



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.

Monday, February 24, 2025

RE: File Number ACU-24-040/ACU-24-041

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:	587504
Map Number:	26S143200-00403
Property Owner:	BUSINESS BOYS LLC PO BOX 338 DILLARD, OR 97432-0338
Situs Address:	NO SITUS ADDRESS
Acreage:	18.22 Acres
Zoning:	FOREST (F)
Special Development Considerations and Overlays:	ARCHAEOLOGICAL AREAS (ARC) FOREST MIXED USE (MU)

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

This notice shall be posted from February 24, 2025 to March 11, 2025

application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Tuesday, March 11, 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 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - 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. **The requested use is #62 Large Tract Forestland Dwelling (ORS 215-740) which requires a Conditional Use to address Section 4.6.120 Review Standard #9(B)(I).** 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.

Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

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

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

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

Reviewed by:

Jill Rolfe, Director

Date: Sunday, February 23, 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 evidenced 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 Development

Exhibit C: Staff Report -Findings of Fact and Conclusions

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EXHIBIT “A”
CONDITIONS OF APPROVAL

To receive a Zoning Compliance Letter (ZCL), the applicant must submit these 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 under the Coos County Zoning and Land Development Ordinance. 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 before 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 are required to complete the process:

i. **ZCL Purpose:**

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

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

Following the preliminary access approval by the County Road Department (as specified 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 the final Certificate of Occupancy.

iii. **Siting Standards on Building Permit:**

The required siting standards will also be incorporated as a condition on the building permit.

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

All building, sanitation, and onsite requirements shall be completed prior to receiving a Final Building Occupancy Permit.

2. Zoning Compliance Letter (ZCL) Requirements - Pursuant to CCZLDO § 5.9.100, a ZCL is required before construction of the proposed dwelling may commence. In addition, refer to CCZLDO §§ 4.6.110, 4.6.120, 4.6.130, and 4.6.140. To demonstrate compliance, the applicant must submit a letter addressing the following items:

a. **Land Use Authorization:** A Land Use Authorization from Douglas County shall be obtained and presented to show compliance that properties are in compliance and available to use to satisfy the acreage requirements.

b. **Deed Restrictions:**

i. The property owner must ensure that the land use authorization remains recorded in the chain of title. The letter must state that the purchaser has received a copy of the land use approval including all conditions or restrictions and agrees to fulfill these obligations unless modified as provided in the ordinance. The recorded deed covenant must be filed with the County Clerk, with a copy provided to the Planning Department. This shall be recorded on properties used to justify this application including the ones in subsection ii below.

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- ii. Pursuant to Section 4.6.120(3)(b), provide proof of nonrevocable deed restrictions. These restrictions preclude any future rights to construct or site a dwelling on these tracts for both current and future owners. The restriction shall be on the following map numbers:
 - 1. Map ID 31030000600 (144.96 acres)
 - 2. Map ID 31060201200 (40 acres)
 - c. **Domestic Water Supply:** In accordance with CCZLDO Section 4.6.130(3), submit evidence that the domestic water supply is from an authorized source under the Water Resources Department's rules (and not from a Class II stream as defined in the Forest Practices rules, OAR chapter 629). Acceptable evidence includes:
 - i. Verification from a water purveyor confirming that the proposed use will be served under its rights;
 - ii. A water use permit issued by the Water Resources Department; or
 - iii. Verification that a water use permit is not required.
 A construction report must be submitted to the county after the well is completed.
 - d. **Road Access and Preliminary Approval:** Pursuant to CCZLDO Section 4.6.130(4), provide proof of a long-term road access use permit or agreement. As part of this requirement, the proposed access must be reviewed and signed off as a preliminary approval by the County Road Department.
 - e. **Setbacks:** Pursuant to Section 4.6.140(2), all development—except fences—must be set back a minimum of 35 feet from any road right-of-way centerline or 5 feet from any right-of-way line (whichever is greater). This must be clearly shown on the plot plan.
 - f. **Forest Management Covenant:** As required by Section 4.6.140(5), any applicant for a single-family dwelling in forest lands must acknowledge and record a Forest Management Covenant in the deed record of Coos County before any final County approval.
 - g. **Riparian Vegetation Protection:** Under Section 4.6.140(6), 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) must be maintained. If no such water bodies exist, this condition does not apply.
 - h. **Access Standards for Driveway, Parking, and Turnaround:** Section 4.6.140(10) requires that access to new dwellings meets the road and driveway standards set forth in Chapter VII. A driveway/access parking/turnaround permit application must be submitted. The preliminary access review (as detailed in Section 2(d)) is a prerequisite for the final design approval of the driveway, parking, and turnaround.
 - i. **Development Transferability:** In accordance with Section 5.2.700, a land use approval obtained through a conditional use process is transferable if the transferor submits a statement (signed by the transferee) to the Planning Director. This document must be recorded in the chain of title, indicating that the transferee has received a copy of the land use approval with all conditions or restrictions and agrees to fulfill the obligations unless modified under the ordinance.
3. **Building and Development Conditions** - These conditions, relevant to the building permit, combine the building review and additional development requirements:

