



# STAFF REPORT

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

## **I. MATTER DETAILS – AGENDA ITEM IV. A**

**FILE NUMBERS:** ACU-22-012

**PROPERTY OWNER:** COMBS, RENEE L & STEVEN R  
87276 RUBY LN  
BANDON, OR 97411-8400

**CONSULTANT:** Dave Reed, The Wayward R Studio

**STAFF CONTACT(S):** Chris MacWhorter, Principal Planner  
541-3963-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

### **SUMMARY PROPOSAL:**

The property owner is seeking approval for a new Single Family Dwelling, with an Accessory Structure, in the Forest Mixed Use Zone. There is no indication that any other development is proposed at this time.

Pursuant to Section 5.2.400 Processes for Conditional Uses:

A conditional use may be initiated by filing an application with the Planning Department using forms prescribed by the Department.

Upon receipt of a complete application, the Planning Department may take action on a conditional use request by issuing an administrative decision or scheduling a public hearing as determined by the applicable zoning.

The Planning Director, may at his or her discretion, refer any administrative conditional use to the Hearings Body. If such a referral is made the process for review and decision shall be the same as a conditional use otherwise reviewed by the Hearings Body. In this case the Planning Director has referred the matter to the Planning Commission.

### **PUBLIC HEARING:**

The time and place for the Coos County Planning Commission to review this matter in a public hearing is December 1, 2022, at 7:00 P.M. in the Owen Building, 201 N. Adams Street, Coquille Oregon

**LOCATION OF PROPOSAL:** The subject property is located five miles south of the City of Bandon. The subject property is accessed off of Dew Valley Lane.

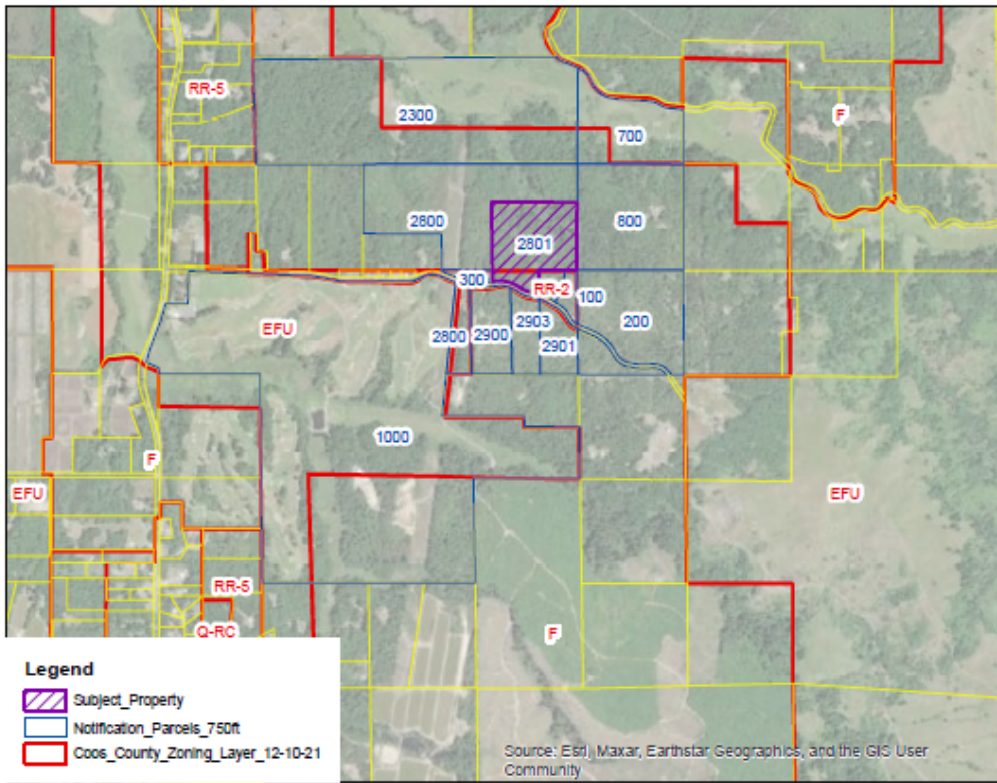


# COOS COUNTY PLANNING DEPARTMENT

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



File: ACU-22-012  
Owner: Steve & Renee Combs  
Date: October 25, 2022  
Location: Township 29S Range 14W  
Section 19 TL 2801  
Proposal: Administrative Conditional Use

