



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 refereed 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

 _____ Sandrine Perez	 _____ Theodore Marvin
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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: 0 Rosa Road

Type of Access: County Road Name of Access: Rosa 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.

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- 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: Select

Sewage Disposal Type: Select

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: _____

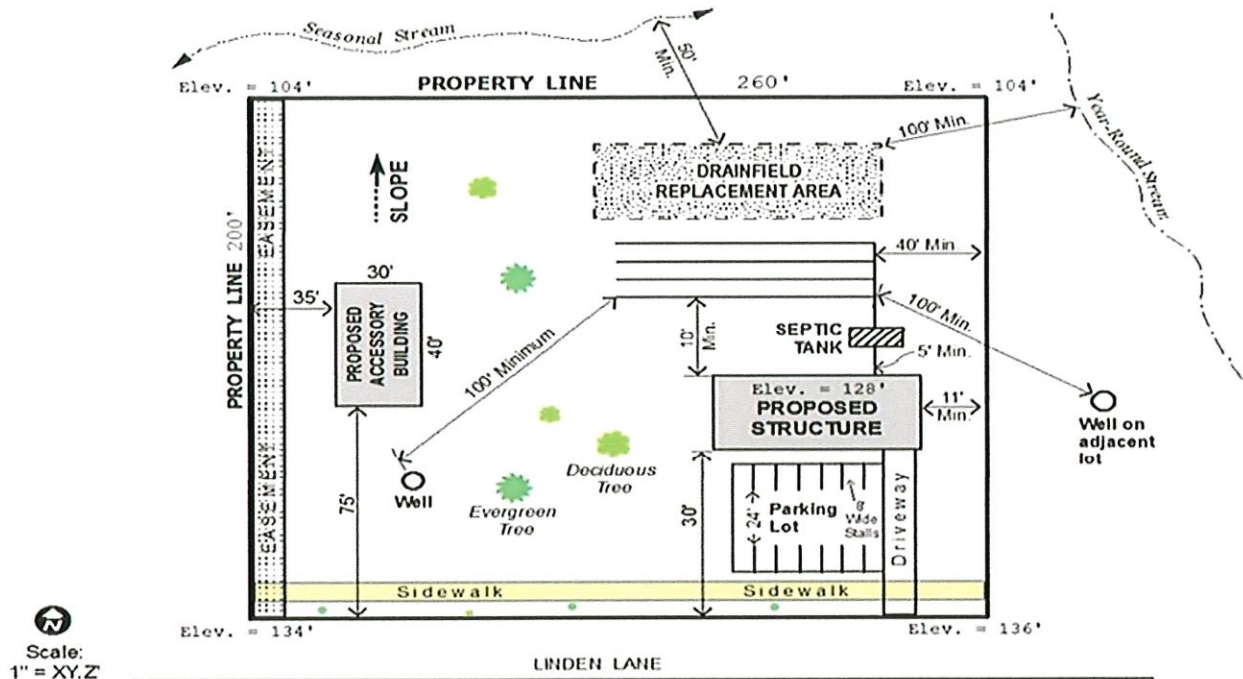
Staff Signature: _____

- 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 Health 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.

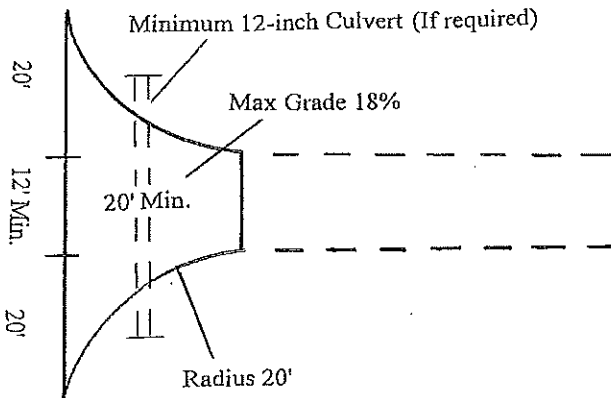
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways 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

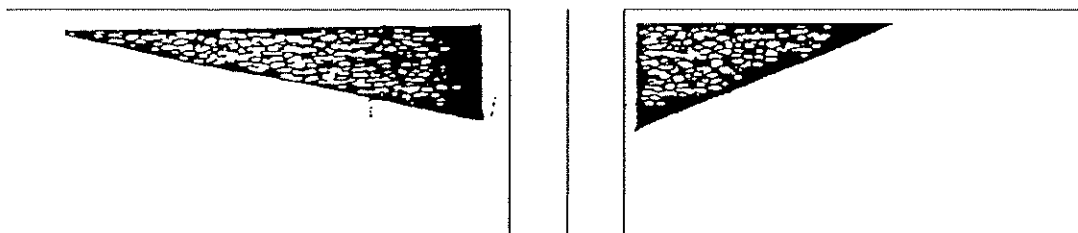
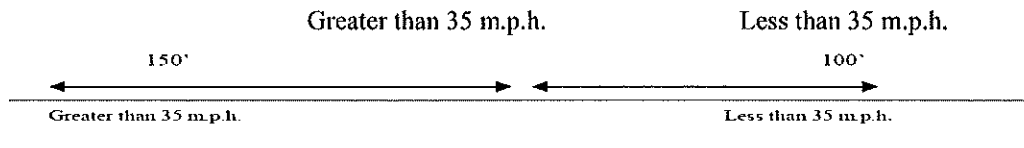


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

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.

