

File Number :

ACW-24-059 B AD-24-0418 P DR-24-104 ⁵⁷



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770**

If the fee is not included the application will not be processed

(If payment is received on line a file number is required prior to submittal)

Date Received: 11-12-24 Receipt #: 752858 Amount: 2001.50 Received by: M. Hill

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) Johannaber 13220 W Saddlebow Dr, Reno, Nevada 89511

Mailing address: Applicant: Sheri McGrath P.O. Box 1548, Bandon, OR 97411

Phone: c/o Sheri McGrath 541-982-9531

Email: c/o Sheri McGrath cooscurry@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
27S	14W	5	D	Select	400
Select	Select	Select	Select	Select	

Tax Account Number(s): 756101 Zone: Select Zone Forest (F)

Tax Account Number(s): _____ Please Select

B. Special Districts and Services

Water On-Site (Well or Spring)

Sewage Disposal On-Site Septic

School Bandon

Fire District Bandon RFPD

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for Forest Template Dwelling and associated developer
- Hearings Body Conditional Use for _____
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 - Flood
 - Landslide
 - Liquefaction
 - Erosion
 - Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links: Map Information Or Account Information

*Tribes
create activity*

D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.


- I. **PROPOSAL AND CRITERIA:** A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
 - 1. Project summary and details including timelines.
 - 2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).

- II. **PLOT PLAN OR SKETCH PLAN:** A detailed drawing delineating the following:
 - Owner's name, address, and phone number, map and Tax lot number
 - North Arrow and Scale - using standard engineering scale.
 - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
 - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.

- III. **DEED:** A copy of the current deed, including the legal description, of the subject property.

- IV. **CERTIFICATION:** I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is referred directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

 4/9/2024 _____

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: _____

Type of Access: Public Road Name of Access: Seven Devils Road

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

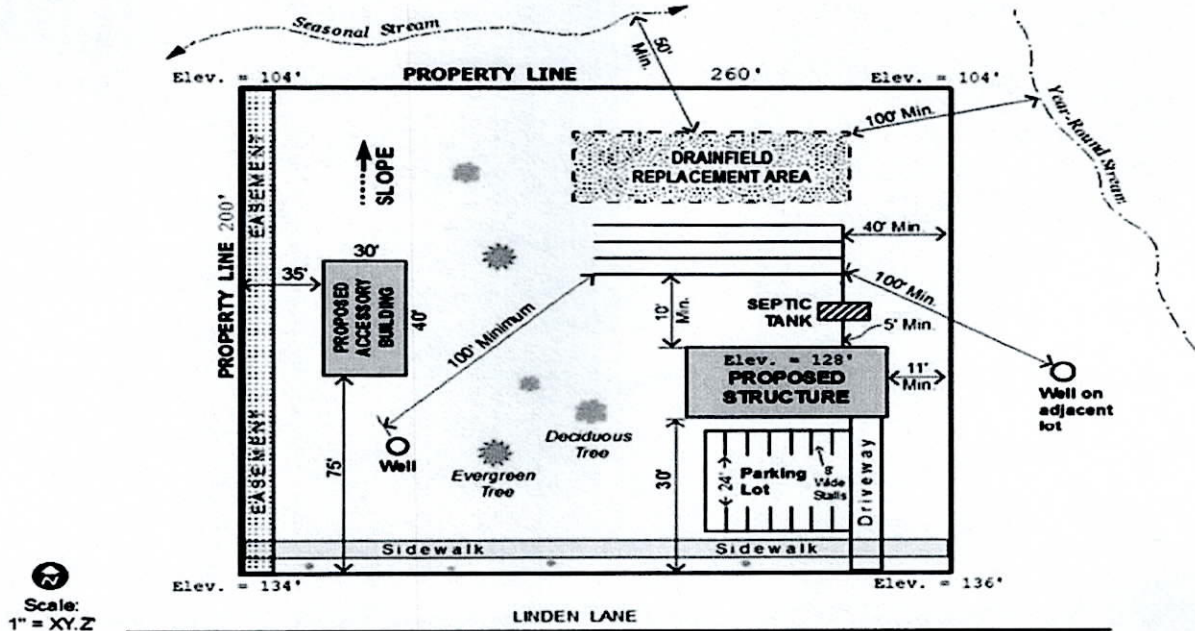
Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Plot Plan
The grid for the plot plan is found on the next page

SAMPLE PLOT PLAN



ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

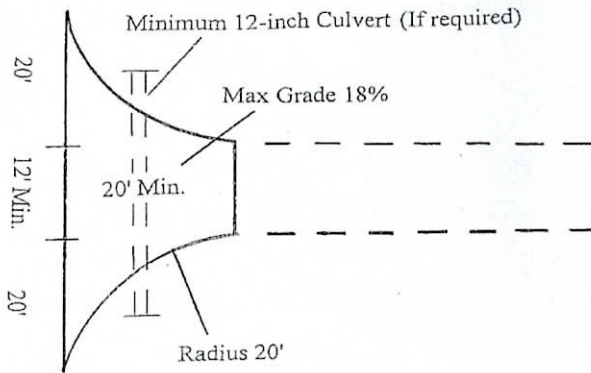
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

Forestry, Mining or Agricultural Access Standard drawing
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35 mph – 150' both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster
The access will be developed from the edge of the developed road.

Figure 7.1.450

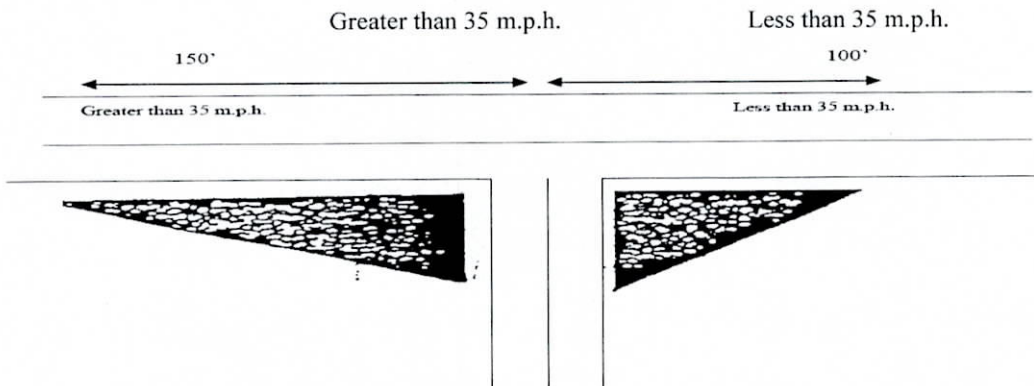


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

VISION CLEARANCE TRIANGLE:

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi-family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
Figures	A	B	C	D	E
Single row of Parking					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
Figures #'s					
	F	G	H	I	J
Two Rows of Parking					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.



ADDRESS

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60E SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

THIS APPLICATION MAY TAKE UP TO 30 DAYS TO PROCESS

Date Received: 11-2-24 Receipt #: 252858 Received by: M Hill
 APPLICATION: AW-24-059
 FILE NUMBER: AD- 24-48

This application shall be filled out electronically. If you need assistance please contact staff.
Please be aware if the fees are not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

Land Owner(s) (print name): Johannaber 13220 W Saddlebow Dr, Reno, Nevada 89511
 Mailing address: Applicant: Sheri McGrath P.O. Box 1548, Bandon, OR 97411
 Phone: c/o Sheri McGrath 541-982-9531 Email: c/o Sheri McGrath cooscurry@gmail.com

Applicant(s) (print name): Sheri McGrath
 Mailing address: P.O Box 1548, Bandon, Oregon 97411
 Phone: 541-982-9531 Email: cooscurry@gmail.com

Type of Ownership: Co-Ownership - Both Signed Application
Dwelling - Single Family New Single-Family Dwelling

PROPERTY

Township: 27S Range: 14W Section: 5 ¼ Section: 0 1/16 Section: Select Tax lot: 400

Township: Select Range: Select Section: Select ¼ Section: Select 1/16 Section: Select Tax lot: _____

Tax Account Number(s): 756101

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

IMPROVEMENT ON THE PROPERTY:


New Single-Family Dwelling with access from Seven Devils Road.

ACKNOWLEDGEMENT STATEMENT: PERTAINING TO THE SUBJECT PROPERTY DESCRIBED ABOVE, I HEREBY DECLARE THAT I AM THE LEGAL OWNER OF RECORD OR AN AGENT HAVING CONSENT OF THE LEGAL OWNER OF RECORD AND I AM AUTHORIZED TO OBTAIN THIS ZONING COMPLIANCE LETTER SO AS TO OBTAIN NECESSARY PERMITS FOR DEVELOPMENT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND/OR THE BUILDING CODES AGENCY. THE STATEMENTS WITHIN THIS FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY PERMITS AND/OR AUTHORIZATION FOR DEVELOPMENT ISSUED BY THE PLANNING DEPARTMENT MAY BE REVOKED IF IT IS DETERMINED THAT IT WAS ISSUED BASED ON FALSE STATEMENTS, MISREPRESENTATIONS OR IN ERROR. AS A CONDITION FOR THE ISSUANCE OF THIS ZONING COMPLIANCE LETTER THE UNDERSIGNED HEREBY AGREES TO HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGE WHICH MAY OCCUR AS A RESULT OF THE FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS WHICH SERVE AS ACCESS TO THE SUBJECT PROPERTY.

RURAL RESIDENTIAL COMPATIBILITY WITH FARM/FOREST MANAGEMENT PRACTICES: I HEREBY ACKNOWLEDGE THAT THE NORMAL INTENSIVE MANAGEMENT PRACTICES OCCURRING ON ADJACENT RESOURCE LAND WILL NOT CONFLICT WITH THE RURAL RESIDENTIAL USE OR ENJOYMENT OF THE ABOVE DESCRIBED PROPERTY.

BY SIGNING THIS APPLICATION I AM ACKNOWLEDGING THAT I CAN ONLY DEVELOP MY PROPERTY AS ALLOWED PURSUANT TO THE AUTHORIZATIONS GRANTED IN THE ZONING COMPLIANCE LETTER THAT WILL BE ISSUED. IF ADDITIONAL REVIEW IS REQUIRED I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO COMPLETE THE REVIEW. ALL APPLICABLE FEDERAL, STATE, AND LOCAL PERMITS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITY. ALL COSTS ASSOCIATED WITH COMPLYING WITH THE CONDITIONS ARE THE RESPONSIBILITY OF THE APPLICANT AND THAT THE APPLICANT IS NOT ACTING AS AN AGENT OF THE COUNTY.

APPLICANTS SIGNATURE: _____

 4/9/2024

ADDRESS APPLICATION INFORMATION

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR
NEW DRIVEWAY: 60728 SEVEN DEVILS RD

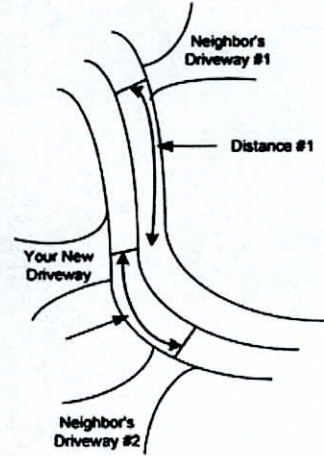
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW
DRIVEWAY: 1300'

Is this driveway on the same side of the road as your
Driveway: Yes

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR
NEW DRIVEWAY: 88809 AGATE LN

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW
DRIVEWAY: 500'

Is this driveway on the same side of the road as your
Driveway: Yes



The distance information is important from your new driveway to the closest driveways on either side of you (doesn't matter which side of the road) and what the addresses are to those two driveways. This information is important to include in the formula used to calculate the correct address.

Staff from the County Road Department will place the stake and once the driveway stake has been placed, it must not be moved. If your stake is removed or damaged you may purchase replacements. Please provide a map with the access point or address stake placement.