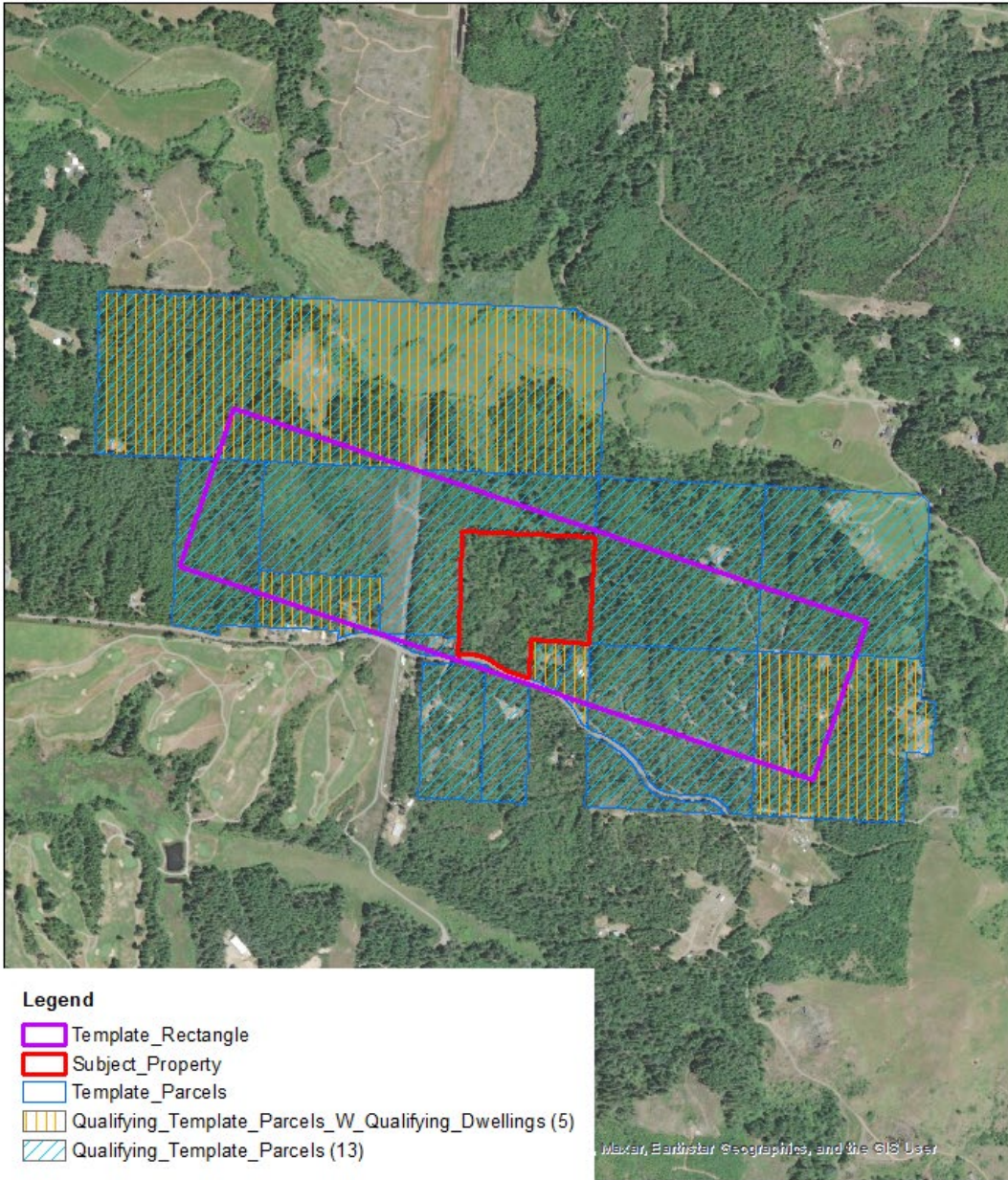


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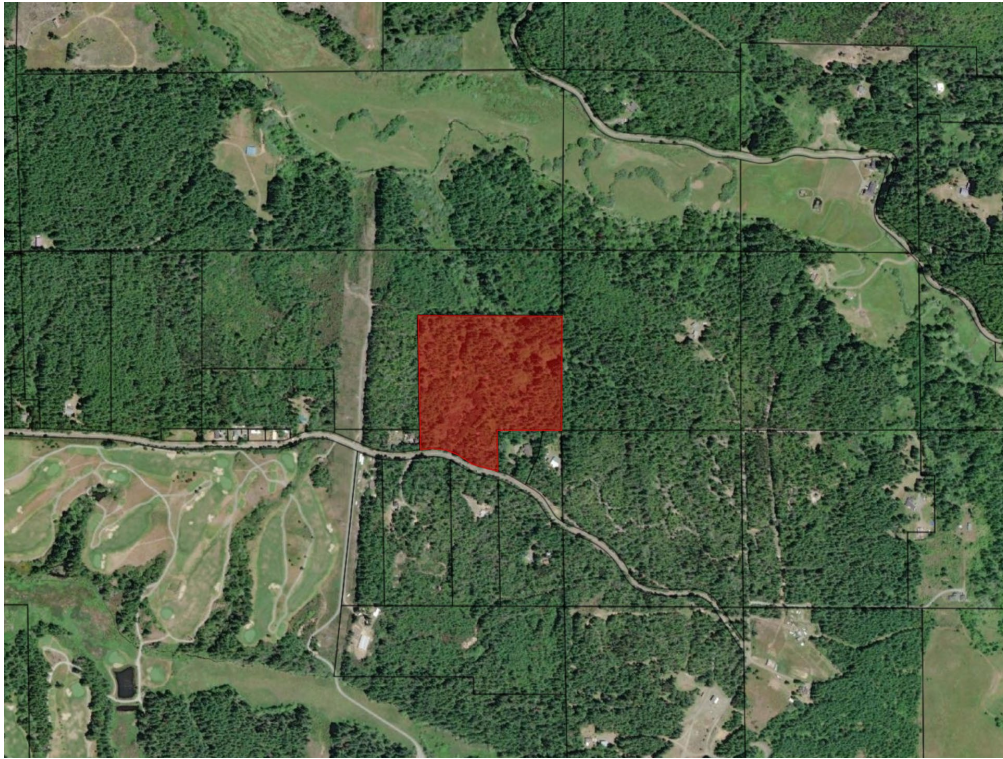


# COOS COUNTY PLANNING DEPARTMENT

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- i. **Notice Requirement:** This application is an Administrative Conditional Use (ACU) governed by CCZLDO Section 5.0.900. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.
- ii. **REVIEW PERIOD:** This application was originally submitted on March 31, 2022 under the prior property owner's name. After several attempts to ensure the application was completed the actual completion date was on October 16, 2022 with the last submittal from the current property owners' consultant. This proposal is subject to the 150-day timeline to make a final decision pursuant to ORS 215.422.

**II. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS**

**A. SUBJECT PROPERTY DETAILS AND BACKGROUND:**

Property Location:	Township 29S, Range 14W, Section 19, Tax Lot 2801
Tax Account:	1219604
Acreage:	22.13 Acres
Property Address:	No Situs Address
Property Zones:	FOREST (F) and RURAL RESIDENTIAL-2 (RR-2)

Special Development Considerations/Overlays:	FOREST MIXED USE (MU), NATIONAL WETLAND INVENTORY SITE (NWI), NATURAL HAZARD - WILDFIRE (NHWF)
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This property is split-zoned consisting of Forest with a Mixed-Use Overlay on the larger northern portion and Rural Residential-2 on the southern smaller portion of the subject property.

## **ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

### **SECTION 4.2.100 RESIDENTIAL**

#### ***Rural Residential (RR)***

*There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.*

*The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.*

*The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.*

*The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.*

### **SECTION 4.2.500 RESOURCE ZONES**

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

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

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

## **B. SURROUNDING LAND USES:**

The subject property is currently covered with timber with sparse areas of light understory forest vegetation. Based on the aerial imagery, the area with sparse vegetation is located close to Dew Valley Lane while the northern areas of the subject property are covered in mature timber. The subject property is currently vacant.

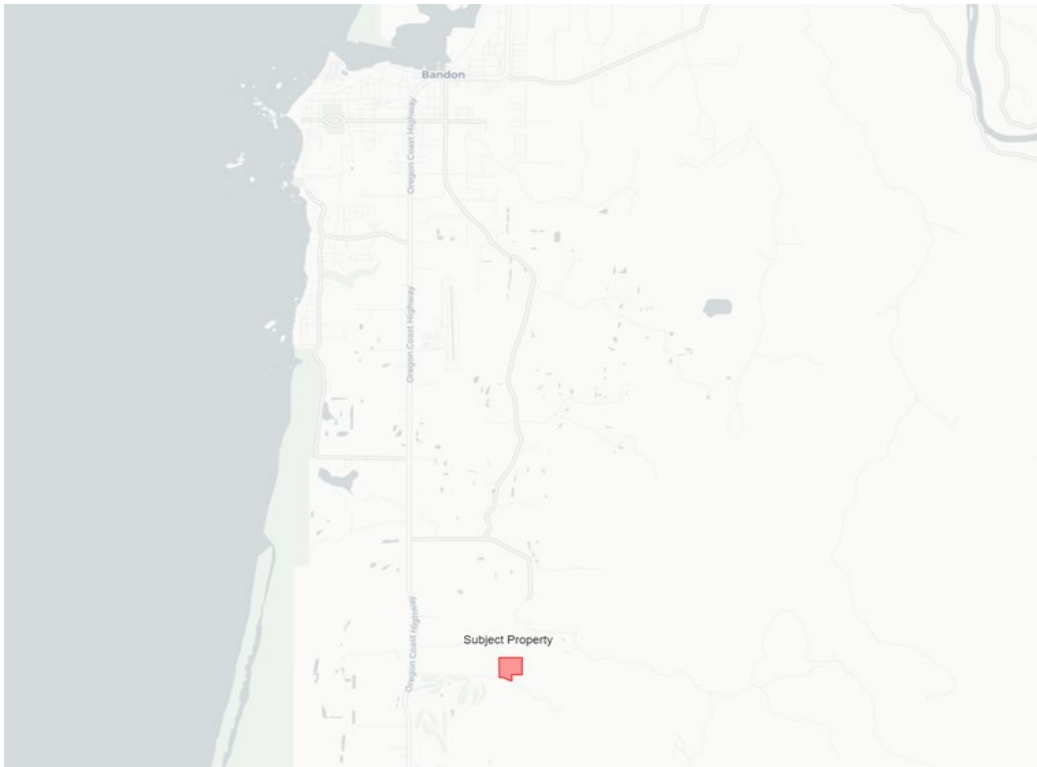
There is an approximately 70-acre tract of timberland located on the western and northern side of the subject property. There is no residential development on this tract. Northern of this tract and within 750 feet of the subject property is 142-acre tract that is covered with mature timber and active agricultural pasture land. Twomile Creek proceeds through this parcel. There is residential development located in the SW ¼ corner of the parcel. That residential development is located approximately 2800 feet from the northwest corner from the subject property.

