



**Coos County Community Development**

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

[www.co.coos.or.us](http://www.co.coos.or.us)

TDD (800) 735-2900

**NOTICE OF LAND USE DECISION**

**Tuesday, June 3, 2025**

**File Number: ACU-24-066**

**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:	503907
Map Number:	26S130400-00100
Property Owner:	COX, KYLE R 1461 KINGWOOD AVE COOS BAY, OR 97420-2109
Situs Address:	1923 IDAHO DR COOS BAY, OR 97420
Acreage:	47.98 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	NH LANDSLIDE (NHLND) (The proposed dwelling site is not in an inventoried landslide area) NH WILDFIRE (NHWF)

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

This notice shall be posted from June 3, 2025 to June 18, 2025

Department by 5 p.m. on **Wednesday, June 18, 2025** . Appeals are based on the applicable land use criteria.

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

- General Compliance: Section 1.1.300 requires compliance with the Comprehensive Plan and Ordinance provisions. Additionally, Article 6.1 addresses lawfully created lots or parcels.
- Conditional Use Review: The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. Section 4.6.110 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Request for Planning Director Approval for a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) Section 4.6.110.61 Subject to Section 4.6.120 Review Standards (9)(B)(III) Template Dwelling. Development is also subject to Section 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones and 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2. This property is within the Natural Hazard Landslide and Wildfire. The proposed dwelling will be located outside of the landslide area.

### **IMPORTANT INFORMATION ABOUT THIS NOTICE**

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

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

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

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

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

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

Reviewed by: *Jill Rolfe*

Date: Tuesday, June 03, 2025

Jill Rolfe, Director

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

EXHIBITS:

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map;

Exhibit C: Staff Report -Findings of Fact and Conclusions which is available upon request.

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**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**

To receive a Zoning Compliance Letter (ZCL), the applicant must submit the following conditions on a response form. All applicable federal, state, and local permits must be obtained before any development activity begins. If any agency provided comments during the review, the property owner is responsible for ensuring compliance with those comments.

The applicant must comply with the following conditions. All costs associated with meeting these requirements are the applicant’s responsibility. The applicant is not acting as an agent of the County, and failure to comply with or maintain these conditions may result in permit revocation pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO). Please review these conditions carefully. If you have any questions, contact planning staff.

**1. Permits and General Compliance**

**a. Required Permits**

All applicable federal, state, and local permits must be obtained prior to starting any development activity. If any agency provided comments during the review, the property owner must comply with those recommendations.

**b. Process Steps**

The following steps must be completed:

**i. ZCL Purpose**

The ZCL is issued to allow for the subsequent issuance of all onsite septic and building permits.

**ii. Final Access/Driveway/Parking/Turnaround Approval**

Following preliminary access approval by the County Road Department (referenced in Sections 2(d) and 2(h)), the final design for the driveway, access, parking, and turnaround must be approved. This final approval is required prior to the issuance of a Certificate of Occupancy.

**iii. Siting Standards**

Required siting standards will be incorporated as conditions of the building permit.

**iv. Completion of Building, Sanitation, and Onsite Requirements**

All building, sanitation, and onsite requirements must be completed before receiving a final Certificate of Occupancy.

**2. ZCL Requirements:** Pursuant to CCZLDO § 5.9.100, a ZCL is required prior to construction of the proposed dwelling. This is a reauthorization; all prior conditions were satisfied under ZCL-22-436 except for those listed in Section 3 below and the stocking survey required to be confirmed by the Coos County Assessor’s Office Staff.

**3. Building and Development Conditions**

These conditions apply to the building permit and relate to CCZLDO § 4.6.140(7) and (8). All new and replacement dwellings and permanent structures must meet the following standards:

**a. Roofing**

The dwelling must have a fire-retardant roof.

**b. Siting on Slopes**

The dwelling must not be sited on slopes exceeding 40%. The slope will also determine the additional firebreak requirements Section 4.6.140.8.

