



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.

Date: Wednesday, April 9, 2025
RE: File Number ACU-24-059, Johannaber/McGrath

Dear Property Owner or Interested Party,

This land use notice is being sent to the property owner(s), applicant(s), nearby property owners, special districts, agencies, and anyone who has requested notice. It informs interested parties of a decision regarding a land use request on the subject property.

The purpose of this notice is to explain the proposal and decision, provide information on where to find additional details, and describe how to appeal the decision if desired. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision to the Coos County Hearings Body. Appeals must be submitted in writing, with the required fee, to the Planning Department at 250 N. Baxter, Coquille, OR 97423, no later than 5:00 p.m. on Thursday, April 24, 2025.

Please read this notice carefully. A vicinity map is attached to show the location of the subject property. This notice is intended to ensure all affected or interested parties are informed and have an opportunity to respond or appeal.

Subject Property Information

Account Number:	756101
Map Number:	27S1405D0-00400
Property Owner:	JOHANNABER FAMILY 2021 TRUST JOHANNABER, KENNETH D & EMILY F TTEE 13220 W SADDLEBOW DR RENO, NV 89511-6716
Situs Address:	None Issued
Acreage:	19.13 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	ARCHAEOLOGICAL AREAS (ARC) FOREST MIXED USE (MU) 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 Department by 5 p.m. on **Thursday,**

This notice shall be posted from April 9, 2025 to April 24, 2025

April 24, 2025. Appeals are based on the applicable land use criteria. This decision is based on the application materials and the existing record. It will become final and effective at the end of the appeal period unless a complete appeal is filed by the deadline noted above. This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), including the following:

General Compliance: Section 1.1.300 – Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 – Lawfully Created Lots or Parcels.

The zoning table outlines allowed Uses, Developments, and Activities in each zone, along with the required review type. Section 4.6.110 provides descriptions of each use category and applicable criteria.

Compliance Determination Review: The following uses were requested and approved through a Compliance Determination:

- 21.a Agricultural Building – reviewed under Section 4.6.120, Review Standard #3(r)
- 21.b Accessory Structure – reviewed under Section 4.6.120, Review Standard #3(s)

Conditional Use Review:

- Use #63 – Template Dwelling (ORS 215.750) – reviewed under Section 4.6.120, Review Standard #9(B)(II)

Additional applicable standards:

- Section 4.6.130 – Siting Standards for Dwellings and Structures in Forest Zones
- Section 4.6.140 – Development and Siting Criteria
- Article 5.2 – Review of Administrative Conditional Uses
- Article 4.11 – Natural Hazard Wildfire Special Development Overlay

Please note: This land use decision does not address civil issues, such as property line disputes. Mailing this notice satisfies public notification requirements. Failure to raise an issue (in writing or in person) during the comment period may limit your ability to appeal the decision 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, Director

Date: Tuesday, April 08, 2025

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

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

Exhibit C: Staff Report -Findings of Fact and Conclusions

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EXHIBIT “A”
CONDITIONS OF APPROVAL

All applicable federal, state, and local permits must be obtained before any development activity begins. If comments from other agencies were provided during this review, it is the property owner's responsibility to ensure compliance with those requirements.

The applicant must follow the conditions of approval outlined below. All costs associated with meeting these conditions are the responsibility of the applicant(s), and the applicant(s) are not acting as an agent of the county. Failure to comply with or maintain these conditions may result in revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance.

Please read the following conditions carefully. If you have any questions, contact planning staff.