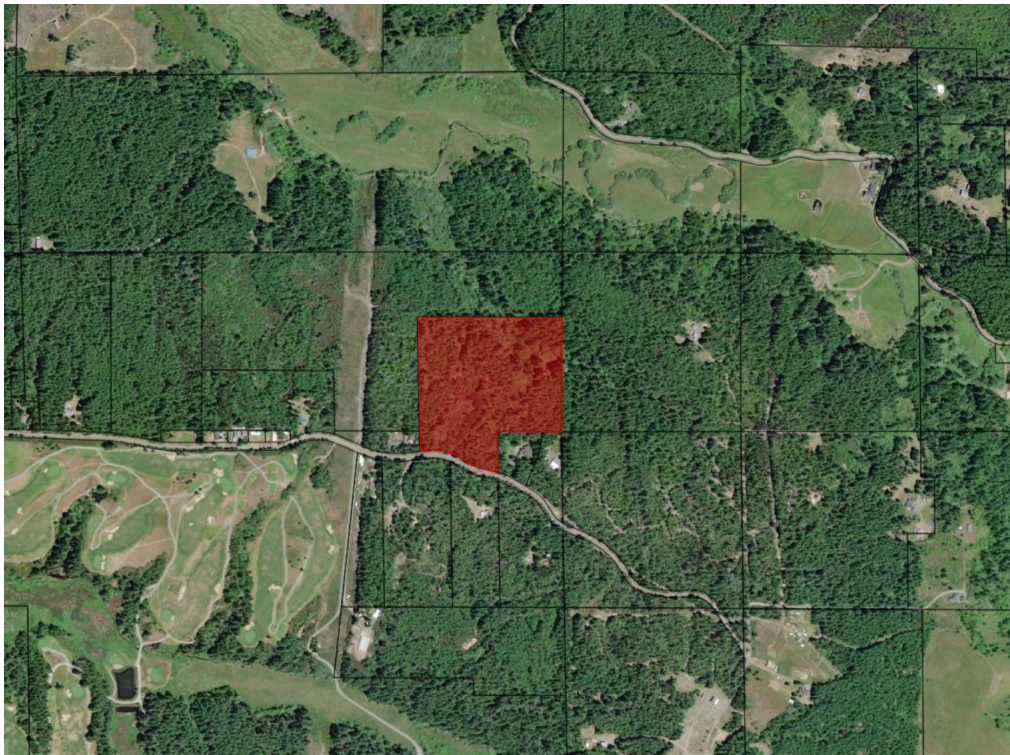
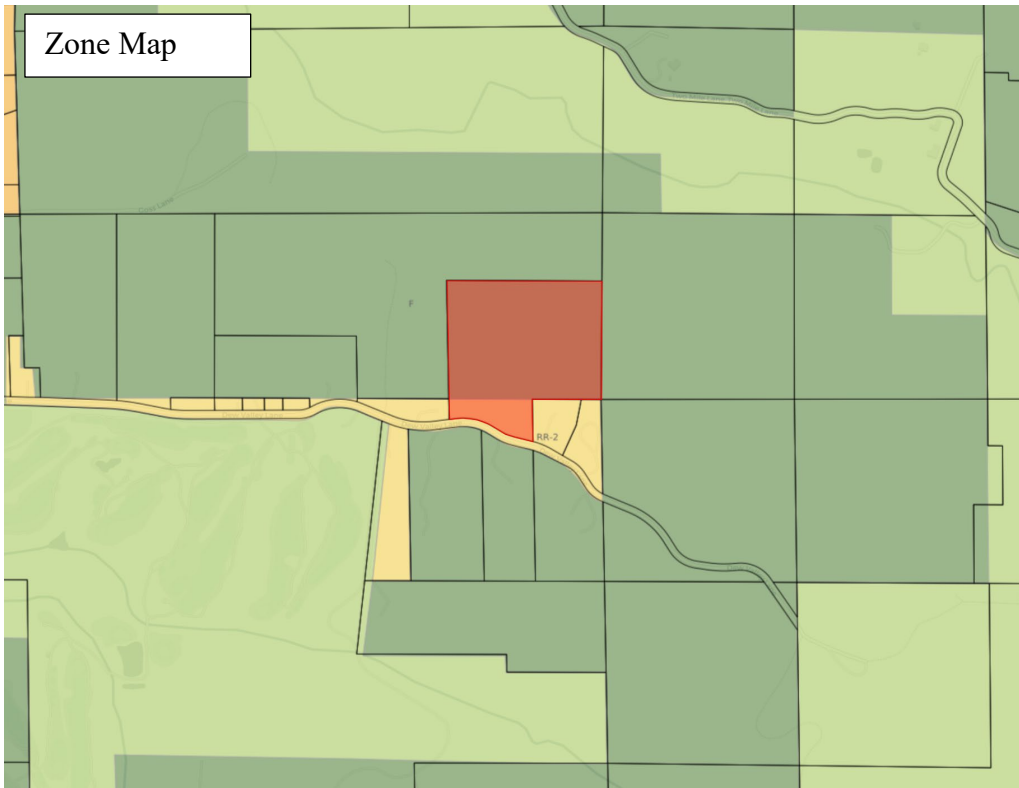
There are Rural Residential-2 zoned parcels located on the southern and southwest side of the subject property. These properties are residentially developed with the dwellings located approximately 250 feet from Twomile Lane.

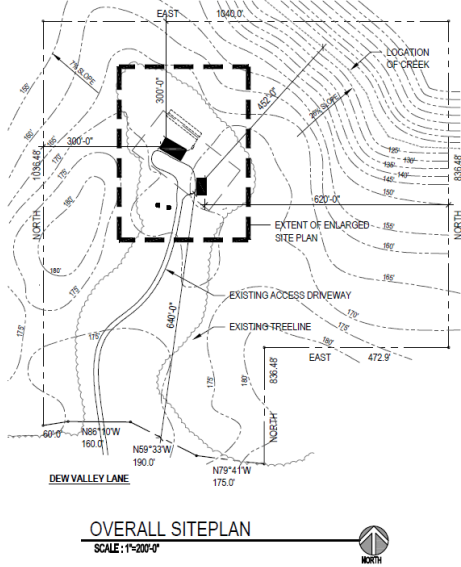
East of the subject property is a 40-acre Forest zoned parcel with residential development located in the eastern portion of the property. The residential development is accessed by Moonlight Road, which is a private easement that accesses from the end of Twomile Lane.

There is an undeveloped 38-acre Forest zoned parcel located southeast of the subject property. This parcel is undeveloped and being utilized for timber production.

There is a golf course located southwest of the subject property, the parcel is located within the 750 buffer.

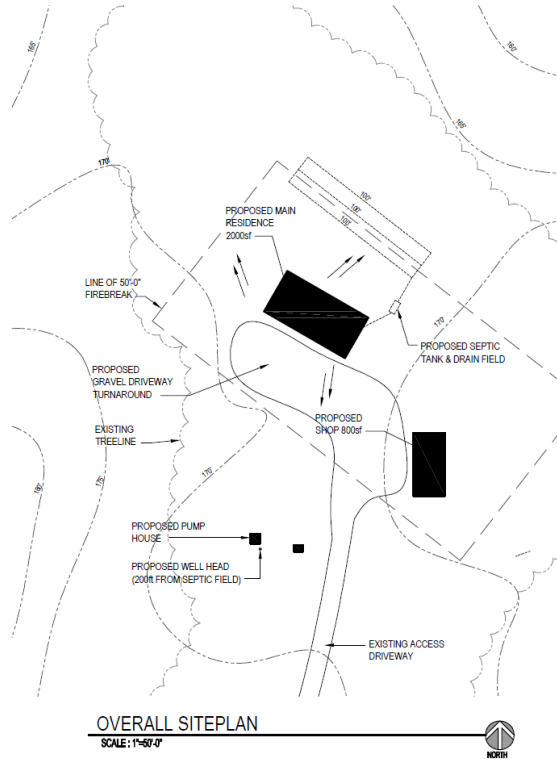






THE WAYWARD R STUDIO  
 BASTON OREGON  
 DAVID REED / 541-551-0057

MAP AND TAX LOT:	29S 14W 19 LOT 2801
ZONING DISTRICT:	F FORESTLAND
LOT SIZE:	22.13 ACRES



10-16-22

**C. GENERAL PROPERTY COMPLAINE**

**i. COMPLIANCE PURSUANT TO SECTION 1.1.300:**

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

**STAFF RESPONSE:** Staff has reviewed the property history and the County files at the time of this report; the property is compliant with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

**ii. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

- 1. The unit of land was created:*
  - a. Through an approved or pre-ordinance plat;*
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
  - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*



- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.

