



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

NOTICE OF LAND USE DECISION

You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgagee, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.

Friday, September 20, 2024

Dear Recipient,

This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period provided below, pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department, the address is 250 N. Baxter, Coquille, OR 97423.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

Subject Property Information

Account Number:	24705
Map Number:	23S121700-00700
Property Owner:	WEATHERS, DARON 71577 KOKES RD LAKESIDE, OR 97449-8626
Situs Address:	95561 NORTH LAKE LN LAKESIDE, OR
Acreage:	29.21 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	ARCHAEOLOGICAL AREAS (ARC) BIRD SITE MEETS GOAL 5C REQRMT (B5C) FOREST MIXED USE (MU) LAKESIDE CONICAL ZONE (ALC) NH LANDSLIDE (NHLND)

This notice shall be posted from September 20, 2024 to October 7, 2024

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Planning Department by 12 p.m. on **Monday, October 07, 2024** . Appeals are based on the applicable land use criteria.

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

-
- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
 - **Dwelling Review:** Subject to Article 4.6 - Resource Zoning District, Section 4.6.100 - Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 - Template Dwelling (Alternative Forestland Dwellings ORS 215.750) and Section 4.6.120 - Review Standards (9)(B)(II).
 - **Development Compliance:** Section 4.6.140 - Development and Siting Standards, with all dwellings and structures adhering to the siting standards in Section 4.6.130.
 - **Special Development Considerations:** Properties within Special Development Considerations and/or overlays must comply with the applicable review process outlined in Article 4.11.
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Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

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

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

Reviewed by: **Jill Rolfe**
Jill Rolfe, Planning Director

Date: **Friday, September 20, 2024**

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The following exhibits are on file at the Coos County Planning Department

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received (NONE)

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - c. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single-family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
 - d. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rivers then this is not applicable.
 - e. Section 4.6.140(7)(a) & Section 4.6.140(9) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
 - f. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
 - g. Section 4.6.140(7)(b) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
 - h. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed

from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (as identified in staff report) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (as identified in staff report) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.

- i. Section 4.6.140 (16) Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated
- j. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

EXHIBIT "B"
Vicinity Map
(not to scale)