1. All applicable federal, state, and local permits shall be obtained prior to starting development activity. If any other agency submitted comments as part of this review, the property owner must comply with those requirements.
2. A Zoning Compliance Letter (ZCL) is required before construction of the proposed dwelling may begin, as outlined in CCZLDO § 5.9.100. The following items must be submitted in a written request to demonstrate that the conditions of approval have been satisfied, pursuant to CCZLDO §§ 4.6.110, 4.6.120, 4.6.130, and 4.6.140:
 - a. The property owner is responsible for compliance. A statement must be included confirming that the purchaser has received a copy of the land use approval with all conditions and agrees to meet them unless a modification is approved. A deed covenant must be recorded with the County Clerk and a copy provided to the Planning Department.
 - b. Section 4.6.130(3), the applicant must submit evidence that the domestic water supply is legally authorized and not drawn from a Class II stream. Acceptable evidence includes:
 - A letter from a water purveyor confirming service,
 - A water use permit issued by the Water Resources Department, or
 - Written confirmation from the Department that a permit is not required. After the well is completed, the construction report must be submitted to the county.
 - c. Section 4.6.130(5), a stocking survey report must be submitted to the county assessor to confirm compliance with Oregon Department of Forestry stocking requirements.
 - d. Section 4.6.140(2), all development (except fences) must be set back at least 35 feet from any road centerline, or 5 feet from the right-of-way line, whichever is greater. This must be shown on the plot plan.
 - e. Section 4.6.140(5), a Forest Management Covenant must be recorded in the deed records prior to final county approval for a dwelling.

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- f. Section 4.6.140(6), riparian vegetation must be maintained within 50 feet of any wetland, stream, lake, or river as mapped. If none exist, this condition does not apply.
- g. Sections 4.6.140(7)(a) and 4.6.140(9), all new and replacement structures must use non-combustible or fire-resistant roofing. If unavailable during ZCL review, this will remain a condition of approval.
- h. Section 4.6.140(14), each chimney must have a spark arrester. If building plans are not available at the ZCL stage, this will remain a condition of approval.
- i. Section 4.6.140(7)(b), the dwelling shall not be built on a slope greater than 40%. This must be shown on the plot plan.
- j. Sections 4.6.140(7)(e) and 4.6.140(8)(a-d), a firebreak must be established and maintained:
- The primary firebreak must be kept clear of dense vegetation and comply with spacing and pruning standards.
 - Garden hoses must reach the perimeter of the firebreak zone.
 - Owners must also maintain a secondary fuel-free area, as defined in the Oregon Department of Forestry's "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" (March 1, 1991).
 - Compliance with Table 1 of the standard is addressed in the staff report and must be shown on the plot plan.
- k. Section 4.6.140(16), roads and driveways must allow firefighting equipment access. If within a fire protection district, a sign-off from the relevant fire agency is required, or proof that road construction meets the 1991 Fire Safety Design Standards must be provided.
- l. Section 5.2.700, a conditional use approval is transferable only if a statement signed by the transferee is filed with the Planning Director and recorded in the property's chain of title, confirming the transferee understands and agrees to the conditions of approval.
- m. Section 4.11.132.f(3), the property owner must provide and maintain a water supply of at least 500 gallons with 50 PSI pressure and a ¾-inch hose to reach the fuel-free zone. If there is another water source nearby, vehicle access for firefighting equipment and appropriate signage must be provided.
- n. The accessory structure must be incidental and subordinate in size and purpose to the dwelling.
- o. The agricultural structure cannot be approved until staff confirms the property is part of an active farm or forest operation.

3. Prior to the issuance of final occupancy by the Coos County Building Official, the County Plans Examiner shall verify the following during the building review:

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- i. All new and replacement structures use non-combustible or fire-resistant roofing materials, Sections 4.6.140(7)(a) and 4.6.140(9).
- ii. If a chimney is present, it must have a spark arrester, Section 4.6.140(14).
- iii. The driveway/access/parking permit must be signed off as meeting applicable standards.