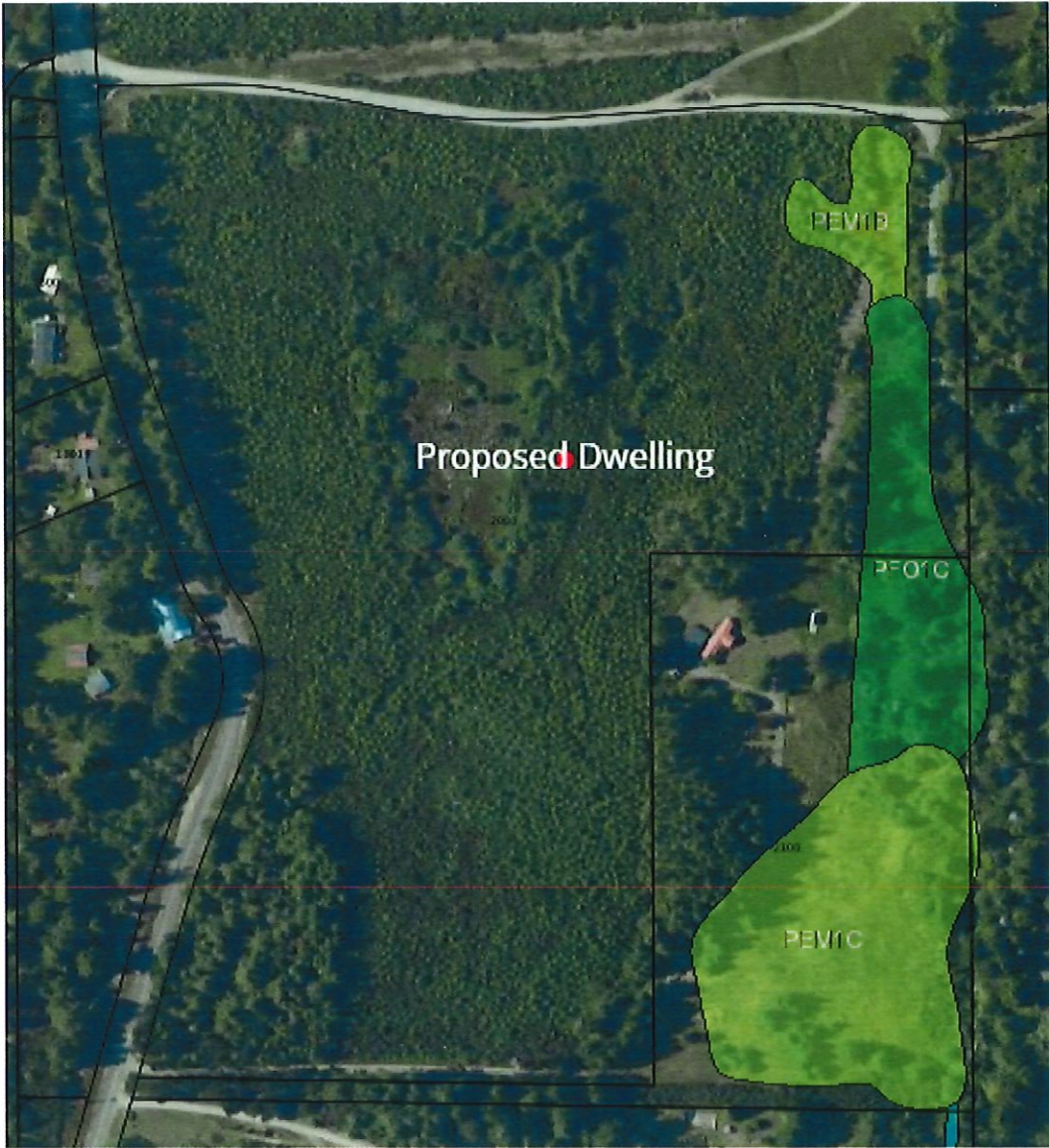
Attached Written Statement

Applicant Proposal: The applicant, Sandrine Perez and Theodore Marvin, are seeking approval for a single-family house in the Forest zoning district with Mixed-Use overlay based on criteria for a forest template dwelling. Associated developments include driveway improvements, power, a septic tank installation, a septic primary & backup drain field, a well, and a lawn. Additionally, land will be cleared for said development and primary & secondary fuel breaks will be created.

Site and Community Overview: A land use application has been submitted for a parcel located on the southwest side of Coos County near Bandon. It is situated on the east side of Rosa Road, approximately at the 3.25-mile marker. The Coos County transportation plan describes Rosa Road as a county-maintained major collector road located southeast of Bandon, measuring 4.3 miles in length.

A mix of rural residential, farming, and forest operation can be found on Rosa Road. Most of the agricultural operations along Rosa Road are related to cranberry farming. There are scattered ranches along Two Mile Lane, which is further south of the proposed dwelling site. This dwelling location can either access the City of Bandon by traveling north on Rosa Road or traveling south to Two Mile Lane. Once at Two Mile Lane, the traveler will head west to Hwy 101. This area of Two Mile Lane is predominantly a mixture of Rural Residential 2 and Rural Residential 5 zoned lands.

Subject Property Current Conditions: There is an approximately 15-year-old timber stand and small one acre abandoned cranberry bog located on the subject property. There is mapped State wetlands located in the eastern portion of the subject property. The abandoned cranberry bog is located in the center portion of subject property. There is a resource access road located in the center of the property that proceeds north to south in direction. There is an existing residential driveway on the southern edge of the subject property. The proposal is to improve the resource access road to County driveway standards and connect into the existing driveway.



**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)

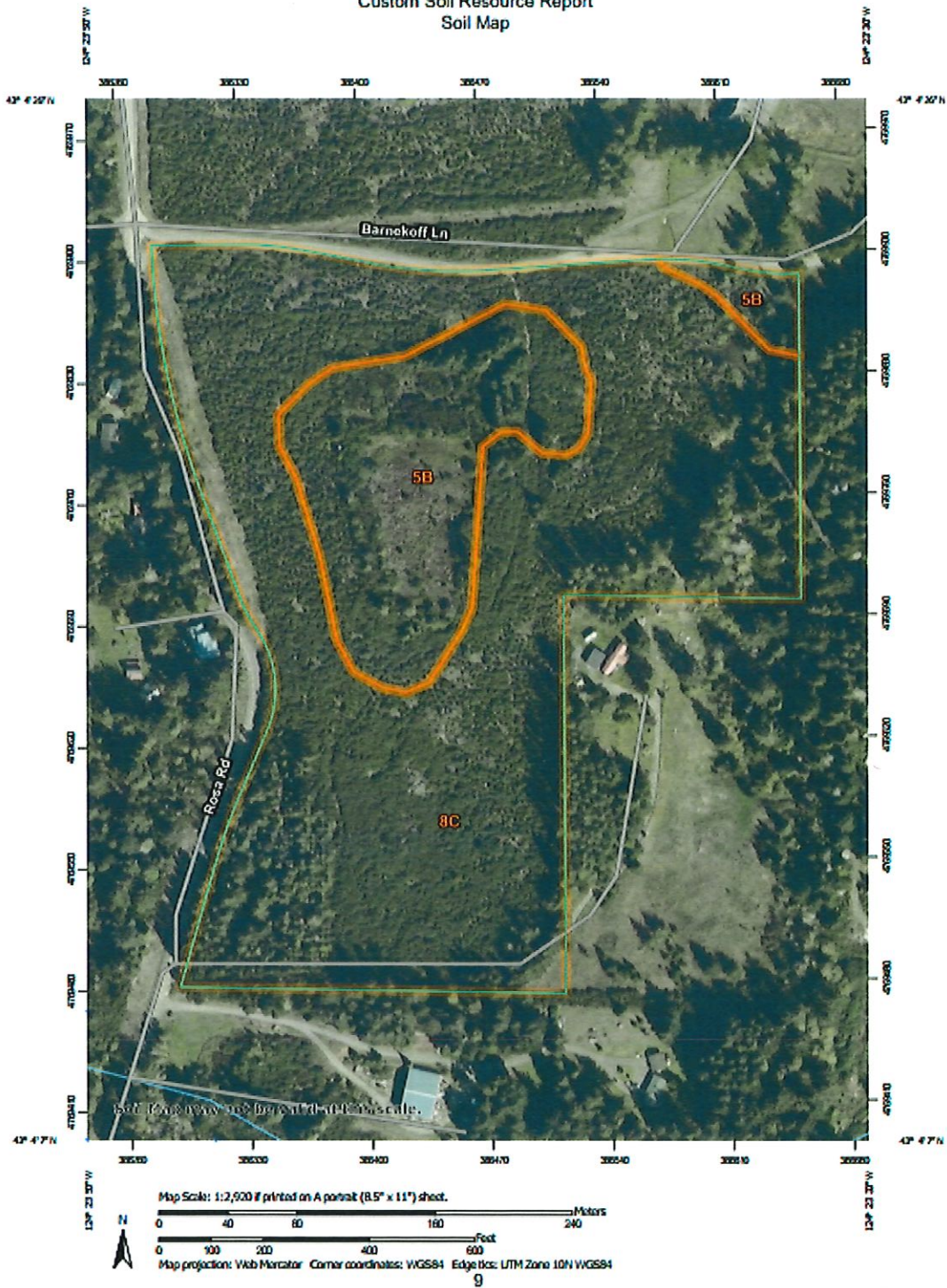
(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -

(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: Below is a custom NRCS web soil survey map of the subject property. The proposed location is located in 8C – Bullards sandy loam. This soil type is capable of producing 143 cubic feet per acre per year of wood fiber. Therefore, (1)(c) is the applicable criterion. Please see below for the list of a minimum of 11 parcels with 3 dwellings created prior to Jan 1, 1993.

