



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Friday, March 27, 2020

File No: ACU-19-045

Proposal: Request for Single Family Dwelling in the Forest
Zone – Forest Template Dwelling

Applicant(s): Lloyd Humpage
88811 Pacific Surf Lane
Bandon, OR 97411

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Friday, March 27, 2020**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, § 4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, § 4.11.125 Special Development Considerations § 4.11.300 Bandon, Lakeside, Powers Airports – Purpose; § 4.11.305 Designation of Airport Surfaces; § 4.11.310 Airport Sub-Zones; § 4.11.315 Airport Surfaces Height Limitations; § 4.11.320 Permitted Uses; § 4.11.325 Conditional Uses; § 4.11.330 Use Restrictions; and § 4.11.345 Conformance requirements. This proposal is not subject to review under Floodplain or Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 7498800; 7498700; 7498500
Map Number: 26S1433CC-06600; 26S1433CC-06700; 26S1433CC-06800

Property Owner: HUMPAGE, LLOYD A ET AL
88811 PACIFIC SURF LN
BANDON, OR 9711-6359

Situs Address: 60834 KONA PLAZA RD BANDON, OR 97411

Notice shall be posted from March 27, 2020 until 12PM April 11, 2020

Acreage: 0.28 Acres; 0.25 Acres; 0.32 Acres

Zoning: FOREST (F)

Special Development
Considerations and
overlays: FOREST MIXED USE (MU)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link:

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: Amy Dibble Date: Friday, March 27, 2020 .

Amy Dibble, Planner II

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The Exhibits below are mailed/emailed to the Applicant and Planning Commission only. Copies are available upon request or at the following website:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartmentApplications-2019.aspx> .

The or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

Exhibit D: Submitted Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from Department of State Lands it is the responsibility of the property owner to comply.
2. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
3. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 - a. All uses must comply with applicable development standards and fire siting and safety standards.
 - b. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
 - c. A Forest Management Covenant shall be recorded with the Coos County Clerk.
4. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with prior to issuance of a zoning compliance letter:
 - a. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 - b. The dwelling shall not be sited on a slope of greater than 40 percent.
 - c. The applicant shall provide a statement that if the dwelling has a chimney or chimneys; each chimney shall have a spark arrester.
 - d. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
 - e. The applicant shall submit an updated plot plan indicating the slopes on the property and distances from development and the property lines
5. Driveway/ Access / Parking Verification Permit (DR-19-119) will need to be signed off prior to receiving a Zoning Clearance Letter.
6. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This will be issued after all conditions have been satisfied.

EXHIBIT "B"
Vicinity Map



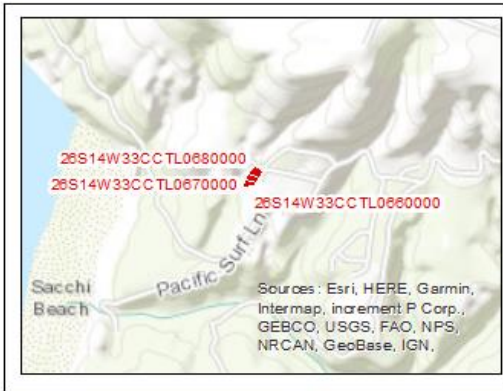
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



