement properties for road purposes to serve Grantees. Grantee shall have the right but not the obligation to construct, maintain, and/or repair the roadway on the easement properties.
- 2) Grantor and Grantee agree to indemnify and hold harmless each other for any damage or liability or claims made against the other party by a third party as a result of the negligent use of the easement properties by the other party or their licensees, permittees or agents.

- 3) All taxes attributable to the easement properties shall be the responsibility of Grantor, its successors and assigns.
- 4) The true and actual consideration for this conveyance herein is \$10.00.
- 5) No gates shall be placed upon the easement properties other than upon mutual agreement of the parties.
- 6) This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.
- 7) There are no third party beneficiaries to this Easement Agreement.

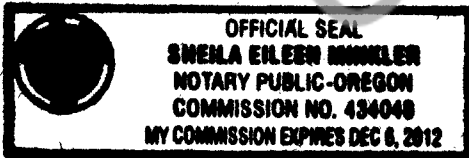
IN WITNESS WHEREOF, the parties have caused this Easement to be executed on April 4, 2009.

MAY
M.T.S.

Melvin T. Stanley
MELVIN T. STANLEY

STATE OF OREGON)
)
County of Coos) ss.

Personally appeared the above named **Melvin T. Stanley** and acknowledged the foregoing instrument to be his voluntary act and deed.



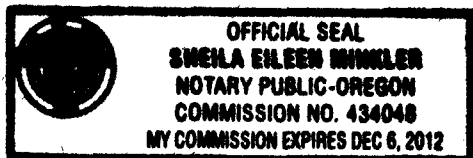
Notary done 5/4/09 sm

Shwela Eileen Minkler
Notary Public for Oregon
My Commission Expires: 12-6-12

Virginia M. Stanley
VIRGINIA M. STANLEY

STATE OF OREGON)
)
County of Coos) ss.

Personally appeared the above named **Virginia M. Stanley** and acknowledged the foregoing instrument to be her voluntary act and deed.



Notary done 5/4/09 sm

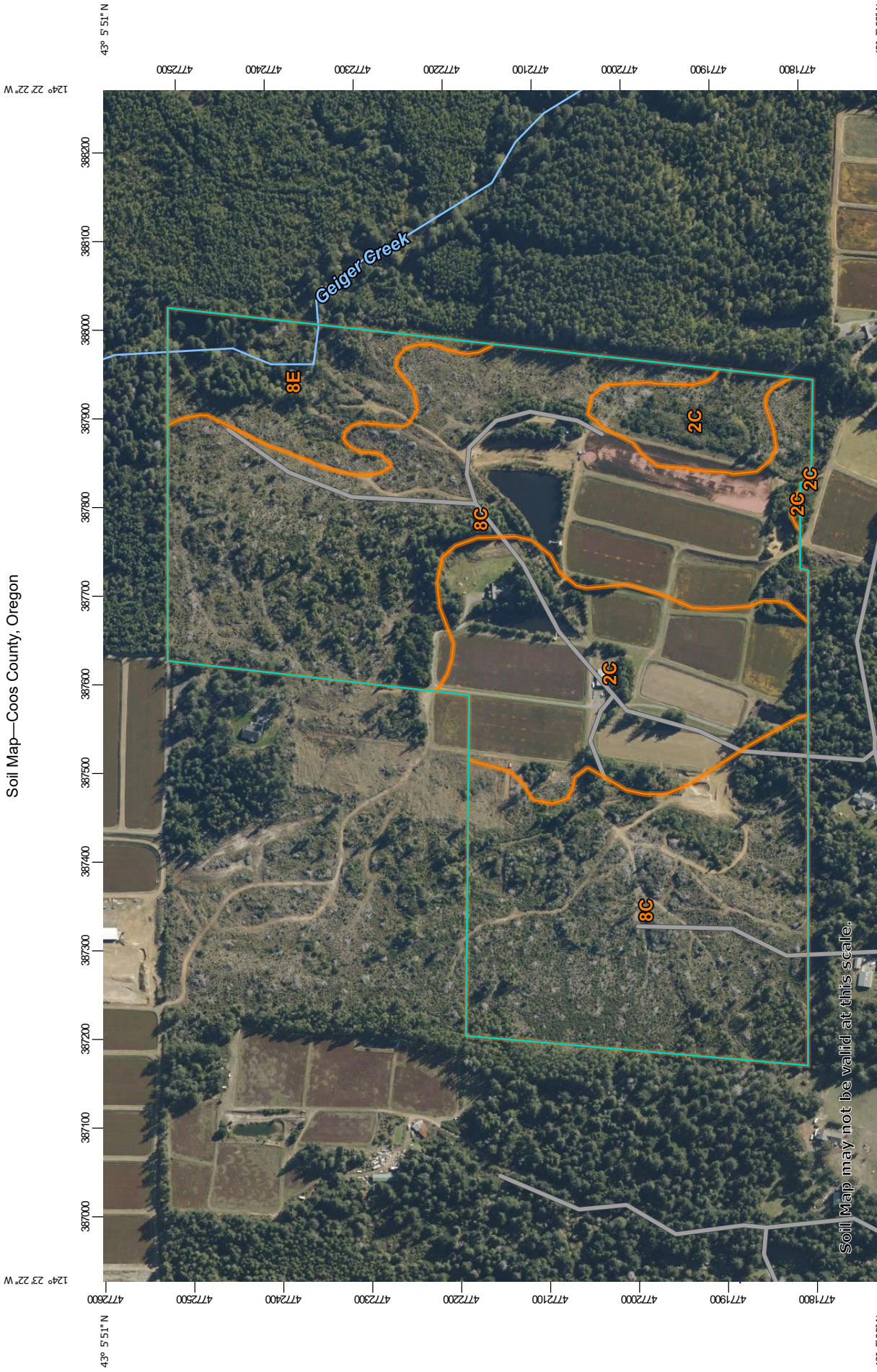
Shwela Eileen Minkler
Notary Public for Oregon
My Commission Expires: 12-6-12