Custom Soil Resource Report
Soil Map

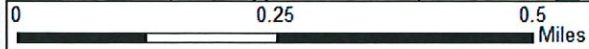
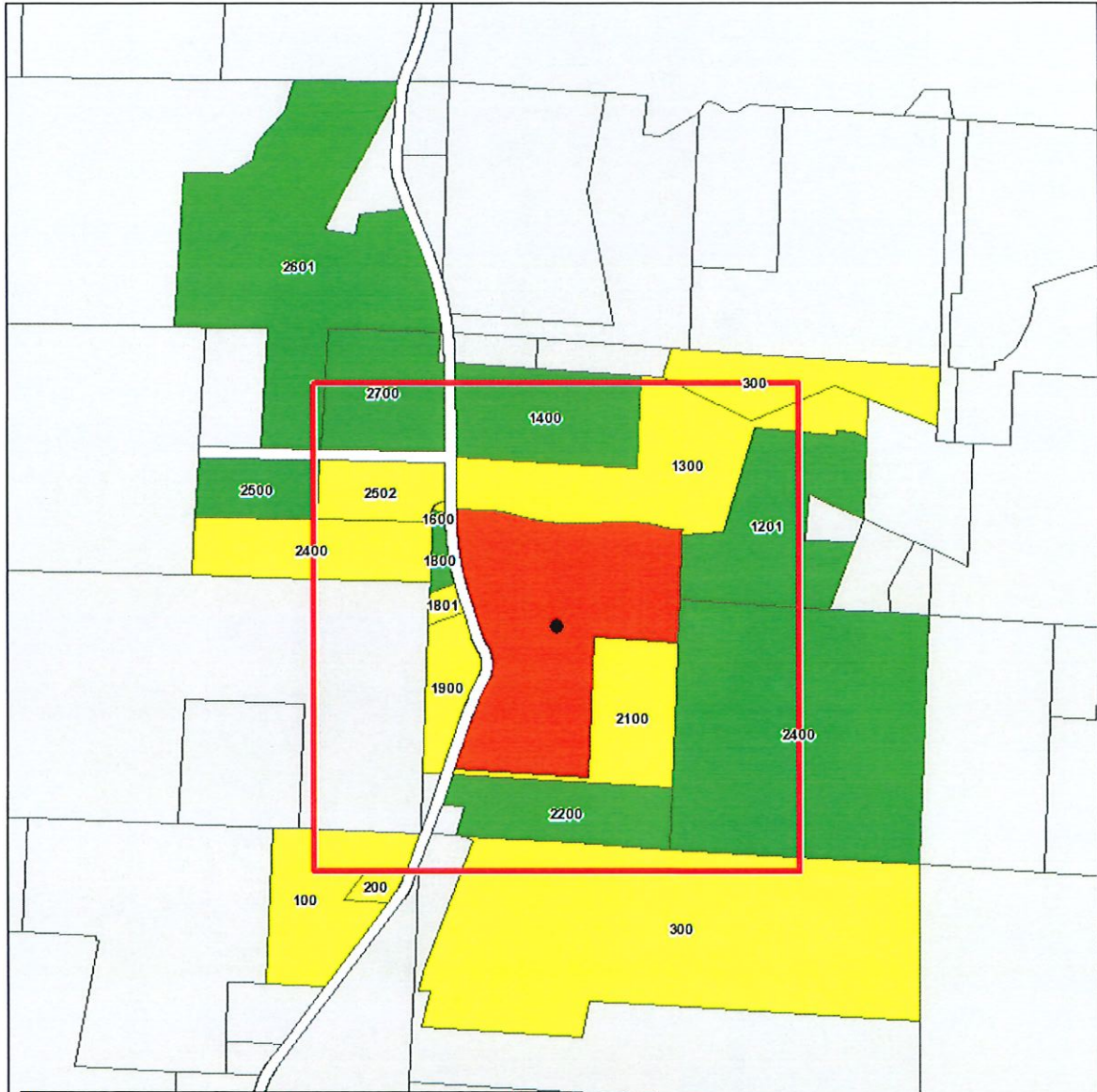


Report—Forestland Productivity





Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/acyr</i>	
5B—Blacklock fine sandy loam, 3 to 7 percent slopes				
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	
8C—Bullards sandy loam, 7 to 12 percent slopes				
Bullards	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Red alder	—	—	
	Shore pine	—	—	
	Sitka spruce	157	229.00	
	Western hemlock	—	—	
	Western redcedar	—	—	

Below is a map showing the subject property, the centroid of the subject property, the 160-acre template square, the pre-1993 parcels that are located all or partly within the template square, and the pre-1993 dwellings located on these said parcels.

Township 29 South, Range 14 West, Section 08, Tax Lot 2000



Legend

-  Template Square
-  Pre-1993 Template Parcels w Pre-1993 Dwellings
-  Pre-1993 Template Parcels
-  Subject Property

Below is a list of the pre-1993 parcels that are all or partly within the template square.

Map_No	Parcel_No
29S14W07	2400
29S14W07	2500
29S14W07	2502
29S14W07	2601
29S14W07	2700
29S14W08	300
29S14W08	1201
29S14W08	1300
29S14W08	1400
29S14W08	1600
29S14W08	1800
29S14W08	1801
29S14W08	1900
29S14W08	2100
29S14W08	2200
29S14W08	2400
29S14W17	300
29S14W18	100
29S14W18	200

Below is list of the parcels with pre-1993 dwellings.

Map_No	Parcel_No	Year Built
29S14W07	2400	1976
29S14W07	2502	1976
29S14W08	300	1974
29S14W08	1300	1947
29S14W08	1801	1954

29S14W08	1900	1936
29S14W08	2100	1974
29S14W17	300	1980
29S14W18	100	1972
29S14W18	200	1966

- (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*

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.

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.

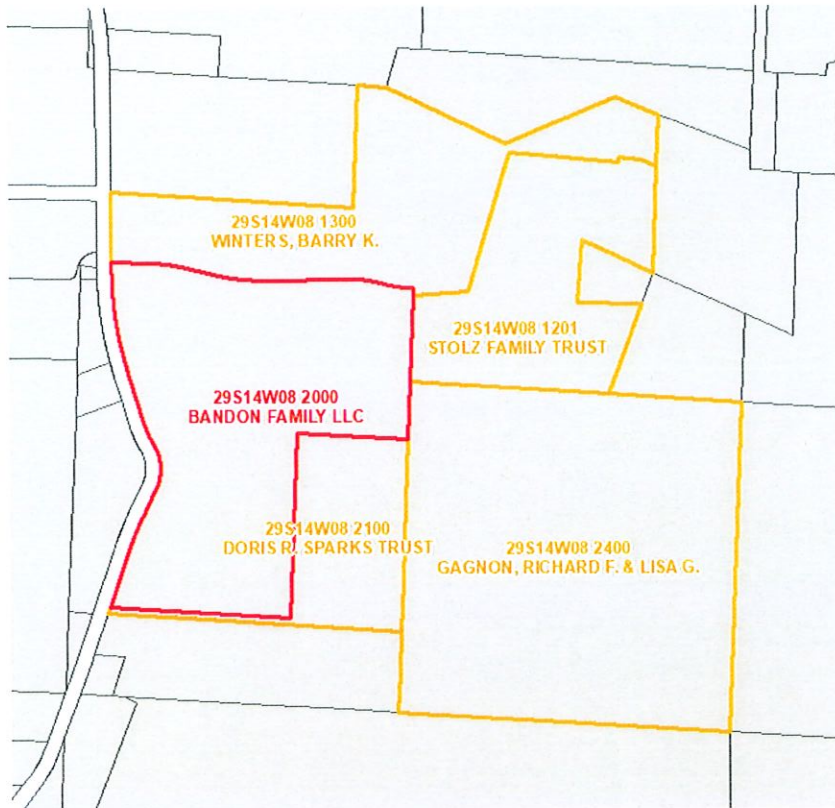
Applicant Response: The nearest UGB is the City of Bandon's UGB. The UGB boundary is approximately 1 mile northwest of the subject property. None of the template lots or parcels use in the template analysis are located within an UGB.