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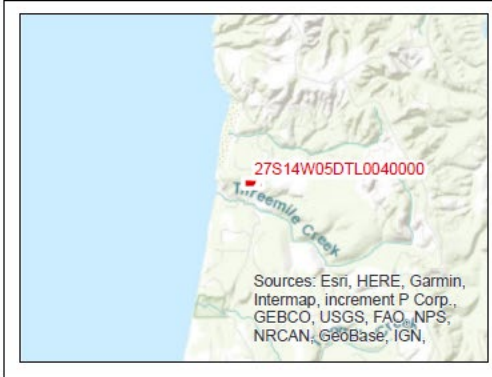
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EXHIBIT "B"
Vicinity & Template Map
(not to scale)

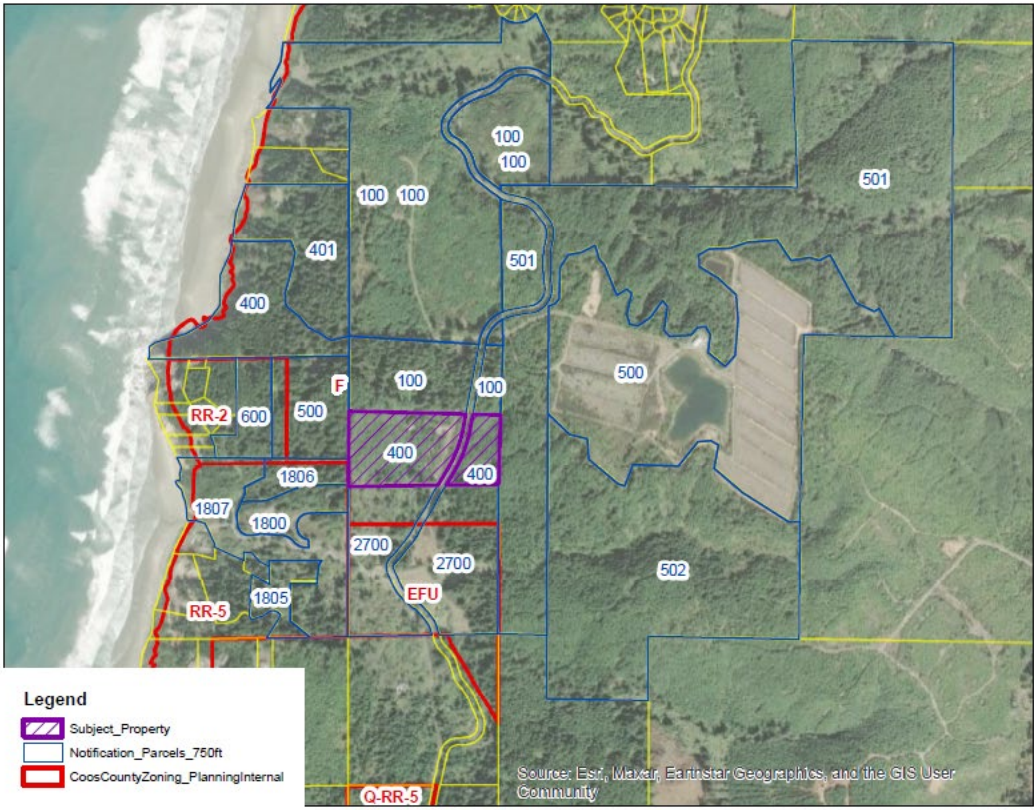


COOS COUNTY COMMUNITY DEVELOPMENT

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



File: ACU-24-059
 Applicant/ Owner: Sheri McGrath/ JOHANNABER FAMILY 2021 TRUST
 Date: April 8, 2025
 Location: Township 27S Range 14W Section 05D TL 400
 Proposal: Administrative Conditional Use