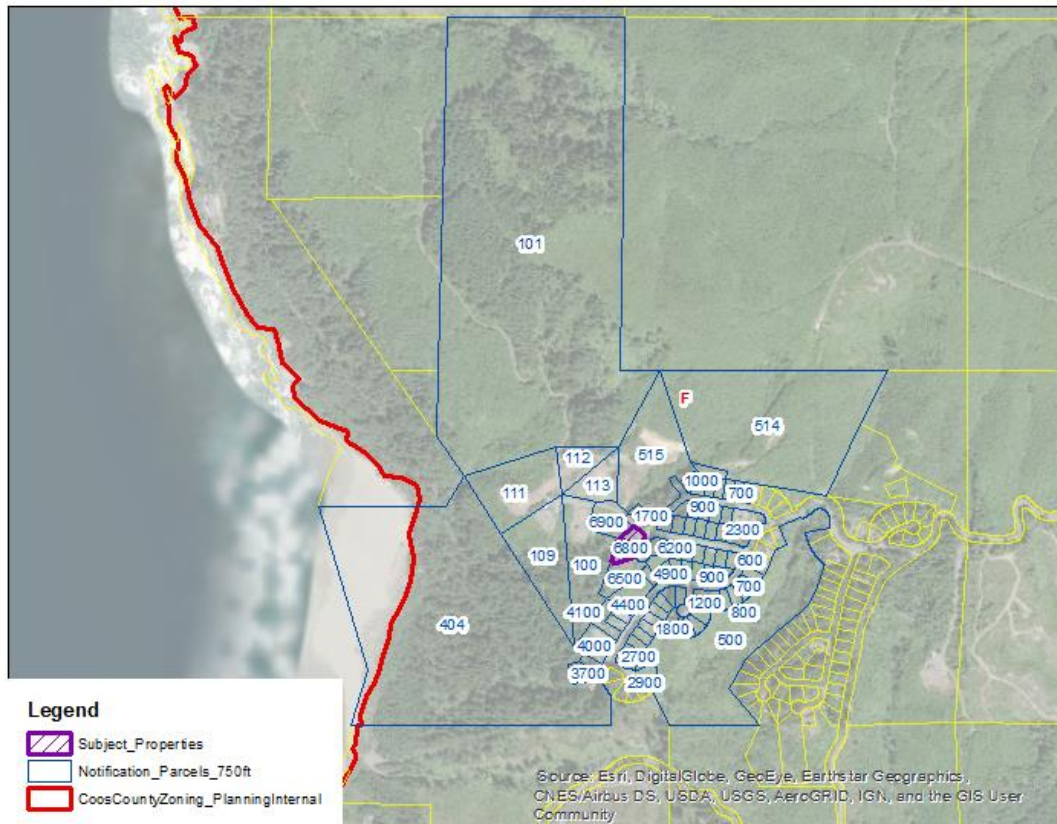
File: ACU-19-045

Applicant/
Owner: Lloyd Humpage

Date: March 14, 2020

Location: Township 26S Range 14W
Section 33CC TL 6600, 6700, 6800

Proposal: Administrative Conditional Use



Template Map



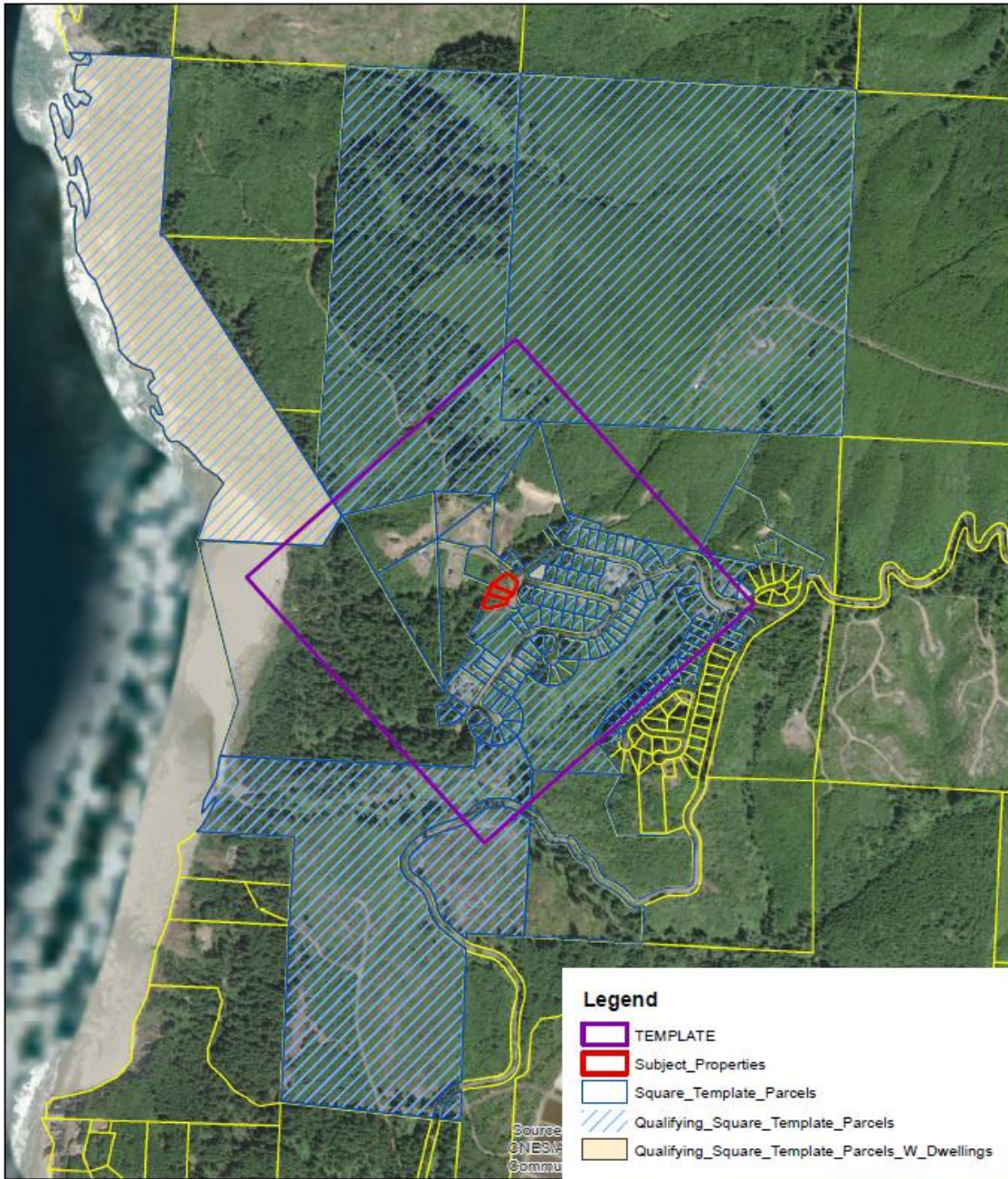
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**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL

Request for Planning Director Approval for a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, and § 4.6.140 Development and Siting Criteria.

II. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: The subject property is lawfully created unit of land was created pursuant to 6.1.125.1.a “*Through an approved or pre-ordinance plat*” (Sansaria Subdivision created in 1968).

LOCATION: The subject property is located southwest of the City of Coos Bay and accessed off of Kona Plaza Road via a private driveway.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The subject properties are zoned Forest Mixed Use (FMU) contains 0.85 acres, located within the Sansaria Subdivision, undeveloped with Kona Plaza Road running along the eastern boundary and Sacchi Lane running along the northern boundary. The parcels surrounding the subject properties are zoned FMU and range in size from 0.19 acre to 8.3 acres and consist of undeveloped treed parcels or parcels with residential development with cleared areas surrounding the development.
- b. **PROPOSAL:** The applicant is requesting approval of a Single Family Dwelling and in the Forest Mixed Use zone.

IV. APPROVAL CRITERIA & FINDINGS OF FACT

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

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.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

- **Dwelling**
Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

TEMPLATE DWELLING

- **SECTION 4.6.110(3)(b) RESIDENTIAL USES [IN THE FOREST ZONE]- TEMPLATE DWELLING**

b. Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

- i. There are no other dwellings on the tract on which the dwelling will be sited.

FINDING: The subject properties contain approximately 0.85 acres, these properties are a tract and there are no other dwellings located on this tract.

Therefore, this criterion has been met.

- ii. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

FINDING: There are no deed restrictions listed in the current recorded deed of records regarding establishing a dwelling on the subject property. The Protective Covenants for the Sansaria Subdivision, recorded June 24, 1968 bearing recording number 60-6-29491, allows for residential development.

Therefore, this criterion has been met.

- iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a 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. However,

one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- 1) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. or*
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
- v. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.*
- vi. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.*

FINDING: Evidence in the record indicates there are no deed restrictions that would prohibit a dwelling on the subject properties. Based on soil types and cubic foot per acre per year growth, this criterion requires a demonstration of 11 parcels and 3 dwellings within 160 acre square centered on the subject tract. Staff applied the 160-acre square centered on the center of the subject tract. After applying the template to the subject properties it exceeds the number of parcels and dwellings.

Therefore, the criteria listed in Section 4.6.110.3.b have been complied with.

- **SECTION 4.6.130 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY):**

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

- 1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*
- 2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

FINDING: The properties are located off of Kona Plaza Road, which is a public dedicated road. Although the properties are zoned Forest Mixed Use they are part of the Sansaria Subdivision, each of the surrounding lots are not large enough to support timber production. Several of these lots are developed with single family dwellings. The subject properties are not adjacent to any properties being utilized for timber production or for agricultural uses. According to the plot plan, the dwelling will be located towards the center of the properties' width and closer to the northern boundary. The plot plan illustrates that the setbacks will be met. The applicant states that the fire safety setbacks will be met and this will minimize the risk for

wildfires and have the least impact on farming and forest practices on agricultural land.

In this case the applicant is required to show that by constructing a single family dwelling and infrastructure to support the development it will not force a significant change in or increase the cost of accepted farming or forest practices on agricultural or forest lands. The applicants stated that they will keep maintain the firebreak setbacks. The road will be required to be maintained to allow fire suppression in the event that there is a fire.

Therefore, staff finds that the proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices or fire suppression cost.

3. *All uses must comply with applicable development standards and fires siting and safety standards.*

FINDING: This criterion is addressed in CCZLDO 4.6.140. Therefore, this criterion has been addressed.

4. *A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.*

FINDING: The subject properties had prior approval for a forest template dwelling, this application had since expired prior to siting the dwelling; thus requiring a new application be submitted. There is no evidence that a Forest Management Covenant was recorded at that time; therefore, as a condition of approval one shall be recorded with the Coos County Clerk.

Therefore, this criterion has been satisfied.

5. *The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. 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. These criteria 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.*
 - a. *Dwellings and structures shall be sited on the parcel so that:*
 - i. *They have the least impact on nearby or adjoining forest or agricultural lands.*
 - ii. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*
 - iii. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And*
 - iv. *The risks associated with wildfires are minimized.*

- b. *The applicant shall provide evidence 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. For the purposed of this Section, evidence of a domestic water supply means:*
- i. *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.*
 - ii. *A water use permit issued by the Water Resources Department for the use described in the application. Or*
 - iii. *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.*

FINDING: **Some of these criteria were addressed as part of other provisions within this staff report. Impacts to nearby resource land is addressed in § 4.6.130(1). Impacts to forest operations and accepted farming practices are addressed in § 4.6.130(4). The amount of forest land used for the proposed use is addressed in § 4.6.130(1). The risk from wildfires is addressed § 4.6.140(7-17).**

A Water Supply Requirement form shall be submitted and signed off by the Watermaster which will satisfy 4.6.130.5.b.

Therefore, this criterion has been addressed.

6. *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 United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

FINDING: **Access to the subject property is via a private driveway accessed off of Kona Plaza Road. Kona Plaza Road is a public dedicated road part of the Sansaria Subdivision.**

Therefore, this criterion has been addressed.

7. *Approval of a dwelling shall be subject to the following additional requirements:*
- a. *Approval of a dwelling requires the owner 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, 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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.*

- 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 the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and 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 pursuant to ORS 321.372.*
- e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDING: The subject property is 0.85 acres; therefore, a stocking survey will not be required.

Therefore, this criterion has been addressed.

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

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

1. *Minimum Lot Size for the creation of new parcels shall be 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.*

FINDING: There is no new parcels created through this request; therefore, this criterion is not applicable.

2. *Setbacks: All buildings or structures 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.*

FINDING: Based on the submitted Plot Plan the proposed structures will meet the minimum road setback.

Therefore, this criterion has been met.