COOS COUNTY PLANNING DEPARTMENT

Phone: (541) 396-7770
 Fax: (541) 396-1022/TDD (800) 735-2900

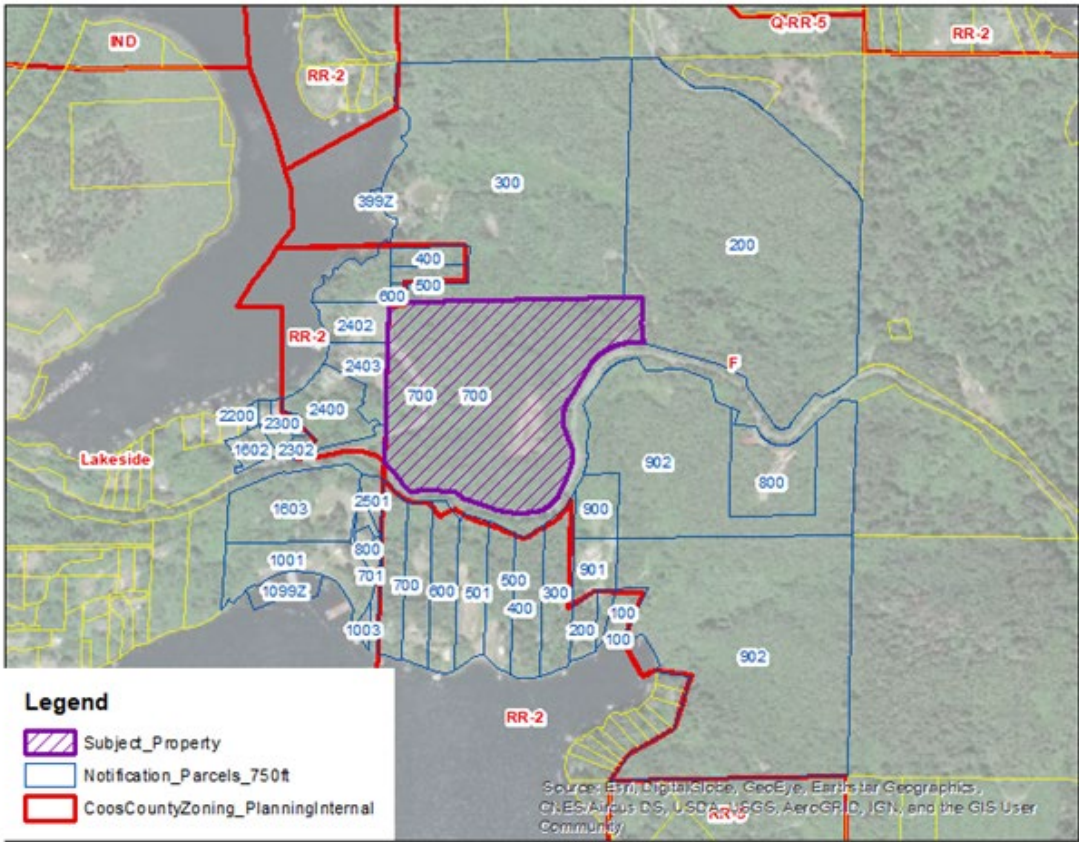


Applicant/ Owner: Daron Weathers/
 Daron & Alice Weathers

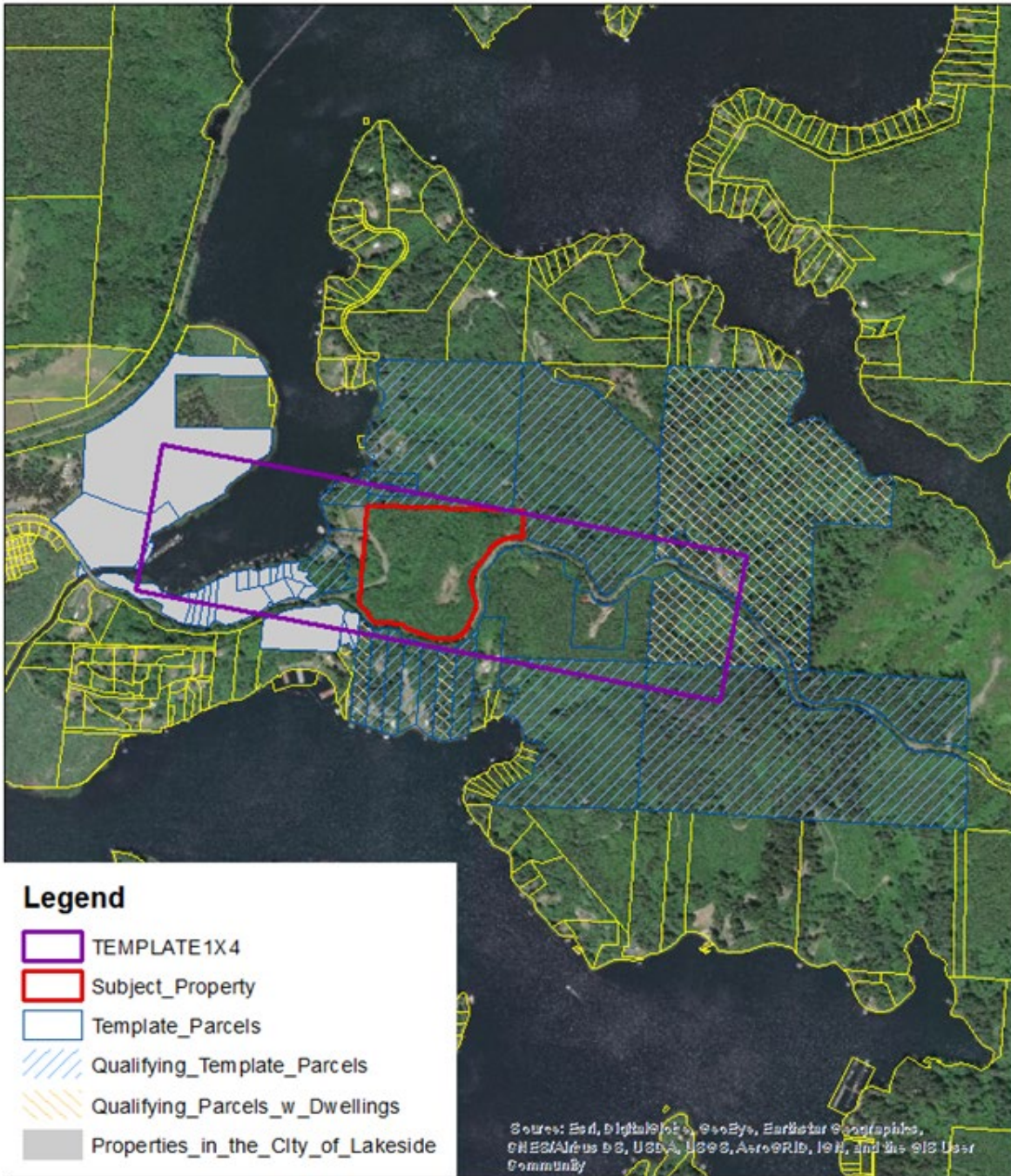
Date: March 14, 2020

Location: Township 23S Range 12W
 Section 17 TL 700

Proposal: Administrative Conditional Use



Template Map



21-050 granted clearance to site a Forest Template Dwelling, as approved through ACU-19-043, and all conditions of approval within ACU-19-043 must be met. Additionally, the clearance allowed for the siting of an accessory structure and a septic system, with the restriction that only one dwelling and one septic system are permitted.

On April 25, 2024, an application (ACU-24-007) was submitted for a Template Dwelling because the previous dwelling was not sited, and the original application expired.

The subject property, zoned Forest Mixed Use (FMU), encompasses 29.21 acres and remains undeveloped. It is located near Tenmile Lake, with the city limits of Lakeside directly west, beyond the abutting properties. The property itself appears to be primarily tree-covered.

The properties to the north are zoned Forest (F) and Rural Residential-2 (RR-2), and are similarly tree-covered. To the east, the properties are zoned F, undeveloped, and fully forested. South of the parcel, the properties are zoned FF and RR-2; the RR-2 zoned properties are residentially developed, while the F-zoned properties are mostly forested but include some agricultural uses. The properties to the west are also zoned RR-2.



C. LOCATION: The subject property is located east of the City of Lakeside and accessed off of North Lake Road, which is a public Coos County maintained road.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

E. COMMENTS: This property did not require any request for comments prior to the decision.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: Staff has reviewed the property history and finds that, at the time of this report, the property is compliant with the Coos County Zoning and Land Development Ordinance. However, this does not preclude the possibility that additional information, which was unavailable during this review, could render the property non-compliant.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

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

FINDING: The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, at a time when no applicable planning, zoning, subdivision, or partition ordinances or regulations prohibited its creation (Deed Document 81-13417). The property’s current configuration resulted from an approved Property Line Adjustment (PLA-06-79). Therefore, this is a lawfully created unit of land.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

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

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses

auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
(9) 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)

o SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family “template” dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- (a) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) 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 road¹ that existed on January 1, 1993, the measurement may

¹ The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled by local legislative intent rather than by statute. Petersen v. Yamhill County, 33 Or LUBA 584 (1997). The road may be public or private as long as it has been existence and continued to be in existence since January 1, 1993 and meets the following local definition: A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as

be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(c) If the:

(A) Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:

(i) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

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

(B) Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

(d) Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

FINDING: The subject property encompasses approximately 29.21 acres. There are no other dwellings within the tract where the proposed dwelling will be sited. The current recorded deed does not list any restrictions regarding the establishment of a dwelling on the subject property. Additionally, evidence in the record indicates there are no deed restrictions that would prohibit a dwelling on the property.

The applicant confirmed that the soil is capable of producing more than 85 cubic feet per acre of wood fiber. Based on soil types and cubic foot per acre per year growth, the applicable criterion requires demonstrating the existence of 11 parcels and 3 dwellings within a 160-acre rectangle centered on the subject tract. Staff applied this 160-acre rectangle, centered on the subject tract, and determined that the number of parcels and dwellings exceeded the required threshold. Therefore, the results confirmed the presence of three dwellings and more than eleven parcels, meeting the necessary qualifications.

(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;

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.

- (c) *No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
- (d) *The tract on which the dwelling will be sited does not include a dwelling.*
- (e) *The lot or parcel on which the dwelling will be sited was lawfully established.*
- (f) *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
- (g) *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
- (h) *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*

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

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

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

(c) No Additional Dwellings Allowed on Tract: No dwellings are allowed on the other lots or parcels that make up the tract, and deed restrictions as established under section (5) of this rule are in place for those lots or parcels.

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

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

(f) Compliance with Property Line Adjustment Provisions: Any property line adjustment to the lot or parcel has complied with the applicable provisions of ORS 92.192, ensuring legal adjustments have been made.