**STAFF RESPONSE: The unit of land was created pursuant to Section 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was created by Coos County deed number 83-1-4915. Therefore, staff concludes the property is a lawfully created lot.**

**D. COMMENTS:**

- A. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands, their response stated "*Based on review of available information and site plan smutted, proposed homesite and access appears to avoid impacts to jurisdictional wetlands or waters. Therefore, no state permit is needed*".
- B. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- C. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received

**E. APPLICABLE IDENTIFIED REVIEW CRITERIA:**

**I. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

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

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

and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

## **II. KEY DEFINITIONS:**

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

## **III. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS**

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

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

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

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

quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
<i>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed cond</i>		
63.	<i>Template Dwelling (Alternative forestland dwellings ORS 215.750)</i>	<i>ACU (9)(B)(II)</i>

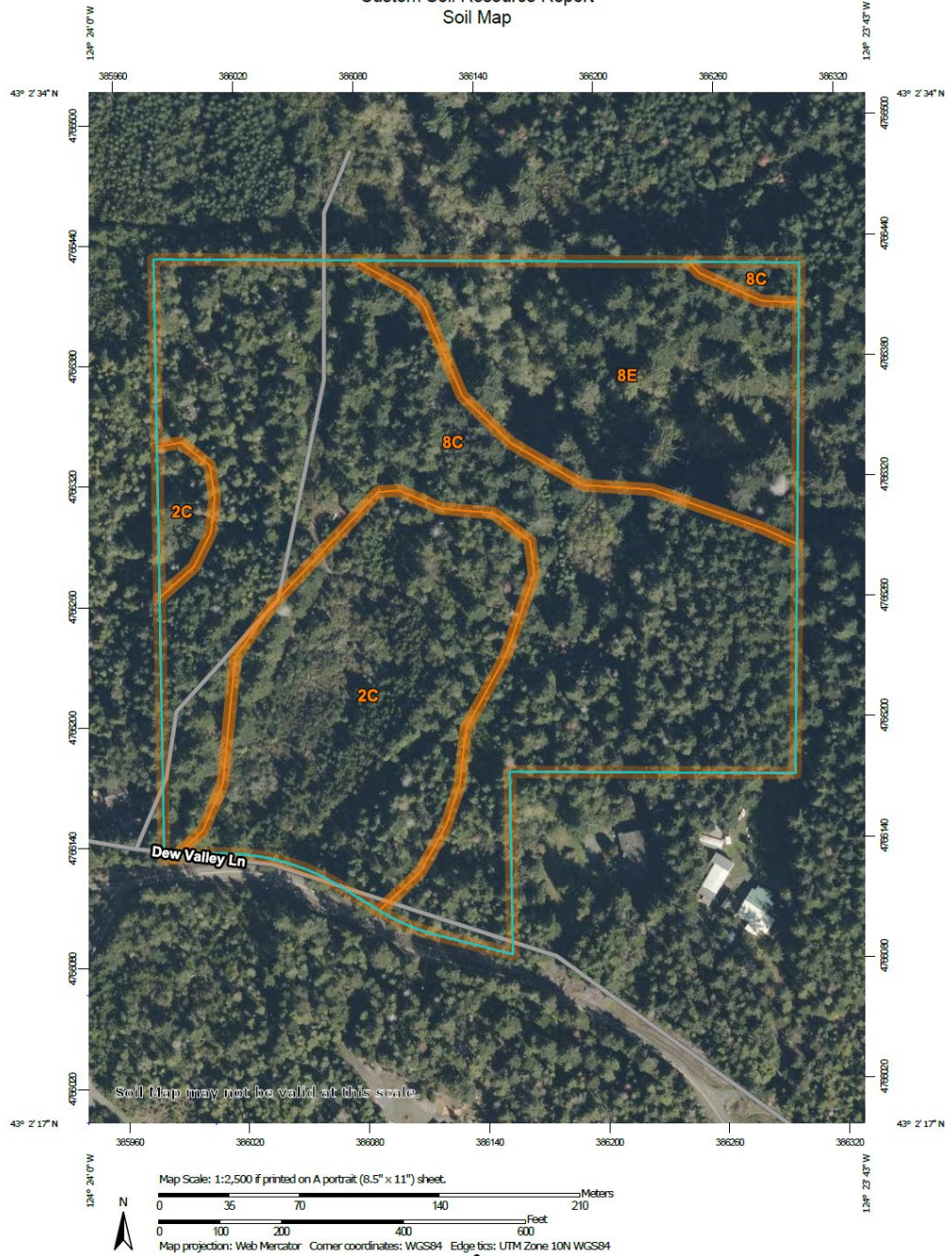
- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.
  - (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
    - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
      - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
      - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
    - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
      - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
      - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;
    - or
    - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
      - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
      - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

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

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	5.8	25.3%
8C	Bullards sandy loam, 7 to 12 percent slopes	12.3	53.9%
8E	Bullards sandy loam, 30 to 50 percent slopes	4.7	20.8%
<b>Totals for Area of Interest</b>		<b>22.8</b>	<b>100.0%</b>

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/ac/yr</i>	
2C—Bandon-Blacklock complex, 0 to 12 percent slopes				
Bandon	Douglas-fir	104	143.00	Douglas-fir, Sitka spruce, Western hemlock
	Pacific madrone	—	—	
	Port orford cedar	—	—	
	Red alder	—	—	
	Shore pine	94	86.00	
	Sitka spruce	142	200.00	
	Western hemlock	134	200.00	
	Western redcedar	—	—	
Blacklock	Port orford cedar	—	—	Port orford cedar, Shore pine, Sitka spruce, Western hemlock
	Shore pine	90	72.00	
	Sitka spruce	—	—	
	Western hemlock	—	—	

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/ac/yr</i>	
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	—	—	
	8E—Bullards sandy loam, 30 to 50 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	—	—	

***2C-Bandon-Blacklock complex, 0 to 12 percent slopes.***

*This map unit is on dissected marine terraces. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 25 to 300 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*This unit is 60 percent Bandon sandy loam and 20 percent Blacklock fine sandy loam. The Bandon soil is in slightly convex areas where slope is 0 to 12 percent, and the Blacklock soil is in scattered depressional areas where slope is 0 to 3 percent. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.*

*Included in this unit are small areas of Bullards, Heceta, and Yaquina soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.*

*The Bandon soil is deep and well drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of decomposed organic litter 1 inch thick. The surface layer is dark grayish brown sandy loam 5 inches thick. The upper 25 inches of the subsoil is dark reddish brown sandy loam and loam, and the lower 13 inches is pale brown, cemented, sandy material. The substratum to a depth of 60 inches or more is yellowish brown loam.*

*Permeability of the Bandon soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 2 to 6 inches. Effective rooting depth is 18 to 36 inches. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.*

*The Blacklock soil is deep and poorly drained. It formed in sandy marine deposits. Typically, the surface is covered with a mat of organic litter 1 inch thick. The surface layer is black and very dark gray fine sandy loam 9 inches thick. The subsurface layer is gray loamy fine sand 4 inches thick. The upper 2 inches of the subsoil is black mucky loam, and the lower 37 inches is mottled, strong brown to yellowish brown, cemented sand. The substratum to a depth of 75 inches or more is mottled, light olive brown, red, and brown sand.*

*Permeability of the Blacklock soil is moderate above the cemented layer, very slow through it, and moderately rapid below it. Available water capacity is about 1.5 to 3.5 inches. Effective rooting depth is 12 to 24 inches. Runoff is very slow, and the hazard of water erosion is slight. The water table fluctuates from 6 inches above the surface to 30 inches below the surface from October to May.*

*This unit is used mainly for timber production and wildlife habitat. Areas of the Bandon soil are also used for pasture, recreation, and homesite development.*

*The Bandon soil is suited to the production of Douglas fir. Among the other species that grow on this soil are Sitka spruce, western hemlock, red alder, and western redcedar. The understory vegetation is mainly salal, evergreen huckleberry, western brackenfern, and Pacific waxmyrtle.*