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- a. **Roofing Materials:** Pursuant to Section 4.6.140(7)(a) and (9) All new and replacement structures must use noncombustible or fire-resistant roofing materials.
- b. **Chimney Requirements:** Pursuant to Section 4.6.140(14) If the dwelling includes one or more chimneys, each must be equipped with a spark arrester.
- c. **Driveway/Access/Parking/Turnaround Permits:** The driveway/access/road permit application (including provisions for parking and turnaround) must be approved as meeting all applicable standards prior to a final inspection request.
- d. **Geological & Geotechnical Recommendations:** All recommendations outlined in the Geological & Geotechnical Assessment by EVRENNORTHWEST INC. must be followed.
- e. **Siting on Slopes:** Pursuant to Section 4.6.140(7)(b) The dwelling must not be sited on a slope greater than 40%.
- f. **Firebreak Requirements:** In accordance with Section 4.6.140(7)(e) and Section 4.6.140(8)(a-d):
- g. **Primary Safety Zone:** A primary firebreak must be maintained around all structures. This zone may include mowed grasses, low shrubs (below ground-floor window height), and trees spaced more than 15 feet apart with crowns pruned to remove dead or low branches (less than 8 feet from the ground). All accumulated debris, including needles and limbs, must be removed.
- h. **Garden Hose Availability:** A garden hose capable of reaching the perimeter of the primary safety zone (as identified in the staff report) must be available at all times.
- i. **Fuel-Free Breaks:** The owner must maintain a primary fuel-free break (as specified in the staff report) around all structures and establish a secondary fuel-free break on any land they own or control. These breaks must comply with the “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” (dated March 1, 1991, published by the Oregon Department of Forestry) and meet the requirements outlined in Table 1 of the staff report. Proof of construction for both the primary and secondary fuel breaks is required before the issuance of the ZCL.

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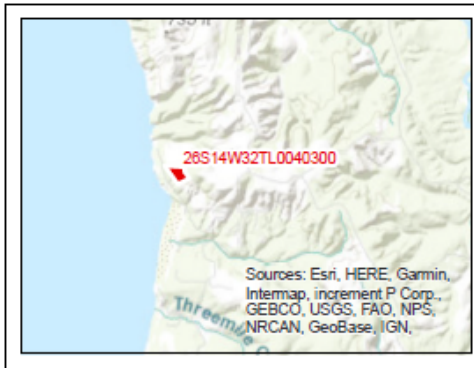
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EXHIBIT "B"
Vicinity Map
(not to scale)