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c. **Water Source**

Evidence must be provided that the domestic water supply is from a source authorized by the Oregon Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.

d. **Fire Protection**

The dwelling must be located within a fire protection district or covered by a residential fire protection contract. If not, the applicant must show they have requested inclusion or secured private fire protection.

e. **Alternative Fire Protections**

For dwellings outside fire protection districts, alternative measures such as fire sprinkler systems, onsite firefighting equipment, and water storage must be provided.

f. **Water Storage for Fire Protection**

Acceptable water sources include a swimming pool, pond, lake, or other body of water containing at least 4,000 gallons at all times, or a stream with a minimum flow of 1 cubic foot per second. Road access must be within 15 feet of the water source, accommodate fire equipment turnaround, and be clearly marked with signage.

g. **Chimneys**

All chimneys must be fitted with spark arresters.

h. **Firebreaks**

i. **Primary Firebreak**

A defensible space must be maintained around all structures. Acceptable vegetation includes mowed grasses, low shrubs (below ground floor window height), and widely spaced trees (15 feet between crowns), pruned to remove low (under 8 feet) and dead branches. Accumulated needles and debris must be cleared.

ii. **Hose Access**

A garden hose sufficient to reach the perimeter of the primary safety zone must be available at all times.

iii. **Secondary Fuel-Free Break**

The owner must also maintain a secondary fuel-free area around the dwelling, following the standards set in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” (ODF, March 1, 1991). Compliance with Table 1 is required.

iv. **Proof of Compliance**

Documentation of slope, firebreak construction, and fire safety measures must be submitted before final ZCL issuance.

v. **Driveway/Access/Parking/Turnaround Permits**

A permit application must be submitted and approved for the driveway, access, parking, and turnaround areas before the final inspection can be scheduled.

vi. **Fuel-Free Break Maintenance**

The applicant must establish and maintain the required primary and secondary fuel-free breaks around all structures, per staff report specifications and ODF guidelines. Final proof of construction is required before issuance of the ZCL.