*The Blacklock soil is suited to the production of shore pine. Among the other species that grow on this soil are Sitka spruce, western hemlock, and Port Orford cedar. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, manzanita, and slough sedge.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 137 on the Bandon soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old*

*Douglas fir trees 1.5 inches in diameter or more at breast height is 140 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.*

*On the basis of a 100-year site curve, the mean site index for shore pine is 90 on the Blacklock soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old shore pine trees 1.5 inches in diameter or more at breast height is 79 cubic feet per acre per year.*

*High winds from the Pacific Ocean may seriously limit the growth of trees on this unit unless the trees are in a protected area.*

*The main limitations for the management of timber on this unit are the hazard of windthrow, seasonal wetness on the Blacklock soil, and plant competition on the Bandon soil. Windthrow is a hazard when the soil is wet and winds are strong. Tree roots are restricted by the cemented layer in the soils. The seasonal high water table in the Blacklock soil limits the use of equipment during wet periods. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings on the Bandon soil and shore pine seedlings on the Blacklock soil. Tree seedlings on the Blacklock soil have only a moderate rate of survival because of the seasonal high water table.*

*If this unit is used for pasture, the main limitations are the droughtiness of the Bandon soil in summer and the wetness of the Blacklock soil. Supplemental irrigation is needed for maximum production on the Bandon soil. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs. Drainage is needed for maximum production. Water on or near the surface can be removed with open ditches or tile drains. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion.*

*If this unit is used for recreational development, the main limitations are the very slow permeability of the Bandon soil and the wetness and very slow permeability of the Blacklock soil. Water perched above the cemented layer may limit the use of recreational facilities to dry periods. Drainage should be provided for paths and trails. Wetness can be reduced by ripping the cemented layer in the Bandon soil and by installing open ditches or tile drains in the Blacklock soil.*

*If this unit is used for homesite development, the main limitations are the very slow permeability of the soils and the hazard of erosion. Use of septic tank absorption fields is limited by the very slow permeability. Because of the cemented layer, onsite sewage disposal systems often fail or do not function properly during periods of high rainfall. The limitation of very slow permeability may be overcome by increasing the size of the absorption field.*



*Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. Structures to divert runoff are needed if buildings and roads are constructed.*

*This map unit is in capability subclass Vlw.*

***8C-Bullards sandy loam, 7 to 12 percent slopes.***

*This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.*

*Included in this unit are small areas of Bandon and Templeton soils. Also included are small areas of Blacklock soils. Included areas make up about 25 percent of the total acreage.*

*Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The hazard of soil blowing is severe.*

*This unit is used mainly for timber production, wildlife habitat, and homesite development. It is also used for pasture and recreation.*

*This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105.*

*The main limitations for the management of timber on this unit are the hazard of windthrow and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff.*

*Proper design of road drainage systems and care in the placement of culverts help to control erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit.*

*Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.*

*If this unit is used for homesite development, the main limitations are slope and droughtiness in summer. Absorption lines should be installed on the contour. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees.*

*If this unit is used for pasture, the main limitation is droughtiness in summer. Supplemental irrigation is needed for maximum production. Sprinkler irrigation is a suitable method of applying water. Use of this method permits the even, controlled application of water. Water should be applied in amounts sufficient to wet the root zone but small enough to minimize the leaching of plant nutrients. Applications of water should be adjusted to the available water capacity, the water intake rate, and the crop needs.*

*Fertilizer is needed to ensure optimum growth of grasses and legumes. Grasses respond to nitrogen, and legumes respond to sulfur and phosphorus. Proper stocking rates and pasture rotation help to keep the pasture in good condition and to protect the soil from erosion. Periodic mowing and clipping help to maintain uniform growth, discourage selective grazing, and reduce clumpy growth.*

*If this unit is used for recreational development, the main limitation is steepness of slope. Slope may restrict some kinds of activities and increase the cost of constructing facilities.*

*This map unit is in capability subclass Ille.*

***8E-Bullards sandy loam, 30 to 50 percent slopes.***

*This deep, well drained soil is on dissected marine terraces. It formed in mixed eolian and marine deposits. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 600 feet. The average annual precipitation is 55 to 75 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.*

*Typically, the surface is covered with a mat of undecomposed organic matter 3 inches thick. The surface layer is very dark grayish brown sandy loam 7 inches thick. The subsoil is dark reddish brown, dark brown, and strong brown gravelly sandy loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown sand.*

*Included in this unit are small areas of Templeton soils. Included areas make up about 20 percent of the total acreage. The percentage varies from area to area.*

*Permeability of this Bullards soil is moderate. Available water capacity is about 4.0 to 5.5 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high. The hazard of soil blowing is severe.*

*This unit is used mainly for timber production and wildlife habitat. It is also used for recreation.*

*This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are Sitka spruce, western hemlock, western redcedar, shore pine, and red alder. The understory vegetation is mainly evergreen huckleberry, creambush oceanspray, salal, Pacific rhododendron, cascara, and western swordfern.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 132. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 133 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 105. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.*

*The main limitations for the management of timber on this unit are steepness of slope, the hazard of erosion, the hazard of windthrow, and plant competition. Careful use of wheeled and tracked equipment reduces the disturbance of the protective layer of duff. Highlead or other logging systems that fully or partially suspend logs damage the soil less and generally are less costly than tractor systems.*

*Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cut and fill areas are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both.*

*Windthrow is a hazard when the soil is wet and winds are strong. When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir, Sitka spruce, and western hemlock seedlings.*

*If this unit is used for recreational development, the main limitations are slope and the hazard of erosion. Slope limits the use of areas of this unit mainly to a few paths and trails, which should extend across the slope. The risk of erosion is increased if the soil is left exposed during site development. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion.*

*This map unit is in capability subclass V1e.*

**STAFF RESPONSE: The applicants submitted the following response “Conforming with Section (1)(c) The subject parcel meets the required number of parcels when applying the 160-acre square centered on the subject tract. The current number of lots existing on January 1, 1993 is 17, The minimum number of dwellings existing since 1993 is (8) as referenced from the Coos County Assessor. Soils onsite include Bandon-Blacklock complex, and Bullards Sandy Loam, producing 143 cubic feet per acre of wood fiber”**

**Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per year of wood fiber which determines the applicable criteria for the number of qualifying lots or parcels. According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 2C – Bandon-Blacklock complex, 8C & 8E – Bullards sandy loam soil types. The proposed dwelling location is sited in 8C soil type. The volume of wood fiber per year for 8C is 143 cubic feet per acre per year for Douglas-fir species. This volume requires (all or part of) to be at least 11 other lots or lots that existed on January 1, 1993 and within those qualifying lots and parcels at least three dwellings existed on January 1, 1993.**

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

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:*

- (2) *The following review standards apply to “template” dwellings approved under this rule:*
- a. *Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.*
  - b. *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road<sup>1</sup> that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
  - c. *If the:*
    - i. *Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:*
      - 1. *Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or*
      - 2. *Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*

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<sup>1</sup> 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.

