



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E. Second
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, March 14, 2024**
File No: ACU-23-035/ACU-24-004/ACU-24-005
Proposal: Request for a Single-Family Dwelling in the Forest Zone.
Applicant(s): FS4, LLC
Staff Planner: Crystal Orr, Associate Planner

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Friday, March 29, 2024**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information, please contact the staff planner listed in this notice.***

Subject Property Information

Account Number: 587505
Map Number: 26S143200-00404
Property Owner: FSC 4 LLC
PO BOX 25305
OVERLAND PARK, KS 66225-5305
Situs Address: NO SITUS ADDRESS
Acreage: 42.99 Acres
Zoning: FOREST (F)
Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS (ARC)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
HEADLAND EROSION /OCEAN WAVES (HZH)
NATIONAL WETLAND INVENTORY (NWI)
NH EROSION COASTAL (NHERC)
NH TSUNAMI (NHTHO)

This notice shall be posted from March 14, 2024 to March 29, 2024

WETLANDS (WET)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as 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. 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. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

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 contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Associate Planner and the telephone number where more information can be obtained is (541) 396-7770.

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.

Reviewed by: _____ **Date:** Thursday, March 14, 2024
Crystal Orr, Associate Planner

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application.
 - c. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - d. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single-family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a Single-Family Dwelling.
 - e. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rivers then this is not applicable.
 - f. Section 4.6.140(10) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be submitted prior to issuance of a Zoning Compliance Letter.
 - g. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been

provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

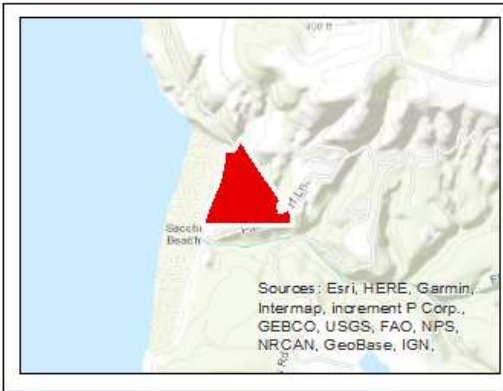
- h. Must submit Address Application & fee.
3. Prior to the issuance of a final occupancy permit by the Coos County Building Official, the following conditions shall be confirmed by the County Plans Examiner during the building review:
 - a. Section 4.6.140(7)(a) & Section 4.6.140(9) All new and replacement structures shall use non-combustible or fire-resistant roofing materials.
 - b. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
 - c. The Driveway/ Access Parking/Access permit application shall be signed off as meeting standards.
 - b. Recommendations within the geological & geotechnical assessment from EvrenNorthwest shall be adhered to.
 4. The applicant is responsible to comply and maintain the following:
 - a. Section 4.6.140(7)(b) The dwelling shall not be sited on a slope of greater than 40 percent.
 - b. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (as identified in staff report) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (as identified in staff report) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. Proof of the construction of the primary and secondary fuel break is required prior to the issuance of the zoning compliance letter.