Additional Notes or directions:

Sheri McGrath, Inc
Coos Curry Consulting
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Kenneth and/or Emily Johannaber of 13220 W Saddlebow Dr., Reno, Nevada 89511 grants permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the property located on the Coos County Tax Assessor's Map 27-14-05 TL 400. The tax account for this property is 756101. The site address is not yet assigned.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:

Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires 12 months from the date below, without requirement of notice.

DATED: APRIL 9, ²⁰²⁴ ~~2023~~ KOT
4/9/24

COOS CURRY CONSULTING



By: SHERI MCGRATH

CLIENT



By: KENNETH AND/OR EMILY JOHANNABER

RECORDING REQUESTED BY:



300 W Anderson Avenue, PO Box 1075
Coos Bay, OR 97420

GRANTOR'S NAME:

Dean P. Shriver, Successor Trustee of the Philip K. Shriver and
Madeline D. Shriver Trust u/a dated April 26, 1996

GRANTEE'S NAME:

Kenneth D. Johannaber and Emily F. Johannaber, Trustees of the
Johannaber Family 2021 Trust dated 02/02/2021

AFTER RECORDING RETURN TO:

Order No.: 360621035972-VR
Kenneth D. Johannaber and Emily F. Johannaber, Trustees of the
Johannaber Family 2021 Trust dated 02/02/2021
13220 W Saddlebow Dr
Reno, NV 89511

SEND TAX STATEMENTS TO:

Kenneth D. Johannaber and Emily F. Johannaber, Trustees of the
Johannaber Family 2021 Trust dated 02/02/2021
13220 W Saddlebow Dr
Reno, NV 89511

APN: 756101

Map: 27S 14W 05D TL 400
Vacant Land, Bandon, OR 97411

Coos County, Oregon

2021-07186

\$91.00

Pgs=2

06/23/2021 01:09 PM

eRecorded by: TICOR TITLE COOS BAY

Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dean P. Shriver, Successor Trustee of the Philip K. Shriver and Madeline D. Shriver Trust u/a dated April 26, 1996, Grantor, conveys and warrants to Kenneth D. Johannaber and Emily F. Johannaber, Trustees of the Johannaber Family 2021 Trust dated 02/02/2021, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

The S 1/2 of the NE1/4 of the SE 1/4 of Section 5, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

SAVE AND EXCEPT any portion lying or being within Seven Devils County Road.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$130,000.00). (See ORS 93.030).

Subject to:

1. Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets and highways.
2. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 216.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 6/22/2021

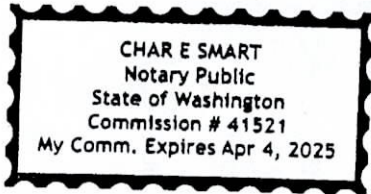
Dean P. Shriver, Successor Trustee of the Philip K. Shriver and Madeline D. Shriver Trust u/a dated April 26, 1996

BY: Dean P. Shriver
Dean P. Shriver
Successor Trustee

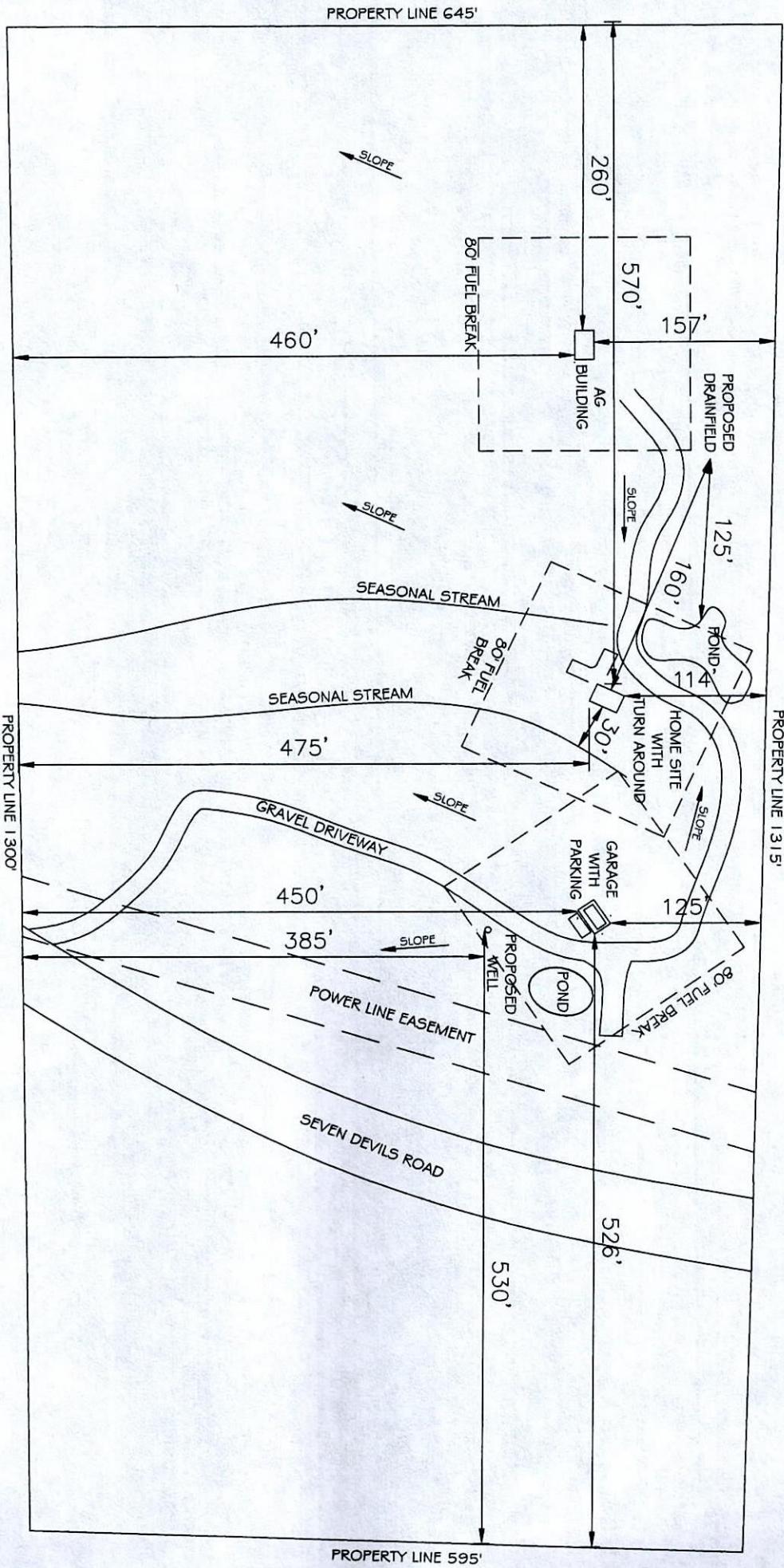
State of Washington
County of Mason

This instrument was acknowledged before me on 6/22/2021 by Dean P. Shriver, Successor Trustee of the Philip K. Shriver and Madeline D. Shriver Trust u/a dated April 26, 1996.


Char E Smart
Notary Public - State of WA
My Commission Expires: 4-04-2025



Unofficial Copy



- 10-28-24 PROPOSED DEVELOPMENT:
- SINGLE FAMILY DWELLING
 - DETACHED GARAGE
 - AG STRUCTURE AT FARM SITE
 - SEPTIC SYSTEM
 - WELL
 - GRAVEL DRIVEWAY



PLOT PLAN

 $\frac{1}{128}'' = 1'-0''$



PROPERTY INFORMATION:
 JOHANNABER FAMILY 2021 TRUST
 0 SEVEN DEVILS ROAD
 BANDON, OR 97411
 24-14-05D TL 400
 TAX ACCT 756101
 FOREST ZONE 19.13 ACRES



Coos County Community Development

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

www.co.coos.or.us

TDD (800) 735-2900

October 19, 2023

Sheri McGrath
PO Box 1548
Bandon, OR 97411

RE: Research Request R-23-008 on property located at Township 24S, Range 14W, Section 05D Tax Lot 400

Ms. McGrath,

Pursuant to your research request, a limited forest template dwelling test was conducted for the parcel located southwest of the City of Coos Bay. The purpose of the test was to determine if the subject property, zoned Forest, met the number of qualifying pre-1993 parcels and dwellings in order to qualify for a new dwelling based on the relevant Coos County Zoning and Land Development Ordinance ("CCZLDO") provisions.

Only the following applicable CCZLDO criteria for the template test were researched:

(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (d) As used in this section, "center of the subject tract" means the mathematical centroid of the tract.
- (2) The following review standards apply to "template" dwellings approved under this rule:
 - (a) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.
 - (b) Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road¹ that existed on January 1, 1993, the measurement may be made by creating a 160-acre

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

rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

- (c) If the:
- (A) Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (i) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - (B) Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (d) Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

As the property does abut a road that existed prior to January 1, 1993. The rectangle template was used and results are as follows:

Rectangle Template Results:

Minimum of eleven (11) required pre-1993 parcels within a 160 acre rectangle:	MET (11 parcels)
Minimum of three (3) required pre-1993 dwellings within a 160 acre rectangle:	MET (3 dwellings)

This test shows that CCZLDO Section 4.6.120 (II)(1)(c) **might be satisfied** using the property's current configuration.

This is not a land use review and this is not an approval for a dwelling on the subject parcel. All other applicable rules and regulations will need to be addressed for a complete application. There is no guarantee this parcel will be approved for a template dwelling. A complete application, including template test, will be reviewed for each future application.

If there are any questions regarding this test, please contact the Planning Department.

Sincerely,

Amy Dibble

Amy Dibble, Business Operations Manager

Attachment: Template Test Map – Rectangle Template Test
C: Electronic File

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.



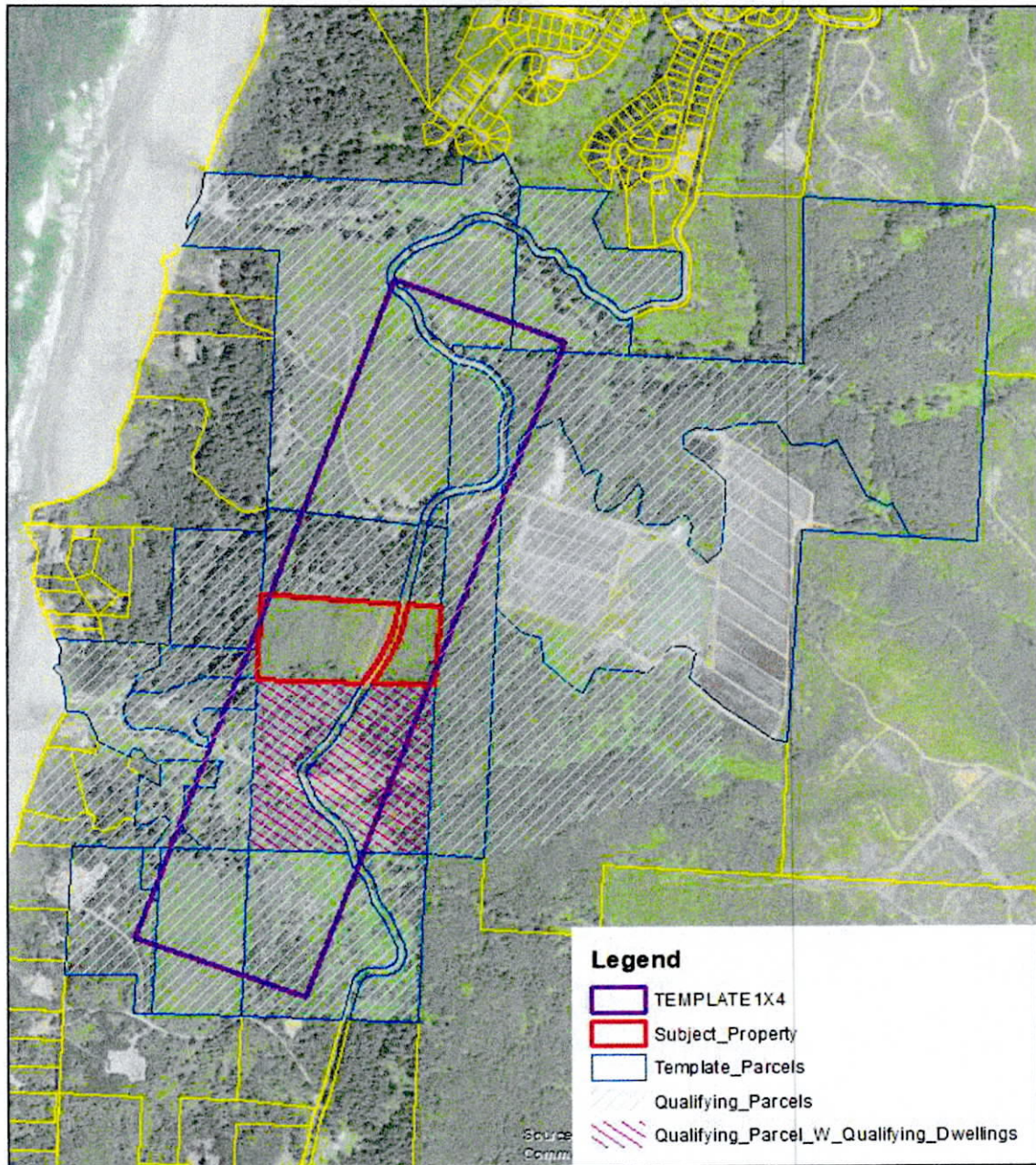
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