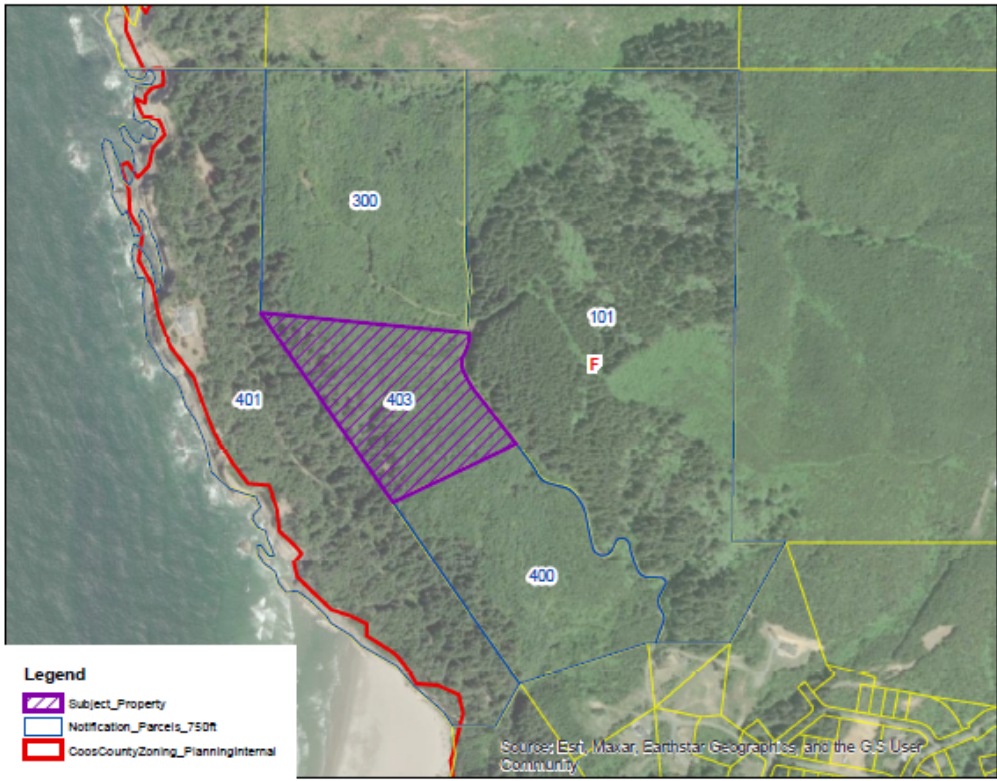


COOS COUNTY COMMUNITY DEVELOPMENT

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-24-040/ACU-24-041
Applicant/ Owner:	Sheri McGrath/ Business Boys, LLC
Date:	February 20, 2025
Location:	Township 26S Range 14W Section 32 TL 403
Proposal:	Administrative Conditional Use



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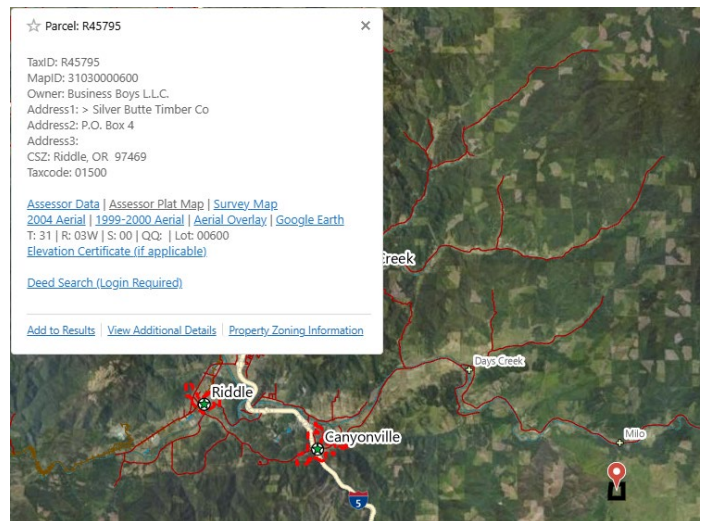
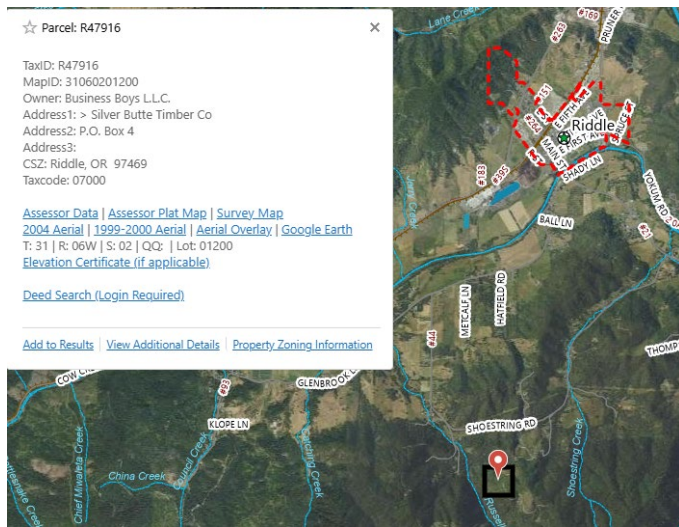
**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