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

FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

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

FINDING: A Road/ Driveway Access Verification Permit (DR-19-119) was submitted; however, the Road Department has not signed off on this permit. This will need to be signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter.

Therefore, this criterion has been addressed.

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.*

FINDING: This requirement has been addressed.

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 in order to site or properly maintain public utilities and road right-of-ways;*
- 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.*

FINDING: The dwelling will be located at least 50 feet from any identified wetland, stream, lake or river.

Therefore, this criterion has been met.

7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. 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. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

FINDING: The subject property is located within the boundaries of the Bandon Rural Fire Protection District.

Therefore, this criterion has been met.

8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical 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;*
 - 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 or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - 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.*

FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criterion has been addressed.

9. *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.*

FINDING: The property owner shall provide proof that a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter prior to the issuance of a zoning clearance letter.

Therefore, this requirement has been addressed.

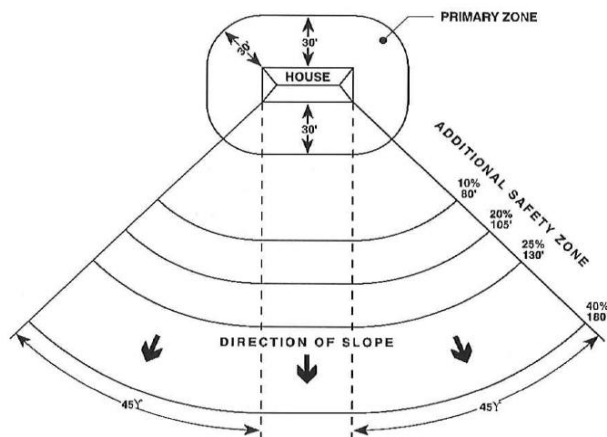
10. *Firebreak:*

- a. A firebreak shall be established and maintained around all structures, including decks, 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 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.

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

EXAMPLE OF SAFETY ZONE SHAPE



FINDING: According to the soils on this property the proposed location of the dwelling will be located within an area identified as having soils that are comprised of Templeton silt loam that typically have 0 to 7 percent slopes on soils identified as 54B, 7 to 30 percent slopes on soils identified as 54D, and 30 to 50 percent on soils identified as 54E. However, given this is a general slope staff has concurred with the applicants' assessment that the building site is fairly flat; however, the down slope is unable to be determined; therefore, the applicant shall provide an updated plot plan indicating the slopes so that staff may be able to confirm that the appropriate fire break setbacks are satisfied.

Therefore, this criterion has been addressed.

11. *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.*

FINDING: As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement.

Therefore, this criterion has been addressed.

12. *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.)*

FINDING: The property has no water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression.

Therefore, this criterion is not applicable.

13. *The dwelling shall not be sited on a slope of greater than 40 percent.*

FINDING: The dwelling shall not be sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

14. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

FINDING: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester.

Therefore, this criterion has been addressed.

15. *The dwelling shall be located upon a parcel 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.*

FINDING: The subject properties are located within the Bandon Rural Fire Protection District.

Therefore, this criterion has been satisfied.

16. *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.*

FINDING: A Road/ Driveway Access Verification Permit (DR-19-119) was submitted in conjunction with this application but has not been signed off by the Road Department; therefore, this must be signed off prior to receiving a Zoning Clearance Letter for development.

Therefore, staff finds that the road and driveway will provide adequate access for firefighting equipment.

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

FINDING: A Road/ Driveway Access Verification Permit (DR-19-119) was submitted along with this Administrative Conditional Use Application but it has not been signed off by the Road Department; therefore, this will need to be done prior to receiving a Zoning Clearance Letter for development.

Therefore, this criterion has been met.

VI. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

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

a. Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:

i. First Extension - An extension of a permit for "residential development" as described in Subsection (1) above is valid for two (2) years.

- 1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
- 2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
- 3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:

- 1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
- 2. The applicable residential development statute has not been amended following the approval of the permit; and*
- 3. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
- 4. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Saturday, March 02, 2024

VIII. NOTICE REQUIREMENTS:

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

DLCD
Bandon Rural Fire Protection District

Planning Commission
Board of Commissioner

LAND USE PERMIT APPLICATION – BALANCE OF COUNTY
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF

Received By: <u>A. Dibble</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>10/25/19</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>ACU-19-045</u>	<input type="checkbox"/> TEXT AMENEDMENT
Fee: <u>\$892.50</u>	CONDITIONAL USE REVIEW
Fee Paid: <u>4892.50</u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>214401</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	*Supplemental Application required
	STAFF NOTES:

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: Lloyd Humpage
Mailing Address: 88811 Pacific Surf Lane
City State Zip: Bandon, Oregon 97411
Daytime Phone: (541)347-7900
Email:

II. OWNER(S)

Name: Same
Mailing Address:
City State Zip
Daytime Phone
Email:

III. PROPERTY - If multiple properties are part of this review please check here and attached a separate sheet with property information.

Location or Address:

Kona Plaza Bandon, Ore. 97411

No. Acreage

total .85

Tax Acct.

7498800, 7498700, 7498500

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

265 14w 33CC

6600

265 14w 33CC

6700

265 14w 33CC

6800

Zone:

Forest Mixed Use

Water Service Type:

Well

Sewage Disposal Type:

Monitored

School District:

Coos Bay

Fire District:

Bandon RFPD

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.")

I request summary,
To establish a template dwelling in the Forest
Zoning District.

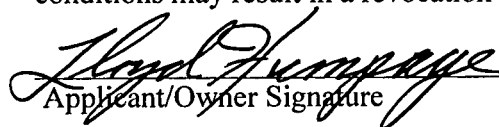
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning 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.

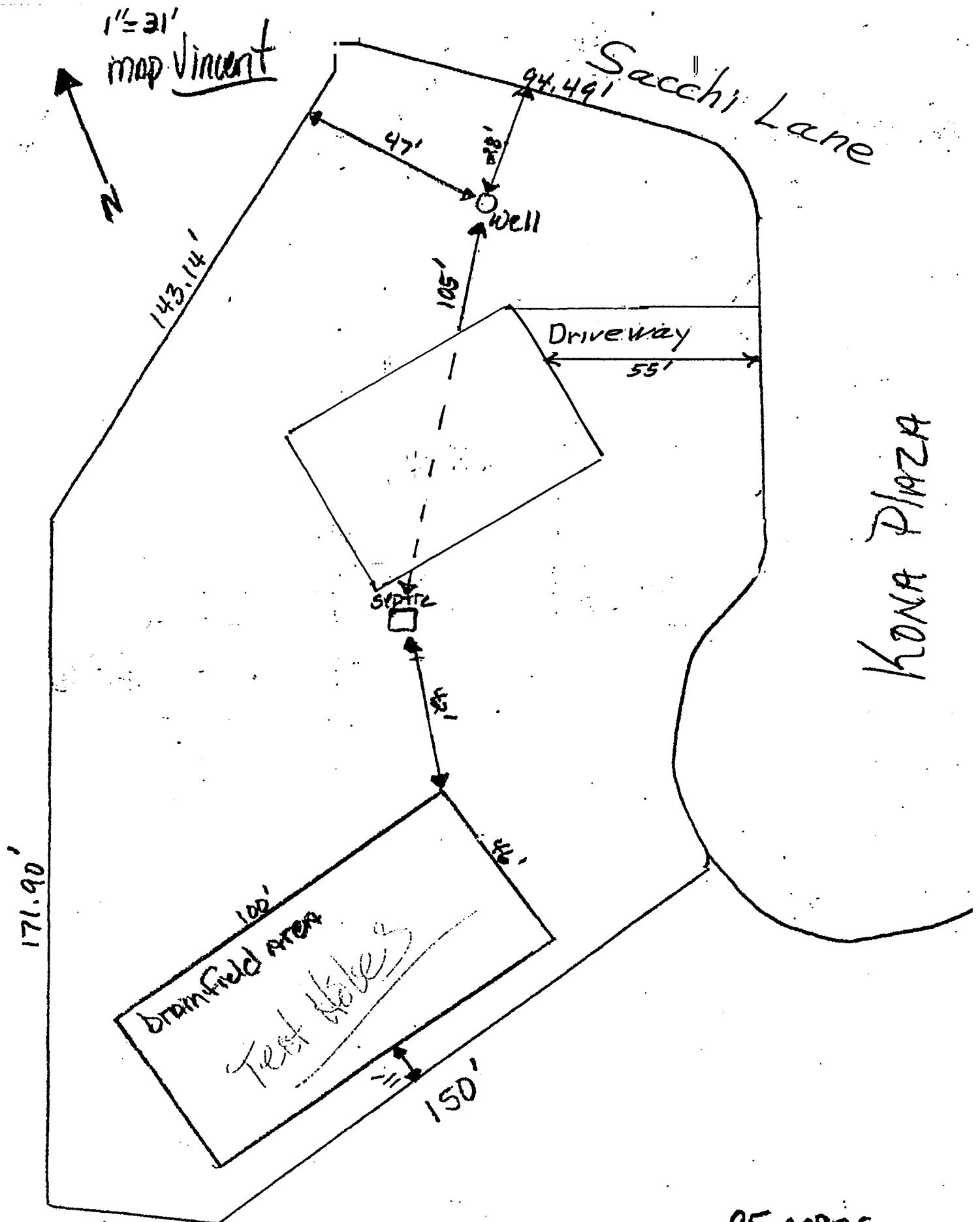
- A. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which 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.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- B. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