October 28, 2024
FOREST TEMPLATE DWELLING
0 Seven Devils Road
Bandon, OR 97411
27-14-05D TL 400
Tax Account 756101

PROPERTY OWNER
Johannaber Family 2021 Trust
13220 W Saddlebow Dr
Reno, NV 89511

APPLICANT
Sheri McGrath
Coos Curry Consulting
P.O. Box 1548
Bandon, OR 97411
541-982-9531
cooscurry@gmail.com

PROJECT NARRATIVE

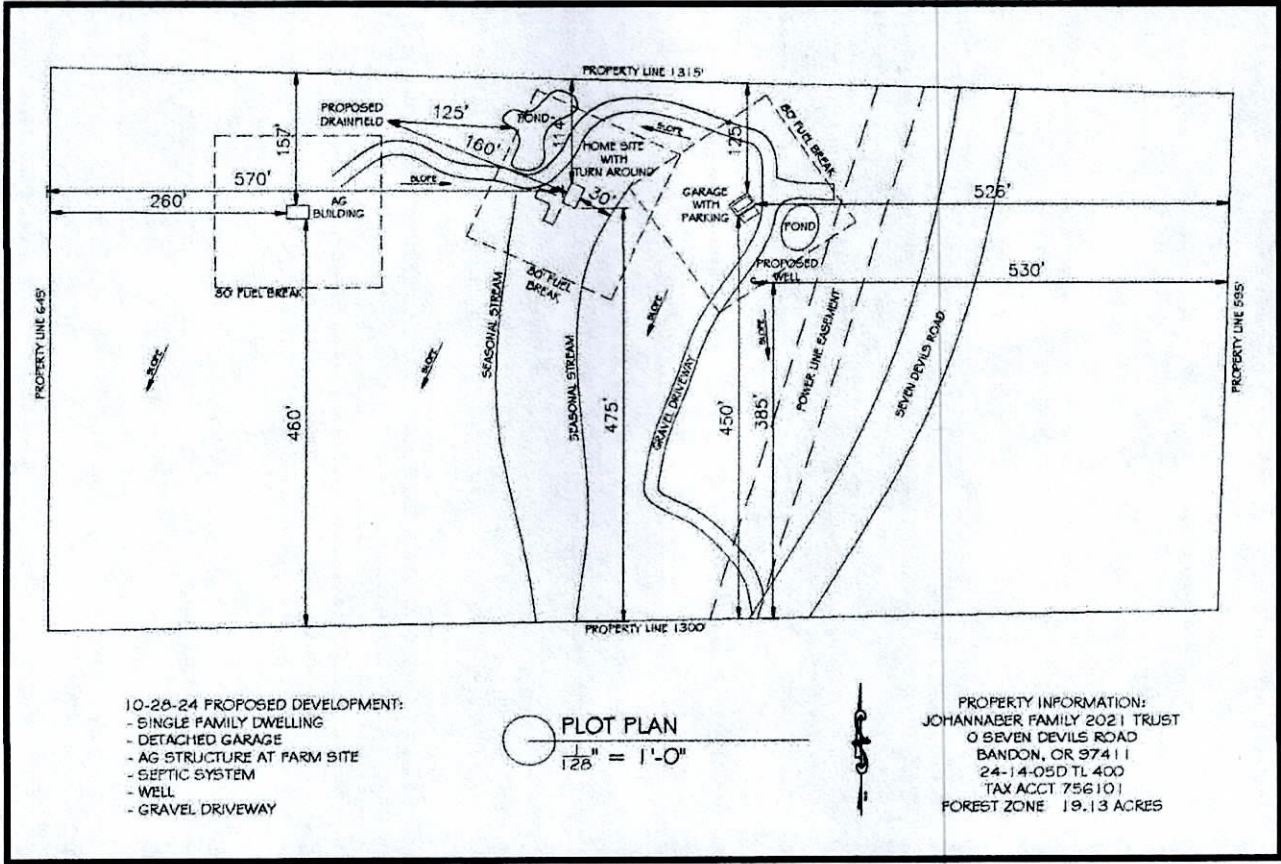
The subject property is located north of the City of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 400 on the Coos County Tax Assessor's Map 27-14-05D and is located in the Forest Zoning District (F). The property is 19.13 acres in size, and does not currently have an address. Seven Devils Road divides the parcel and all development will be on the West side of the road.

The property owner is requesting clearance to site a Forest Template Dwelling on the subject tract along with related improvements. The proposed development includes a two bedroom stick framed home, septic system, well and a detached garage, barn/greenhouse agricultural structure. The property is not used for farming or forest practices at this time, though the owners plan on having a small farm at the site. They have begun to plant an orchard and are planning for a barn to store the crops and other farm equipment. The greenhouse is proposed to be attached or near the barn. The property was logged by a previous owner and a logging road was developed for that purpose. The logging road is the only access point and is being utilized as the driveway.


Vegetation consists of a variety of trees, low lying grasses and native shrubs. There are two ponds located on the parcel and two seasonal streams that have been identified on site. Water was a slow trickle at the time site work was performed. The site has topography challenges that limit the areas for development. For this reason, the structures will be small and in three locations which indicate the flat areas on the site.

Enclosed are findings that support the request and address the criteria in the Coos County Zoning and Land Development Ordinances (CCZLDO). The applicant is confident that the criteria for approval have been met, and all conditions for approval can be met with exception to the driveway grade which is addressed below.

Johannaber Narrative



- 10-26-24 PROPOSED DEVELOPMENT:
- SINGLE FAMILY DWELLING
 - DETACHED GARAGE
 - AG STRUCTURE AT FARM SITE
 - SEPTIC SYSTEM
 - WELL
 - GRAVEL DRIVEWAY


PLOT PLAN
 $\frac{1}{128}'' = 1'-0''$

PROPERTY INFORMATION:
 JOHANNABER FAMILY 2021 TRUST
 0 SEVEN DEVILS ROAD
 BANDON, OR 97411
 24-14-05D TL 400
 TAX ACCT 756101
 FOREST ZONE 19.13 ACRES

PLOT PLAN

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

2.1.200

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

Applicant's Response: The owner is requesting clearance for a detached garage with parking. One parking space will be located within the garage and one parking space will be located next to the garage. There is a turn around at this location as well.

Agricultural Building, as provided in ORS 455.315, means "a structure customarily provided in conjunction with farm use or forest use for: a. Storage, maintenance or repair of farm or forestry machinery and equipment..."

Applicant's Response: The owner has started an orchard at the site, and is planning for a garden area on the West side of the property as depicted on the plot plan. They will be requesting clearance for an Ag Exempt Structure that will be a barn and greenhouse.

Dwelling Types: Single Family Dwelling is defined as, "a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited."

Applicant's Response: The proposed use is a single family dwelling that will be one-two bedrooms in size. The site cannot support a structure larger than this size due to topography and limited areas to build on slopes less than 40%.

Conditional Use is "applied to a use which may be permitted by the issuance of a conditional use permit."

Applicant's Response: The proposed use is considered permitted as an Administrative Conditional Use and known as a Forest Template Dwelling.

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision."

Applicant's Response: The enclosed information and findings are provided as evidence that compliance with the county, state and licensing offices can be met and upheld.

Geologic is defined as "relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes."

Applicant's Response: A portion of the property is located in a geological hazard area for Landslide Susceptibility; however, no proposed development is within the overlay. All proposed sites are flat and intentionally chosen for that reason.

Overlay Zone is a "zone designation which overlays a primary zoning district. A floating zone may restrict the uses of a primary zoning district or may include additional standards required of a use within the primary zoning district."

Applicant's Response: A portion of the property is located in the Natural Hazard overlay zone.

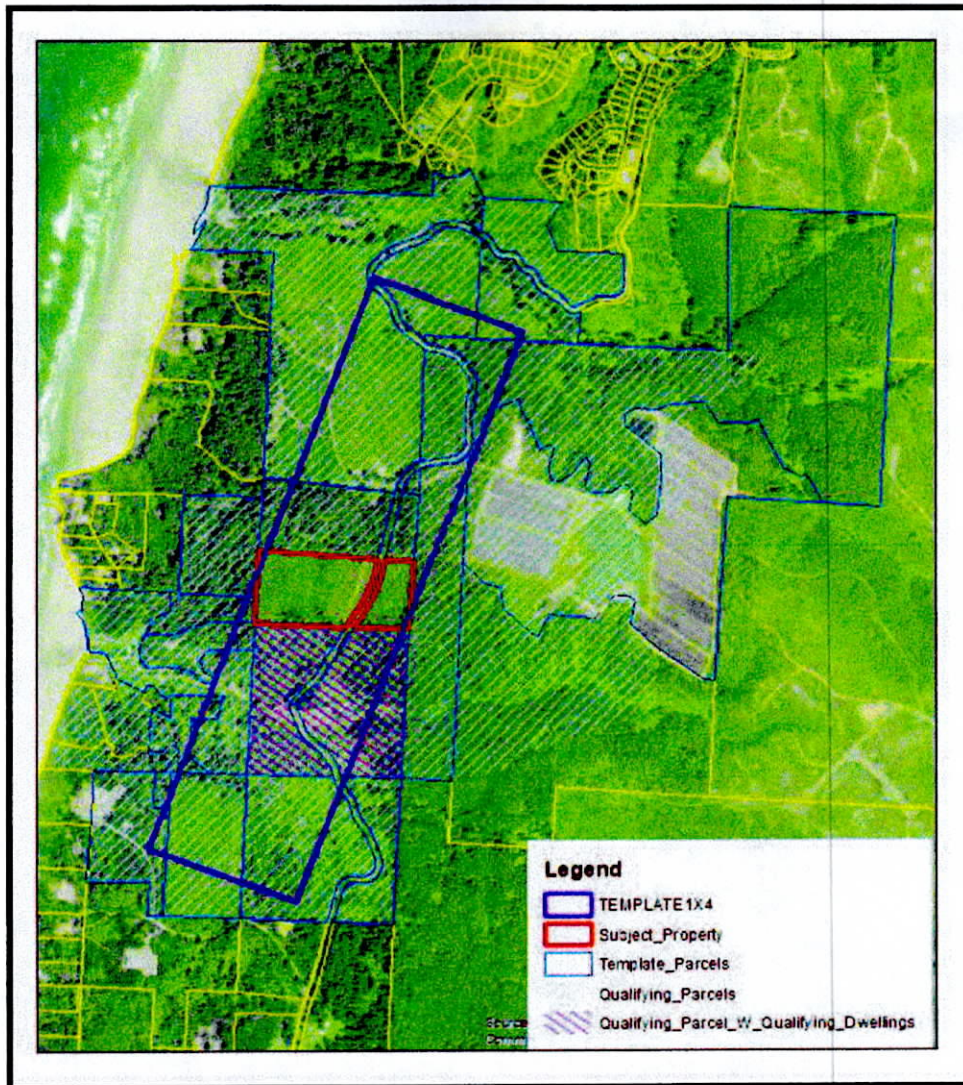
Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed."