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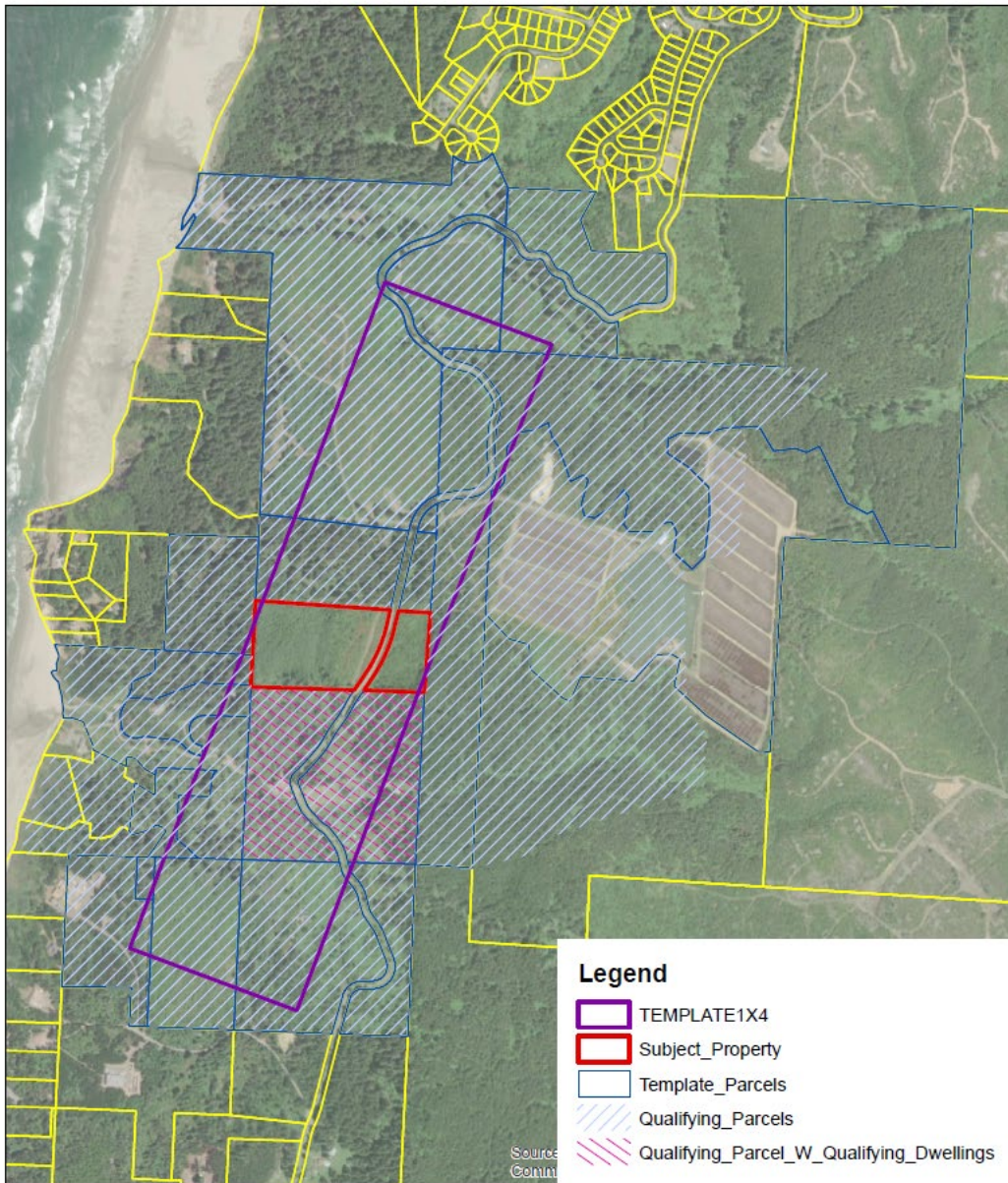
COOS COUNTY COMMUNITY DEVELOPMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



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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:** According to the applicant, this request is for approval of a Conditional Land Use Permit to construct a single-family home based on the criteria for a Forest Template Dwelling. The proposal includes siting a two-bedroom, stick-built dwelling. Associated developments include an accessory structure, agricultural building, driveway improvements, electrical service, installation of a primary septic system with a backup drain field, and a well. Fuel breaks will be maintained around all structures. At this time, the property does not qualify for an agricultural structure, as it is not currently employed in a for-profit agricultural operation. If the property becomes part of a commercial agricultural use, evidence supporting that use—such as relevant tax documentation—may be submitted to support future consideration.
- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of zoning and development compliance activities:
- On October 19, 2023, a Research Request was completed by Planning Staff determining that the property met the Forest Template requirements, with 11 parcels and 3 dwellings with a 160-acre rectangle.
 - On September 2024, Zoning Compliance Letter ZCL-24-116 was issued to perform a septic site evaluation.
- C. LOCATION:** The subject property is located north of the City of Bandon, off of Seven Devils Road.
- D. ZONING:** - The parcel is zoned Forest (F).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