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

A. PROPOSAL: The applicant proposes to site a Single Family Dwelling and Accessory Structure in the Forest Zone. The property is located north of the City of Bandon, comprises 18.22 acres, and is accessed via Sacchi Lane. The parcel contains vegetation that includes native coniferous evergreen trees and deciduous trees, along with rhododendron, huckleberries, and a variety of wild grasses and weeds. The property has been largely logged and seeded with clumping grasses, and logging operations are still in progress.

B. BACKGROUND / PROPERTY HISTORY / SITE CONDITIONS: The subject property in Coos County has a history of zoning and development compliance activities. This property has been part of several application but since the property line that reconfigured the property in 2022 the only action was a Zoning Compliance Letter (ZCL-23-074) was issued granting clearance to perform a septic site evaluation issued on March 6, 2023.

C. LOCATION: The property in Coos County, where the proposed dwelling will be sited, is located to the northwest of the City of Bandon and directly north of the Sansaria Subdivision. One of the properties (Map ID 31060201200, containing 40 acres) that make up the required 200 acres is located to the south of the City of Riddle, and the other (Map ID 31030000600, containing 144.96 acres) is located to the southeast of the City of Canyonville, both in Douglas County, Oregon.



A. ZONING: Within Coos County, the unit of land on which the proposed dwelling will be sited is zoned Forest with a Mixed Use Overlay district. In Douglas County, Map ID 31060201200 is zoned as Farm Forest (FF) and Map ID 31030000600 is zoned as Timberland Resource (TR). This report will address the relevant zoning in Coos County, where the development will occur.

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The applicant will be required to submit a letter or land use authorization from Douglas County to show there are no restriction that would prevent this approval.

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.

I. 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 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*

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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 located within Coos County (Map ID 26S143200-00403) was lawfully created through the approval of property line adjustments in 2022 on file with Coos County Community Development.

II. 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. LARGE TRACT FORESTLAND 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.

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

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

Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
62. Large Tract Forestland Dwelling (ORS 215.740)	ACU	(9)(B)(I)

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(I) LARGE TRACT FORESTLAND DWELLING - 215.740; criteria.
 - (1) If a dwelling is not allowed under ORS 215.720 (1), a dwelling may be allowed on land zoned for forest use under a goal protecting forestland if it complies with other provisions of law and is sited on a tract:
 - (a) Not applicable to Coos County;
 - (b) In western Oregon of at least 160 contiguous acres except as provided in subsection (3) of this section.
 - (2) For purposes of subsection (1) of this section, a tract shall not be considered to consist of less than 240 acres or 160 acres because it is crossed by a public road or a waterway.
 - (3)(a) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total 320 acres or more in eastern Oregon or 200 acres or more in western Oregon to qualify for a dwelling under subsection (1) of this section.
 - (b) If an owner totals 320 or 200 acres, as appropriate, under paragraph (a) of this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records for the tracts in the 320 or 200 acres, as appropriate. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.
 - (c) The Land Conservation and Development Commission shall adopt rules that prescribe the language of the deed restriction, the procedures for recording, the procedures under which counties shall keep records of lots or parcels used to create the total, the mechanisms for providing notice to subsequent purchasers of the limitations under paragraph (b) of this subsection and other rules to implement this section. [1993 c.792 §4(2),(3),(5)]

FINDING: Section 4.6.120(1) requires that a dwelling not be allowed under ORS 215.720 (Lot of Record Dwelling) unless the parcel has been owned by the present owner since 1985. This parcel

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does not qualify for a dwelling under ORS 215.720 because it has not been owned by the present owner, Business Boys, LLC, since 1985.