EXHIBIT "B"
Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

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



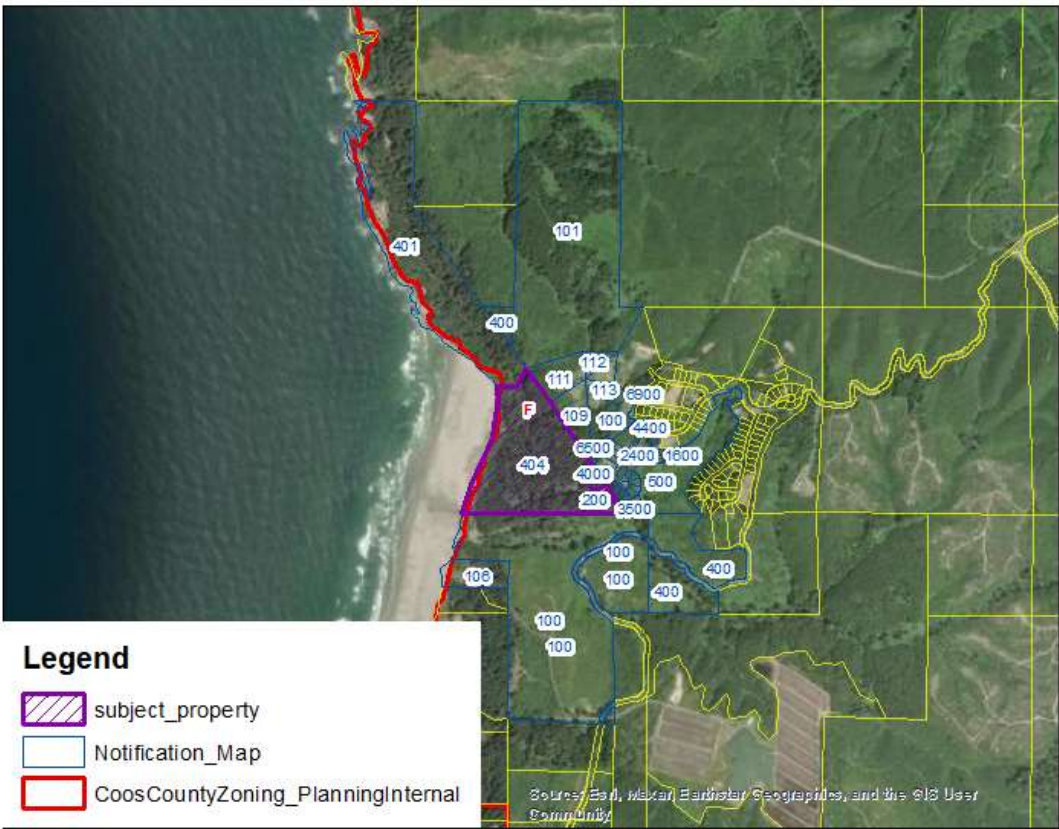
File: ACU-23-035/ACU-24-004/ ACU-24-005

Applicant/ FSC 4 LLC
Owner: Sheri McGrath

Date: 3/13/2024

Location: Township 26S Range 14W