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 the application is signed by an agent, the owner's written authorization must be attached.

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.


Applicant/Owner Signature

Applicant/Owner Signature



1" = 31'
map Vincent

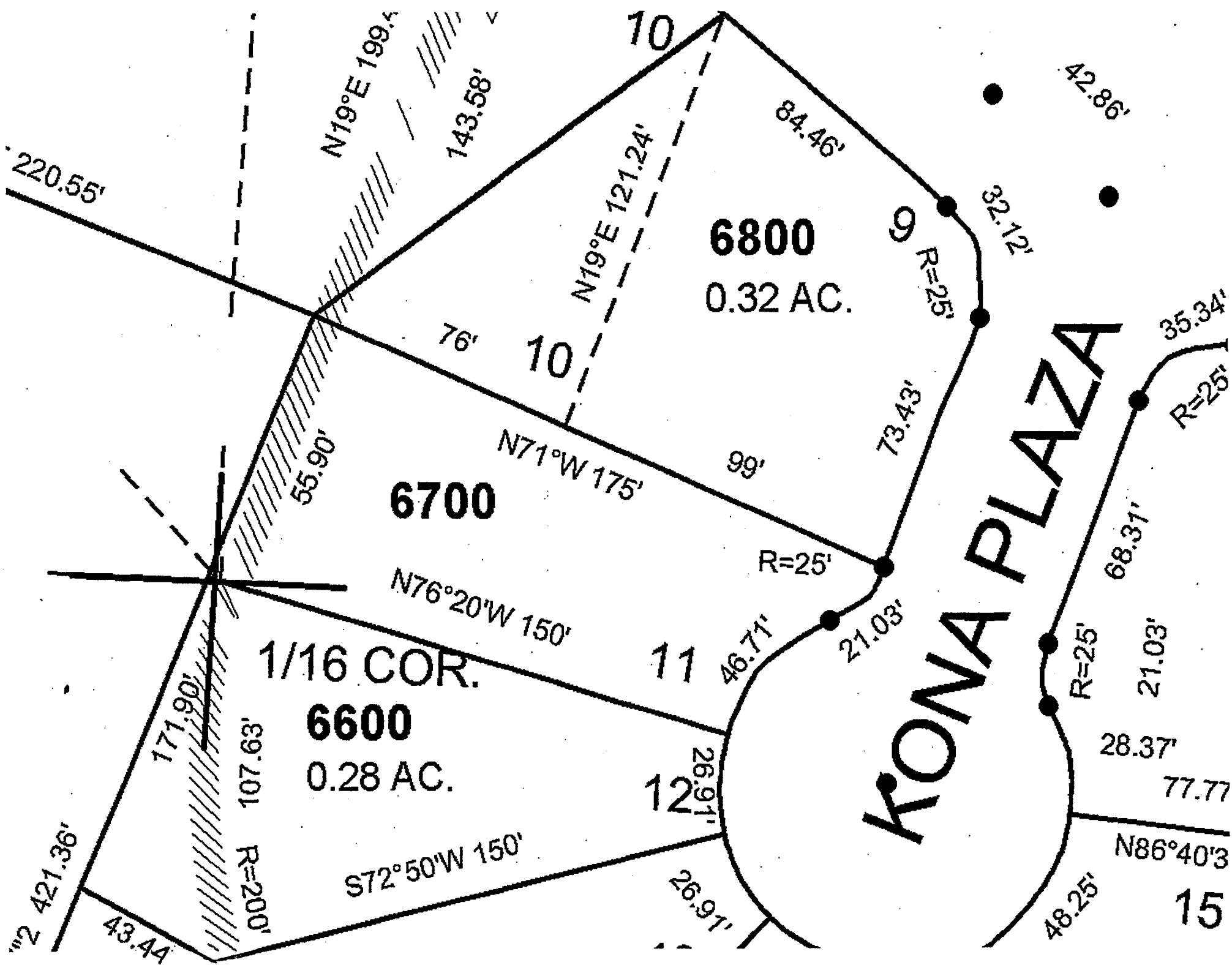
Sacchi Lane

KONA PLAZA

.85 ACRES

T26 R14 S33 CC TL 6600, 6700, 6800

43.44'
Lloyd
Hampage



220.55'

N19°E 199.4'

143.58'

10

84.46'

42.86'

6800
0.32 AC.

N19°E 121.24'

32.12'

R=25'

76'

10

35.34'

R=25'

6700

N71°W 175'

99'

73.43'

171.90'

1/16 COR.

6600
0.28 AC.

N76°20'W 150'

R=25'

68.31'

11

46.71'

21.03'

R=25'

21.03'

421.36'

43.44'

107.63'

R=200'

S72°50'W 150'

26.91'

26.91'

KONA PLAZA

28.37'

77.77'

N86°40'3"

48.25'

15

**STATE OF OREGON
WELL LOCATION MAP**

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900



This map is supplemental to the WATER SUPPLY WELL REPORT

LOCATION OF WELL

Latitude: Datum: WGS84
Longitude:
Township/Range/Section/Quarter-Quarter Section:
WM 26S 14W 33 NWSW
Address of Well:
0 KONA PLAZA
BANDON, OR 97411