- ii. *Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
  
- d. *Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.*

**STAFF RESPONSE: The applicants stated the following: “Conforming with section (2)(a) The subject parcel is not located in an urban growth boundary. Conforming with section (2)(c) subsection (A)(ii) The subject tract abuts both a road and the measurement used to determine existing residences was within one-quarter mile from the edge of the subject tract but not outside of the length of the 160 acre rectangle, and on the same side of the road.”**

**Staff agrees that none of the lots or parcels are located within Urban Growth Boundaries; therefore, no Urban Growth Boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.**

**The applicants did not supply a template map to verify that there are 17 parcels with 8 dwellings created prior to 1993.**

**Staff has created a template map and reviewed all the records to determine that there are 13 parcels with 5 dwellings created prior to January 1, 1993. Therefore, it appears the property complies with the template test.**

- (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.*

**STAFF RESPONSE: The applicants simply restated their responses to most of these questions. The applicants did state for (e) that “The subject parcel was lawfully established per deed provided.” The applicants did supply the current deed for the subject property. However, that is not the required documentation. Staff finds, as identified above, that property was created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.**

- (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:*
    - i. *Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
      - 1. *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
      - 2. *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*

**STAFF RESPONSE: The subject property was not part of a tract on, or after, November 1, 2021. Therefore, this criterion is not 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.*
  - d. *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

**STAFF RESPONSE: The subject property is not part of a tract on the date of this decision. Therefore, this criterion is not applicable.**

*SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest*

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

- 1. Dwellings and structures shall be sited on the parcel so that:
  - (a) They have the least impact on nearby<sup>2</sup> or adjoining forest or agricultural lands;*
  - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
  - (d) The risks associated with wildfire are minimized.**
- 2. Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
- 3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
  - a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
  - b) A water use permit issued by the Water Resources Department for the use described in the application; or*
  - c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**
- 4. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
- 5. Approval of a dwelling shall be subject to the following requirements:
  - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
  - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;**

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<sup>2</sup>*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.*

- (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.*

**STAFF RESPONSE:** Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of minimizing adverse impacts to the subject property and nearby Farm and Forest operations. The applicants submitted the following responses to these sections:

***(a,b) Forest Land***

***Owner will adhere to the Coos County Comprehensive Plan Part 1(March 1985) specific to 3.1 Agricultural Lands – Inventory and Assessment; Section #4 Forest Management and Practices and The Oregon Forest Practices Act***

***· Road construction and maintenance***

***No easement access is provided thru the subject property to adjacent properties.***

***· Harvesting***

***The operations on the subject property are specific to a single family dwelling unit and accessory building. Neither shall interfere with harvesting on adjacent properties.***

***· Site preparation by treating slash***

***The operations on the subject property shall not interfere with site preparation on adjacent properties as the proposed development is located more centrally on-site and at least 300ft from the Northern Property line.***

***· Reforestation***

***The operations on the subject property shall not interfere with reforestation of adjacent properties, the proposed development does not obstruct forest operations on adjacent parcels.***

***· Use of pesticides or fertilizers***

***The operations on the subject property shall not interfere with the application of pesticides or fertilizers on abutting properties, all development is located a minimum of 300ft from abutting***



*property lines of larger forest zoned parcels (greater than 80 acres) for aerial spraying per Senate Bill 1602. Parcels under 80 acres are assumed to be sprayed via ground operations, not aerial, however a 300ft setback is provided regardless.*

***Farmland***

***Owner will adhere to the Coos County Comprehensive Plan Part 1 (March 1985) specific to Summary of the Typical Problems Associated with Farm Practices Section # 4***

***· Predators***

*The operations on the subject property will maintain predator control standards on site.*

***· Wildlife Competition***

*Not Applicable*

***· Toxic Weeds***

*The owner will work towards reducing/eliminating the potential for toxic weed growth on the subject property, starting with the proposed development area.*

***· Winter Flooding and Summer Water Shortages***

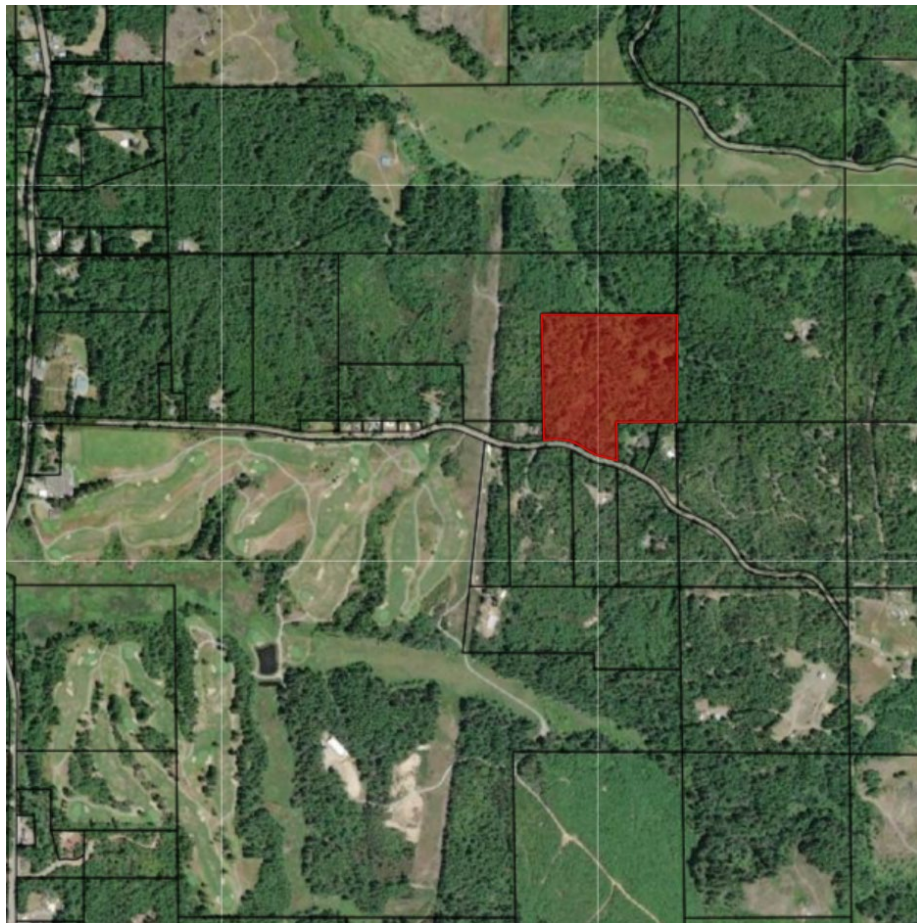
*The proposed development on the subject property is only for a single family dwelling and water retention for fire protection, therefore negligible. Water runoff from new construction will be directed on-site and away from descending slopes and native waterways*

***· Economic Problems***

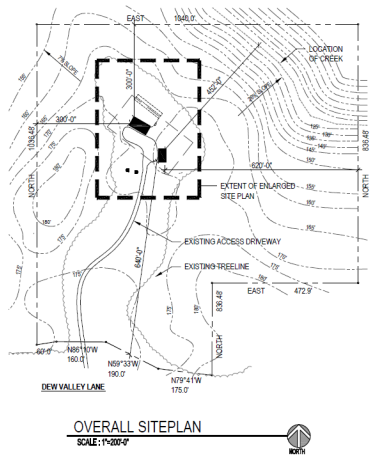
*Not Applicable*

***· Inheritance and Related Problems Not Applicable***

**The subject property is located five miles south of the City of Bandon. The subject property is accessed off of Dew Valley Lane. The proposed homesite is located at the northwestern portion of the subject properties, as shown on the applicant's plot plan. Based on the submitted plot plan, the proposed dwelling location will be approximately 300 feet to the northern property line, 300 feet to the western property line and over 650 feet for the southern property line.**