ATTACHMENT 7

NRCS Soil Survey of Subject Property

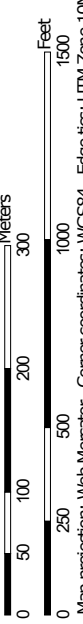
Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023

Soil Map—Coos County, Oregon







































Soil Map may not be valid at this scale.

Map Scale: 1:6,140 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

-  Area of Interest (AOI)
-  Area of Interest (AOI)
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
 Survey Area Data: Version 18, Sep 8, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	25.8	24.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	72.2	67.3%
8E	Bullards sandy loam, 30 to 50 percent slopes	9.3	8.6%
Totals for Area of Interest		107.3	100.0%

ATTACHMENT 8

Recommended Fire Siting Standards for Dwellings and Structures

Application to Coos County for Forest Template Dwelling
Roth, 29S14W05 300, 1203200
September 2023

LAND USE PLANNING NOTES▶▶▶▶



“STEWARDSHIP IN FORESTRY”

NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

“[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

“(1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

“(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

“(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures *and* Fire Safety Design Standards for Roads

Published by:

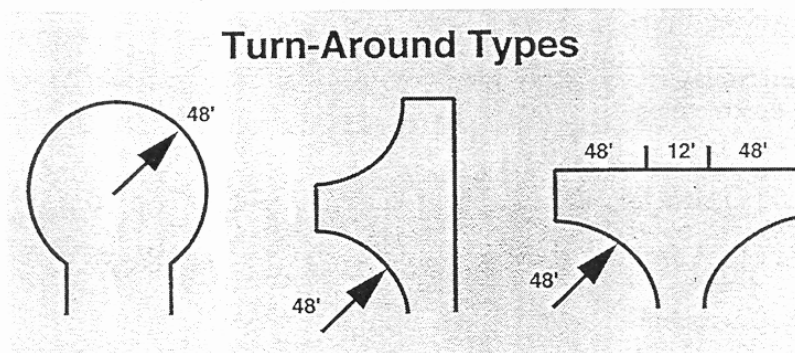
Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.



Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

1. Access— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a **48-foot** radius of one of the types shown in the illustration below.

2. Identification— Emergency water supplies should be clearly marked along the access route with a county approved sign.

B. Fuel Break Standards:

1. Primary Safety Zone— The primary safety zone is a fire break extending a minimum of **30 feet** in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

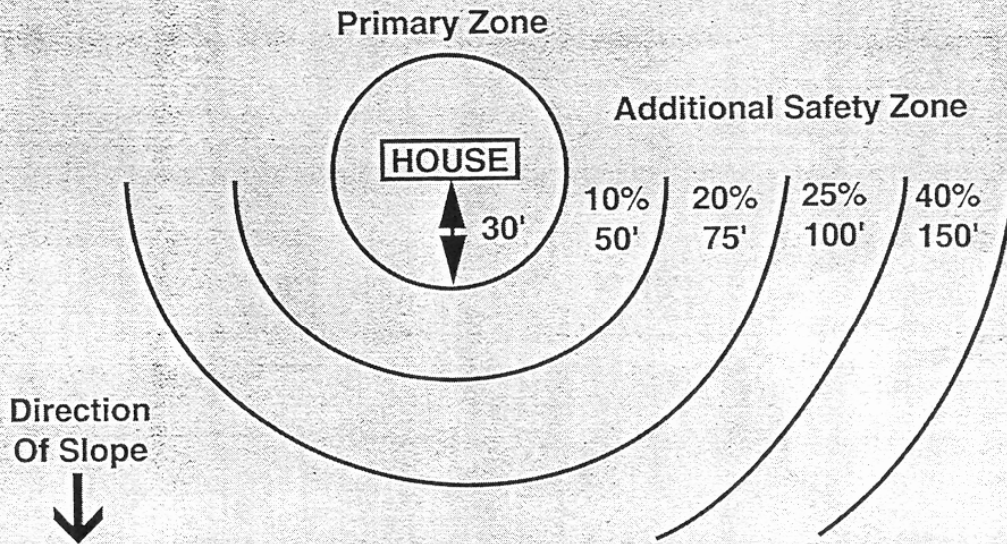
2. Secondary Fuel Break— The secondary fuel break is a fuel break extending a mini-