Section 32 TL 404

Proposal: Forest Template Dwelling, Erosion, CSB



Template Map & Plot Plan



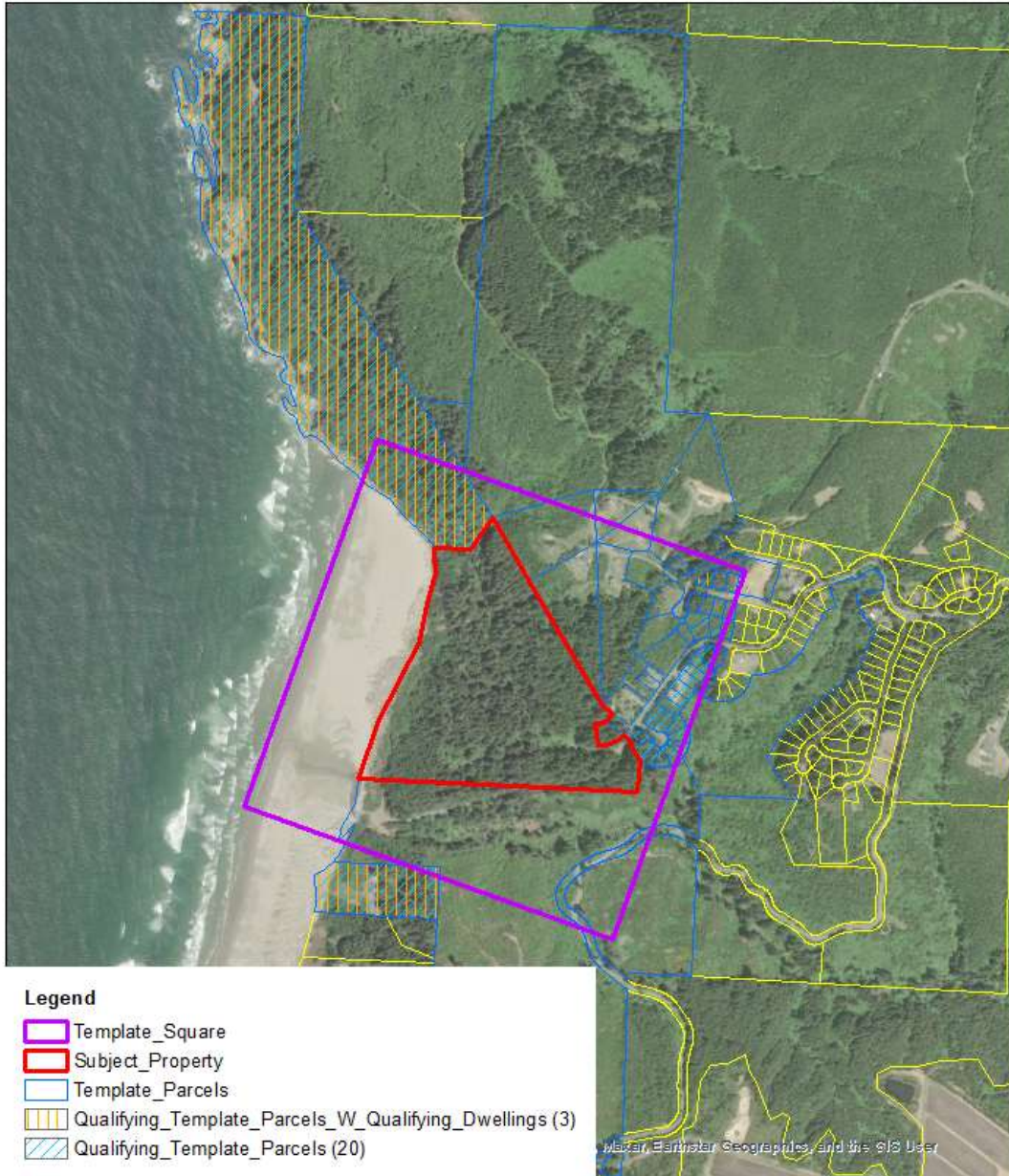
COOS COUNTY PLANNING DEPARTMENT

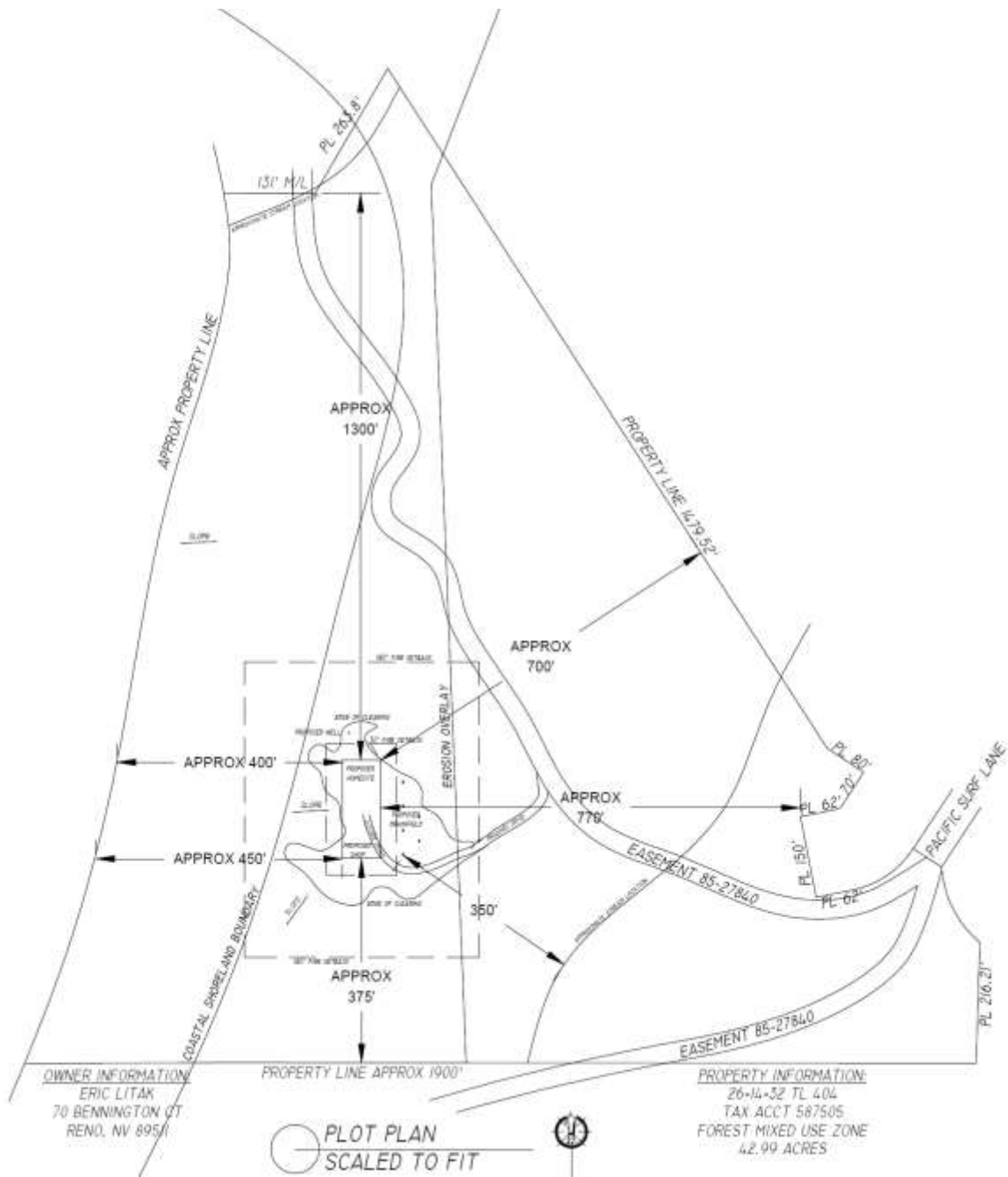
Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900