II. GENERAL PROPERTY COMPLIANCE:

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A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

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

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable 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 parcel was lawfully created pursuant to Section 6.1.125.2.e, by deed prior to applicable partition ordinances that would have prohibited the creation, deed document 82-23951.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Request for a Land Use Approval through an Administrative Conditional Use to allow a Forest Template Dwelling, subject to Review Standard #9(B)(III) an Accessory Structure subject to Review Standard (3)(s) and an Agricultural Building subject to Review Standard (3) (r). 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 Wildfire 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.*

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- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

C. FOREST TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use		TR	Subject to
(3) The following uses may be allowed outright on forest lands:			
21.	<i>a. Agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building to another use. (ORS 215.760)</i>	CD	(3)(r)
21.	<i>b. Accessory Structure</i>	CD	(3)(s)

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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)
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- SECTION 4.6.120 Review Standard (3) PERMITTED OR USES SUBJECT TO COMPLIANCE DETERMINATIONS: The following uses may be allowed outright on forest lands subject to the review identified in the use table for forest are listed as part of the use:
 - (r) AN AGRICULTURAL BUILDING - as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.

ORS 455.315 Exemption of agricultural buildings, agricultural grading, equine facilities and dog training facility.

(1) The provisions of this chapter do not authorize the application of a state structural specialty code to any agricultural building, agricultural grading, equine facility or dog training facility.

(2) As used in this section:

 - (a) Intentionally left blank —Ed.
 - (A) “Agricultural building” means a structure located on a farm or forest operation and used for:
 - (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
 - (ii) The raising, harvesting and selling of crops or forest products;
 - (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
 - (iv) Dairying and the sale of dairy products; or
 - (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.
 - (B) “Agricultural building” does not mean:
 - (i) A dwelling;
 - (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;
 - (iv) A structure used by the public; or
 - (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.
 - (b) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930 (Definitions for ORS 30.930 to 30.947).
 - (c) “Dog training facility” means a farm building used for dog training classes or testing trials permitted under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(z) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(x) in which no more than 10 persons are present at any one time.
 - (d) Intentionally left blank —Ed.
 - (A) “Equine facility” means a building located on a farm and used by the farm owner or the public for:
 - (i) Stabling or training equines; or
 - (ii) Riding lessons and training clinics.
 - (B) “Equine facility” does not mean:
 - (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or

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- (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.
- (3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may regulate agricultural buildings, equine facilities and dog training facilities within their boundaries pursuant to this chapter.
- (4) An agricultural building may be used for uses in addition to the uses listed in subsection (2)(a)(A) of this section if the additional uses:
- (a) Are incidental and accessory to the uses listed in subsection (2)(a)(A) of this section;
 - (b) Are personal to the farm owner and the farm owner's immediate family or household; and
 - (c) Do not pose a greater hazard to persons or property than the uses listed in subsection (2)(a)(A) of this section. [Formerly 456.758 and then 456.917; 1995 c.783 §1; 2003 c.74 §1; 2005 c.288 §3; 2013 c.73 §3; 2021 c.120 §1; 2021 c.552 §11]