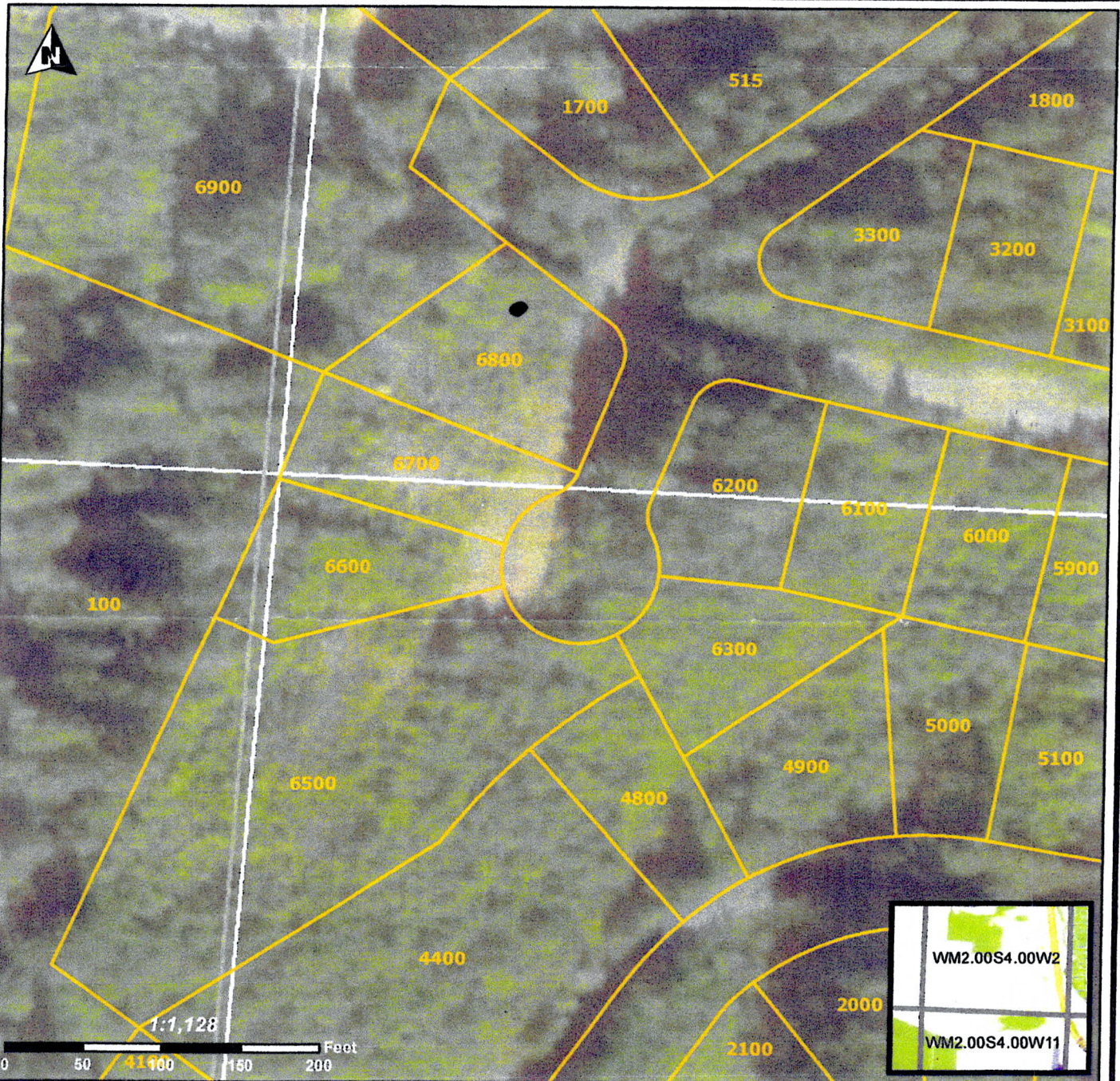
Well Label: L129321

Well Log: COOS 57445

Printed: April 4, 2019

DISCLAIMER: This map is intended to represent the approximate location of the exempt use well provided by the land owner. It is not intended to be construed as survey accurate in any manner.

Please clearly mark the location of the well.



Prepared By:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

MAIL TAX STATEMENTS TO:
After Recording Return To:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

COOS COUNTY, OREGON 2017-07924
\$56.00 08/18/2017 10:02:01 AM
Pgs=3



00064703201700078240030035

DEBBIE HELLER, CEA, COOS COUNTY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

On August 17, 2017 THE GRANTOR(S),

- Fralen Properties LLC, a single person,

for and in consideration of: One Dollar (\$1.00) and/or other good and valuable consideration conveys, releases and quitclaims to the GRANTEE(S):

- Lloyd A. Humpage, a single person, residing at 88811 Pacific Surf Ln, Bandon, COOS County, Oregon 97411

the following described real estate, situated in an unincorporated area in the County of COOS, State of Oregon:

Legal Description:

26S1433CC- 06600, 06700, 06800

Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

It is a gift

Tax Parcel Number: 26S1433CC - 06600, 06700, 06800

Mail Tax Statements To:
Lloyd Humpage
88811 Pacific Surf Ln
Bandon, Oregon 97411

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. 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.

[SIGNATURE PAGE FOLLOWS]

Grantor Signatures:

DATED: 8.18.17

Helen C. Pekny

Fralen Properties LLC
331 Camino Del Cielo
South Pasadena, California, 91030

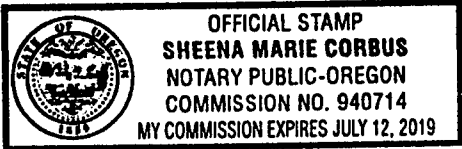
STATE OF OREGON, COUNTY OF COOS, ss:

This instrument was acknowledged before me on this 18th day of August,
2017 by Fralen Properties LLC, Helen C. Pekny

Sheena Marie Corbus
Notary Public

Notary Public
Title (and Rank)

My commission expires 07.12.2019



LEGAL DESCRIPTION

Lots 9, 11 and 12 and that portion of Lot 10, Block 6, PLAT OF FIRST ADDITION TO SANSARIA, Coos County, Oregon, described as follows: Beginning at the Southwest corner of Lot 10, Block 6, Plat of First Addition to Sansaria, Coos County, Oregon, at which a 3/4" iron pipe is set per said Plat; thence North 51° 16' 10" East 143.14 feet to a 1/2" inch iron pipe per said Plat at the Northeast corner of said Lot 10; thence along the common line of said Lot 10 and Lot 9, said Plat, South 19° 00' 00" West 121.24 feet to the Southeast corner of Lot 10; thence along the South line of said Lot 10, North 71° 00' 00" West 76.00 feet to the point of beginning.

ALSO that portion described as follows: Beginning at the Southwest corner of lot 12, Block 6, Plat of First Addition to Sansaria, Coos County, Oregon, at which a 3/4" iron pipe is set per said Plat; thence North 69° 28' 38" West 43.44 feet to a 5/8" iron rod set on the West line of that area adjusted to Lot 32 pursuant to boundary adjustment deed 98-03-1126, Records of Coos County, Oregon; thence along said West line North 20° 29' 50" East (North 20° 31' 17" East, record) 171.90 feet to a 3/4" iron pipe at the Southwest corner of Lot 10, said Plat; thence South 19° 00' 00" West 55.90 feet, more or less, along the West line of Lot 11, said Plat, to the beginning of a 200.00 foot radius curve left; thence along said curve, being a portion of the Westerly lines of Lots 11 and 12, 126.25 feet, more or less, the long chord of which bears South 00° 54' 58" West 124.16 feet, more or less, to the point of beginning.

Section 4.6.110(3)(b)

b. Template Dwelling

A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

- i. There are no other dwellings on the tract on which the dwelling will be sited.

*There are no dwellings on lots
26514w33cc 6600, 6700, 6800.*

- ii. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.

*No deed restrictions on lots 26514w33cc
6600, 6700, 6800.*

- iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a 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. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- 1) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. Or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- v. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- vi. A proposed "template" dwelling under this ordinance is not allowed if:
- 1) It is prohibited by or will not comply with the requirements of the acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - 2) Unless it complies with the requirements of Section 4.6.130.6 through 8 Section 4.6.140.8 through 16.
 - 3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under d.iii below for the other lots or parcels that make up the tract are met; or
 - 4) If the tract on which the dwelling will be sited includes a dwelling.
- vii. For single-family dwellings, the landowner shall 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.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW:

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

There will be no significant increase in cost of accepted farming or forest practices on agriculture or forest lands. The lots are located inside Sansaria Subdivision.

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Fire hazards brush, shrubs, trees, debris will be trimmed or cleared on property to make movement easy for emergency crews.

3. All uses must comply with applicable development standards and fire siting and safety standards.

County and State building standards, setbacks and fire siting and safety standards will be followed.

4. A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.

I will fill out a Forest Management Covenant to be recorded in the deed records for residential use in the Forest and Forest Mixed Use Zones.

5. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. 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. These criteria 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.

- a. Dwellings and structures shall be sited on the parcel so that:
 - i. They have the least impact on nearby or adjoining forest or agricultural lands.
 - ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And
 - iv. The risks associated with wildfires are minimized.