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

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

- A. PROPOSAL:** The application indicates that the property owner is seeking approval for a Single-Family Dwelling, Accessory Structure and Septic System, with no indication of any other proposed development at this time.
- B. BACKGROUND/PROPERTY HISTORY:** This property has no development, the property was given clearance to have a Septic Site Evaluation on October 4, 2023 (ZCL-23-323).
- C. LOCATION:** The property is located southwest of the City of Coos Bay and is accessed via privately maintained public road Pacific Surf Lane, which connects to Coos County maintained public road Seven Devils Road.
- D. ZONING:** - This property is zoned Forest with a Mixed-Use Overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

- E. SITE DESCRIPTION AND SURROUNDING USES:** The subject property consists of a total of 42.99 acres (according to assessment records) and has access from Pacific Surf Lane, which is a public privately maintained road within the Sansaria Subdivision.



F. COMMENTS:

- a. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none were received.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the Tribes prior to the release of the decision and none were received.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: Staff has reviewed the property history and county records available up to the time of this report, and as of now, the property is deemed compliant. However, it's possible that additional information, not available during this review, could affect the compliance status of the properties.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

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

FINDING: The unit of land was created pursuant to 6.1.125.1.b through prior property line adjustment land use decisions.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

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

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal

and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
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)

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.
 - (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling 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 0 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, on the other lots or parcels 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, on the other lots or parcels; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

FINDING: Soil information is used to determine whether the subject property is capable of producing 0-49, 50-85, or 85+ cubic feet of wood fiber per year, which, in turn, determines the applicable criteria for the number of parcels.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Beaches	22.7	15.7%
8D	Bullards sandy loam, 12 to 30 percent slopes	2.6	1.8%
8E	Bullards sandy loam, 30 to 50 percent slopes	0.4	0.3%
54B	Templeton silt loam, 0 to 7 percent slopes	2.7	1.9%
54D	Templeton silt loam, 7 to 30 percent slopes	26.2	18.1%
54E	Templeton silt loam, 30 to 50 percent slopes	58.3	40.4%
55D	Templeton-Bullards complex, 3 to 30 percent slopes	19.8	13.7%
55E	Templeton-Bullards complex, 30 to 50 percent slopes	4.5	3.1%
Totals for Area of Interest		144.5	100.0%

FINDING: Soil information is used to determine the property's capability for wood fiber production, which, in turn, dictates the criteria for the number of qualifying lots or parcels. The applicant adequately addressed this section:

The Web Soil Survey report from the USDA's Natural Resources Conservation Service indicates that there are four different soil classifications on the property. These include Templeton silt loam (54D), with slopes of 7%-30%; Templeton silt loam (54E), with slopes of 30-50%; Templeton-Bullards complex (55D), with slopes of 3%-30%; and Templeton-Bullards complex (55E), with slopes of 30%-50%. The Coos County Assessor classifies 6.60 acres of the 42.99 acres parcel as "Exempt-Ocean Shores" (OSHR), which is undevelopable. Other than the OSHR land, these soil types have a productivity capacity ranging from 114 to 257 cubic feet of wood fiber per acre per year depending on tree species, all of which exceed the 85 cubic feet threshold. The subject site is not suitable for harvesting timber due to topography and a deed restriction known as 97-121213 which prohibits harvesting within 150' of the roadways.

Based on this information, the subject property needs to comply with 1(c), which is a minimum of 11 discrete parcels, with 3 dwellings, created and sited prior to January 1, 1993 with the template test. A template test was conducted in 2023 by the Coos County Planning Department in response to Research Request R-23-002 (copy attached), which determined that the subject parcel met all of these requirements, with 20 parcels and 3 dwellings in existence as of January 1, 1993 within the 160-acre template square.

Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(c) applies to the template test.

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:
- (2) The following review standards apply to "template" dwellings approved under this rule:
- a. Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.

- b. *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road¹ that existed on January 1, 1993, the measurement may 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:*
 - i. *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:*
 - 1. *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*
 - 2. *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.*
 - ii. *Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
 - d. *Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.*
- (3) *A proposed “template” dwelling under this rule is allowed only if:*
- a. *It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;*
 - b. *It complies with the requirements of OAR 660-006-0029 and 660-006-0035;*
 - c. *No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;*
 - d. *The tract on which the dwelling will be sited does not include a dwelling.*
 - e. *The lot or parcel on which the dwelling will be sited was lawfully established.*
 - f. *Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.*
 - g. *Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and*
 - h. *If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.*
- (4) *Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:*

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

- a. *On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:*
 - i. *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;*
 - 1. *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
 - 2. *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (5) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
- a. *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - b. *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - c. *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
 - 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: None of the lots or parcels used for the template test are located within Urban Growth Boundaries; therefore, no Urban Growth Boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.