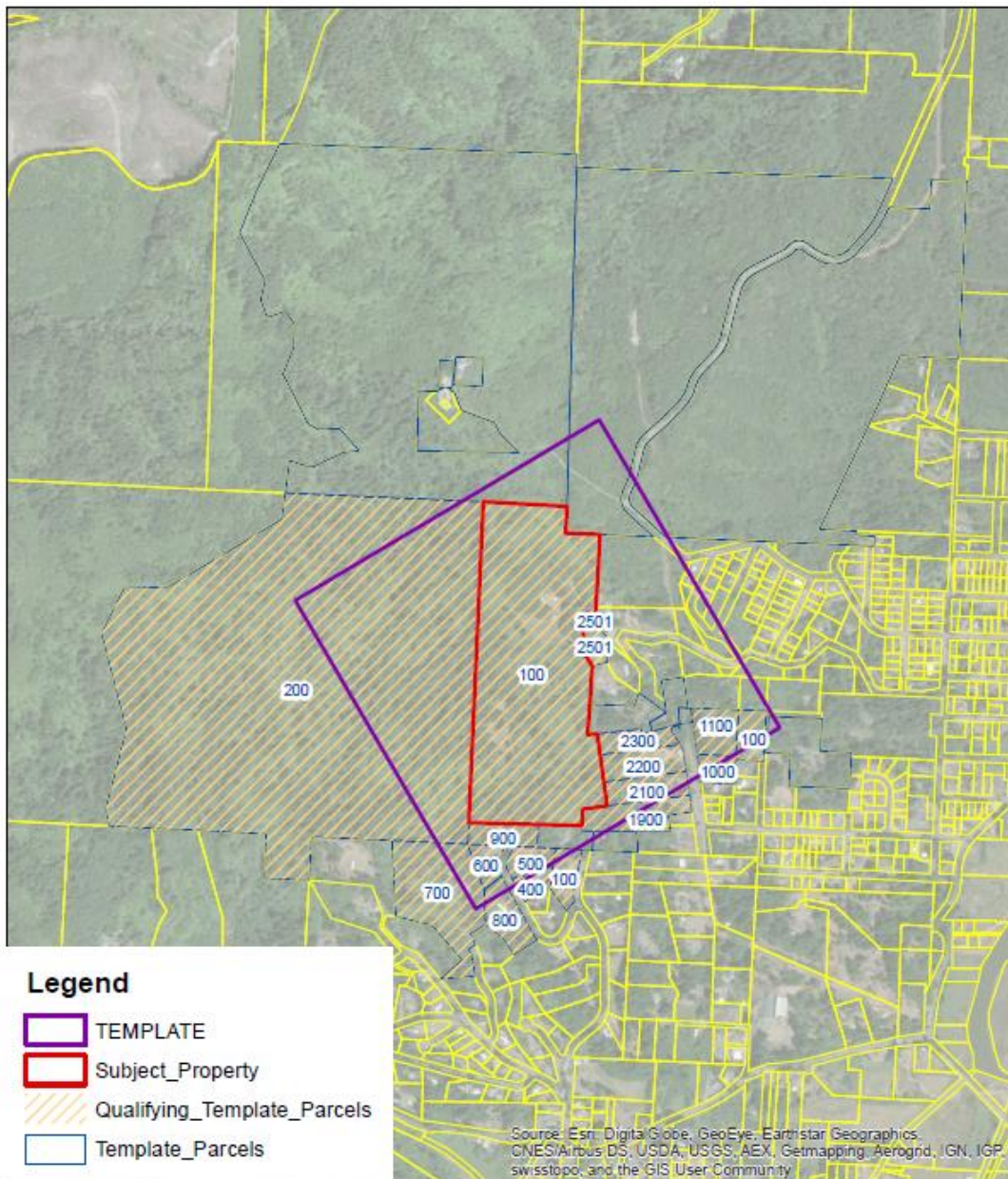


# COOS COUNTY COMMUNITY DEVELOPMENT

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Physical Address: 60 E. 2ND ST., Coquille Oregon

Phone: (541) 396-7770



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

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

**A. PROPOSAL:** The applicant is requesting approval of a Single Family Dwelling in the Forest Mixed Use zone. No other improvements have been applied for at this time.

**B. BACKGROUND / PROPERTY HISTORY / SITE CONDITIONS**

The property is zoned Forest Mixed Use (FMU) and is approximately 48 acres. The property is moderately forested with some brush. To the east and south of the property there is quite a few residentially developed lots. Timberlands border the west and north property lines.

**Permit History**

- **January 26, 2018 – R-18-001**  
Template dwelling test met the criteria with 18 parcels and 12 dwellings.
- **January 31, 2019 – ACU-19-006**  
Applicant applied for a template dwelling
- **October 12, 2022 – AD-22-073 & DR-22-129**  
Address and driveway review requested.
- **November 2, 2022 – DR-22-129**  
Bond posted for development requirements.
- **November 2, 2022 – ZCL-22-436**  
Zoning Compliance Letter issued for siting a Forest Template Dwelling, as approved under ACU-19-006.
- **December 20, 2024 – Property Owner Contact**  
Property owners contacted the department requesting to reapply for the 2019 ACU. Application and fee information were sent via email. Application received that day. Property owner followed up with staff on January 23, 2025. Application was in review for completeness. February 7, 2025 a new plot plan was requested and later the same day it was received. Official letter of completeness sent.

**C. LOCATION**

The subject property is located south of the City of Coos Bay off of Idaho Drive.

**A. ZONING: - The property is located in the Forest/Mixed Use.**

**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.*

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

## **II. GENERAL PROPERTY COMPLIANCE:**

### **A. COMPLIANCE PURSUANT TO SECTION 1.1.300:**

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

**FINDING: Staff has reviewed the property history and finds that, at the time of this report, the property complies 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, might indicate non-compliance.**

### **B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

#### *1. The unit of land was created:*

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

**FINDING: The property was found to be lawfully created through the prior land use decision.**

### **III. STAFF FINDINGS AND CONCLUSIONS:**

#### **A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

Request for a Land Use Approval through an Administrative Conditional Use to allow a Large Tract Forestland Dwelling, subject to Review Standard #9(B) and an Accessory Structure. Development is also subject to Section 4.6.130 Siting Standards for Dwellings and Structures in Forest Zones and 4.6.140 Development and Siting Criteria. Administrative Conditional Uses are reviewed under Article 5.2. This property is within the Natural Hazard Wind Erosion Special Development Overlay and shall comply with Article 4.11.