The subject property abuts a road (Rosa County Road and Barnekoff Lane) which were created prior to January 1, 1993. The subject property is 27.12 acres according to Coos County Assessor records. The applicant choose to utilize an 160 acre square (½ mile X ½ mile).

- (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: There is no comprehensive plan requirements that limit placing a dwelling on the subject property. The subject property is not part of a tract. The subject property was lawfully created per Section 6.1.125(1)(e). Based on Coos County Planning Department Helion records; there has not been any property line adjustments involving the subject property.

Based on Coos County Assessor Records, the subject property is not part of a tract on January 1, 2019. Please see map below of ownerships 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 submitting after November 1, 2023. Therefore, this criterion is no longer applicable.

- (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.*

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.

Applicant Response: The subject property is not part of a tract. Therefore, this criterion is not applicable.

<p>SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES</p>
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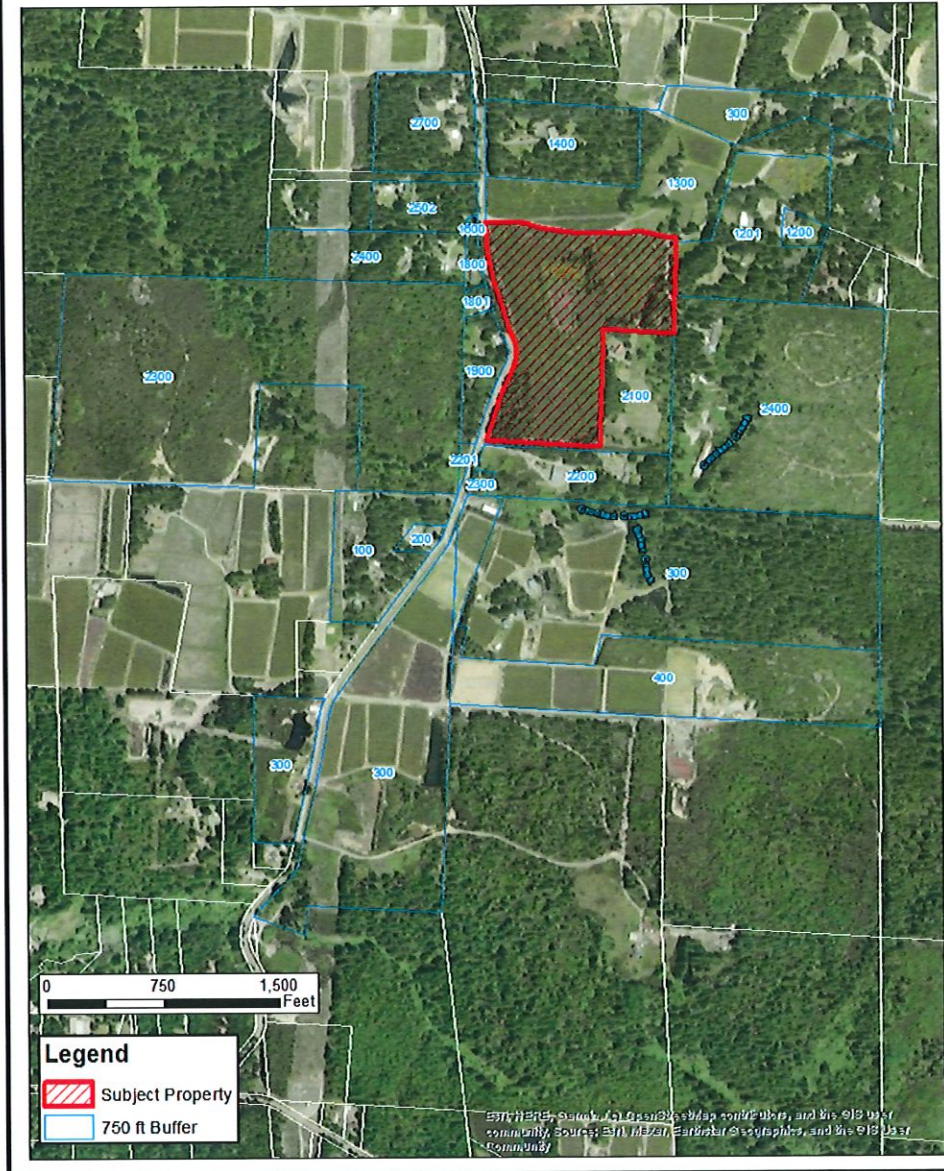
The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found 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.*

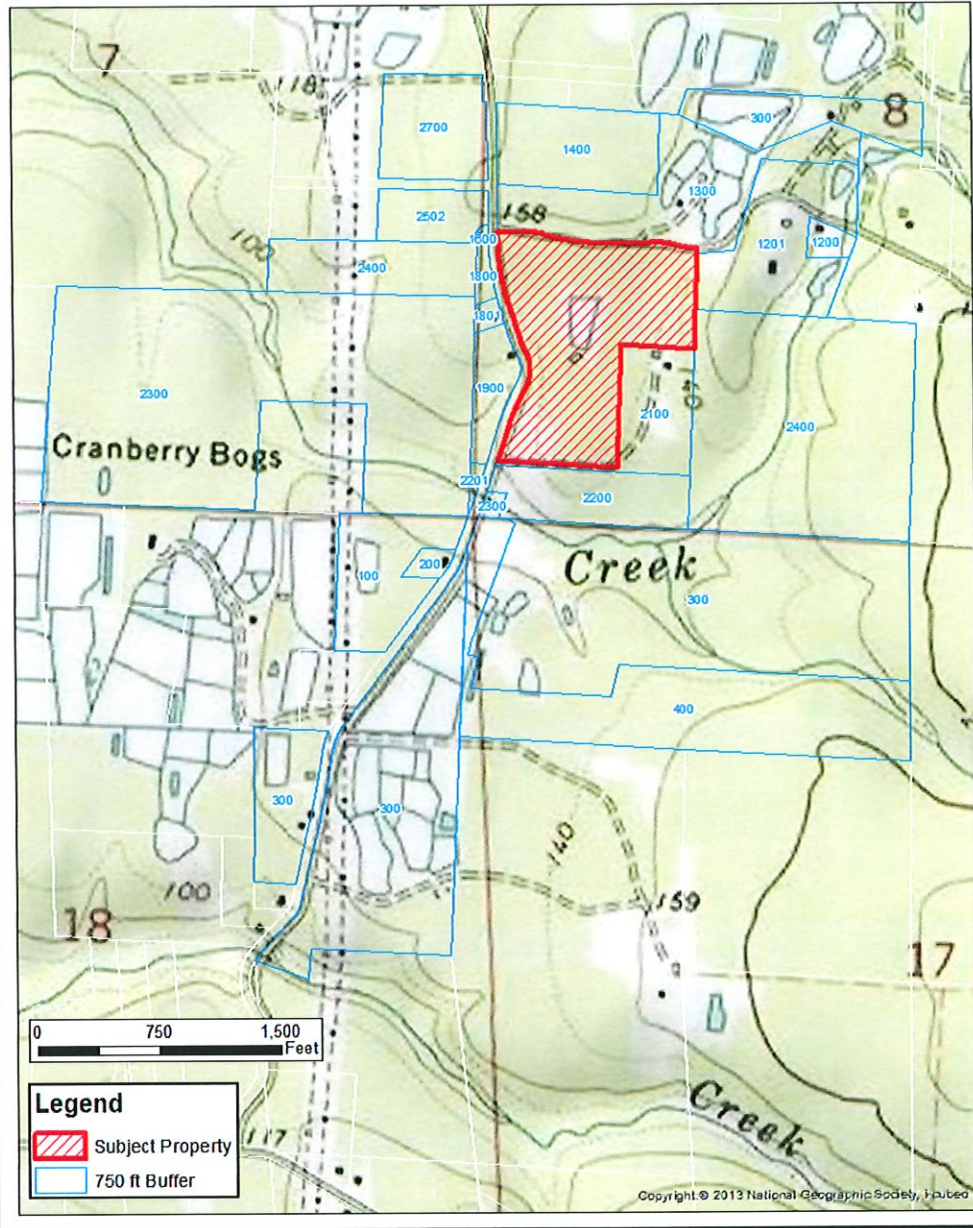
Applicant Response: (a) Coos County has defined ‘nearby’ as parcels within 750 feet of the subject property. Below are maps of the tax lots within 750 feet of the subject property.