According to Coos County Clerk and Assessor records, the subject property was not part of a tract on January 1, 2019.

There are no deed restrictions applicable to ORS 215.750 or other dwellings on the subject property that would prevent a dwelling from being built.

The parcel is 42.99 acres in size. To meet the criteria, there must be 11 parcels with three current dwellings each, sited prior to January 1, 1993, based on the soil type. Planning Staff conducted the template test using the square template method. Based on the template map below, the parcel meets the requirements.



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

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

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

²For 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.

3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**
4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
5. *Approval of a dwelling shall be subject to the following requirements:
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
 - (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of minimizing adverse impacts to the subject properties and nearby Farm and Forest operations. The applicant adequately addressed the criteria:

As shown on the attached dwelling plot plan, the requirements of Section 4.6.130 will be met by constructing the dwelling and accessory structures to minimize any potential adverse impacts on nearby or adjoining forest operations. There are no agricultural lands within the vicinity and only one parcel in the vicinity has been harvested for commercial timber. TL 400 touches the north corner of the property and was partially logged in 2022. Due to the topography of both TL 400 and TL 404, the timber along the slope will remain unharvestable, therefore no adverse effect on forestry operations in the vicinity.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The proposed dwelling will use existing privately maintained public roadways within the subdivision as access.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized.

Section 4.6.130(3) requires the applicants to 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). The applicants stated that the water source will be from a well. However, the applicants will still be required to submit a water supply requirement form signed off by Oregon Water Resources Department prior to requesting a zoning compliance letter.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM, a long-term access use permit or agreement be submitted. The access road is a Public Coos County Privately Maintained Road. Therefore, this criterion has been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. This property is larger than ten (10) acres; therefore, a stocking survey is required. Therefore, this criterion has been addressed.

All The criteria found in SECTION 4.6.130 have been addressed.

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

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

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

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

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

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

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

- 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 that is not part of this request; therefore, it is not applicable.

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

Section 4.6.140(3) applies to fences, hedges, and walls. The applicants stated *“No, there will not be a fence, hedge or wall developed at this time”*. 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. Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. 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 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. 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. There are no mapped wetlands near the proposed development. 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 slope of the dwelling site is flat with slopes of 1 to 3%. Therefore, this criterion has been addressed.

(c) Requires that 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. As a condition of approval, the applicants shall provide a sign-off from Oregon Water Resource for the domestic use of waters of the State prior to 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.

(f) States that if a dwelling has a chimney, it shall have a spark arrester. The applicants stated that All chimneys will have a spark arrester. Therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on the applicant’s plot plan and submitted geology report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant’s will be required to install a 30 ft primary fuel free break 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 applicant’s plot plan and submitted geology report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicant’s will be required to install a 30 ft primary fuel free break around all structures on the subject property.

(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 applicant's plot plan and submitted geology report, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 5 to 10%. The applicant's will be required to install a 30 ft primary fuel free break around all structures on the subject property.

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 for firefighting equipment. 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 for firefighting/emergency equipment. Therefore, this criterion is not applicable.

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

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*
- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*
- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

Coos County shall consider:

- i. "Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
 - ii. "Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*
 - iii. "Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
 - iv. "Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
 - v. "Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
- a. Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
- i. Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
 - a) Farm uses as provided in ORS 215;*
 - b) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
 - c) private and public water dependent recreation developments;*
 - d) aquaculture;*
 - e) water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*

- f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
- g) *any other uses, provided that the Board of Commissioners determines that such uses:*
 - a. *Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;*
 - b. *Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
 - c. *The "other" use complies with the implementation standard of the underlying zone designation; and*
 - d. *In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.*

FINDING: The applicant sufficiently addressed the criteria:

A portion of the subject site is located within the Coastal Shoreland Boundary and is subject to compliance with the Section and Statewide Planning Goal 17. Goal 17 has identified shorelands in several ways, and these two apply to the subject site: "Lands within 100 feet of the ocean shore" and "Adjacent areas of geologic instability where the geologic instability is related to or will impact a coastal water body." The portion of the site that is located with the overlay is located on a slope that ascends from the building site to the beach. It is covered with vegetation consisting of Spruce, Pine and Douglas Fir trees, Salal and Huckleberry.