- b. The applicant shall provide evidence 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. For the purposes of this Section, evidence of a domestic water supply means:
 - i. 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.
 - ii. A water use permit issued by the Water Resources Department for the use described in the application. Or
 - iii. 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.

6. 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 United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

7. Approval of a dwelling shall be subject to the following additional requirements:
 - a. Approval of a dwelling requires the owner 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, 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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.

 - 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 the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and 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 pursuant to ORS 321.372.

- 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.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of

Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

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

7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. 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. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical 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;

 - 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 or a stream that has a continuous year round flow of at least one cubic foot per second;

 - 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.

9. 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.

10. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, 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 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.

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

- 11. 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.

- 12. 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).

- 13. The dwelling shall not be sited on a slope of greater than 40 percent.

14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

15. The dwelling shall be located upon a parcel 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.

16. 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.

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



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

Staff Report

File #: ACU-06-32

Date: August 24, 2006

Applicant/:	Steve Stalcup	Fralen Properties
Owner	3682 Tremont	Frank Pekny
	North Bend OR 97459	331 Camino Del Cielo
		S. Pasadena CA 91030

Request: To site a template dwelling within the Forest Mixed Use (FMU) zone.

Staff Contact: Jill Barzee, Administrative Aide

I. APPLICABLE REVIEW CRITERIA:

- i. Coos County Zoning and Land Development Ordinance (CCZLDO) - Section 4.8.525(B) Template Dwelling,
- ii. 4.8.700, Fire Siting and Safety Standards

II. BASIC FINDINGS:

- A. **Location:** The property is located south of the City of Coos Bay west of Seven Devils Road and is accessed via Kona Plaza Road in the Sansaria Subdivision. The subject property (tract) is identified on the Coos County Assessor's map as Township 26, Range 14, Section 33CC, Tax Lot(s) 1700, 6600, 6700, 6800.
- B. **Lot of Record:** Pursuant to the CCZLDO "SECTION 3.3.800. Lawfully Created Lots and Parcels. The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance: 1. Lots or parcels created prior to January 1, 1986;.."

According to assessment information tax lots 1700, 6600, 6700, and 6800 are lots within the Sansaria Subdivision (created in 1968) which was lawfully

created prior to January 1, 1986; therefore, the subject tract is a legal lot of record pursuant to Section 3.3:800(1).

- C. Background:** According to Planning Department records, on June 12, 2000, tax lot #26-14-33CC-6600 was included in a property line adjustment with tax lot #26-14-33CC-3800 and tax lot #26-14-33CC-6800 was included in a property line adjustment with tax lot #26-14-33CC-6900. On November 3, 2005, a pre-eligibility determination was submitted by Mr. Stalcup. On November 30, 2005, it was determined the property met the criteria set forth in Article 4.8 to site a template dwelling and Mr. Stalcup was advised that he might proceed with the application for a dwelling.

The application requested a template dwelling on three of the four lots in the tract. In an August 14, 2006 memo from Mr. Stalcup he stated that Township 26, Range 14, Section 33CC, Tax Lot(s) 1700 is not part of the sales agreement and will not be sold with the rest of the lots. The sale will take place upon approval of this application and tax lot 1700 will not be part of this tract.

- D. Zoning:** The subject property is zoned Forest (F) with a mixed use overlay. The purpose of the "F" zone is:

"... to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses."

E. Site Description: The subject property, which contains three tax lots, consists of 0.85 of an acre. The tract consists of the three noted tax lots plus an additional tax lot which lies across Paradise Drive from the subject tract. Pursuant to Section 3.3.800, Lawfully Created Lots and Parcels (5), parcels under the same ownership, which are contiguous, are considered to be a tract. Section 3.3.800(7) indicates that roads do not divide property. Pursuant to Section 4.8.525(B), the entire tract of land must be considered when applying for a template dwelling. There is currently no development on the property, as substantiated by the Coos County Assessment records and aerial photographs. There appears to be little established forested vegetation scattered throughout the property. The property consists of Templeton silt loam soil with 0 to 7 percent slopes (54B), 7 to 30 percent slopes (54D), and 30 to 50 percent slopes (54E).

- F. **Special Considerations:** The subject property does not lie within an acknowledged Special Consideration area.
- G. **Surrounding Land Uses:** The subject property lies within the boundaries of the Sansaria subdivision. The area surrounding the subject property is a mix of forested areas with residential development within the subdivision.

The parcels surrounding the subject property are zoned forest and range in size from 0.19 acre to 8.3 acres.

III. **DECISION:** Approved with conditions.

IV. **CCZLDO Review Criteria**

i. **Section 4.8.525(B) "Template Dwelling"**

B. **Template dwelling. A single family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:**

1. ***There are no other dwellings on the tract on which the dwelling will be sited.***

FINDING: Pursuant to assessment records the subject tract consist of 1.14 acres (Tax lot 6600 contains 0.280 of an acre, Tax lot 6700 contains 0.250 of an acres, Tax lot 6800 contains 0.320 of an acre and Tax lot 1700 contains 0.290 of an acre). Assessment records and aerial photos confirm there are no other dwellings on the subject tract.

2. ***There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.***

FINDING: The deed for the subject property, recorded in 2000 (2000-2860), does not reference any deed restrictions limiting development on the subject property. The Protective Covenants for the Sansaria Subdivision, recorded June 24, 1968 (60-6-29491) allow for residential development.

3. ***The lot or parcel on which the dwelling is to be located is predominately composed of soils that are capable of producing the following cubic feet per acre per year:***

	Cf/Ac/Yr of Growth		
	0-49	50-85	+85
<i>Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, with a 160-acre square centered on the subject tract.</i>	3	7	11
<i>Required minimum number of dwellings existing on January 1, 1993 on the lots or parcels</i>	3	3	3

NOTE: *Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.*

FINDING: The Oregon Department of Forestry and the Planning Department estimated the cubic foot per acre per year growth to be greater than 85. Based upon the above criteria the template option requires 11 parcels and 3 dwellings, established prior to January 1, 1993, within a 160-acre square centered on the subject property. The subject property qualifies for a forest template dwelling because there are 133 parcels and 4 dwellings within the 160-acre template established prior to January 1, 1993.

4. *The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.*

FINDING: The proposal meets the criteria in Section 4.8.525(B) "Template Dwelling" and the acknowledged Comprehensive Plan.

ii. *Section 4.8.700 - Fire Siting and Safety Standards*

5. *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.*

FINDINGS: There is no evidence that the subject property is located within a rural fire protection district (RFPD) or that the applicants have requested to be included in the nearest such district. The property is located within the Bandon RFPD area.

6. *Section 4.8.700(A)(Firebreak) - identifies fire siting and safety standards that are applicable to dwellings approved in the Forest zone. The*

Ordinance requires a 30-foot primary setback and a 100-foot secondary setback be maintained. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met

FINDING: Pursuant to the submitted site plan, the size and the shape of the property does not allow for the 100 foot secondary setback to be met, therefore, a variance to the secondary fire safety setback will not be required. The site plan indicates the primary fire safety setback will be maintained.

7. Section 4.8.700(D) of the CCZLDO identifies that dwellings shall not be sited on a slope greater than 40 percent.

FINDING: There was no indication of the slopes on the submitted site plan. Pursuant to the submitted soil report prepared by Coos Soil and Water Conservation District, the property consists of soils found on slopes of 0 to 50 percent.

V. ANALYSIS:

The proposed dwelling meets the applicable review criteria of the CCZLDO subject to requirements and conditions of approval.

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (CCZLDO), and all land use regulations.

Please be aware the burden of proof rests with the applicant. Pursuant to Section 5.2.900 all conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension pursuant to ORS 215.417.

VI. NOTICE OF APPEAL RIGHTS:

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals filed after **September 8, 2006** are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information may be provided by the Planning Department upon request.