#### **B. KEY DEFINITIONS:**

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

#### **C. DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS. - SECTION 4.6.120(9)(II) DWELLING ON FOREST AND FOREST MIXED USE ZONES – TEMPLATE DWELLINGS – 215.750 ALTERNATIVE FORESTLAND DWELLINGS; CRITERIA**

*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.*

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*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.*

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

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) 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 road 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*

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*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.*

- (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) *\*\*\**

(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:*

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- (a) *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
- (b) *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
- (c) *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
- (d) *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

**FINDING:** The subject property contains approximately 47.98 acres and constitutes a legal lot of record. There are no existing dwellings located within the tract, and no evidence has been presented to indicate that any dwellings have previously been sited. A review of the current recorded deed of record reveals no deed restrictions that would prohibit the establishment of a dwelling on the subject property. Furthermore, evidence in the record confirms there are no other deed restrictions preventing residential development.

Pursuant to the applicable siting standards for template dwellings in forest zones, eligibility is determined by demonstrating that a minimum of eleven (11) parcels, each containing a dwelling, are located within a 160-acre square template centered on the subject property. Based on the soil types present and the cubic foot per acre per year growth rate of the subject property, this is the applicable threshold.

A previous research request (R-18-001) and land use decision (ACU-19-006) confirmed that the subject property met this criterion. Specifically, the template analysis demonstrated that there were eighteen (18) parcels and twelve (12) dwellings located within the defined 160-acre square. No parcels located within an Urban Growth Boundary (UGB) were used to satisfy the template test. The center point of the template was the subject property itself, and the property has not been reconfigured since the original approval.

There is no evidence in the record to indicate any changes to the property configuration, surrounding development, or underlying criteria that would disqualify the property from meeting the template dwelling requirements at this time. Therefore, the subject property remains eligible for the siting of a dwelling under the template test provisions.

Therefore, the property qualifies under the template test.

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

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<sup>1</sup>***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.***

assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

- (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
- (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

**FINDING:** Access to the subject property will be provided via Idaho Drive through a private easement. The surrounding area contains numerous driveways, smaller parcels, and existing homes in proximity to the Cox-owned land. The proposed dwelling is to be sited on the southern portion of the property, near the southwest property line and adjacent to an existing smaller residential parcel.

Within the required notification area, there are two (2) tracts of land receiving farm or forest tax deferrals, located to the north and west of the subject property. The proposed access and building site are situated in a manner that avoids direct interface with these deferred-use tracts. Specifically, the access easement from Idaho Drive is positioned away from the actively managed lands, minimizing any potential conflict or interference.

Although the applicant did not submit a detailed narrative addressing the potential impact of the proposed development on surrounding farm or forest practices, the submitted plot plan provides relevant context. The plan indicates that the proposed dwelling will be located at least 130 feet from the western property line and more than 1,700 feet from the northern property line, thereby maintaining significant separation from adjacent farm or forest operations. The plan also demonstrates that all applicable minimum property line setbacks will be met.

The proposed dwelling site is located near a smaller, already developed residential property, suggesting compatibility with the existing pattern of rural residential development. There is no evidence in the record of current agricultural use on adjacent properties, nor is there any indication that the proposed dwelling would result in a significant change to, or significantly increase the cost of, accepted farming or forest practices on surrounding lands.

Therefore, staff finds that the proposed development will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands in accordance with applicable land use criteria.

All the criteria found in SECTION 4.6.130 have been addressed.