FINDING: The applicant stated that the proposed Agricultural Structure would be used to store crops from an orchard the property owners have begun to plant, as well as to store farm equipment. The application also notes that the property is not currently being used for farming or forestry practices, but the owners intend to establish a small farm in the future. To qualify for an agricultural structure, the property and its use must meet the definition of "farm use" as described in ORS 215.203. This statute defines farm use as the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or raising and selling livestock, poultry, fish, or other agricultural or animal products. It also includes the preparation and storage of products raised on the land for commercial purposes. In short, to be eligible for an agricultural structure, the property must be actively engaged in a commercial farm or forestry operation. Simply owning rural or resource-zoned land is not sufficient. County staff must confirm that the operation is ongoing and meets the requirements of ORS 215.203 before approving any structure as agricultural. Agricultural structures are typically exempt from certain building code requirements, but only when they are used exclusively in connection with a qualifying farm use. If the property does not qualify under this definition, the structure will be subject to standard permitting and development regulations. ORS 455.315 states that an "agricultural building" means a structure located on a farm or forest operation. At this time, approval cannot be granted for an agricultural building, as the property does not have an established farm or forest operation. The applicant or property owners may apply for an agricultural building at a later date when they can demonstrate that the property contains a qualifying operation, or they may apply to site the proposed building as an accessory structure. Therefore, the agricultural structure may be submitted for a later time with proof of the established for profit agricultural use.

(s) ACCESSORY STRUCTURE - A building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use.

FINDING: The property meets the requirements for an Accessory Structure once the principal use (Dwelling) has been established. The Accessory Structure must be incidental and subordinate in extent, area, and purpose to the Dwelling. The application and plot plan did not include the square footage of any proposed structures; therefore, this requirement will be included as a condition of approval.

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- *Review Standard (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.*
 - (1) *In western Oregon, a governing body of a county or its designate may allow the establishment of a single family “template” dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:*
 - (a) *Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:*
 - A. *All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - B. *At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.*
 - (b) *Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:*
 - A. *All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - B. *At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.*
 - (c) *Capable of producing more than 85 cubic feet per acre per year of wood fiber if:*
 - A. *All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - B. *All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and*
 - (d) *As used in this section, “center of the subject tract” means the mathematical centroid of the tract.*
 - (2) *The following review standards apply to “template” dwellings approved under this rule:*
 - (a) *Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.*
 - (b) *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road¹¹ that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
 - (c) *If the:*
 - (A) *Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:*
 - (i) *Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or*
 - (ii) *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
 - (B) *Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*

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

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

The property was found to meet the template requirements through a Research Request (R-23-008). The results confirmed the presence of three dwellings and more than eleven parcels, meeting the necessary qualifications.



Summary by Map Unit — Coos County, Oregon (OR011)		Rating (cubic feet per acre per year)	Acres in AOI	Percent of AOI
8C	Bullards sandy loam, 7 to 12 percent slopes	143.00	2.1	12.3%
8D	Bullards sandy loam, 12 to 30 percent slopes	143.00	10.1	58.2%
8E	Bullards sandy loam, 30 to 50 percent slopes	143.00	5.1	29.5%
Totals for Area of Interest			17.4	100.0%

- (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.*

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- (e) *The lot or parcel on which the dwelling will be sited was lawfully established.*
- (f) *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
- (g) *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
- (h) *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*

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

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

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

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

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

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

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

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

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

(4) Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:

(a) On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:

(A) Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;

(i) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and

(ii) The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.

(5) When the lot or parcel on which the dwelling will be located is part of a tract, the remaining

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portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:

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

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

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

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

1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
2. Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:

¹For 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.

- 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.*

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

1. Siting Criteria for Dwellings and Structures

(a) Least Impact on Nearby or Adjoining Lands

- **Applicant Response:** The proposed development will be located within the north-central portion of the subject parcel. The proposed dwelling location utilizes existing roads, created for previous logging operations on the subject property. The applicant acknowledged that the structures must have at least 180 feet of fuel break on land under the landowner's control, and that the applicants will maintain the fuel break, which will reduce the wildfire risk.

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- **Staff Confirmation:** The applicant has demonstrated that the proposed dwelling and structures will have a minimal impact on nearby or adjoining lands. Therefore, this section has been addressed.