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.*

Township 29 South, Range 14 West, Section 08, Tax Lot 2000



Township 29 South, Range 14 West, Section 08, Tax Lot 2000





The parcel is located near farmland (cranberry farms), non-industrial timberlands, scattered non-conforming dwellings on resource lands, and residentially developed RR-5 parcels. 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)
 - Senate Bill 1602
7. Road construction and maintenance
8. High Landslide Hazard Locations

Analysis of the forest practices and the proposed dwelling is below.

- 1) Using the slopes as shown on the above maps and knowledge of recent harvests. It is possible for ground-side timber harvesting to be done in most, if not all, of the nearby area. Ground-side timber harvesting involves machines that cut, delimb,

and buck the trees into logs. It is designed to transport these machines via public roads using standard commercial truck and lowboy trailers, even though they are pretty large. Unlike cable harvesting methods, ground-side harvesting methods are mostly self-contained within the harvest unit. The residential development plan will not significantly affect adjacent ground-side harvesting units. 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. While the proposed dwelling is within 300 feet of nearby resource lands. Based on the aerial imagery; the closest areas of these parcels (TL 2100 & TL2400) are already developed with residential dwellings.



2) Disposal of forest slash typically involves both broadcast and piling burning of logging slash. The applicant 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 relating cranberry bogs, will produce a significant amount of smoke. Modern building codes now require fewer air changes per hour for the building envelope. Together with modern mechanical ventilation systems, this reduces the negative effects of neighboring forest/farming practices will have on the proposed dwelling and thus create conflicts.

3) Modern silvicultural practices typically involve spraying herbicides for initial site preparation before planting and applying herbicide for management of competing

grasses after planting. This particular area has had a history of brush control spraying after the planting of trees. These applications have happened every couple of years after planting to control gorse.

Planning for the effects of forest dwellings and pesticides 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. The preferred herbicide application method for lands over 40 acres would be aerial spraying. 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.

While a few of the nearby forest parcels are larger than 40 acres. The applicant's plot plan identifies that the proposed dwelling is farther than 300 ft away from any nearby forested parcels over 40 acres in size that have timber resources.

4) Reforestation, or planting trees, of recent logged, relatively flat timberlands typically has little effect on nearby dwellings. Other forest practices, like pesticide spraying or slash burning that complement reforestation, usually have a more significant impact on nearby dwellings. The nearby timber stands range from 30 acre noncut unit, to 30 acre clearcuts, to scatter timber stands. 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 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 a fire hazard. The risk to forest-dwelling is reduced when active measures like fuel breaks are designed to minimize risks by wildfire. Please see section (d) below.

6) To successfully manage nearby timberlands, the adjacent owners will need to 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 resource parcels. The existing resource road has a native surface. The applicant plan on improving the existing resource road on the subject property. The road will need to be reopened/widen on the southern portion of the property. The applicant plans on connecting the existing driveway for the dwelling on TL 2100, which is 53669 Road Rd. Their driveway starts on the subject property and the applicant's plan is to utilize that residential driveway as the access point to connect to Rosa Road. This plan will minimize the effects of cranberry and non-industrial forest operations that utilize Barnekoff Lane.

8) Pursuant to OAR 629-623-0000, the Oregon Department of Forestry's HLHL regulations affects and restricts 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 300 ft upslope of the dwelling. Based on the topographic map; there are no slopes meeting this criterion within 300 ft. The nearby forestlands are not affected by this proposed dwelling's location.

There are adjacent cranberry farms scattered throughout the nearby area. There is an inactive cranberry farm located north of the subject property and a larger active cranberry farm located south of the subject property within the nearby area. 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. Cranberries are an essential part of 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 call a cranberry bog. Scatter 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, other than water rights and during crop transportation. Additional information is below supporting the response that this proposed dwelling will not significantly impact nearby 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, the creation of bogs in the Bandon area typically resembles large-scale commercial and residential developments compared to traditional clearing for ranching activities. This requires sizeable heavy machine clearing land, burning slash, and then shape the bogs to a relative 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 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 in the center of the Forest zoned portion of the property surrounded by scattered non-industrial timber lands. The applicant will also record a Waiver to Object to Farming and Forest Activities on nearby lands.

2) Cranberry growing is like any other typical farming operation, whereas the growers work daily throughout the year. Cranberries are unlike traditional row crops regarding the size and type of equipment. Cranberries are grown in 1 to 3-acre cranberry bogs. Once the land clearing is done, the cranberry growers typically use various small equipment for fertilizing and harvesting. Most cranberry equipment is no larger than a small tractor. Cranberries are an irrigated crop, and thus fertilizers & chemicals are either applied thru 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 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, either dry harvesting or wet harvesting. Dry harvesting involves pushing a custom machine that resembles a push lawn mower thru the cranberry bogs. The berries are collected in burlap sacks. This an extremely labor intense method that is rarely used on cranberry farms on a large scale anymore. The neighboring cranberry farms are harvested using the wet picking method. This method involving 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 loaded. The berries are loaded into 14 – 20 ft flatbed trucks using cranberry elevators. Loading trucks is reasonably quickly and longer than a typical wait time for road construction projects. The trucks then take the berries to central cleaning facilities. There are at least five of these facilities located throughout the Bandon area and northern Curry County. Like most other crops, these facilitate compete with each other on prices each year. The proposed residential will not affect the nearby cranberry harvesting operations. The proposal dwelling will access directly onto Rosa Road. Rosa Road is a major collector, so

once on Rosa Road, the traffic associated with the dwelling will be marginal at best.

4) Pruning of cranberries vines happens after the bogs are harvest, usually every year. The bogs essential 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. But pruning only produces a relatively minor amount of volume. The vines are also burned relatively quickly and outside of fire season. So, there is no effect on pruning operations from residential development.

(b) As shown on the plot plan, the proposed dwelling location is located in the center portion of the subject property. The property has the potential of both farming and forestry uses. There is small abandoned cranberry bog located in the center of the parcel. This area has 5B – Blacklock fine sandy loam soils. Coos County has classified 5B soils as “High-Value Farmland”. The applicant chosen to place the dwelling and associated development just outside the mapped 5B soils and in the 8C – Bullards sandy loam soil type. The remaining portions of the subject property are part of an approximately 15-year old reprod stand.