Size of Primary Safety Zone by Percent Slope

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

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



mum of **100** feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

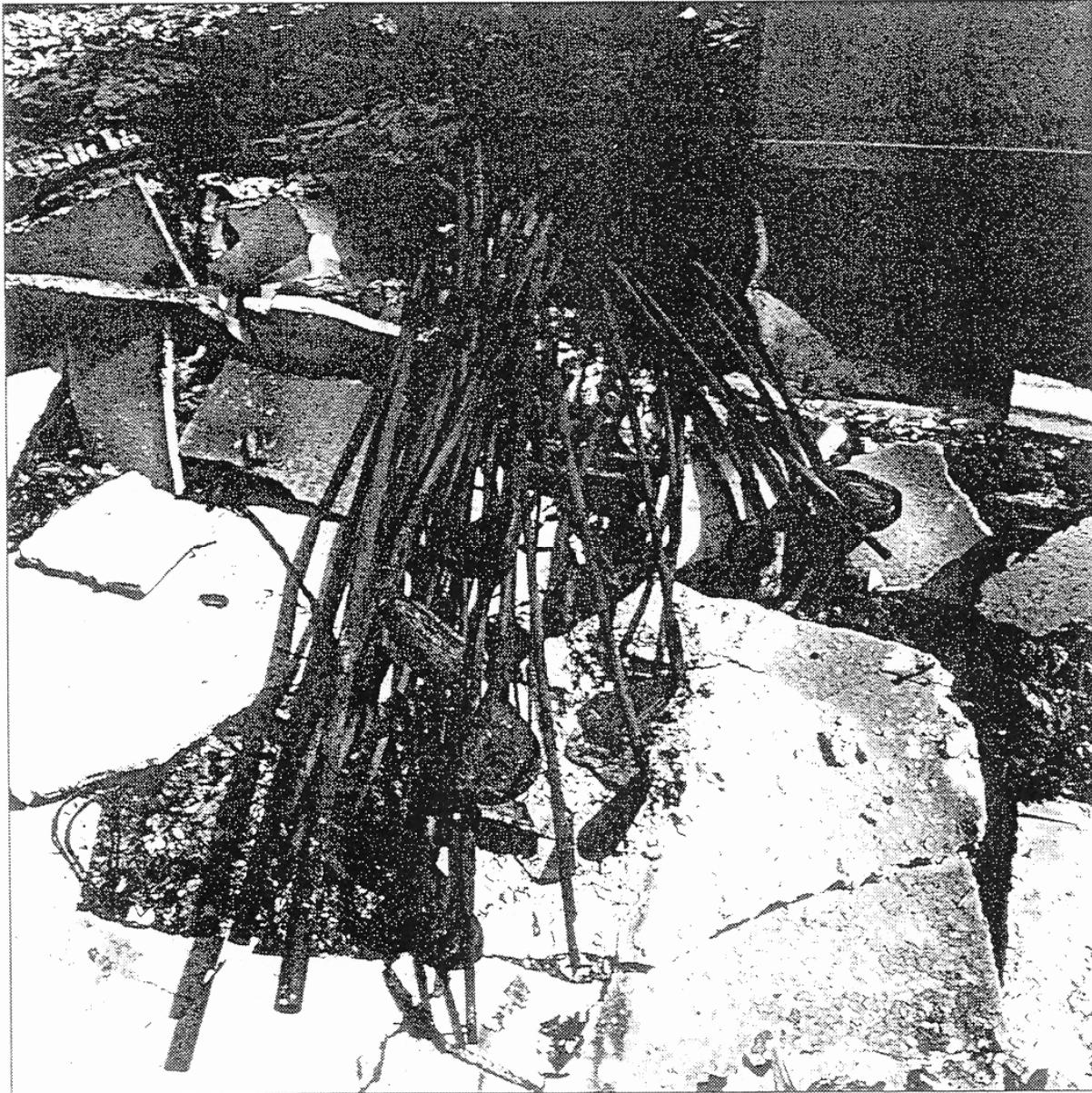
A. Road Standards (public roads and private roads accessing 2 or more residences):

1. Right-of-ways— Roads should be built and maintained to provide a minimum **20** foot width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Cul-de-Sacs— Cul-de-sacs should be defined as dead-end roads over **150** feet in length. Cul-de-sacs should have turn-arounds of not less than **48** feet radius at a maximum spacing of **500** feet between turn-a-rounds. All turn-a-rounds should be marked and signed as “NO PARKING.”

3. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. Road Grades— Road grades should not exceed an average of **8** percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

mum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum **12-foot** width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Vehicle Passage Turnouts— Driveways in excess of **200** feet should provide **20-foot** wide by **40-foot** long passage space (turnouts) at a maximum spacing of $1/2$ the driveway length or **400** feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.

3. Dead-end driveways— Dead-end driveways are defined as dead-end roads over **150** feet in length serving a single residence. Dead-end driveways should have turn-a-rounds of not less than **48** feet radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of **8** percent, with a maximum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".

- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are seasonal. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

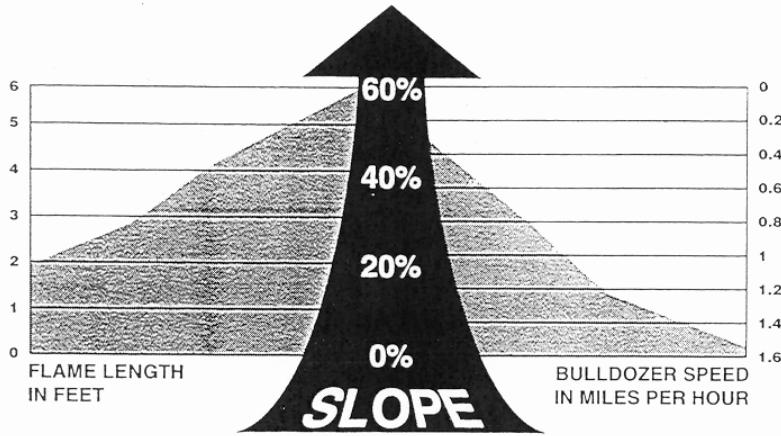
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of the Democrat-Herald, Albany

The Relationship of Flame Length to Fuel Type and Slope: Two Situations



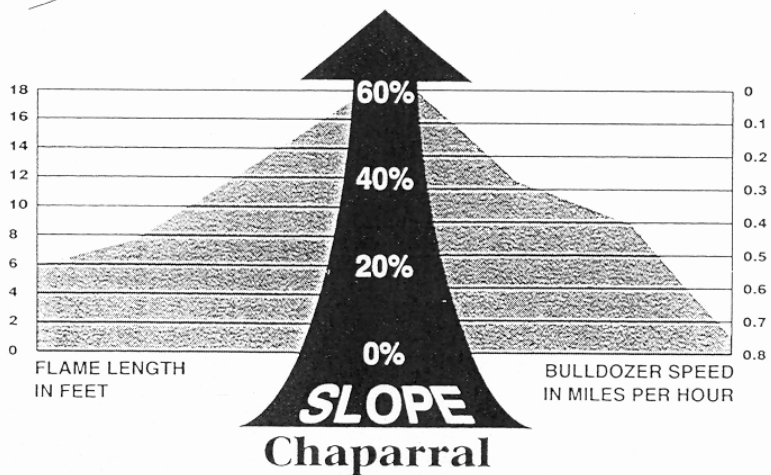
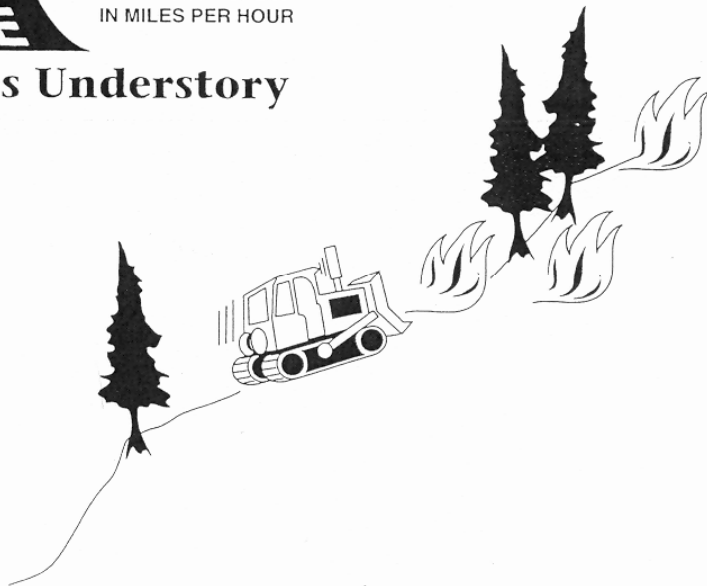
Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length.

Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Information Provided By:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

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