(g) No Qualifying Property Line Adjustment After January 1, 2019: Any property line adjustment made to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section.

(h) No Existing or Approved Dwelling on Tract as of January 1, 2019: The lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019. As of that date, no dwelling existed on the tract, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

The property is composed of three lots within the tract but was not part of a larger tract as of January 1, 2019. The property meets all of the remaining criteria specified in this section.

(4) *** N/A

(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:*

- (i) 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.*
- (j) 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.*
- (k) 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.*
- (l) The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

FINDING: There are no other dwellings on the tract and the tract has been consolidated; therefore, subject (4) and (5) are not applicable to the request.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest

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

- 1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby² or adjoining forest or agricultural lands;**

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

- (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
 3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
 4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
 5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
 - (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a 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.*

FINDINGS: Tenmile Lake is used for recreation and has residential development along most of its shoreline. The subject property will be accessed via North Lake Road, a public road maintained by Coos County. The Plot Plan indicates that setback requirements will be met. While staff is unable to determine the exact slope of the property, the applicant has stated that fire safety setbacks will be observed, which

will minimize the risk of wildfires and reduce impacts on farming and forest practices on agricultural land.

In this case, the applicants are required to demonstrate that constructing a single-family dwelling and the supporting infrastructure will not cause a significant change to, or increase the cost of, accepted farming or forest practices on agricultural or forest lands. The applicant must ensure that all vegetation is mowed, trimmed, and spaced to maintain the required firebreak setbacks. The road must also be maintained to allow access for fire suppression in the event of a fire.

The applicant has provided sufficient evidence within the plot plan to demonstrate that the development will not negatively impact forest practices, and has confirmed that the fuel-free firebreak setbacks will be met. The proposed dwelling will be located near the southern boundary of the property, closest to North Lake Road.

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

Therefore, staff finds that the proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices, nor will it increase fire suppression costs.

Tree Planting and Forest Stocking Requirements

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

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

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

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

2. *Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*

6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
 - a. *The dwelling has a fire retardant roof.*
 - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak. 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.*
 - c. *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.*
 - d. *For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.*

³ Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon³ published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon Agricultural Experiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make calculations based on the profession licensing requirements.

- 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.*
- e. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
- f. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*

8. *Firebreak:*

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

Table 1 – Minimum Primary Safety Zone

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

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

FINDING: The applicant has provided the necessary documentation, including a Warranty Deed, confirming that the property is a legal unit of land. This satisfies the criterion.

The applicant's Plot Plan clearly demonstrates compliance with the required road setback. The criterion is met.

Staff Response: The applicant has confirmed that no fence, hedge, or wall will be developed, thereby meeting the criterion.

The applicant has demonstrated that the driveway is being brought into compliance, the driveway was signed off by the County Road Department.

The applicant acknowledgment and commitment to filing a Forest Management Covenant before receiving a zoning compliance letter meet the criterion.

Fire-Related Criteria: The applicant will construct using fire resistant materials

According to the soils on this property the proposed location of the dwelling will be located within an area identified as having soils that are comprised of Salander Silt Loam that typically have 2 to 30 percent slopes. It appears that the closest property line from the building site is 250 feet so the proposal meets the safety zone setback.

The property is served by Lakeside Fire District. The house is sited to maintain these breaks to the property lines on the northern and eastern sides of the property. The Applicant will comply with the firebreak and maintain defensible space. The applicant has provided a sufficient plan for garden hose placement, ensuring coverage of the primary safety zone. This meets the criterion. The applicant has provided detailed information regarding the slope of the property and the establishment of additional firebreak safety zones as required. The response is adequate and meets the criterion.

The applicant has adequately addressed the requirements outlined in Section 4.6.140. They have demonstrated compliance with legal land status, road setbacks, fire safety measures, and other relevant criteria. Additionally, they have provided sufficient details on water supply, driveway access, and firebreak safety zones. Overall, the applicant's responses satisfy the necessary conditions for approval under this section.

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

- *SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.*

FINDING: The property is not located within a landslide area; however, the plan shows all development will be located outside of the natural hazard.

IV. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

V. EXPIRATION:

Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.

- A. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*
- i. *First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - 1. *The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - 2. *Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - 3. *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
 - ii. *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - 1. *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - 2. *The applicable residential development statute has not been amended following the approval of the permit; and*
 - 3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Friday, October 06, 2028.

VII. NOTICE REQUIREMENTS:

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

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor’s Office and the Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.