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

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

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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.*

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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. Slope<sup>2</sup> will also determine additional firebreak in Section 8 Firebreak.*
  - c. *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*
  - d. *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.*
  - e. *For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.*
    - i. *Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.*
  - f. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
  - g. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*
8. *Firebreak:*
- a. *The property owner shall maintain a primary firebreak safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
  - b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
  - 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*

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<sup>2</sup> *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 Oregon<sup>2</sup> 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.*

*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>
<b>0%</b>	<b>30</b>	<b>0</b>
<b>10%</b>	<b>30</b>	<b>50</b>
<b>20%</b>	<b>30</b>	<b>75</b>
<b>25%</b>	<b>30</b>	<b>100</b>
<b>40%</b>	<b>30</b>	<b>150</b>

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

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

1. **Section 4.6.140(1): This subsection applies only to the creation of new parcels. Since land division is not being requested, it is not applicable.**
2. **Section 4.6.140(2): This subsection requires a setback from any road right-of-way. The plot plan provided demonstrates that all setbacks for the proposed dwelling exceed the required minimum.**
3. **Section 4.6.140(3): This subsection pertains to fences, hedges, and walls.**
  - a. **The applicants stated, "No fences, hedges, or walls are proposed at this time."**
  - b. **Therefore, the proposal does not include any new fences, hedges, or walls, and this criterion is not applicable.**
4. **Section 4.6.140(4): This subsection requires that off-street parking, loading, and access meet the standards set forth in Chapter VII. A Driveway/Access/Parking Verification Permit application must be submitted and approved prior to the issuance of a Certificate of Occupancy by the Coos County Building Codes Department. A bond was paid to secure the driveway in this case. Therefore, this criterion has been satisfied.**
5. **Section 4.6.140(5): This subsection requires that the property owners sign and record, in the county deed records, a document binding the landowner and the landowner’s successors in interest, which prohibits any claims for relief or causes of action arising from injuries due to farming or forest practices for which no remedy is available under ORS 30.936 or ORS 30.937. The applicant has completed this step and the document is located in ACU-19-006.**
6. **Section 4.6.140(6): This subsection requires a setback from any wetland. There are no mapped wetlands within 150 feet of the proposed development. Therefore, this criterion has been addressed.**
7. **Section 4.6.140(7): This subsection establishes standards for new and replacement dwellings and permanent structures.**
  - a. **Roofing Material – The roofing material must be noncombustible or fire resistant. The applicants have indicated that fire-resistant materials will be used for the roof, which will be verified during the building permit process.**

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**b. Siting on a Slope – The dwelling must not be located on a slope greater than 40 percent. The applicant stated that the building site is relatively flat. In addition, evidence must be provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry. As a condition of approval, the applicants shall provide documentation from the Oregon Water Resources Department prior to requesting a Zoning Compliance Letter.**

**(i) Fire Protection District – The dwelling must be located within a fire protection district or be provided with residential fire protection by contract. The dwelling will be located within the Libby Fire Protection District; therefore, this criterion has been satisfied.**

**(ii) Minimum Fire Protection Standards – The applicants must meet the minimum fire protection standards. If these standards are impractical, the applicants shall implement alternative forms of fire protection. Since the subject property is within the Bandon Rural Fire Protection District, this criterion is not applicable.**

**(iii) Chimney – If a dwelling has a chimney, it must be equipped with a spark arrester. The applicants have stated that a spark arrester will be installed; therefore, this criterion has been addressed.**

**(iv) Fire Safety Setbacks – The primary and secondary fire safety setbacks must be established. This property is composed of 54D (7 to 30 percent slopes) and 54E(30 to 50 percent slopes), Templeton Silt Loam. In reviewing the Web Soil Map and Topographic maps it appears that the property is mostly composed of 54D, which requires an additional 100 feet down slope safety setback. The applicant stated that the dwelling will be sited on a relatively flat bench area, and the average slope in the general vicinity of the home site is approximately 5%. Therefore, staff finds that the 130-foot setback from the west property line (the closest setback) is acceptable. The applicant must adhere to the firebreak standards above to ensure that the setbacks are maintained.**

**8. Section 4.6.140(8): This subsection further details fire safety requirements.**

**a. The primary and secondary fire safety setbacks are reiterated. Based on the applicant’s plot plan and geology report, the applicants must install a 30 ft primary fuel-free break and an additional 130 ft safety break downslope around all structures on the subject property.**

**(i) A sufficient 3/4 inch garden hose must be available at all times to reach the perimeter of the primary fire break for fire suppression. This requirement will be enforced as a condition of approval.**