VII. Requirements and Conditions of approval:

- ✓ 1. The applicant shall provide evidence that the dwelling's 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 Forestry.
- ✓ 2. Evidence must be provided that a "Forest Management Covenant" which recognizes the right of adjacent and nearby property owners to conduct forest operations consistent with the Forest Practices Act and Rules has been recorded in the Deed Records of Coos County.
- ✓ 3. A road/driveway confirmation form must be signed by the Coos County Roadmaster that the road/driveway has been improved in accordance with Chapter VII of the CCZLDO.

All driveways are considered new if a dwelling does not currently exist on the subject property or a second dwelling requires the creation of a new driveway.

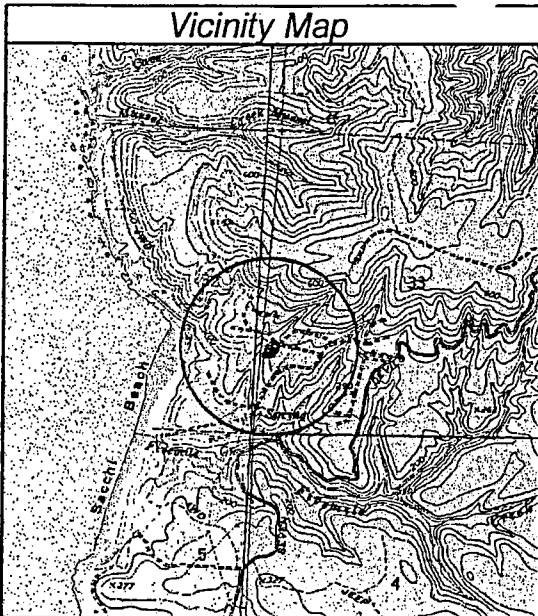
- ✓ 4. Pursuant to Table 7.2 of the CCZLDO there is a maximum allowed grade of 12% for any newly created road. The applicant must provide evidence from the County Roadmaster stating the road providing access to the subject property is in compliance with these requirements. If the property owner is unable to bring the existing forest road into compliance with these requirements a variance application will be required addressing Section 7.1.550 (Section 14).
- ✓ 5. The applicant shall provide evidence that they have requested to be included or are already included within a rural fire protection district by submitting a written notice from the Bandon RFPD to that effect.
6. Once the applicant has complied with items 1 through 5 above, a Zoning Compliance Letter (ZCL) can be obtained from the Planning Department in order to continue with any required development permits from the Department of Environmental Quality (DEQ) or State Building Codes Agency.
7. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" shall by acting upon this permit agree to notify the "buyer" or "grantee" of the terms and conditions of the permit.

8. The proposed dwelling must be located as shown on the applicant's submitted plot plan; however the dwelling must not be located on slopes of more than 40%.
9. Pursuant to the CCZLDO, Section 4.8.700 requires the following:
 - a. All dwellings to maintain a 130-foot fuel free firebreak setback,
 - b. New structures shall use a non-combustible or fire resistant roofing material,
 - c. A water supply exceeding 4,000 gallons suitable and available for fire suppression,
 - d. The dwelling shall not be sited on a slope of greater than 40 percent,
 - e. If a chimney is proposed it shall have a spark arrester,
 - f. Adequate road access for fire personnel
10. Construction activities that disturb one or more acres of land are subject to Department of Environmental Quality (DEQ) review. Less than one acre may be subject to review if part of a larger common plan. Please direct all questions to DEQ.

C: David Perry, DLCD
Larry Van Elsberg, Roadmaster
Watermaster
Del Cline, DEQ
Ruben Kretzschmar, DEQ
Bandon RFPD
Coos Bay/North Bend Water Board
Coos Bay School District #9
File

COOS COUNTY PLANNING DEPARTMENT

Coos County Courthouse Annex, 290 N. Central
Coquille, Oregon 97423
(541) 396-3121 Ext. 210 Fax (541) 396-2690

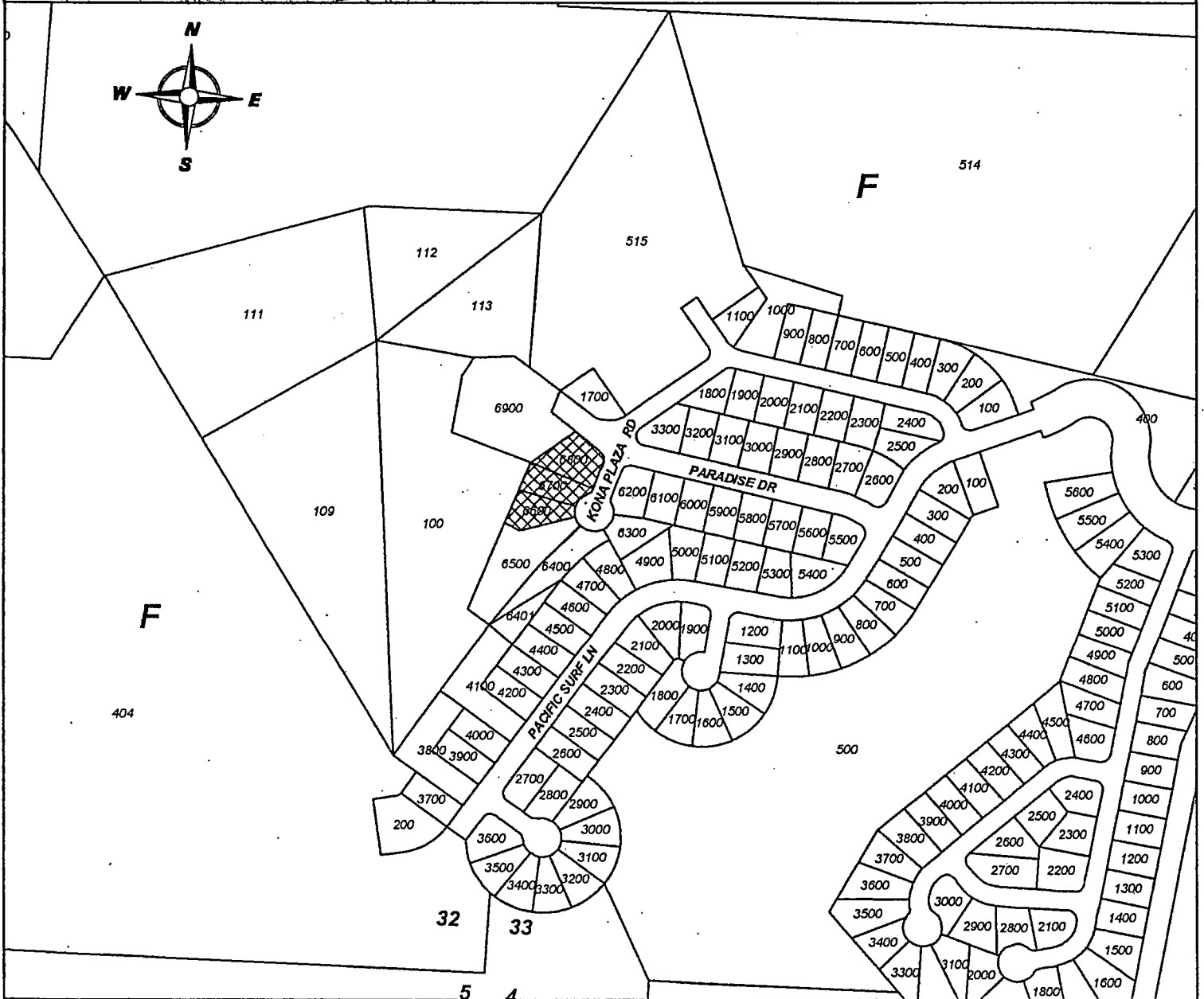


File Number: ACU-06-32

Applicant: Steve Stalcup
Owner: Fralen Properties
3682 Tremont
North Bend, OR 97459