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

- **Applicant Response:** The proposed development will comply with all local, state and national fire safety codes, including the installation of fire-resistant materials, firebreaks and proper landscaping to reduce fire risk. The property will have adequate water supply for fire suppression with an onsite water tank minimum 500 gallon in size. Regular maintenance of vegetation around the property to minimize fuel for potential fires, including clearing accessible roads, driveways and turnarounds wide enough to accommodate fire trucks and emergency vehicles. The property is located within a reasonable distance of local fire protection services, which minimizes the response time in the event of a fire. The proposed development does not require additional fire suppression resources or infrastructure beyond what is available in the area; therefore, the use will not significantly increase the cost of fire suppression for local authorities or services.
- **Staff Confirmation:** The siting and associated infrastructure are designed to minimize adverse impacts on forest operations.

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

- **Applicant Response:** The proposed development will use an existing roadway that was developed for logging.
- **Staff Confirmation:** The driveway is shown to be an old road once used for access through the property and requires minimal tree removal.

(d) Minimized Wildfire Risks

- **Applicant Response:** Fuel breaks will be maintained around all structures to minimize wildfire risks.
- **Staff Confirmation:** The applicant has provided measures to minimize wildfire risks within the statement of intent.

2. Siting Criteria for Minimizing Impacts

- **Applicant Response:** The proposed setback is at least 125 feet from the northern property. This will allow for the construction of the full 80-foot primary fuel break. The proposed dwelling site is located on the existing road on the subject property. To reduce conflict with neighboring resources east of the subject property, the proposed dwelling is located on the western side of Seven Devils Road.
- **Staff Confirmation:** Staff has reviewed the plot plan, and the applicant has met the siting criteria, as detailed.

3. Domestic Water Supply

- **Applicant Response:** The water source will be groundwater using a private domestic well, which is exempt under ORS 537.545 for water use permits. The well has yet to be

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drilled, after completion of the well evidence will be submitted to Coos County Planning as a condition of approval.

- **Staff Confirmation:** As a condition of approval, the applicant will provide evidence that the water source meets the criteria.

4. Road Access

- **Applicant Response:** The applicant stated that the proposed route is an existing logging road on the subject property. The applicant plans to improve the resource road to County driveway standards.
- **Staff Confirmation:** This property has direct access to Seven Devils Road, a Coos County Maintained public roadway.

5. Requirements for Approval of a Dwelling

1. **Tree Planting and Forest Stocking Requirements**
 - **Applicant Response:** The applicant stated that the parcel is currently forested, and they will submit a stocking survey report to the Coos County Assessor's Office prior to requesting a Zoning Compliance Letter.
 - **Staff Confirmation:** Tree planting and forest stocking requirements will be met, this has been made a condition of approval.
2. **Size of the Property**
 - **Applicant Response:** The parcel is over 10 acres in size, a stocking survey is required.
 - **Staff Confirmation:** The property size is over 10 acres, a stocking survey is required, this has been made a condition of approval.
3. **Deed Restriction for Farm or Forest Practices**
 - **Applicant Response:** The applicant will comply with the requirement.
 - **Staff Confirmation:** This is a condition of approval.

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

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

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

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

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

2. *Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*

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3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
 - a. *The dwelling has a fire retardant roof.*
 - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope² will also determine additional firebreak in Section 8 Firebreak.*

² *Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon² published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon Agricultural Experiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make calculations based on the profession licensing requirements.*

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

8. Firebreak:

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

Table 1 – Minimum Primary Safety Zone

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

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

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

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

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

Sections 4.6.140(4) require parking, loading, access, and road standards be addressed. A Driveway/Access/Parking Verification Permit application has been submitted and is required to be signed off before issuance of a Certificate of Occupancy by the Coos County Building Codes Department. Therefore, this criterion has been satisfied.

Section 4.6.140(5) requires that the property owners sign and record in the deed of records for the county a document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing claims for relief or causes of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These forms shall be signed in front of a notary and recorded. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. The property does not contain any wetlands identified on the Coastal Shoreland or Fish and Wildlife Habitat maps; therefore, this criterion has been addressed.