The proposed development of a single family dwelling is compatible with the surrounding land uses which are developed for residential purposes exclusively. Forest Template Dwellings are permitted in the Forest Zone as a conditional use; therefore, compatible with the objectives of the underlying zone designation. The proposed development will meet or exceed the development standards for fire safety areas and setbacks. Total lot coverage will be significantly less than other developments in the vicinity due to the parcel size of 42.99 acres. No structures are proposed to be located in the CSB overlay.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- *Erosion*
 - *Riverine streambank erosion*
 - *Coastal*
 - *Shoreline and headlands*
 - *Wind*

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

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.

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.*
 - 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.*
 - 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 a 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).⁴*
- 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 applicant submitted a geological report performed by Certified Engineering Geologist Lynn Delavan Green as required by the CCZLDO. The report contained the necessary information listed within this section. The recommendations within the report can be found below:

3.5 Erosion

Coos County has mapped the site is mapped as within the coastal erosion zone. The main erosional hazard is from wave erosion oversteepening and causing isolated landslides along the bluffs in the western portion of the property. At the time of our site visit, the property was heavily forested, especially along the bluff. To reduce the potential for extreme bluff erosion and failure, the removal of trees and vegetation along the steep bluff should be limited, as discussed below. To protect the proposed development from erosion along the bluff, ENW recommends a 70-foot-offset from the top of the bluff. To build closer to the bluff, ENW recommends that a geotechnical engineering evaluation be completed for the site to provide additional off-set recommendations.

6.2 Erosion Hazard Mitigation

The risk for coastal wave erosion and continued landslides along the bluffs is high. Removal of trees and understory vegetation along the bluffs may increase the risk of erosion and isolated slope failures. To reduce the potential for further landslides and erosion on the steep slopes, ENW recommends the following:

- Trees within the proposed development area may be removed. The limits of clearing shall be the proposed development area.
- Dead or damaged trees around the property and along the top of the bluff may be removed.
- Removal of the trees along the top of the bluff may trigger landslides on the slope below. ENW recommends that if trees are removed, then they are selectively harvested and not clear cut from the top of the slope.
- Removal of trees the steep unstable slopes on the property should be selectively harvested. Up to 25 percent of the trees may be removed; however, it should be noted that depending on the condition of the slope, it may increase the potential for triggering additional landslides.
- Methods selected for removing the trees shall have the least impact on the slope.
- ENW recommends that the slopes be replanted within 2 years of the harvest. Shrubs and bushes should be replanted around the proposed structure as soon as it is possible.
- Before trees are removed from the site, a detailed geotechnical engineering report and geologic landslide hazard study should be completed.
- Once the Geotechnical Engineering and Geologic Landslide Hazard Report is completed, the recommendations provided in those reports shall be incorporated into the recommendations provided in this report.

Per recommendation from the Engineering Geologist the applicant hired Cynthia Hovind, Registered Professional Engineer to perform a Geotechnical Assessment. The recommendations can be found below:

5.2.1 Site Preparation Recommendations

Once the proposed building area is determined, at least 5 feet beyond the proposed footprint of the house, ancillary building, and driveway shall be cleared of Topsoil/Duff, trees, and other vegetation. The Topsoil/Duff shall be overexcavated to firm, non-yielding native Clayey Sand or Sand. The Topsoil/Duff may be temporarily stockpiled in a different area of the site to be used as General Fill. It is not appropriate as Structural Fill or Retaining Wall backfill.

Tress within the footprint of the house, ancillary buildings and driveway shall be cut down and removed from the site. The rootballs and roots 4 inches in diameter or large shall be overexcavated to firm, native soil and replaced with Structural Fill, as discussed below. The trees and rootballs shall be removed from the site.

5.2.2 Wet Weather or Wet Soil Construction

Due to the wet fine-grained soil encountered at the site, ENW recommends that the grading be completed during Dry Weather Conditions that occur between mid-June through late September. If construction occurs during the Wet Weather months, then site grading may be challenging and difficult to achieve. This is because fine-grained soils that are disturbed or wet become unsuitable for foundation bearing subgrade. Therefore, ENW recommends that the exposed subgrades shall be covered and protected with 2 to 3 inches of ¾-inch minus crushed rock. In areas of heavy traffic, the soil shall be protected with a non-woven geofabric and 12 inches of crushed rock with less than 6 percent fines. Should subgrade surfaces become disturbed, then the soft soils shall be removed to firm native subgrade and replaced with compacted Structural Fill, as described below.

5.2.3 Excavation

At the time that our report was prepared, the site grading or building plans were not available, and excavations were not anticipated. If, however, excavations are proposed, then the following recommendations shall be followed:

Temporary non-supported excavations over 4 feet deep shall be at a 1(H):1(V) or shallower. If the excavations are vertical, then temporary shoring may need to be designed and deployed.