Applicant's Response: The property is zoned Forest and the owner is applying for a Forest Template Dwelling with associated improvements.

4.6.110

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 4.6.130 Siting Standards for Dwellings and Structures in the Forest Zones, Section 4.6.140 Development and Siting Standards. Land Divisions that apply to Forest Zones are found in Section 4.6.145 Land Division, and exceptions to minimum lot and parcel size is found in Section 4.6.150 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.

Applicant's Response: Forest Template Dwellings are listed as a conditionally permitted use and subject to meet the criteria for a Template Test as provided. Findings for Section 4.6 are enclosed as a secondary set of Findings of Fact. This document focuses on the additional Sections related to land use, hazard overlays and overall compliance with the CCZLDO.



TEMPLATE TEST

4.11.132

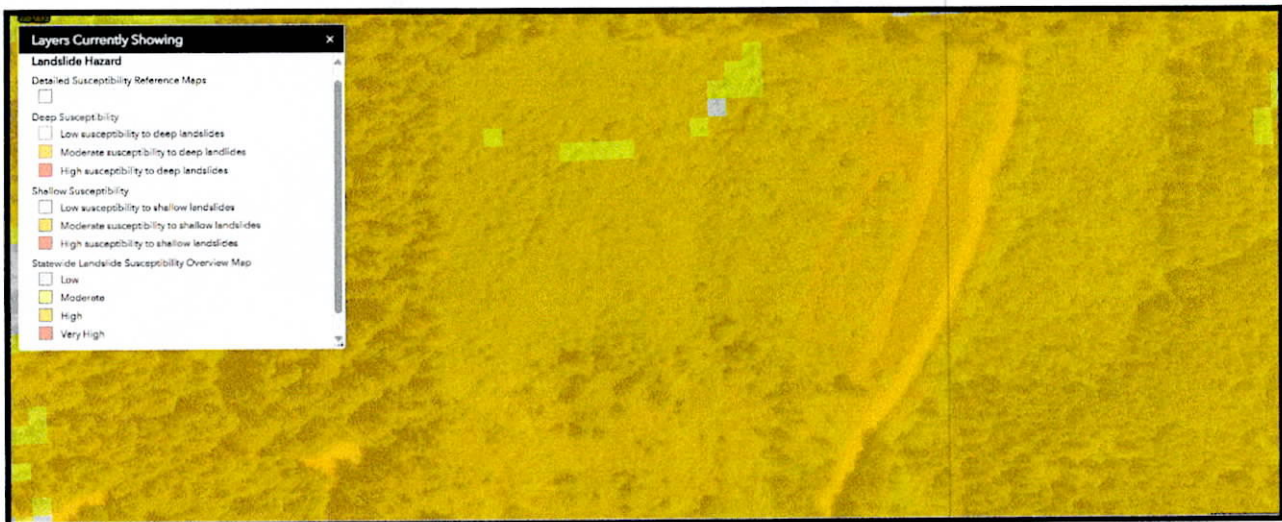
Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, 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

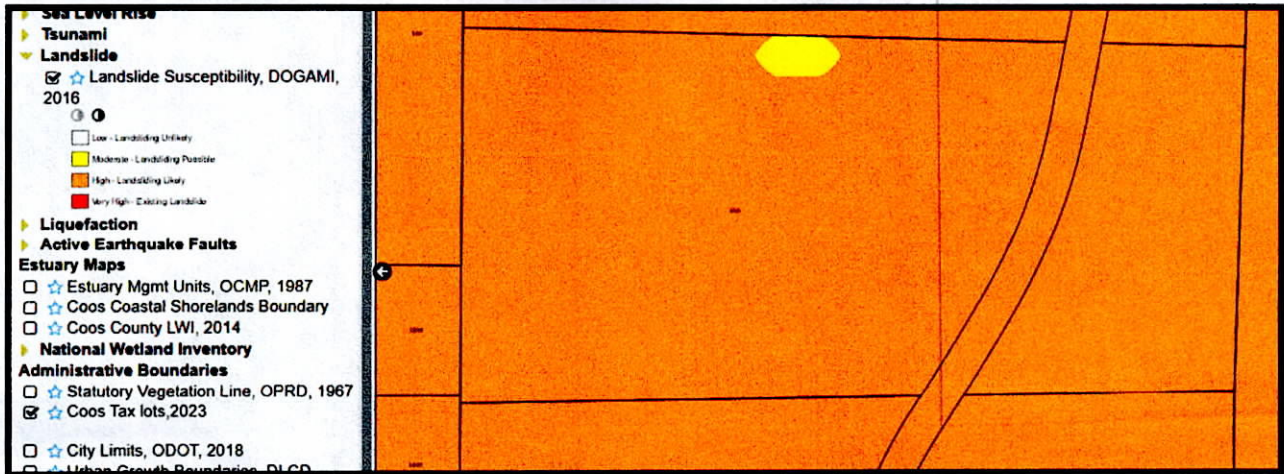
potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

b. Landslides and Earthquakes Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within "very high" landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, "Landslide susceptibility map of Oregon."

Applicant's Response: The county uses the mapping by DOGAMI to determine the presence of a geological hazard. DOGAMI shows the property in a Moderate designation as shown on the map below. Coastal Atlas shows the property in a High designation as shown on the map below. There are no parts of the property are mapped in the Very High susceptibility.



DOGAMI LANDSLIDE OVERLAY: MODERATE



COASTAL ATLAS LANDSLIDE OVERLAY: HIGH

5.2.100 Conditional Uses are discretionary reviews that involve judgment or discretion in determining compliance with the ordinance.

Applicant's Response: The applicant has provided an application for an Administrative Conditional Use Permit for a Forest Template Dwelling and associated improvements. It is understood that discretion can be made when approving this use and that additional conditions may be placed on the permit.

7.5.175 Parking, driveway and access shall comply with Section 7.

Applicant's Response: The driveway and access are required to be inspected by the Coos County Road Department for all new development permits. (2) parking spaces will be located within and next to the detached garage. A turn around is provided at the garage site and the homesite.

**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), (9)(C)

(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

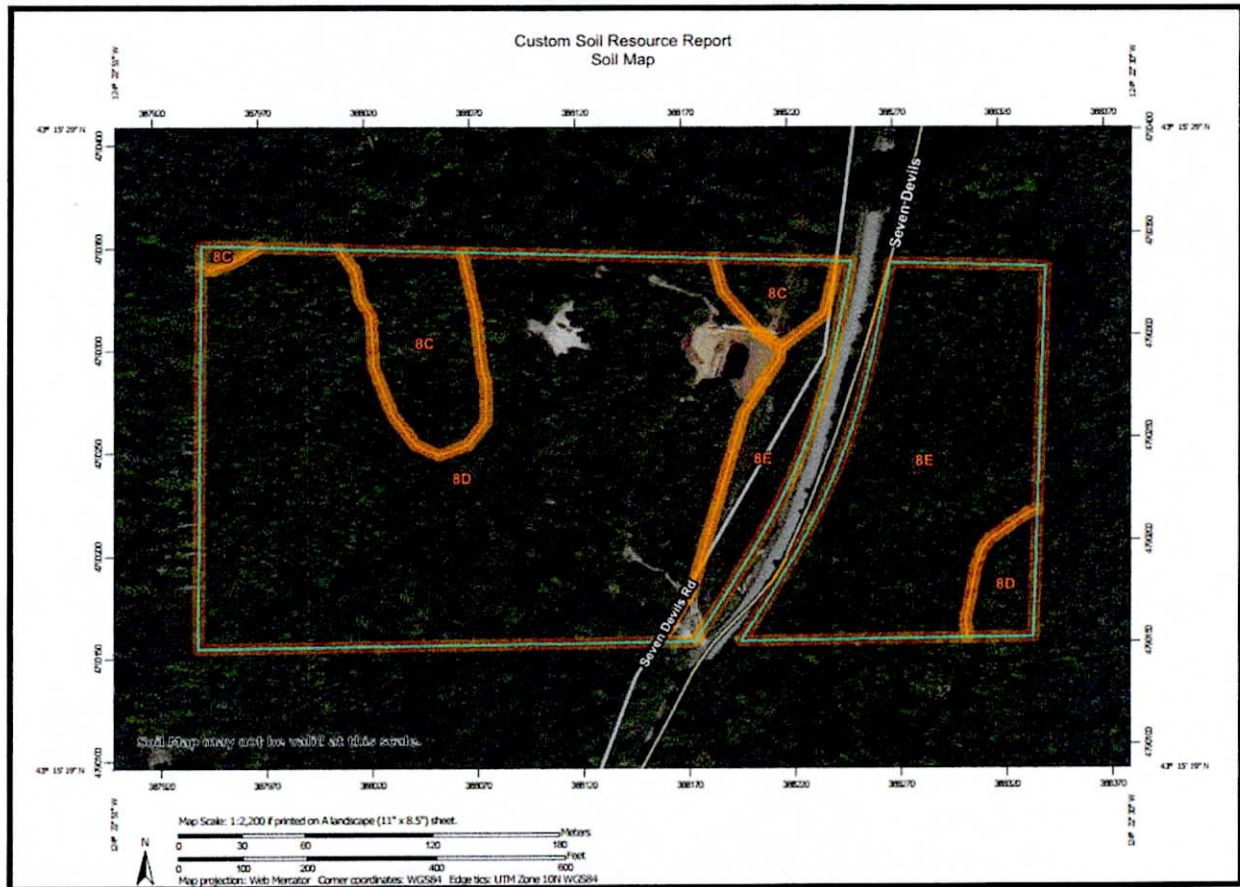
(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (d) As used in this section, "center of the subject tract" means the mathematical centroid of the tract.

Applicant Response: Based on a custom NRCS soil report on the subject property.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8C	Bullards sandy loam, 7 to 12 percent slopes	1.6	9.2%
8D	Bullards sandy loam, 12 to 30 percent slopes	11.0	62.1%
8E	Bullards sandy loam, 30 to 50 percent slopes	5.1	28.7%
Totals for Area of Interest		17.7	100.0%



The subject property is capable of greater than 85 cubic feet per acre per year. Therefore, subsection (c) is applicable.