Section 4.6.140(7)

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

(b) Requires that a dwelling not be located on a slope of greater than 40%. The applicant stated that the proposed dwelling location has a slope of less than 40%. Therefore, this criterion has been addressed.

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

(d) Requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bandon Fire Protection District; therefore, this criterion has been satisfied.

(e) The applicants shall meet the minimum fire protection standards. However, if these standards are impractical, the applicants shall comply with alternative forms of fire protection. The subject property is within the Bandon Rural Fire Protection District. Therefore, this criterion is not applicable.

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(f) States that if a dwelling has a chimney, it shall have a spark arrester. A condition of approval has been added to meet this requirement; therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on the soil report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are up to 12%. The applicants will be required to install a 30 feet primary fuel-free break and 75 feet additional primary safety downslope around all structures on the subject property. The applicants are only responsible for primary and secondary fuel-free breaks on land either owned or controlled by the landowner.

Section 4.6.140(8)

(a) Determines the primary and secondary fire safety setbacks. Based on the soil report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are up to 12%. The applicants will be required to install a 30 feet primary fuel-free break and 75 feet additional primary safety downslope around all structures on the subject property. The applicants are only responsible for primary and secondary fuel-free breaks on land either owned or controlled by the landowner.

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

(c & d) Determines the primary and secondary fire safety setbacks. Based on the soil report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are up to 12%. The applicants will be required to install a 30 feet primary fuel-free break and 75 feet additional primary safety downslope around all structures on the subject property. The applicants are only responsible for primary and secondary fuel-free breaks on land either owned or controlled by the landowner.

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

Section 4.6.140(10) requires adequate access to new dwellings. At the time of road inspection, prior to receiving a Zoning Compliance Letter, the Roadmaster or his designee will confirm that all road standards have been met to provide adequate access. 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:

- *Wildfire*

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,

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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 and substantial improvements. 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 § 4.11.132.ii.2m.

- f. Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as “High” or “Moderate” risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:*
- 1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.*
 - 2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:*
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;*
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;*
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. Road access shall be provided to within 15 feet of the water’s edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
 - 3. Fire Siting Standards for New Dwellings:*
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

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4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.
- b. 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.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. 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 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 2 – Minimum Primary Safety Zone

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

- e. 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.
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- g. The structure shall not be sited on a slope of greater than 40 percent.
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
- i. 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. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

FINDING: The subject property is within the Natural Hazard Wildfire mapped layer, which requires special protective measures to minimize risks to life and property. The property in question complies with the following criteria:

- 1. **Compliance with fire protection district: The parcel is located within the Bandon Fire Protection District.**

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2. **Compliance when a property is not within a fire protection district: This criteria does not apply as the property is within the Bandon Fire Protection District.**
3. **Fire Siting Standards for new dwellings: The applicant has agreed to install and maintain a minimum 500-gallown water tank and ¾ inch water hose that reached the perimeter of the primary fuel break around all structures. There are two ponds location on the subject property. One of the ponds is lined and potentially available for fire protection. The applicant agreed to create road access within 15 feet of the pond, create a turnaround and post permanent signs indicating the pond for fire suppression.**
4. **Firebreak: The firebreak criteria have already been addressed above within Section 4.6.140.**

DECISION

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

I. EXPIRATION:

This conditional use is for residential development within a resource zone and is valid for four years from the date of final approval **Tuesday, April 24, 2029.**

VII. NOTICE REQUIREMENTS:

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

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

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor’s Office Bandon Rural Fire Department, Southern Coos General Health District, Planning Commission and Board of Commissioners.

- **A Notice of Decision only**

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, Consultant

Emailed Copies: Department of Land Conservation and Development, Coos County Assessor’s Office, Planning Commission and Board of Commissioners.

- A Notice of Decision only

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

Special Districts: Bandon Rural Fire Department, City of Bandon, Southern Coos Hospital District

Please note that this in the Bandon School District and all residential structural development is subject to an excise tax.

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