Permanent excavation faces shall be 2(H):1(V) or shallower. Care shall be taken to divert surface runoff from the face of the excavation. Once the excavation is completed, then permanent erosion control measures shall be installed as soon as practical. If during excavation shallow groundwater is encountered, then temporary shoring shall be installed to protect the excavation.

The contractor shall be solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavations and the sides. The contractor shall evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case shall slope height, inclination, or excavation depth, including, utility trench excavation depths, exceed those specified in local, state, and federal safety regulations.

5.2.4 Structural Fill

ENW recommends that the Structural Fill shall consist of **imported 1½-inch to ¾-inch crushed rock with 10 percent passing No 200 sieve**. The Structural Fill shall have little to no organics, ice, or other deleterious materials. The Structural Fill shall be placed in 12-inch-thick lifts and compacted to 95 percent of the maximum dry density as determined by standard Proctor (ASTM D698). At the time of placement, moisture content of the Structural Fill shall be within 5 percent of the Optimum Moisture Content.

The subgrade of the Structural Fill shall be firm, non-yielding, native soil that is neat cut. If Structural Fill are 2 feet thick or more, then a material testing firm (i.e., ACS Testing, Carson Testing, etc.) shall be hired by the owner to provide laboratory and field density testing.

ENW recommends that the contractor request samples of Structural Fill material be tested for standard Proctor prior to site grading.

Onsite material is not appropriate for Structural Fill.

5.3 Top of Slope Offsets

As noted above, the steep slopes to the west of the proposed buildable area are actively moving as isolated landslides and slumps. While the mechanisms of the slope failures are not fully understood, it is reasonable to assume that the wave and stream erosion at the toe of the slopes, as well as concentrated stormwater at the top of the slope, may have caused the slope failures. As a result, ENW recommends the following offsets for developing the site.

5.3.1 Top of Slope 70-foot or more – Shallow Foundations

ENW recommends that buildings have a 70-foot-offset or more from the top of the slope. If the 70-foot-offset is maintained, then the buildings can be supported on shallow foundations, as discussed below.

Allowable Bearing Capacity. The proposed bearing surface for the proposed shallow foundations shall be firm, native clayey Sand to Sand. ENW recommends an allowable bearing capacity shall be 2,000 pounds per square foot (psf). The allowable bearing capacity can be increased by one-third to account for seismic and other transitory live loads. The allowable

bearing capacity assumes that the bearing subgrade is excavated in firm, non-yielding native Silty soils. If soft soils or Undocumented Fill are encountered during the subgrade excavation, then they shall be overexcavated and replaced with Structural Fill, as discussed above.

Total and Differential Settlement. The total settlement should be 1 inch, with a differential settlement should be half of the total settlement. It is anticipated that the settlement will occur during construction.

Foundation Lateral Resistance. The lateral resistance of the foundation shall be based on a coefficient of friction equal to 0.35 on native soil. The coefficient may be increased to 0.5 if a minimum of 6 inches of compacted ¾-inch-minus rock is directly placed below the footings.

An equivalent fluid weight of 300 pounds per cubic foot (pcf) shall be used to compute the passive earth pressures acting on the foundation footings. The first one foot of the soil shall be ignored.

Foundation Embedment. ENW recommends that the exterior foundation be embedded a minimum of 18 inches below the finished grade. Interior grade footing shall be embedded 12 inches below the finished grade.

Foundation Subgrade. The foundation subgrade shall be firm, non-yielding, native Clayey Sand. Undocumented Fill, topsoil, organic duff, or soft areas shall be overexcavated to firm, native firm soil and replaced with Structural Fill, as described above.

Foundation Drains. ENW recommends that 4-inch-diameter perforated drainpipe with geofabric sleeve be installed around the perimeter of the foundation. The drains shall be covered in a clean 1-inch angular drain rock. The drain rock shall be wrapped in a non-woven geofabric (US 160NW or equivalent). The perforated pipe shall be sloped to drain and daylight out beyond the foundation. To reduce the potential for erosion and additional slope failures, the foundation drains shall not discharge on the slope but should instead be conveyed to the bottom of the ravines of the incised streams.

Slab-on-Grade. The slab-on-grade floor should be designed for an allowable subgrade reaction modulus of approximately 120 pounds per cubic inch (pci). The subgrade soil must be firm and non-yielding at the time of slab construction. Soft areas encountered during the preparation of the slab subgrade should be overexcavated and replaced with Structural Fill.