- (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:
 - (A) Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (i) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - (B) Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
 - (d) Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

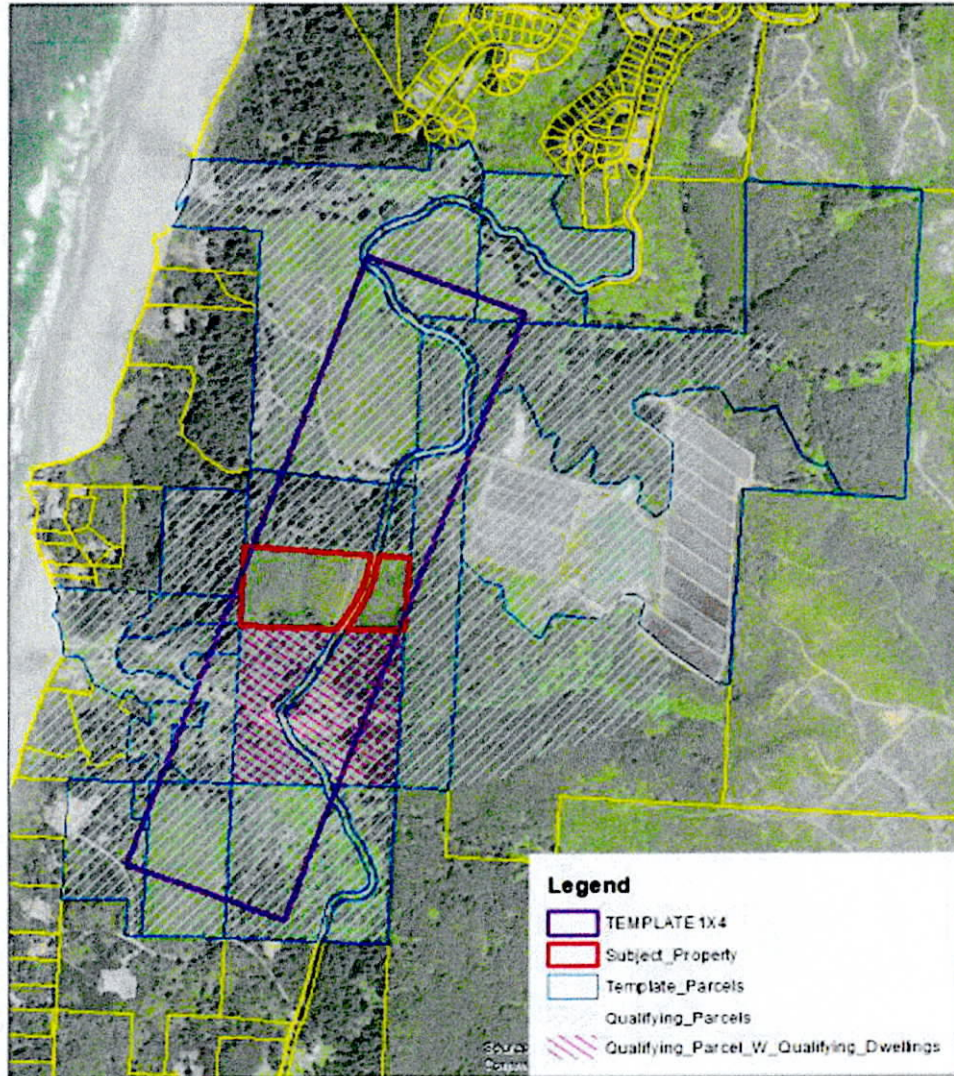
Applicant Response: The subject property had a template test research request. The County assigned R-23-008 as the file application number. The research request found that at least eleven (11) parcels with three (3) dwellings were created prior to January 1, 1993. Below is a county-produced template map of the parcels.

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.



COOS COUNTY PLANNING DEPARTMENT

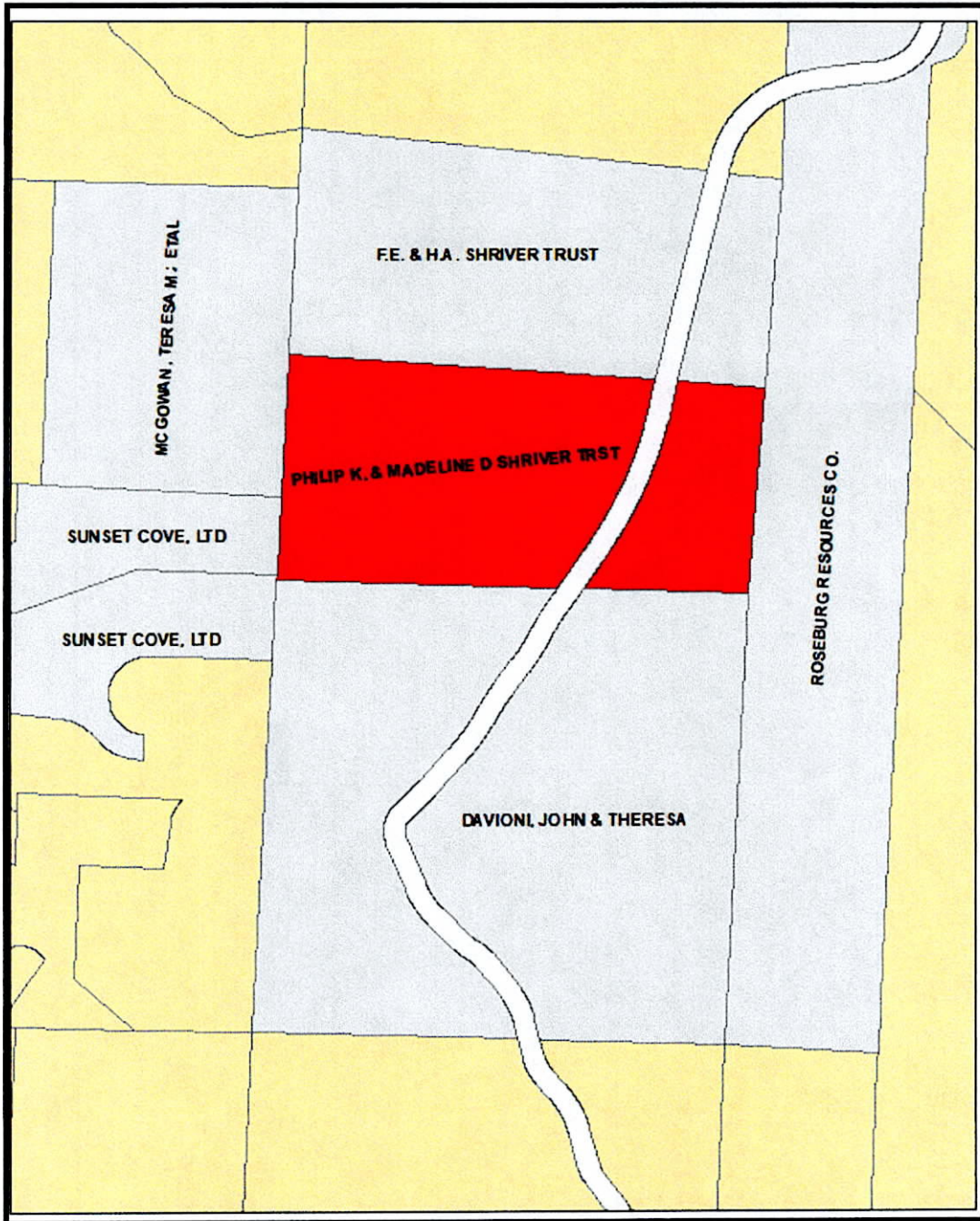
Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



- (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.

Applicant Response: The parcel is currently vacant. The parcel was created prior to January 1, 1986. This may be found with deed 82-02-03951 in the County Clerk records. Therefore, the property complies with Section 6.1.125.e. This may be found in Coos County Assessor and Clerk records. There have been no property line adjustments on the parcel after January 1, 2019.

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



- (4) Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:
- (a) On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:
 - (A) Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;
 - (i) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and
 - (ii) The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.

Applicant Response: The application is being submitted after November 1, 2023.

- (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.

Applicant Response: The subject property is not part of a tract under the same ownership. This can be verified using County Assessor and Clerk records.

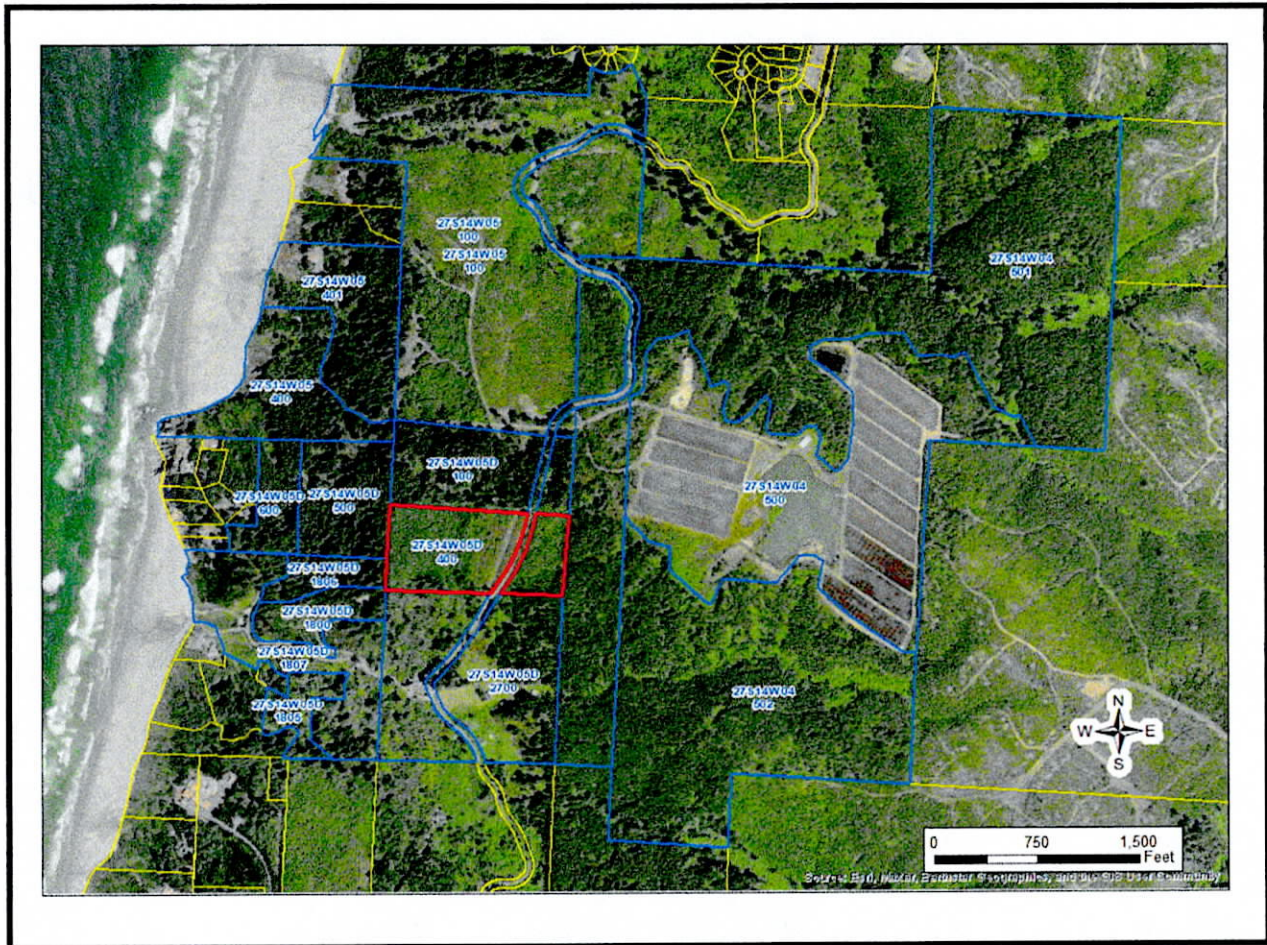
The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the 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.

SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES

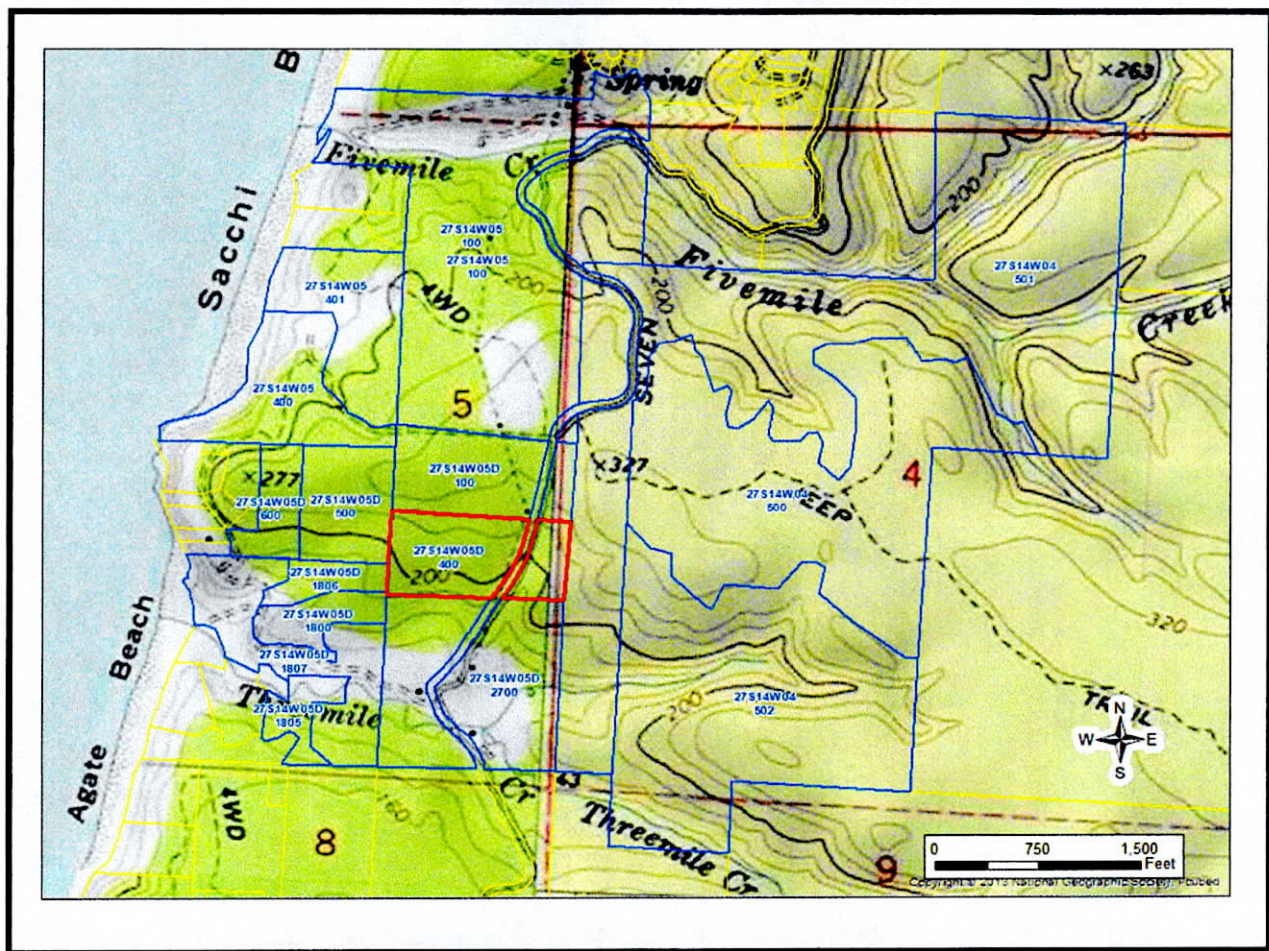
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve

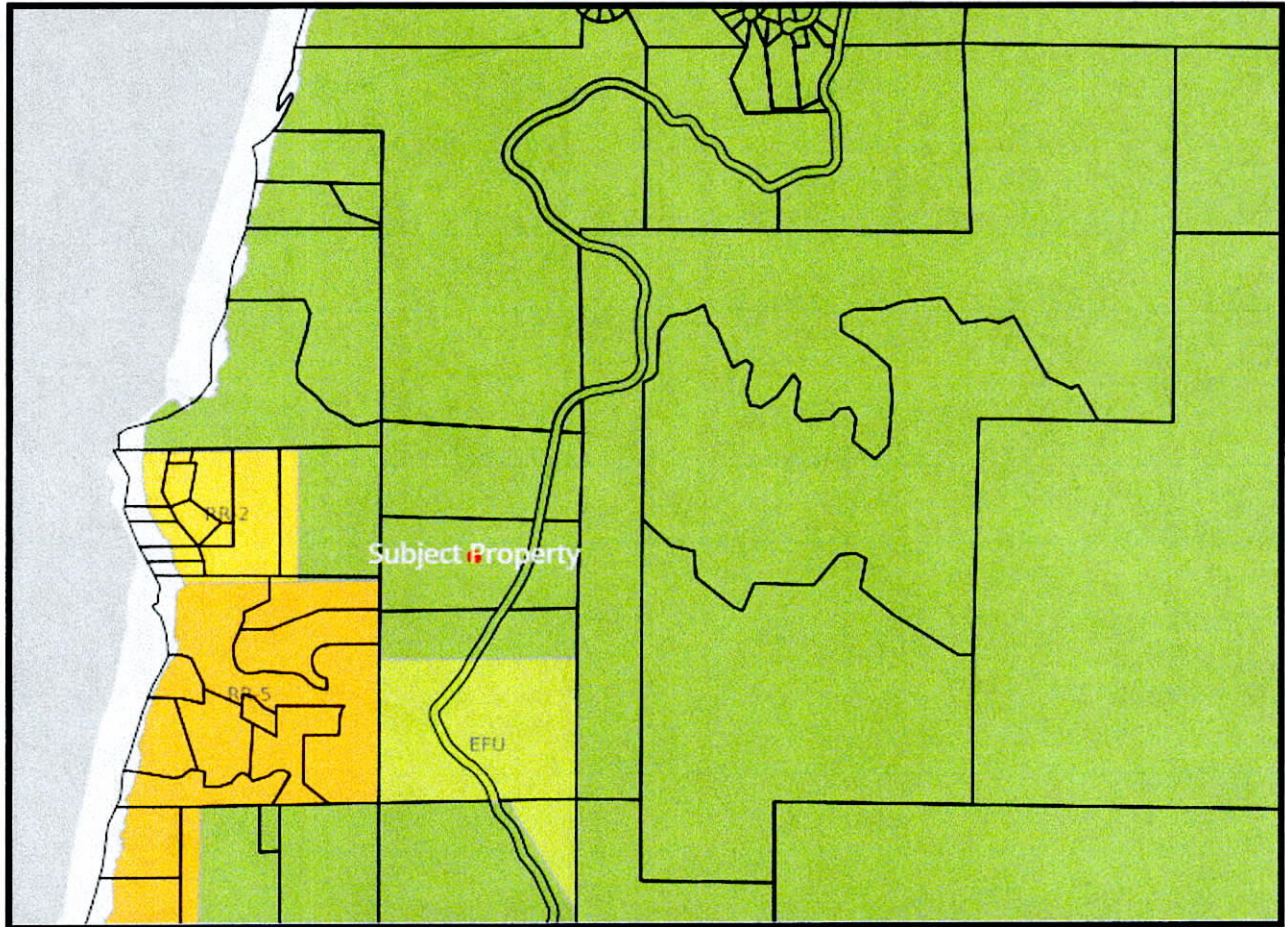
values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

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





Applicant Response: a & b) The parcel is located near farmland (cranberry farm), non-industrial timberlands, and scattered non-conforming dwellings. There are developed Rural Residential zoned parcels west and southwest of the subject property. Forest operations generally include the following types of forest practices:

- 1. Harvesting (final harvests and commercial thinnings)**
- 2. Disposal or treatment of slash (including prescribed burning)**
- 3. Site preparation (including application of herbicides)**
- 4. Reforestation**
- 5. Pre-commercial thinning**
- 6. Stand maintenance (including herbicide and chemical applications for insect and disease control, competing vegetation control, and fertilization)**
- 7. Road construction and maintenance**
- 8. High Landslide Hazard Locations**

An analysis of the forest practices and the proposed dwelling is below.

1) Using the slopes on the topographic map of the nearby area. It is possible for ground-side timber harvesting to be done in most of the nearby areas. Ground-side timber harvesting involves machines cutting, delimiting, and bucking the trees into logs. Even though they are large, it is designed to transport these machines via public roads via standard commercial trucks and lowboy trailers. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained within the harvest unit. Forest dwellings should have a setback distance of at least 300 feet from ground-side harvest and 500 feet from cable logging operations, according to ODF's Considerations for Dwellings on Forest Land. There are larger industrial parcels located on the east side of the parcel and further to the north of the subject property. The property immediately located north of the subject property is less than 20 acres in size and does not appear to be part of a larger forest tract. The residential development plan will not significantly affect adjacent ground-side harvesting units. This requirement is met by the proposed dwelling based on the plot plan.

2) Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The applicants will create fuel breaks around the proposed dwelling. The fuel breaks will reduce the chances of embers from neighboring slash burns igniting dead trees next to the proposed dwelling, leading to a crown fire. Neighboring slash burns and burning cranberry bogs will produce a significant amount of smoke. Modern building codes require fewer air changes per hour for the building envelope. Together with modern mechanical ventilation systems, this reduces the negative effects that neighboring forest/farming practices will have on the proposed dwelling and thus causes resource conflicts.

3) Modern silvicultural practices typically involve spraying herbicides for initial site preparation before planting and applying herbicide to manage competing grasses after planting. The Coos County Forest is approximately two miles east of the subject property. The County Commissioners have publicly requested bids for site preparation during their board meetings in the past. It is reasonable to assume that site preparation will be required for silviculture on nearby lands.

Planning for the effects of forest dwellings and pesticide practices requires looking at the parcel size rather than whether the land is classified as non-industrial vs. industrial timberlands. An important factor was formally established from the Anderson v. Coos County, 51 Or LUBA 454 (2006) case. That factor was that for lands under 40 acres, it is reasonable to assume that herbicides would be applied as a ground application. Aerial spraying is the preferred herbicide application method for lands over 40 acres. Based on notifications submitted to the Oregon Department of Forestry Forest Electronic Reporting & Notifications System (FERNS), the historically preferred method for aerial herbicide is from helicopter platforms for commercial timberlands. It is also important to note the requirements of Oregon Senate Bill 1602. One relevant provision of this bill is that helicopter spraying is not allowed within 300 ft of any dwelling. This provision used to be 60 ft.

There are two distinct ownerships larger than 40 acres. The first is tax lot S05-TL100, located 600 feet north of the subject property. The parcel is farther away than the 300-foot aerial spraying requirement. Additionally, it is located next to already-developed parcels with dwellings within 300 feet of that property.

The next ownership tract is located on S04-TL501, S04-TL502, and S00-TL800. Based on Coos County Assessor records, this ownership tract is less than 5000 acres and should be considered non-industrial timberlands. The applicant's plot plan identifies that the proposed dwelling is farther than 300 feet away from these nearby forested parcels.

4) Reforestation, or planting trees, of recently logged, relatively flat timberlands typically has little effect on nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually significantly impact nearby dwellings. The nearby timber stands range from 19 acres of a non-cut parcel to 94 acres of reproduction units on a parcel, to a 482-acre tract that is largely uncut. This practice is relatively short-term, lasting about a week or two, depending on crew size, over the life of the stand.

5) Pre-commercial thinning involves the selective cutting and leaving of mid-stage trees to increase the ability of the forest stand to grow in height and volume. These practices involve hand crews selecting and cutting the forest stand to pre-determine stand prescription. Close to reforestation, this practice is relatively short-term (approximately a couple of weeks over) over the life of the stand. In comparison, this practice does create an increase in fire hazard. The risk to forest-dwelling is reduced when active measures like fuel breaks are designed to minimize wildfire risks. Please see section (d) below.

6) To successfully manage nearby timberlands, the adjacent owners must maintain their timber stands. Maintenance of these stands will include practices such as pre-commercial thinning and the use of pesticides. Please see the responses above in those applicable sections.

7) To minimize the effects of road and maintenance on nearby forest parcels, the applicant plans to use the existing access roads and will only need to surface a portion of them.

8) Pursuant to OAR 629-623-0000, the Oregon Department of Forestry's HLHL regulations affect and restrict timber harvest restrictions when high landslide hazard locations within the operation area and if there may be structures or roads in the path of a potential shallow, rapidly moving landslide below the operation area. While a complicated set of rules and guidelines. The first factor to check is if slopes above 60% are upslope of 300 ft of the dwelling. Based on the topographic map, no slopes are meeting this criterion within 300 ft. The nearby forestlands will not be affected by this proposed dwelling.

Based on reviewing aerial imagery, there does not appear to be any commercial livestock grazing or hay production on lands located within 750 feet of the subject property. Based

on Oregon Department of Water Resources permits and review of aerial photos, cranberries are the only commercial crop known to be farmed in this area. There is one cranberry farm to the northeast of the parcel. This cranberry farm appears to be currently not in active production. However, cranberries are essential to the local Bandon farming sector and are identified as high-value farmland by State land-use law.