The proposed dwelling location is located on the eastern side of the old cranberry bog alongside the existing resource road. The resource access road is currently unimproved. The applicant is planning on improving (placing rock) on the resource road and widening a portion of the road to reconnect into the existing driveway for TL 2100. The applicant will create the required fuel breaks. This will help mitigate any fire related risks to onsite timber resources.

(c) The proposed location will utilize an existing resource access road to access the dwelling. The proposed dwelling will be located in the central portion of the property. The dwelling will be placed in a transitional area between an abandoned cranberry bog and the timber stand. The dwelling will be served by an onsite well and onsite septic system. The power company will determine the final location of the power service lines. There is an existing power line corridor on the eastern side of the subject property. Likely the service line will connect into this power transmission line.

(d) Slope is the first factor to consider when assessing wildfire risk. The parcel is fairly flat. Most of the property has less than 10% slopes other than the wetland creek located in the eastern portion of the subject property. The proposed dwelling will be located adjacent to abandoned cranberry bog on slopes less 10% slopes.

The second consideration for wildfire is access to the parcel. The road will be constructed with an aggregate surface and have a relatively flat slope based on the contours of the land. During wildfire events, these roads are often used as anchor points for fire trails. The

applicant will install an adequate turnaround at the end of the driveway for fire truck operations. In order to get the final driveway permit, the applicants will need to construct this driveway and turnaround.

A third consideration will be managing fuel near the proposed dwellings. There are less than 10% percent slopes in the proposed location of the dwelling for the primary and secondary fuel breaks. The requirement is for the dwellings to have at least a 30 ft primary fuel break, with a 100 ft secondary fuel break. The applicant will need to install a septic tank, a primary drain field, and a reserve drain field. These will be installed on the area adjacent to the proposed dwelling. The physical size of this area will help create the primary fuel break required by the 30-foot primary fuel break requirement. A secondary fuel break will be maintained by the applicants. It will extend 100 feet beyond the primary fuel break. Trees in this area will be limb up to 6 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 dwelling will be located approximately 150 feet from the property southeastern corner. This will also the property to meet the required primary and fuel breaks while realistically slightly clustering the proposed dwelling with existing dwelling located on nearby tax lots 2100 and 2400. Please see below map.



- (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 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) The applicant will submit a well constructor's report to the County Planning Department upon completion of the well.

(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement 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 resource road that is located on the subject property. The applicant plans on improving the resource road to County driveway standards. The driveway will connect to an existing driveway and connect directly to Rosa County 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 already reforested. The applicant will submit a stocking survey report to the County Assessor's Office before requesting a Zoning Compliance Letter.

(b) Not applicable to 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 understand that deferred taxes may be collected by the Assessor's office.

(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 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 only. 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: There are no fences, hedges, or walls proposed by the applicants. The parcel is approximately 27 acres in size. Any future fences constructed on the perimeter of the parcel 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 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 & drain field(s), and associated dwelling will be outside of 50 feet of any wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps.

- 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*

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

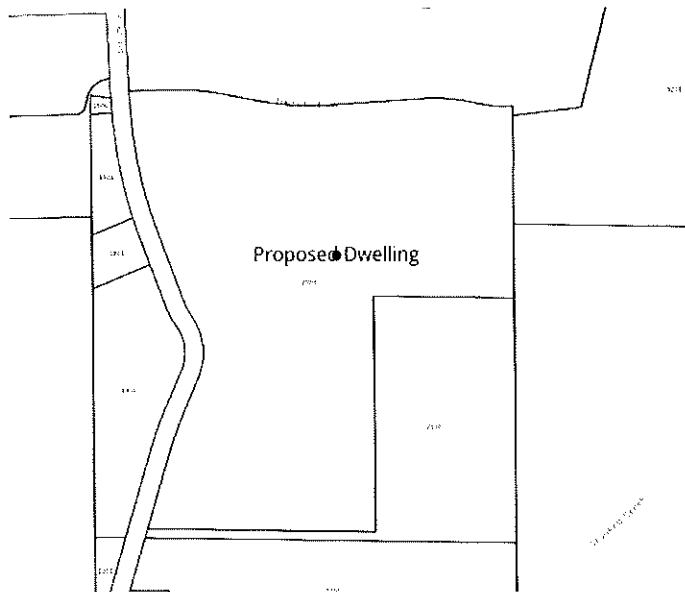
minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water 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.*

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 is less than 40% slope, please see topographic map below from the Coos County Planning Department's Coastal Atlas web map.



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

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

(e) Not applicable.

(f) The applicant agrees to install a spark arrester 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 poof of the slope to determine additional firebreak setbacks is required.*

Table 1 – Minimum Primary Safety Zone

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

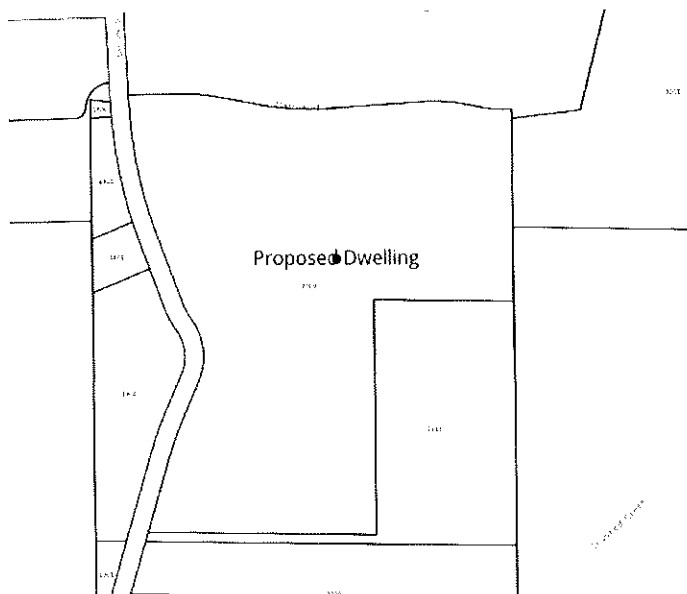
Applicant Response:

(a) The applicant agrees to maintain the primary and secondary fuel breaks around all the dwelling development site on the lands owned or controlled by the applicant.

(b) The applicant agrees to install sufficient garden hose to reach the perimeter of the primary safety zone.

(c) The NRCS soils characteristics on the subject property requires 30 ft primary fuels and the additional 100 ft secondary fuel break. The applicant agrees to maintain this area.

(d) 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 plan review.

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

Applicant Response: The applicant plans on improving the existing resource road to County driveway standards. The applicant agrees to build a driveway to County driveway and parking standards. The applicant understands that the County Road Department will be inspecting the driveway to ensure the driveway meets County standards prior to the issuance of the final Zoning Compliance Letter.

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

SECTION 4.11.100 Purpose:

The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Plan Maps for Volume I (Balance of County).

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.