Interior slab-on-grade shall have an adequate moisture break. The moisture break shall consist of 8-inch-thick lift of ¼-inch to ¾-inch, open graded, angular drain rock placed on an approved subgrade soil.

It is our experience that concrete slab-on-grade commonly exhibit shrinkage cracks despite the presence of steel reinforcing or fiber strands. This cracking can be reduced by using a low-slump concrete, properly designed and constructed joints and by properly curing the concrete.

5.3.2 Top of Slope 30- to 70-foot Offset – Pile Foundations

ENW recommends that buildings within 30 to 70 feet of the top of slope be founded on drilled pile foundations. The purpose of the deep foundation will be to provide additional lateral support to the foundation if the slope adjacent to the proposed structure fails. Recommendations for the drilled pile foundation are presented below.

Deep Foundation Recommendations. ENW recommends that buildings located within 30 to 70 feet of the top of the slope shall be supported on drilled deep foundation that are socked into the underlying bedrock. The piles shall be drilled to a minimum of 30-inch-diameter, 40 feet deep, and concrete reinforced with steel (i.e., wide flanged beam or rebar cages). The top of the piles shall be tied together with structural grade beam that provides lateral support at the top of the piles. The actual size of the piles may vary due to the location of the buildings with respect to the top of slope. If necessary, drilled tiebacks may be installed to provide additional lateral support of the piles and grade beams. The use of drilled tiebacks may reduce the size of the drilled piles.

The number of piles and spacing shall be determined by a Structural Engineer.

5.3.3 Top of Slope 0 to 30-foot Offset – No Construction

ENW recommends that no buildings or structures, structural fill, or general Fill be placed within 30 feet of the top of the slope. The purpose for the 30-foot-wide offset is that there are active landslides that occurring along the top of the slope, and the risk of additional failure or movement is high. The slope failures are most likely caused by ocean wave erosion along the beach front and stream erosion along the incised streams. Buildings supported on piles and tiebacks and within 30 feet of the top of the slope are at risk of structural damage if the slopes continue to fail.

5.4 Tree Removal Management

ENW understands that the property owner wants to remove trees across the site to open the expansive ocean view from the proposed buildable area. While the removal of trees within the proposed buildable area is acceptable, clearing trees along slopes with actively moving landslides and slumps may increase the potential for larger landslides to occur. This is because when trees are cut down, up to 60 percent of the additional strength provided by the roots to the soil is lost². Even if the rootball system is left in place, it may take 10 to 15 years to re-establish only 50 percent of the strength that was lost when the tree root system died. In addition, when trees are cut down and removed, the canopies that once protected the slopes from excessive rainfall are lost and the potential for saturating the slopes and the risk for triggering larger landslides are increased. Therefore, ENW recommends that the trees along the slope should remain. If, however, the owner wants to remove the trees, then ENW recommends that the tree removal shall be done in a selective manner that maintains the integrity of the slopes.

5.5 Stormwater Management Recommendations

ENW recommends that the stormwater runoff from the proposed buildings and hardscape be managed so that it does not overtop the top of the slope along the western portion of the property. The stormwater flows should be conveyed away from the steep slopes and conveyed to the base along the incised streams. Stormwater management plans, consistent with Coos County Stormwater requirements, shall be incorporated into the proposed building plans.

5.6 Erosion Control Recommendations

ENW recommends that an Erosion Control Plan be developed for the site which meets Coos County's requirements. Before construction starts, and trees are removed from the site, silt fences should be installed to prevent erosion and movement of soil outside of the disturbed area.

6.0 DOCUMENT REVIEW AND CONSTRUCTION MONITORING

ENW shall review the final plans and specifications for the proposed development of the property. Our review will allow us to ensure that the intent of our recommendations presented in this report are incorporated into the design.

As required by Coos County, ENW shall provide Special Inspections during construction of the new building and parking lot. The purpose of our Special Inspections is to confirm that the site conditions are as anticipated and to provide field recommendations as required based on the conditions encountered. ENW shall observe, but not be limited to, the following:

- Site stripping and clearing.
- Shallow Foundation Subgrade, if required.
- Drilling of Deep Foundations, if required.

A Materials Testing Firm, such as ACS Testing or Carlson Testing, shall be hired to conduct laboratory and field compaction testing during the placement of the Structural Fill and the ACP in the parking lots and driveways.

As a condition of approval all recommendations within the geological & geotechnical assessment shall be adhered to.

IV. DECISION

In conclusion Staff finds that the applicants have 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 Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

V. EXPIRATION:

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

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

3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

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

This conditional use is for a residential development within a resource zone and is valid for four years from the date of final approval Wednesday, March 29, 2028.

VII. NOTICE REQUIREMENTS:

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

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

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