Reviewing the steps of cranberry farming is needed to analyze the proposed dwelling and its effects on nearby cranberry farming. Cranberries are grown in a well-drained, sandy, artificial bed called a cranberry bog. Scattered adjacent homesite development typically has little impact on the growth of cranberries. The majority of cranberry farmers live on-site at their farming operations. Modern commercial cranberry growing has little direct correlation on adjacent lands located over 1000 ft from the proposed homesite and the actual cranberry fields, other than water rights and during crop transportation. Additional information below supports our response that this proposed dwelling will not significantly impact adjoining farming practices.

1. Building & establishment
2. Growing
3. Harvesting
4. Pruning

1) To build cranberry bogs, the land is cleared and shaped. While cranberry growing is an agricultural activity, creating bogs in the Bandon area typically resembles large-scale commercial and residential developments compared to traditional clearing for ranching activities. This requires a sizable heavy machine clearing land, burning slash, and then shaping the bogs to a relatively level surface with drainage ditches. Slash burning only happens when the bogs are created and have the same effects on nearby dwellings as forest slash burning. Please see the appropriate responses in that section above. The shaping of the beds does make dust, as does any land-clearing activities. The proposed dwelling is located over 1000 feet away from the closest cranberry fields. The applicants will also record a Waiver to Object to Farming and Forest Activities.

2) Cranberry growing is like any other typical farming operation, where the growers work daily throughout the year. Cranberries are unlike traditional row crops in terms of size and type of equipment. Cranberries are grown in 1 to 3-acre cranberry bogs. Once the land is cleared, the cranberry growers typically use various small equipment for fertilizers and harvesting. Most cranberry equipment is no larger than a small tractor. Cranberries are an irrigated crop, and thus fertilizers & chemicals are either applied through the irrigation system or small custom-powered equipment smaller than a standard-size truck. Like all other crops grown for human consumption, the use of chemicals is highly regulated by the Federal and State authorities. There is little potential for drift off of the farm. There are no helicopter spraying applications involved in the growing of cranberries. The effects of growing cranberries on adjacent lands are minimal.

3) There are two ways to harvest cranberries: dry harvesting or wet harvesting. Dry harvesting involves pushing a custom machine that resembles a push lawn mower through

the cranberry bogs. The berries are collected in burlap sacks. This extremely labor-intensive method is rarely used on cranberry farms on a large scale anymore. The neighboring cranberry farm would likely be harvested using the wet-picking method. This method involves flooding the fields and using custom-built picking equipment called 'beaters.' These machines are typically no larger than a half-ton pickup. The berries are then corralled using booms and brought into a portion of the bog to be loaded. The berries are loaded into 14 – 20 ft flatbed trucks using cranberry elevators. Loading trucks is reasonably quick and takes longer than a typical wait time for road construction projects. The trucks then take the berries to central cleaning facilities. At least five of these facilities are located throughout the Bandon area and northern Curry County. Like most other crops, these facilities compete on prices each year. The proposed residential will not affect the nearby cranberry harvesting operations. The proposed dwelling will have access directly onto Seven Devils Road. These roads are all built to handle multiple-use traffic. Seven Devils Road is a major collector, so the traffic associated with the dwelling will be marginal at best once on Seven Devils Road. It is also noteworthy to mention that the Sansaria subdivision is located further north of the subject property and will also utilize the same route on Seven Devils Road.

4) The pruning of cranberry vines happens after the bogs are harvested, usually every year. The bogs essentially receive a light mowing of their vines. These excessive vines are typically burned. The vines have a high moisture content and thus produce a considerable amount of smoke compared to their volume. However, pruning only produces a relatively minor amount of volume. The vines also burned relatively quickly outside of the fire season. So, there is no effect on pruning operations from residential development.

c) The proposed dwelling will be located in the north-central portion of the parcel. The proposed dwelling's location utilizes the existing roads on the subject property. Approximately the first half of the existing road is already surfaced with rock. The applicant proposes to rock the road's second half to the proposed dwelling location. The site has extreme topography and water challenges which creates the need for scattered development. Each of the proposed structures is located in a flat area. It is impossible to site the farmsite near the homesite. Additionally, given the pond and stream locations at the homesite, a garage cannot be built near the home.

d) Slope is the first factor to consider when assessing wildfire risk. Based on the NRCS soil survey. The proposed dwelling will be located in Bullards sandy loam with 12-30% slopes. Most of the slopes on this parcel are less than 40 percent. The second consideration for wildfire is access to the parcel. The applicant will be utilizing the existing road. The property is currently being covered by the Coos Forest Protection Association for wildfire protection. Those firefighters would utilize this roadway if there were an incident. The second half of the road is proposed to be surfaced with rock. These roads are often used as anchor points for fire trails during wildfire events.

A third consideration will be managing fuel near the proposed dwellings. There are 12-30% slopes in the proposed location of the dwelling for the primary and secondary fuel breaks. The dwellings must have at least an 80 ft primary fuel break, with a 100 ft secondary fuel break on lands under the landowner's control. The applicants will maintain a secondary fuel break to the best of their abilities and the primary will be maintained at all times. Trees in this area will be limbed up to 8 ft, and no tree canopies will touch. This will reduce the potential for fire from the dwelling location to crown into the adjacent forest canopy. Additionally, the intensity of the fire burning both towards and away from the dwelling will be reduced. As the amount of fuel increases, wildfires tend to burn hotter.

- (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.

Applicant Response: The proposed setback is at least 125 feet from the northern property. This will allow for the construction of the full 80-foot primary fuel break. The proposed dwelling site is located on the existing road on the subject property. The proposed dwelling will be located in an existing clearing. There is no existing structure on the subject property. Only the parcel to the south of the subject property has structures located on it. To reduce conflict with neighboring resources east of the subject property. The proposed dwelling is located on the western side of Seven Devils Road.

- (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.

Applicant Response: The applicant is proposing to construct a well. Domestic wells do not require a permit under Oregon Water Resources Department regulations.

(a) Before requesting a Zoning Compliance Letter, the applicant will submit a Water Verification Letter from the Oregon Water Resources Department verifying the rights to the water.

(b) Domestic wells are exempt under ORS 537.545 for water use permits.

(c) Upon completion of the well, the applicant will submit a well constructor's report to the County Planning Department.

- (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 which could include an easement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Applicant Response: The proposed route is an existing logging road on the subject property. The applicant plans to improve the resource road to County driveway standards. The driveway will connect directly to Seven Devils Road.

- (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.

Applicant Response:

(a) The parcel is currently forested. The applicant will submit a stocking survey report to the County Assessor's Office before requesting a Zoning Compliance Letter.

(b) Not applicable to the applicant.

(c) The parcel is over 10 acres in size. The applicant will submit a stocking survey to the Coos County Assessor's Office.

(d) The Department of Forestry is responsible for this criterion. The applicant understands that the Assessor's office may collect deferred taxes.

(e) The applicant will record a Farm Forest Management Covenant with the Coos County Clerk's office and then submit a copy of the recorded form to the Coos County Planning Department before requesting a Zoning Compliance Letter.

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.

Applicant Response: This application is for a forest template dwelling and farm structures. The parcel is a legally created, pre-existing, non-conforming parcel. No new parcels will be created.

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.

Applicant Response: Based on the submitted plot plan, all development is farther than 35 feet from any road right-of-way centerline and five feet from any right-of-way line.

3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.

Applicant Response: The applicants propose no fences, hedges, or walls. The parcel is approximately 19 acres in size. Any future fences constructed on the parcel's perimeter will be for management purposes of resource land.

4. Off-Street Parking and Loading: See Chapter VII.

Applicant Response: Per section 7.5.175, the applicant will create two parking spaces for the proposed dwelling. Each parking space will be a minimum of 9 ft X 20 ft and 4 in of rock surface.

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.

Applicant Response: As a condition of approval, the applicant or future landowners will file a Forest Management Covenant on the deed of record with the Coos County Clerk's office. The applicant acknowledges that this must be completed before the issuance of a Zoning Compliance Letter.

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.

Applicant Response: The proposed dwelling, driveway, septic and farm structures will be further than 50 feet of any wetland, stream, lake, or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps. The site does not appear on these maps; however, there are seasonal streams on the subject property as well as two ponds. A 50 foot setback is not possible or required from the ponds. The streams have a clear top of bank which will create an approximate 25' setback from the riparian area to the dwelling.

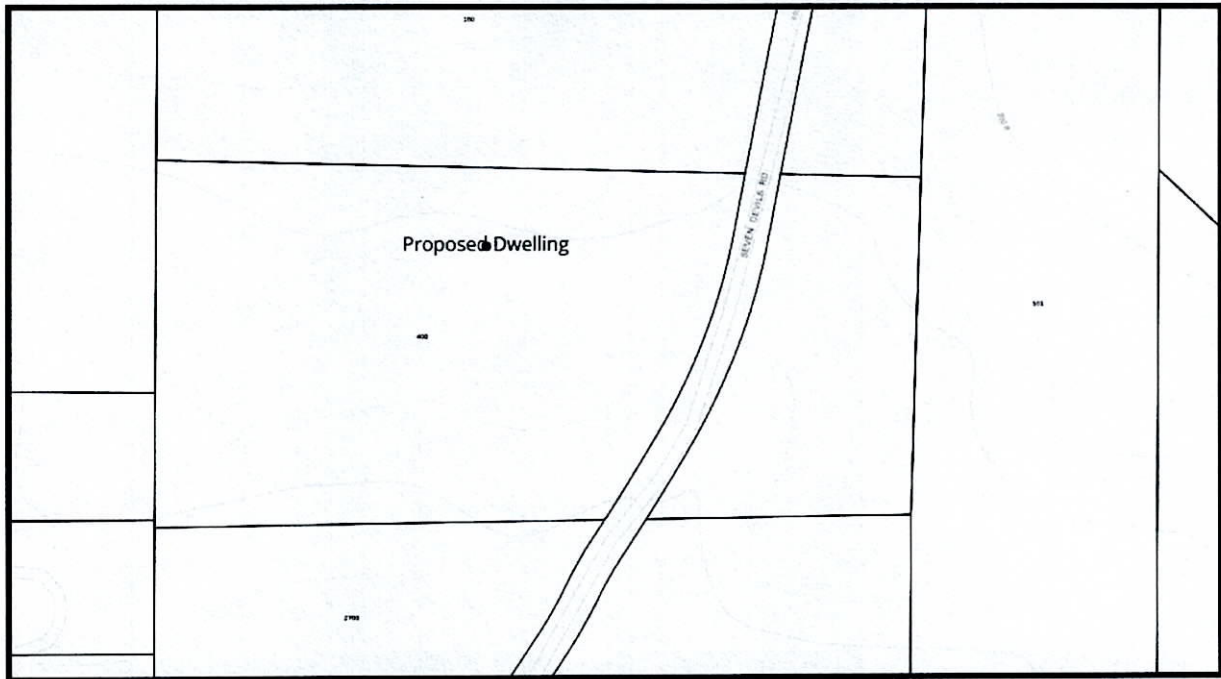
7. All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.
 - a. The dwelling has a fire retardant roof.
 - b. The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak.
 - 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.
 - 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.

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 Oregon 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.

Applicant Response:

(a) The dwelling will have a fire-retardant roof. The applicant requests that this requirement be made a condition of approval on the final Zoning Compliance Letter.

(b) The proposed dwelling location has a slope of less than 40%. Please see the topographic map below from the Coos County Planning Department's Coastal Atlas web map.



(c) The applicant will provide evidence from the Oregon Water Resources Dept that the potable water is from an approved source.

(d) The subject property is in the Bandon Rural Fire Protection taxing district.

(e) Not applicable.

(f) The applicant agrees to install a spark arrestor on any chimney.

(g) The applicant agrees to install and maintain the primary and secondary fuel breaks.