Section 4.6.120(3)(a) requires that if the tracts used to satisfy the acreage requirement for a dwelling are not contiguous, they must be located within the same county or in adjacent counties, be zoned for forest use, and have a combined total of at least 200 acres. The applicant is requesting to use three parcels to satisfy the 200-acre requirement. One parcel is located in Coos County and comprises 18.22 acres; the other two parcels are located in Douglas County and comprise 40 acres and 144.96 acres, respectively. In total, the three parcels contain 203.18 acres. Douglas County is an adjacent county, and the parcels in Douglas County are zoned Timber Resource and Farm Forest, and are both zoned for forest use.

Section 4.6.120(3)(b) requires that the property owner submit nonrevocable deed restrictions recorded in the deed records that preclude all future rights to construct a dwelling by present and future owners. This requirement has been made a condition of approval. In addition, the applicant is required to obtain land use approval or other documentation from Douglas County to demonstrate that the dwelling authorization will not violate any ordinances or codes regulating the Timber Resource and Farm Forest zoning.

Therefore, the applicant has addressed the criteria with the conditions of approval.

- 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:*
 - 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;*

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.

- 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: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require that new dwellings and structures be sited to minimize adverse impacts on the subject property and nearby forest and agricultural lands. The applicant has demonstrated that the proposed dwelling and shop are located in the most appropriate part of the site. The location is on the flattest elevation, and the driveway uses an old logging road. In addition, the site has been cleared to establish a fire safety area with a setback of at least 30 feet from development. Because the site has been logged and it will take several years for a stand of trees to develop that could pose a wildfire threat at the base of the homesite, and because it is located more than 500 feet away from surrounding forestry operations, no adverse impacts are anticipated.

Section 4.6.130(1)(c) requires that the amount of forest land removed for access roads, service corridors, and structures be minimized. In this case, the proposed dwelling will use an existing privately maintained logging road as access, which satisfies this requirement.

Section 4.6.130(1)(d) requires that the risk associated with wildfires be minimized. The applicant has addressed this criterion through the site location and the establishment of a 30-foot fire safety area setback.

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Section 4.6.130(3) requires the applicant to provide evidence that the domestic water supply is from a source authorized under the Water Resources Department rules and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicant noted that driveway access to the subject parcel must be improved to allow adequate access for a well driller. Accordingly, the applicant is required to submit a water supply requirement form signed by the Oregon Water Resources Department before requesting a zoning compliance letter. After the well is completed, a construction report must be submitted to the county.

Section 4.6.130(4) requires that if road access to the dwelling is provided by a road owned and maintained by a private party, the Oregon Department of Forestry, or the Bureau of Land Management, a long-term road access use permit or agreement must be submitted. In this instance, access is provided by Sacchi Lane, which begins as a public privately maintained road and then passes through multiple private properties. The portion of the road that is owned and maintained by private parties requires an access permit or agreement, and this condition has been met.

Section 4.6.130(5) requires that a stocking survey be submitted for properties larger than 10 acres. Since this property exceeds 10 acres, a stocking survey is required and this criterion has been addressed. In addition, the applicant is required to obtain land use approval or other documentation from Douglas County to demonstrate that the dwelling authorization will not violate any ordinances or codes regulating the Timber Resource and Farm Forest zoning.

All criteria outlined 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.

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.*

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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.*
 - 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.*

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.*

- 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.

4. **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.**
5. **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.**
6. **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.**
7. **Section 4.6.140(4): This subsection requires that off-street parking, loading, and access meet the standards set forth in Chapter VII.**
 - a. **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.**
 - b. **Therefore, this criterion has been satisfied.**
8. **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.**
 - a. **The document shall be signed in front of a notary and recorded.**
 - b. **This criterion has been addressed above and will be made a condition of approval.**
9. **Section 4.6.140(6): This subsection requires a setback from any wetland.**
 - a. **There are no mapped wetlands within 150 feet of the proposed development.**
 - b. **Therefore, this criterion has been addressed.**
10. **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.**
 - 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 Bandon 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. Based on the applicant's plot plan and the submitted geology report, staff finds that slopes surrounding the proposed dwelling are up to 40 percent. The applicants are required to install a 30 ft primary fuel-free break and an additional 150 ft safety break downslope around**

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all structures on the subject property. The applicants are responsible only for installing these breaks on land that they own or control.