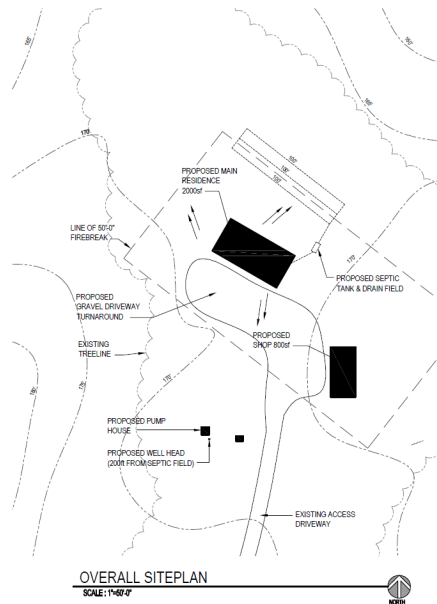


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 ACU-22-012



THE WAYWARD R STUDIO  
 BASTON OREGON  
 DAVID REED / 541-551-0057

MAP AND TAX LOT:	293 14W 19 LOT 2801
ZONING DISTRICT:	F FORESTLAND
LOT SIZE:	22.10 ACRES



10-16-22

*Maps are not to scale*

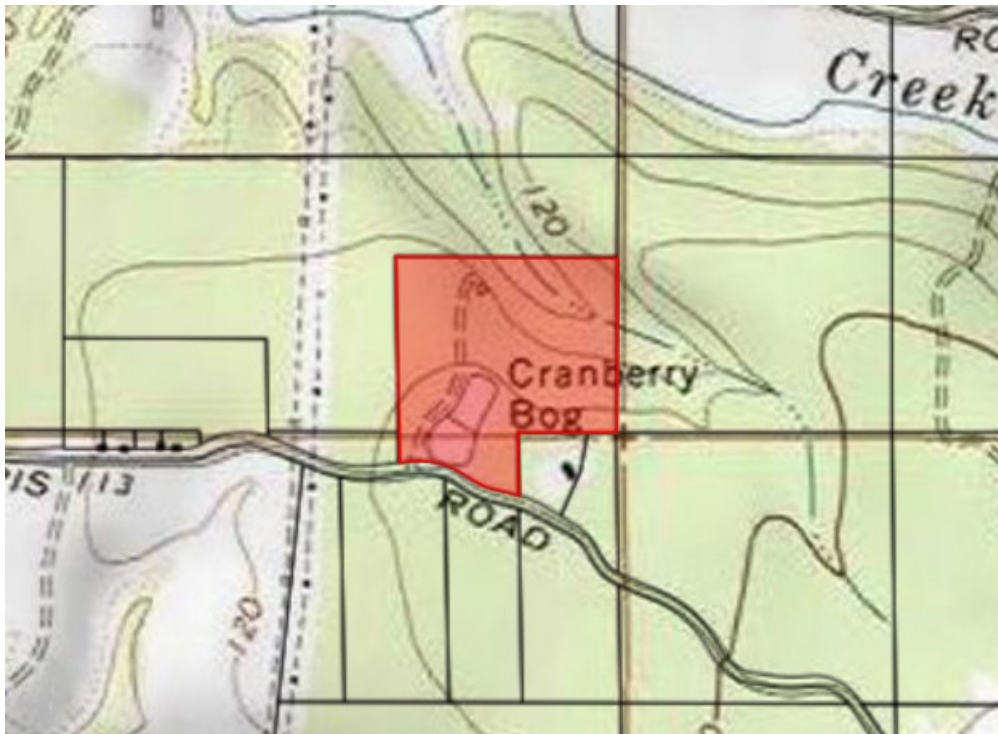
**Staff must review the proposed use's impact on nearby farm and forest operations. The County has defined nearby lands as within a 750 feet distance. 750 feet is also the distance required for**

land use notices, so the notification map above identifies the lands that need to be analyzed. The applicants did not provide any other additional information about resource uses on the nearby lands.

Staff findings for (1)(a). Based on the aerial photos, there appears to be forested lands on the adjacent property to the east, southeast, west and north of the subject property. South of the subject property 2-3 acre residentially developed lots are in the Rural Residential-2 zoning district. When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The *Anderson v. Coos County*, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.

The proposed dwelling location is 300 feet from the western and northern property lines, which abuts 70-acre timber tract. Based on aerial imagery, the parcel is covered in a mixture of reprod and mature timber. The applicants do not really address herbicide applications or how the dwelling would potentially limit this type of herbicide application.

According to the topographic map below, the adjacent parcel to the north appears to have slopes less than 35%, so groundside methods would be preferred. Based on the Oregon Department of Forestry (ODF) Land Use Note #2, the preferred safety distance from groundside harvesting to dwellings is a 300 feet buffer. The applicant's proposed dwelling location is 300 feet from the western and northern property line.



There is a livestock agricultural operation within the 750 feet of the subject property. The applicants stated that the “Owner will adhere to the Coos County Comprehensive Plan Part 1 (March 1985) specific to Summary of the Typical Problems Associated with Farm Practices Section # 4”. However, the applicants did not specify how the proposal will minimize effects on adjacent farming use.

Staff findings for (1)(b). The applicants must demonstrate that the siting of the proposed dwelling has least impact on forest and farming operations on the subject property. This property is split-zoned consisting of Forest with a Mixed-Use Overlay on the larger northern portion and Rural Residential-2 on the southern smaller portion of the subject property. The applicants have not provided any evidence supporting how the proposed dwelling’s location will minimize impacts to the subject property.

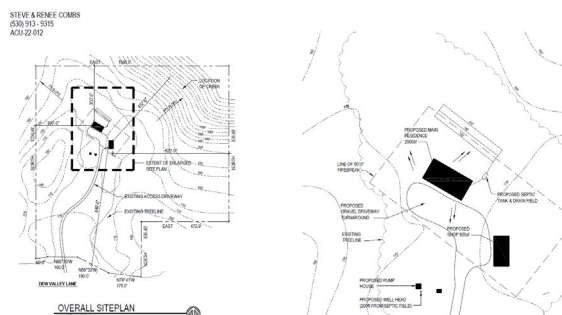
The proposed location is in the northwestern portion of the subject property, over 300 feet from the northern and western property lines, which maximizes impacts to the subject property. The location will increase the amount of land removed from timber production, increases the length of the driveway needed, and increases the amount of required fuel free fire breaks.

The application does not address why the dwelling could not be sited within the Rural Residential-2 zoned portion of the subject property. The Rural Residential-2 portion of the subject property has already undergone the exception process. Staff could not find a single rationale in this application for why siting a Dwelling in the Forest zone portion of the subject property will not minimize the impact to onsite forestry uses compared to siting the dwelling in the portion of the subject property already zoned for residential development. The portion of the property that is Rural Residential is about 2.6 acres which seems to be large enough to

accommodate a Single Family Dwelling, Accessory Structure, onsite septic system, driveway, parking and well (even though nothing says the well has to be in the same zoning district). The residential portion of the property would cluster the development with other residential development minimizing, roads, utilities and structures which would better protect the forest for forest practices.

Therefore, Staff finds the proposed dwelling's location does not minimize the adverse impacts to onsite forestry operations or onsite agricultural practices. This would include future forestry operations or farming practices as well.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The applicant's proposed plot plan showed the dwelling at the northwestern portion of the subject property and a long 750 foot driveway stretching through the middle of the subject property. The subject property is a relatively flat bench except the northeastern corner. The road does not have to be placed along a ridge for construction reasons. There are portions of the subject property alongside Dew Valley Lane that are developable, which is already zoned for residential use. Therefore, Staff finds that this new location will not minimize the amount of land being removed from forest uses.



Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. Staff must analyze the topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large-scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicants stated *“The existing maintained road (rocked) and maintained firebreak will aid in fire suppression by allowing ease of access in the event of a fire. The subject property is serviced by the Bandon RFPD. The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾” garden hose to reach the perimeter fuel – free building setback. A firebreak shall be established and maintained around the proposed structure for a distance of 30 feet in all directions and a secondary firebreak of 50 feet shall be maintained. The proposed structure will have non-combustible or fire-resistant roofing”*. Staff relied on the NRCS data for slopes. The slopes for 8C soil type are 7 to 12%. 12% slopes require an 80 feet primary safety zone setback. The second factor to address is the vegetation fuel loads on the subject property. The applicant's will be required to install an 80 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. Avoiding long driveways is also recommended. The applicant's plot plan places the proposed dwelling in the northwestern portion of the subject property at the end of a 750 ft long driveway. There was no justification provided for this location for the dwelling. As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff finds that risks associated with wildfire effects will not be minimized at the new approved dwelling location that will be required as a condition of approval.