**(ii) Parts (c) and (d) reiterate the requirements for primary and secondary fire safety setbacks as described above.**

**9. Section 4.6.140(9): This subsection requires that all new and replacement structures use noncombustible or fire-resistant roofing materials. Compliance will be confirmed during the building review process; therefore, this criterion has been addressed.**

**10. Section 4.6.140(10): This subsection requires adequate access for firefighting equipment. Prior to receiving a Zoning Compliance Letter, a road inspection will be conducted by the Roadmaster or his designee to verify that all road standards have been met for adequate access for firefighting and emergency equipment. Therefore, this criterion is not applicable.**

**Therefore, all criteria in Section 4.6.140 Development and Siting Criteria have been addressed.**

**ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS**

***4.11.132 Natural Hazard (Policy 5.11)***

*Coos County has inventoried the following hazards:*

- *Erosion*

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- *Coastal*
  - *Shoreline and headlands*
  - *Wind*

***Purpose Statements:***

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 5.11.100.2.c.

Hazard review shall not be considered applicable to any application that has received approval and requesting an extension to that approval or any application that was deemed completed as of the date this ordinance effective (July 31, 2017). If a land use authorization has expired the applicant will be required to address any applicable hazards.

- a. Landslides: Areas subject to landslides (mass movement) include active landslides, inactive landslides, earth flow and slump topography, and rockfall and debris flow terrain as identified on the 2015 Coos County Comprehensive Plan Hazards Map (mapped as the very high-existing landslides).

Coos County shall permit the construction of new structures in an inventoried Landslide hazard area (earth flow/slump topography/rock fall/debris flow) through a conditional use process subject to a geological assessment review as set out in Article 5.11.\*\*\*

- f. Wildfires: Coos County shall promote protection of property from risks associated with wildfires and gorse fires by requiring all new dwellings, permanent structures, and replacement dwellings and structures shall, at a minimum, meet the following standards on every parcel designated or partially designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map

**FINDING: Coos County only regulates the very high existing landslides. The proposed development is not within this mapped area and therefore does not require a geological assessment. The Natural Hazard Wildfire requires that the parcel meets the same requirements of the Fire siting standards included in the Forest Template Dwelling criteria above (Section 4.6.140).**

**Therefore this criterion has been addressed.**

**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 Large Tract Forestland Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

V. **EXPIRATION:** A conditional use permit for a dwelling in the forest zone (i.e., a residential development on forest land outside an urban growth boundary) is initially valid for **four years from the date of the final decision.** Before that four-year period ends, the applicant may request extensions:

1. First Extension (Two Years):
  - The applicant may apply for a two-year extension before the original four-year approval period expires.
  - As long as the request is submitted on time and the required fee is paid, the Planning Department will issue the first extension.
  - This first extension is not considered a land use decision under ORS 197.015.
2. Additional Extensions (Up to Five One-Year Extensions):
  - The applicant may then apply for up to five more one-year extensions, provided that each request is submitted before the current approval or extension expires.
  - The forest dwelling statute under which the permit was approved must remain unchanged, and the county's land use regulations must also remain substantially the same unless the county allows compliance with the amended regulations.
  - These additional extensions are likewise not considered land use decisions under ORS 197.015.

This conditional use for residential development within a resource zone is valid for four years from the date of final approval. The geological assessment is valid for five years from its date of preparation, June 18, 2029. If the conditional use has not been perfected within that time period, confirmation that the report remains valid may be accepted.

**V. NOTICE REQUIREMENTS:**

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

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

Mailed Copies: Applicants/Owners

Emailed Copies: Coos County Board of Commissioners, Coos County Planning Commission, Oregon Department of Land Conservation and Development, Coos County Assessor's Office, Consultants and other interested parties.

- **A Notice of Decision only**

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

Special Districts: Libby Rural Fire Department, Coos Bay School District #9, Coos Bay – North Bend Water Board, and Port of Coos Bay,

All 2024 Notice of Decisions are loaded on the website. All 2025 decision are loaded on to Accela Permitting Software.

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