4.11.131 Significant Wildlife Habitat (Balance of County Policy 5.6)

The Fish & Wildlife Habitat Map I (1985 Ordinance 85-08-011L) has inventoried the following:

- *1-C Resources pursuant to OAR 660-16-000(5)(c)*
 - o *Pigeon Spring*
 - o *Bald Eagle Nest Sites*
 - o *Blue Heron Nest Site*

Uses and activities deemed compatible with the objective of providing adequate protection for all identified Statewide Planning Goal 5 resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

a. 5c Bird Sites protection shall be implemented by:

- i. *County reliance upon the Oregon Department of Forestry and Oregon Department of fish and Wildlife insuring adequate protection of "5c" bird sites from possible adverse impacts of timber management practices thru the Forest Practices Act;*

- ii. *Use of the Fish and Wildlife Plan Maps and detailed inventories above to identify "5c" bird sites subject to special protection;*
- iii. *For "5c" bird site protection, stipulating in the Zoning and Land Development Ordinance that conflicting uses shall be reviewed by the Oregon Department of Fish and Wildlife to determine that any proposed use is not expected to produce significant and unacceptable environmental impacts on any of the "5c" bird sites; and*
- iv. *Stipulating on County Zoning Clearance Letters that establishment of conflicting uses adjacent to "5c" bird sites shall be permitted only pursuant to the provisions of this policy.*
- v. *Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5c" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the "5c" resource, and what safeguards it would recommend to protect the resource. If ODFW's determinations the development will impact the "5c" bird habitat a conditional use will be required by the applicant. ODFW's and the applicants findings will be reviewed based upon sound principles of conservation and appropriate balancing of the ESEE consequences so if conflicting uses are allowed the resource site is protected to some extent. The ACU will be processed pursuant to Article 5.0. If ODFW's determination does not show any impacts then a zoning compliance letter may be issued if the use is permitted or has completed a conditional use process.*

Applicant Response: There is a 5C bird site overlay on the subject property according to County's planning Helion records. This overlay zone requires the County to request for comments from ODF&W. Therefore, the criteria have been addressed for submission.

4.11.132 Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following hazards:

- *Flood Hazard*
 - *Riverine flooding*
 - *Coastal flooding*
- *Landslides and Earthquakes*
 - *Landslide Susceptibility*
 - *Liquefaction potential*
- *Tsunamis*

- *Erosion*
 - *Riverine streambank erosion*
 - *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.*
- 2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:*
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions, as established by credible documentation approved in writing by the Director;*

- b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;*
- c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
- d. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

3. *Fire Siting Standards for New Dwellings:*

- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

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

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

- 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.*
- 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:

(1) The subject property is within the Bandon Rural Fire Protection District's boundary. Therefore, structure fires are responded to by the Bandon RFPD.

(2) Not applicable, since the property is located in the Bandon RFPD.

(3) 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 has calculated the slope as less than 10% and the primary fuel break as 30 feet.

There is a stream located on the eastern portion of the subject property. But the stream is located within mapped wetlands. Thereby, there is no suitable water supply on the subject property.

(4) The subject property is a relatively flat. The subject property is less than 10% slope. 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. The applicants request this requirement be made a conditional of approval on the Zoning Compliance Letter.

There is a 4000 gallon, or more, water supply on the subject property. There is a stream located on the eastern portion of the subject property. But the stream is located within mapped wetlands. Thereby, there is no suitable water supply on the subject property.

The subject property is less than 40% slope.

The applicants agree to install a spark arrestor on 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) The subject property is located approximately 1 mile outside of the Bandon Urban Growth Boundary.

FLOATING ZONE: AIRPORT SURFACES

DESIGNATION: /AS

Bandon, Lakeside and Powers Airports

SECTION 4.11.300 Purpose:

The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport's vicinity. An obstruction may affect future instrument approach minimums and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

Applicant Response: The subject property is within the Bandon Airport conical zone. The applicants agree to limit the proposed structure to less than 35 feet in height.

ARTICLE 4.3 – BALANCE OF COUNTY ZONING TABLES

Special Development Considerations and Overlays Reference Table:

This table is just for reference, to find the criteria please refer to the section identified. This provides a guide for property developers in estimating potential costs and timelines when developing.

Abbreviations used in the tables to indicate the type of review process as explained below:

“P” is permitted but may require a request for comments which adds to a project timeline.

“ACU” is an abbreviation for Administrative Conditional Use which is a Planning Directors decision that is appealable to the Planning Commission, Board of Commissioners or Hearings Officer.

“HBCU” is an abbreviation for Hearing Body Conditional Use which is a Planning Commission review and the decision is appealable to the Board of Commissioners or Hearing Officer.

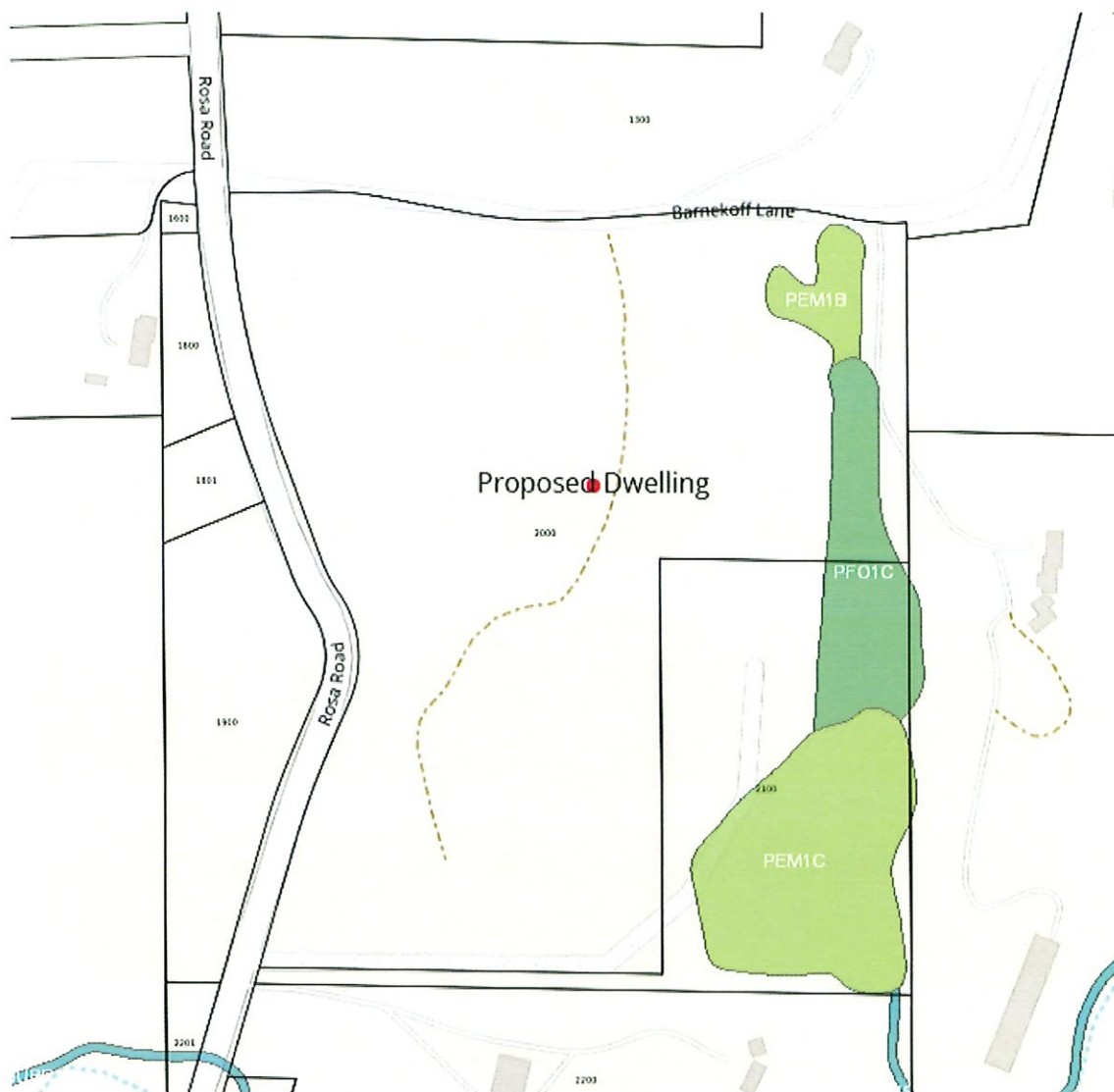
Moratorium means that any proposed development is prohibited

If there are no requirements or other requirements beyond the abbreviations they are identified in the type of review process.