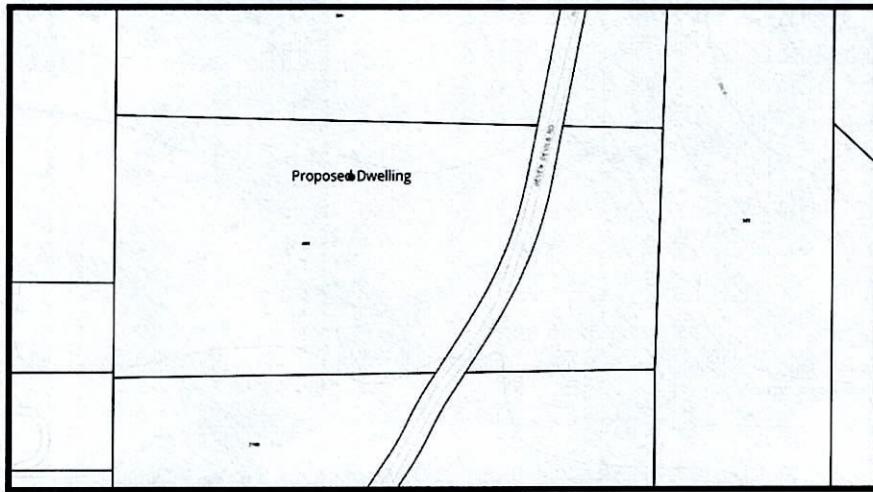
8. Firebreak:
- a. The property owner shall maintain a primary firebreak safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and 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 include 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

Applicant Response:

- (a) The applicant agrees to maintain the primary and secondary fuel breaks around all the dwelling development sites on the lands owned or controlled by the applicant.
- (b) The applicant agrees to install a sufficient garden hose to reach the perimeter of the primary safety zone.
- (c) The NRCS soil characteristics on the subject property require 80 ft primary fuels and the additional 100 ft secondary fuel break. The applicant agrees to maintain this area.
- (e) Please see the topographic map from Coastal Atlas for proof of the slopes on the subject property.



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.

Applicant Response: The applicant agrees to use non-combustible or fire-resistant roofing for all structures. The applicant requests this requirement be made a conditional of approval on the final Zoning Compliance Letter and verified by the Coos County Building Official during the plan review.

10. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Applicant Response: The requested land use approval is for a new single-family dwelling. The approval will be required to comply with Section 7.1.425 Access Connection and Driveway Design criteria.

The proposal is to utilize the existing resource road on the subject property. There is already a direct connection to Seven Devils Road. The applicant proposes to improve and rock the second half of the existing road to County standards.

The current road might not meet the County's grade standards. The applicant will follow the County's criteria for grades over 18%.

- **The applicant agrees to sign and record the Ordinance's approved legal agreement releasing the County from any liability from such driveway development.**
- **The applicant agrees to place a sign at the start of the driveway stating the driveway is not built to County standards.**

The applicant agrees to submit proof of completion of these two requirements before requesting the zoning compliance letter for a single-family dwelling.

REQUIRED FORM

RELEASE, INDEMNIFICATION, AND HOLD HARMLESS AGREEMENT AND PROPERTY COVENANT

_____ herein called grantor(s) are the owners of the real property
(Property Owner's Name)
described as follow: Microfilm Reel No. _____

Township _____ S, Range _____ W.W.M. Section _____ Tax Lot _____ (Subject Property)

1. Grantors, their heirs, successors and assigns hereby acknowledge that the above described property's driveway does not meet Coos County Driveway Standards. Grantors, their heirs, successors and assigns voluntarily, willingly, and knowingly ASSUME ANY AND ALL RISKS, known and unknown, in any way associated with the siting of the driveway that will serve as ingress and egress to the property described above.
2. Grantors, their heirs, successors and assigns hereby release, indemnify and hold harmless Coos County, it's officers, employees, and agents from and against any claims, demands, actions, liens, rights, subrogated or contribution interest, debts, liabilities, judgments, costs and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the usage of the driveway, including any loss or damage to property or the personal injury or death of any person which may occur as a result of use of this driveway, even where the loss, damage, personal injury, or death is caused or contributed to, in any manner, by Coos County, it's officers, employees, and agents allowing the construction of the driveway.
3. By signing this document and recording it at the Coos County Clerk's office Grantors, their heirs, successors and assigns acknowledge the following: This driveway will never be used to serve more than one residence, which may restrict future development of the Subject Property; and this driveway may not be adequate in case of an emergency, thereby restricting emergency vehicle access.
4. This document shall be disclosed to any future purchasers and a sign shall be posted at the entrance/intersection of driveway and road of the driveway in plain sight to warn any user of the driveway. A copy of this document shall be provided to the local fire district with the understanding that emergency equipment may not be able to access the Subject Property in the event of an emergency.

IN WITNESS WHEREOF, the Grantors have executed this covenant on _____

(Titleholder's signature)

(Titleholder's signature)

STATE OF OREGON)
COUNTY OF COOS)
Personally appeared the above named _____ and
acknowledged the above covenant to be
their voluntary act and deed.

Notary Seal

Notary Public for Oregon Commission Expires : _____

This covenant is hereby accepted this _____
day of _____, 20_____.

By the Coos County Commissioners

Chair

Vice Chair

Commissioner

RESERVED FOR RECORDER

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

SECTION 4.11.125 Special Development Considerations:

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

4.11.128 Historical, Cultural and Archaeological Resources, Natural Areas and Wilderness (Balance of County Policy 5.7)

The Historical/Archeological maps have inventoried the following:

- Historical;
- Area of Archaeological Concern;
- Botanical; and
- Geological Resources.

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

b. Areas of Archaeological Concern: Coos County shall continue to refrain from widespread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

i. This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).

ii. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.

1) The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:

a) Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;

b) Township, range, section and tax lot(s) numbers; and

c) Specific directions to the property.

2) The Planning Department will forward the above information including a request for response to the appropriate tribe(s).

3) The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.

4) It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.

iii. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:

1) Paving over the sites;

2) Incorporating cluster-type housing design to avoid the sensitive areas; or

3) Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

iv. This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

Applicant Response: The subject property is listed in the Areas of Archaeological Concern according to Coos County planning department's Helion records. However, there is no available data in the Coos County Comprehensive Plan showing any historical or archeological values on the subject property or any indication of these values on the subject property. The proposal is for a new single-family dwelling with farm accessory structures and improvements to the existing road surface. If an archaeological site is encountered in the process of development, then the applicable "appropriate measures" listed above will be implemented. Therefore, this criterion has been sufficiently addressed.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- Flood Hazard
 - o Riverine flooding
 - o Coastal flooding
- Landslides and Earthquakes
 - o Landslide Susceptibility
 - o Liquefaction potential
- Tsunamis
- Erosion
 - o Riverine streambank erosion
 - o Coastal
 - Shoreline and headlands
 - Wind
- Wildfire

Purpose Statements:

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

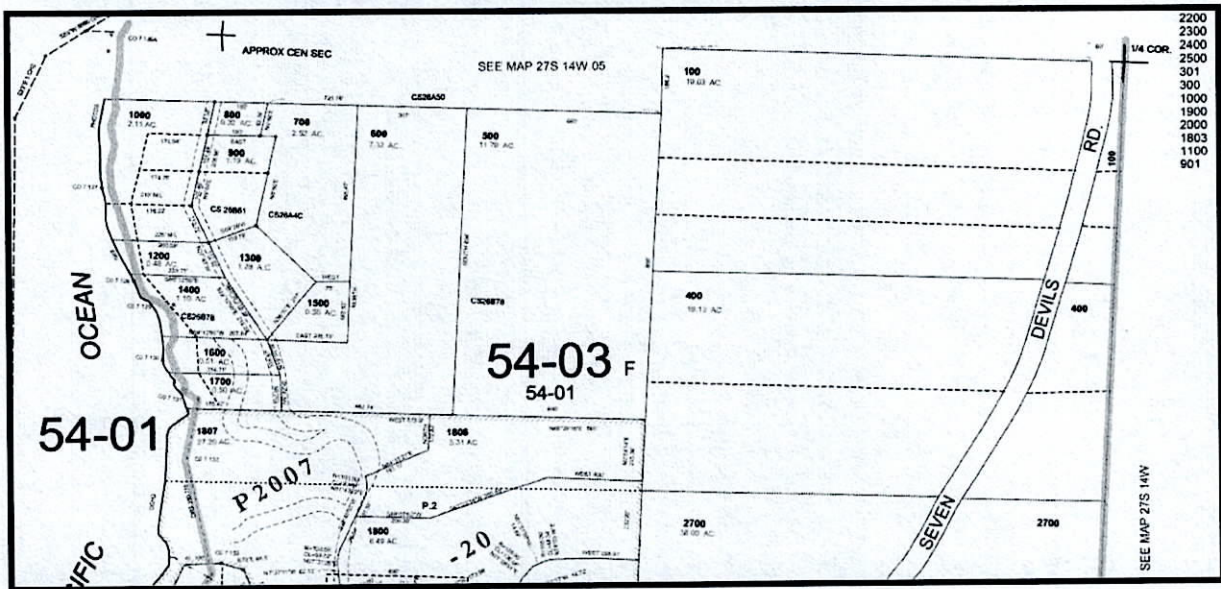
This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

- f. Wildfires: Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as “High” or “Moderate” risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:
1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.

Applicant Response: The subject property is within the Bandon Rural Fire Protection District's boundary. Therefore, the Bandon RFPD responds to structure fires.

2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Applicant Response: This is not applicable since the property is in the Bandon RFPD.



3. Fire Siting Standards for New Dwellings:
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is

nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

Applicant Response: The applicant agrees to install and maintain a minimum of 500-gallon water tank and ¾ inch water hose that reaches the perimeter of the primary fuel break. Based on the soils and topographic map, the applicant calculated the slope to be at least 12% and the primary fuel break to be 80 feet.

Two ponds are located on the subject property. One of the ponds is lined and potentially available for fire protection. The applicant agrees to create road access within 15 feet of the pond, create a turnaround, and post permanent signs indicating the pond.

4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.
- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 2 – Minimum Primary Safety Zone

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

- e. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- g. The structure shall not be sited on a slope of greater than 40 percent.
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
- i. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

Applicant Response: The subject property is less than variable slopes. Based on the NRCS soil survey, the slopes around the proposed dwelling location are 12-30%. The applicants agree to maintain a ¾ inch hose, with a minimum of 50 psi, to cover the primary fuel break area.

The applicants agree to maintain the primary fuel break to the standards required by *“Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Road”*.

The applicants agree to install a non-combustible or fire-resistant roof on any proposed structure on the subject property. They request that this requirement be made a condition of approval on the Zoning Compliance Letter.

There are 4000-gallon or more water supplies on the subject property. There are two ponds located on the subject property. One of the ponds is lined and available for fire protection. The pond near the dwelling is natural and has varying amounts of water throughout the year. The applicant agrees to create road access within 15 feet of the pond. The applicant agrees to create a turnaround and post permanent signs indicating the pond.

The dwelling location is proposed on soils with less than 40% slopes.

The applicants agree to install a spark arrester on any chimney that is planned to be installed.

The applicants agree to provide documentation from the Coos County Road Department and Bandon Rural Fire Protection District that the driveway requirements have been met.

- 5. Wildfires inside urban growth boundaries. Certain areas inside urban growth boundaries may present special risks and may be made subject to additional or different standards and requirements jointly adopted by a city and the county in the form of code requirements, master plans, annexation plans, or other means.

Applicant Response: The subject property is located approximately 9 miles outside of the Bandon Urban Growth Boundary.

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

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

Applicant Response: The subject property was created by deed or land sales contract prior to zoning regulations. Deed number 1982-23951 within the Coos County Clerk’s records will verify this. The subject property was lawfully created pursuant to Section 6.1.125.1.e.

FORM No. 621—WARRANTY DEED (Individual or Corporate) 1-1-74

STATE OF OREGON DEPARTMENT OF REVENUE

WARRANTY DEED

82-2-3951

KNOW ALL MEN BY THESE PRESENTS, That VIVIAN G. THOMPSON, a single woman, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by PHILIP K. and MADCLINE D. SHIVER, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Coos and State of Oregon, described as follows, to-wit:

The South one half of the South one half (3½-S½) of the Northeast quarter of the Southeast quarter (NE¼-SE¼) of Section Five (5), Township Twenty Seven (27) South, Range Fourteen (14) West of Willamette Meridian, Coos County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Coos County, Oregon.

There is no consideration involved in this transfer.