11. 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 150 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.

12. 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.

13. Section 4.6.140(10): This subsection requires adequate access for firefighting equipment.

a. 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.

b. 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
 - 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 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.

a. Erosion: Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.

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Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring non-structural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

FINDING: The subject property is located within the Wind Erosion mapped layer, which requires a geologic assessment review per Section 4.11.150.

4.11.150 Geological Hazards special development Review Standards

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant's expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;*
- b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or*
- c. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed professional then an Administrative Conditional Use application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.*

4.11.155 Geological Assessment review

Geologic Assessment Review: The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

- 1. Except for activities identified in Subsection 2 of this section, as exempt, any new development or substantial improvement in an area subject to the provisions of this section shall require a Geologic Assessment Review.*
- 2. The following development activities are exempt from the requirement for a Geologic Assessment Review:*
 - a. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Chapter II.*

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- b. *An excavation and/or fill which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;*
 - c. *Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;*
 - d. *Construction of structures for which a building permit is not required;*
 - e. *Yard area vegetation maintenance and other vegetation removal on slopes less than 25%;*
 - f. *Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);*
 - g. *Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside of the previously disturbed area;*
 - h. *Maintenance and repair of utility lines, and the installation of individual utility service connections;*
 - i. *Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;*
 - j. *Construction/erection of beachfront protective structures subject to regulation by the Oregon Parks and Recreation Department under OAR 736, Division 20; and*
 - k. *Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic hazards present. Coos County is not liable for any type of certification that a geologic hazard is not present on site.*
3. *Application, review and appeals for a Geologic Assessment Review shall be in accordance with the requirements for administrative conditional use review as set forth in Article 5.2. Applications for a Geologic Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Geologic Assessment Review shall be completed prior to any ground disturbance.*
4. *All applications for Geologic Assessment Review shall be accompanied by an engineering geologic report prepared by a certified engineering geologist at the applicant's expense.*

A. ENGINEERING GEOLOGIC REPORTS

1. *Engineering geologic reports required pursuant to this section shall be prepared by a certified engineering geologist licensed in the State of Oregon. Such reports shall be prepared consistent with standard geologic practices and employing generally accepted scientific and engineering principles. The content of such reports shall be generally consistent with the applicable provisions of "Guideline for Preparing Engineering Geologic Reports," 2nd Edition, 5/30/2014, published by the Oregon Board of Geologist Examiners.*
2. *Properties abutting the ocean shore that are located in a mapped regulated hazard area shall include the following additional information :*
- a. *Site description:*
 - i. *The geological history and stabilization measures of the site including any previous riprap or dune grading, erosion events, or exposed trees on the beach.*
 - ii. *Topography, including elevations and slopes on the property itself.*
 - iii. *Vegetation cover.*
 - iv. *Subsurface materials – the nature of the rocks and soils.*
 - v. *Conditions of the seaward front of the property, particularly for sites having a sea cliff.*

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- vi. *Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.*
 - vii. *If the site is located on or adjacent to an estuarine water body or Coastal Lake including the Coastal Shoreland Boundary the following additional information shall be included:*
 - 1. *Presence of drift logs or other flotsam on or within the property.*
 - 2. *Proximity of nearby headlands that might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property.*
 - 3. *Description of any shore protection structures that may exist on the property or on nearby properties.*
 - 4. *Presence of pathways or stairs from the property to the beach.*
 - 5. *Existing development including modification of soil or vegetation on the site, particularly any which might alter the resistance to wave attack.*
 - 6. *Average widths of the beach during the summer and winter.*
 - 7. *Median grain size of beach sediment.*
 - 8. *Average beach slopes during the summer and winter.*
 - 9. *Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.*
 - 10. *Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach.*
 - 11. *Presence of rock outcrops and sea stacks, either offshore or within the beach zone.*
 - 12. *Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.*
- b. *Analyses of Erosion and Flooding Potential on the site:*
- i. *Analysis of DOGAMI beach monitoring data for the site (if available,) all activities affecting shoreline erosion and possible mass wasting, including weathering processes, land sliding or slumping.*
 - ii. *Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 2006).³*
 - iii. *Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.*
 - iv. *For areas subject to dune-backed shorelines, use an established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visits, aerial photo analysis, or analysis of DOGAMI beach monitoring data.*
 - v. *For bluff-backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and fieldwork to assess the potential distance of property erosion.*
 - vi. *Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.*
- c. *Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).*