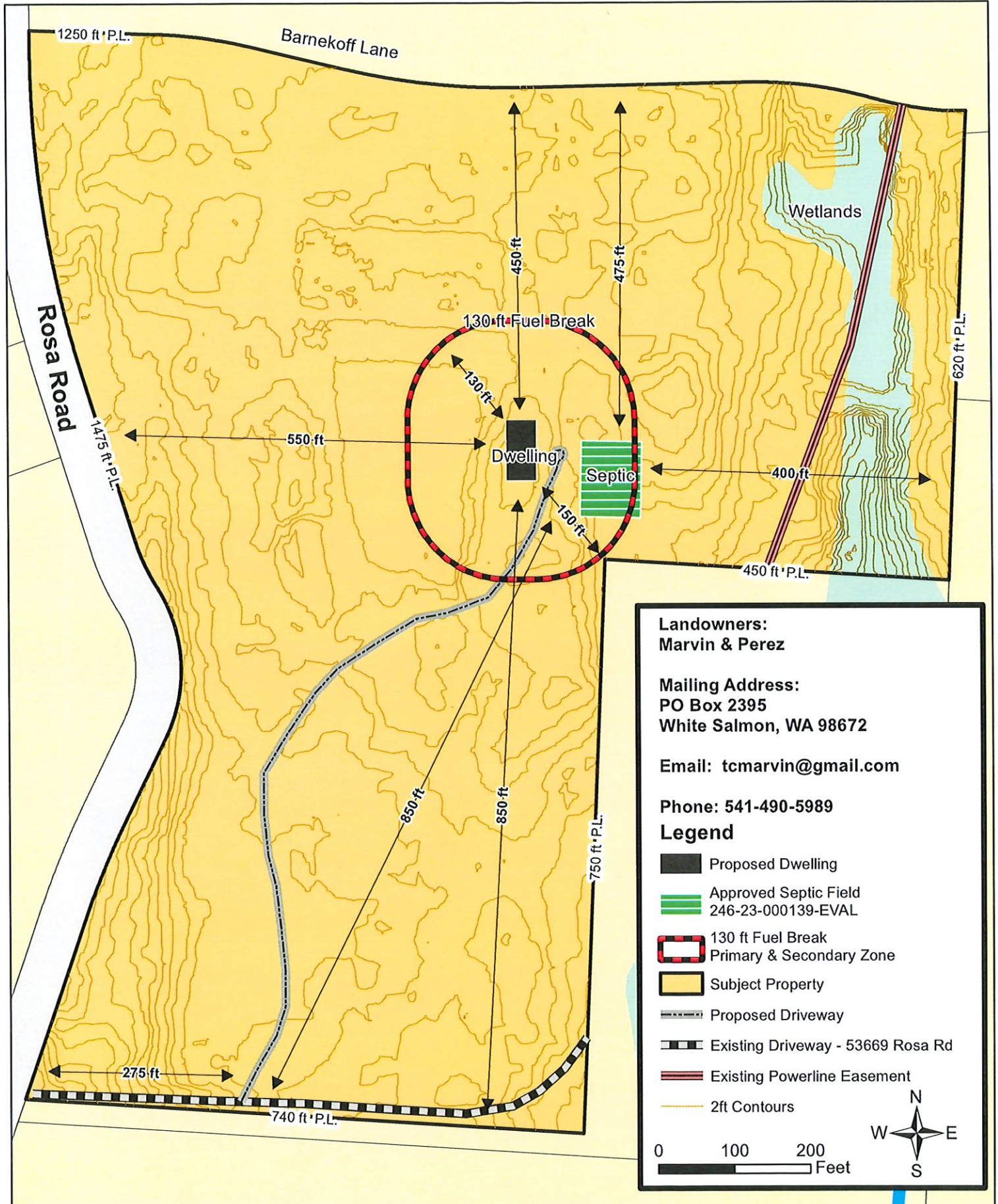
<i>Type - Overlay</i>	<i>Additional Review Type</i>	<i>Section</i>	<i>Type of Review</i>
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<i>Wetland Notice requirements</i>	<i>After the Department of State Lands has provided the county with a copy of the applicable portions of the Statewide Wetlands Inventory, the county shall provide notice to the department, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. (ORS 215.418)</i>	<i>ORS 215.418</i>	<i>Notice Requirement – 30 Days for comments</i>
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Applicant Response: There appears to be mapped wetlands on the subject property. The applicant is not aware of any site-specific wetland delineations. The applicant is siting the dwelling over 300 ft from any mapped wetland.



T29S - R14W - Sec 08 - TI 2000 Plot Plan



This product is for land use planning purposes and may not have been prepared, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data/information sources to ascertain the usability of the information.



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Sandrine Hahn Perez and Theodore Charles Marvin
PO Box 2395
White Salmon, WA 98672

Coos County, Oregon **2023-04439**
\$96.00 Pgs=3 **06/26/2023 01:09 PM**
eRecorded by: AMERITITLE - ROSEBURG
Julie A. Brecke, Coos County Clerk

Until a change is requested all tax statements shall be sent to the following address:
Sandrine Hahn Perez and Theodore Charles Marvin
PO Box 2395
White Salmon, WA 98672
File No. 593659AM

STATUTORY WARRANTY DEED

Bandon Family LLC,

Grantor(s), hereby convey and warrant to

Sandrine Hahn Perez and Theodore Charles Marvin, with right of survivorship,

Grantee(s), the following described real property in the County of Coos and State of Oregon free of encumbrances except as specifically set forth herein:

See Attached Exhibit 'A'

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

29-14W-08-00-02000

The true and actual consideration for this conveyance is \$350,000.00.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

AFTER RECORDING RETURN TO: AMERITITLE
1495 NW GARDEN VALLEY BLVD.
ROSEBURG, OR 97471

593659AM

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 215.010, 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.

Dated this 26 day of June, 2023.

Bandon Family, LLC

Barry Winters
By: Barry Winters, Primary Manager / Member

State of Oregon } ss
County of Coos }

On this 26 day of June, 2023, before me, Lisa Summa a Notary Public in and for said state, personally appeared Barry Winters known or identified to me to be the Primary Manager in the Limited Liability Company known as Bandon Family, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name. Member

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lisa Summa
Notary Public for the State of Oregon
Residing at: Coos, Oregon
Commission Expires:

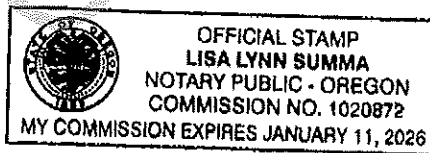


EXHIBIT 'A'

File No. 593659AM

That part of the North 1/2 of the SW 1/4 of the SW 1/4 and the North 1/2 of the South 1/2 of the SW 1/4 of the SW 1/4 lying East of County Road known as Rosa Road.

EXCEPT that part conveyed to W. F. Finley and Evelyn Finley by Deed dated November 29, 1957, recorded December 2, 1957 in Deed Book 261 Page 713, Records of Coos County, Oregon.

ALSO that part of the NW 1/4 of the SW 1/4 lying East of Rosa Road and South of a public road known as Paulsen Road, sometimes referred to as Barnekoff road

EXCEPT THE 60 foot wide Rosa County Road.

All in Section 8, Township 29 South, Range 14 West, Willamette Meridian, Coos County, Oregon..

Unofficial
Copy