Location: T26 R14 Sec.33CC TL 6600, 6700, 6800

Proposal: Template Dwelling

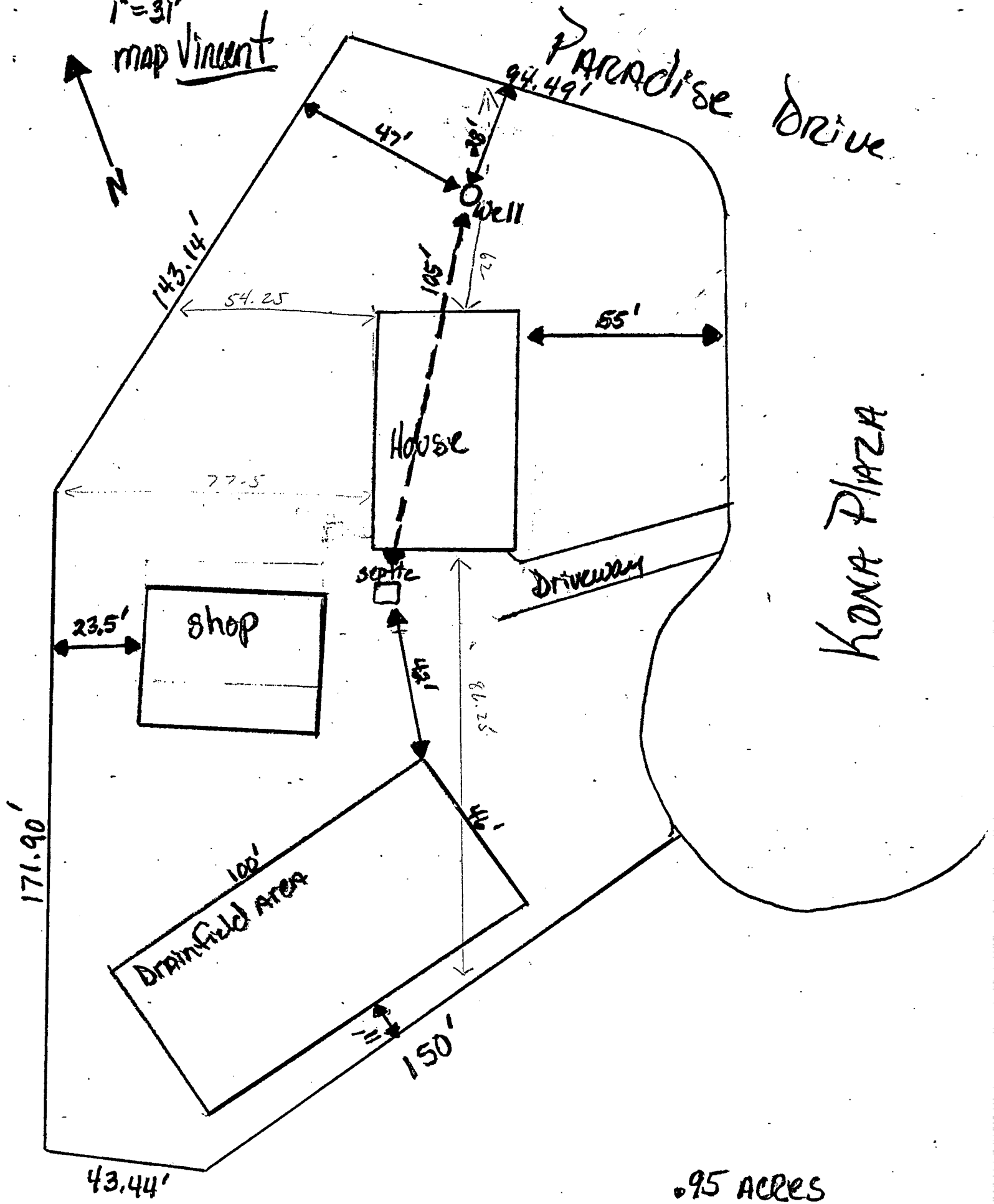


Scale one Inch = 400'

Subject Property =



1" = 31'
map Vincent

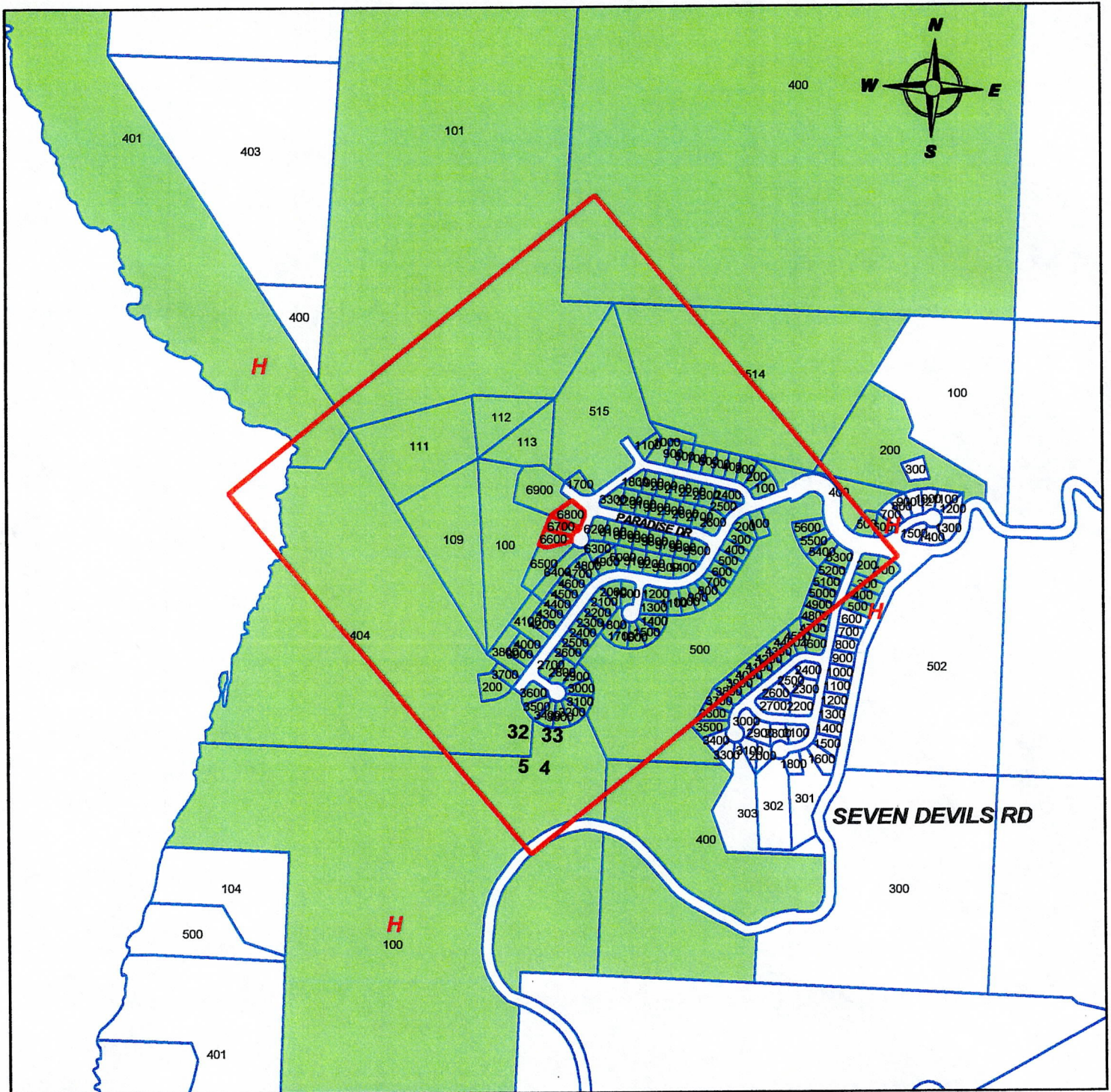


0.95 ACRES

T26 R14 S33 CC TL 6600, 6700, 6800

TEMPLATE = 1/2 X 1/2 MILE

1" = 800'



H, MH = RESIDENCES

GREEN = PARCELS WITHIN TEMPLATE

**NOTE: 26-14-32 TL'S 109, 111, 112, 113,
404, 26-14-33 TL'S 514, 515
NOT ALLOWED. CREATED AFTER
JAN. 1, 1993.**