- d. *Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.*
 - e. *The assessment should include recommendations:*
 - i. *Use results from the above analyses to establish setbacks (beyond any minimums set by this section or the underlying zone), building techniques, or other mitigation measures to ensure an acceptable level of safety and compliance with all local requirements.*
 - ii. *Recommend a foundation design, or designs, that render the proposed structures readily moveable.*
 - iii. *Recommend a plan for preservation of vegetation and existing grade within the setback area, if appropriate.*
 - iv. *Include consideration of a local variance process to reduce the building setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard.*
 - v. *Recommend methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system); or, if not possible, to direct water in such a way so as to not cause erosion or visual impacts.*
3. *Engineering geologic reports required by this section shall include a statement from the preparer of the report that all of the applicable content requirements of this subsection have been addressed or are not applicable to the review.*
 4. *Engineering geologic reports required by this section shall be valid for a period of five years from the date of preparation of such report. No extensions to this time line shall be granted.*

FINDING: The property is located within the Wind Erosion layer, which requires an Engineering Geological Report in accordance with Section 4.11.155. The applicant provided an Engineering Geological Report prepared by Lynn D. Green, Certified Engineering Geologist and Principal Engineering Geologist at EVRENNORTHWEST INC. The following excerpts from that report address coastal erosion and recommended surface erosion control measures (section references are from the EVRENNORTHWEST INC. report):

4.3.1 Coastal Erosion

“It is our opinion that the site is not affected by coastal erosion. This is due to the site’s proximity to the coastline and the elevation of the subject property. While coastal erosion is not a hazard to this property, it is important to reduce the potential for surface erosion of the site during and after construction.”

4.3.2 Surface Erosion Control Measures:

“ENW recommends the following surface erosion control measures be considered:

1. **Phasing of vegetation, grading, or other soil disturbance shall be done in a manner that will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one-time during construction.**
2. **Development plans shall minimize cut or fill operations to prevent off site impacts.**
3. **Temporary vegetation and/or mulching shall be used to protect exposed critical areas during construction.**

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4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.
5. The proposed development may adequately accommodate increased runoff caused by altered soil and surface conditions during and following construction. The volume of surface runoff shall be reduced where necessary.
6. Provisions shall be made to reduce or control the amount of runoff, siltation, and sedimentation over the sloping surface of fills by installing temporary or permanent drainage across or above each slope, as well as any other suitable stabilization measures that could include silt fencing, straw bale barriers, or catch basins.
7. All site drainage shall be designed to adequately carry existing and future surface runoff from the developed area, including temporary surface drainageways such as storm drains, natural waterways, or drainage swales. In no case shall more fill be placed in a way that significantly decreases the stability of known landslides or areas identified as subject to slumping or slope failure, or that otherwise creates a hazard to life or property.
8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent off site erosion and sediment transport.
9. Erosion and sediment control measures may be required, and therefore, may include, but are not limited to, the following:
 - Energy absorbing devices to reduce runoff water velocity.
 - Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on a scheduled basis.
 - Dispersal of water runoff from developed areas over large undisturbed areas.
10. Onsite stockpiles of excavated spoils or topsoil shall be covered with mulch or by other means to reduce the potential of the stockpiles from eroding and flowing into streams or drainageways. Another action that could be considered is the location of the stockpiles with respect to the streams or drainageways.
11. Non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring, and cleanup activities.”

The Engineering Geological Report, including the above recommendations, satisfies the requirements of Section 4.11.150. In addition, the engineering geologist recommends key inspections during critical phases of grading, erosion control installation, and final site stabilization.

These inspections must be coordinated by the applicant, and any modifications or corrective actions identified by the geologist must be implemented to ensure compliance with the report’s recommendations. The County’s approval has included conditions to ensure that all recommended erosion control measures and inspections are carried out.

III. 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.

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IV. **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 24, 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, Douglas County Community Development, 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: Bandon Rural Fire Department and Southern Coos General Health District

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

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