Section 4.6.130 (2) requires 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. The applicants stated the following information *“The proposed dwelling and accessory structures are a minimum of 300ft from abutting properties, and proposed to be grouped in an existing minimally sloped “open” location, surrounded by mature gorse, that is to be cleared. There is an existing driveway that will be reused to accesses the site for the proposed dwelling”*. However, as discussed in detail above, the applicants are placing the dwelling in the northwestern portion of the subject property. The subject property is split zoned with the southern 2.5 to 3 acres of the subject property zoned Rural Residential-2. There are three adjacent dwellings located in this same RR-2 zoning district; 29S-14W-30-100, 29S-14W-30-200 & 29S-14W-30-300. This RR-2 portion of the subject abuts Dew Valley Lane, which minimizes the distance for driveway access. The majority of the RR-2 portion of the subject property has soils of 2C – Bandon-Blacklock complex, which is less suitable for timber production compare to 8C and 8E – Bullards sandy loams. Therefore, Staff finds the applicants’ proposal fails to meet the objectives of Section 4.6.130.2.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicants stated the following: *“owner will provide verification from the Water Resources Department that the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicants shall submit the well constructor's report to the county upon completion of the well”*. However, the applicants will still be required to submit a water supply requirement form signed off by Oregon Water Resources Department prior to requesting a zoning compliance letter.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM, a long-term access use permit or agreement be submitted. The applicants stated that *“The subject property is not accessed by an easement or road owned by a private party, or state agency”*. The subject properties are accessed by the way of County maintained Dew Valley Lane. Therefore, this criterion has been addressed.

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

All The criteria found in SECTION 4.6.130 have been addressed.

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

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

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

2. *Setbacks: All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
4. *Off-Street Parking and Loading: See Chapter VII.*
5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
  - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
  - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
  - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
  - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
  - e. Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;*
  - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
  - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*

- h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
  - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
7. *All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.*
- a. *The dwelling has a fire retardant roof.*
  - b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope<sup>3</sup> will also determine additional firebreak in Section 8 Firebreak.*
  - c. *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*
  - d. *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.*
  - e. *For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.*
    - i. *Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.*
  - f. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
  - g. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*
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*

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<sup>3</sup> *Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon<sup>3</sup> 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.*



more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

- b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.
- d. Proof that all of these items will be met includes proof of the slope to determine additional firebreak setbacks is required.

Table 1 – Minimum Primary Safety Zone

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

- 9. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 10. Access to new dwellings shall meet road and driveway standards in Chapter VII.

**STAFF RESPONSE: Section 4.6.140(1) is only applicable in the creation of new parcels and that is not part of this request; therefore, it is not applicable.**

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

**Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any new fences, hedges, or wall. Therefore, this criterion does not apply.**

**Sections 4.6.140(4) require parking, loading, access and road standards be addressed. Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. Therefore, this criterion has been satisfied.**

**Section 4.6.140(5) requires that the property owners sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These**

forms shall be signed in front of a notary and recorded. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. There are no mapped wetlands or water bodies requiring protection on, or adjacent to the subject property. However, Staff does advise the State of Oregon does have jurisdictional wetlands on the subject property. Therefore, this criterion has been addressed.

**Section 4.6.140(7)**

(a) Requires the roofing material to be non-combustible or fire resistance. The applicants stated that *“the proposed dwelling will have a metal roof to retard fire”*. Therefore, this criterion has been addressed.

(b) Requires that a dwelling not be located on a slope of greater than 40%. Based on the NRCS soil type data for 8C – Bullards silt loam, the property slope around the dwelling site is less than 40%. Therefore, this criterion has been addressed.

(c) Requires that evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry. As a condition of approval, the applicants shall provide a sign-off from Oregon Water Resource for the domestic use of waters of the State prior to requesting a zoning compliance letter.

(d) Requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Bandon Fire Protection District; therefore, this criterion has been satisfied.

(e) The applicants shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Bandon Rural Fire Protection District. Therefore, this criterion is not applicable.

(f) States that if a dwelling has a chimney, it shall have a spark arrester. The applicants stated that *“a spark arrester will be required if the proposed dwelling has a chimney”*. Therefore, this criterion has been addressed.

(g) Determines the primary and secondary fire safety setbacks. Based on the NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are less than 10%. The applicant’s will be required to install a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. This criterion will be made a condition of approval.

**Section 4.6.140(8)**

(a) Determines the primary and secondary fire safety setbacks. Based on the NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are 10% to 20%. These slopes require installing a 80 ft primary fuel free break, with a 100 ft

secondary fuel break, around all structures on the subject property. The applicants are only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner.

(b) Requires sufficient  $\frac{3}{4}$  inch hose for the perimeter of the primary fire break. The applicants stated that *“The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient  $\frac{3}{4}$ ” garden hose to reach the perimeter fuel – free building setback*”. The County usually requires that the property owner shall provide visual evidence of this prior to issuance of a Zoning Compliance Letter.

(c & d) Determines the primary and secondary fire safety setbacks. Based on the NRCS soil type data, Staff finds the primary and secondary fuel break slopes surrounding the proposed dwelling are between 10% and 20%. The applicant’s will be required to install a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The applicants are only responsible for the primary and secondary fuel free breaks on land either owned or controlled by the landowner. This criterion will be made a condition of approval.

Section 4.6.140 (9) Requires the roofing material to be non-combustible or fire resistance. The property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140 (10) requires adequate access for firefighting equipment. The subject property is accessed off Dew Valley, which is a County maintained public dedicated easement. The applicant’s plot plan does not indicate any parking spaces. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee always confirm that all road standards have been met to provide adequate access for firefighting/emergency equipment.

Therefore, not all of the required criteria in Section 4.6.140 Development and Siting Criteria have been addressed.

## V. DECISION AND STAFF RECOMMENDATION

*SECTION 5.7.100 REVIEWING AUTHORITY (4) Decision:*

*a. Decision: After the record has been closed and all evidence submitted into the record has been reviewed the Review Authority shall:*

- i. Approve or deny all or part of the application; or*
- ii. Approve all or part with modifications or conditions of approval.*

*b. Basis for Decision: An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of state law, the Comprehensive Plan, Coos County Zoning and Land Development Ordinance and other applicable laws as determined by the Review Authority.*

*c. Findings and Conclusions: The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the*

*applicants failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.*

*d. Conditions of Approval: The Review Authority may impose conditions on any conditional use approval in compliance with Section 5.0.350.*

*e. Appeal Deadlines: Appeal deadlines are set out in Section 5.0.900.*

**SECTION 5.0.350 CONDITIONS OF APPROVAL:**

*1. Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.*

*2. An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.*

*3. At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.*

**STAFF RESPONSE: Staff recommends that the Planning Commission find the applicants have not met the burden of proof to meet the applicable criteria for development of a residential structure in the Forest zoned portion of the subject property.**

**If the Planning Commission finds after receiving testimony and evidence that the applicants have addressed the criteria then findings will need to be made in the motion.**

**Attached: Application with supporting documents**

File Number : \_\_\_\_\_



# COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

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

If the fee is not included the application will not be processed  
*(If payment is received on line a file number is required prior to submittal)*

Date Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Amount: \_\_\_\_\_ Received by: \_\_\_\_\_

This application shall be filled out electronically. If you need assistance please contact staff.  
Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.  
The application shall include the signature of all owners of the property.  
A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

## LAND INFORMATION

**A. Property Owner(s)** Steve & Renee Combs

Mailing address: 87276 Ruby Lane, Bandon OR. 97411

Phone: 530-913-9315 Email: \_\_\_\_\_

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S	14W	19	Select	Select	2801
Select	Select	Select	Select	Select	

Tax Account Number(s):	<u>1219604</u>	Zone: Select Zone	<u>Forest (F)</u>
Tax Account Number(s):	_____		<u>Please Select</u>

### B. Special Districts and Services

Water On-Site (Well or Spring)	Sewage Disposal On-Site Septic
School Bandon	Fire District Bandon RFPD

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

- Administrative Conditional Use for Forest Template Dwelling
- Hearings Body Conditional Use for \_\_\_\_\_
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 

<input type="checkbox"/> Flood	<input checked="" type="checkbox"/> Landslide	<input checked="" type="checkbox"/> Liquefaction	<input type="checkbox"/> Erosion	<input type="checkbox"/> Wildfires
--------------------------------	---	--	----------------------------------	------------------------------------
- Airport Surfaces Overlay
- Variance to which standard \_\_\_\_\_

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

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 time limes.
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**

**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: 29s14w19 Lot #2801

Type of Access: County Road Name of Access: Dew Valley Lane

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway     Parking     Access     Bonded    Date:    Receipt # \_\_\_\_\_

File Number: DR-

**SANITATION INFORMATION**

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

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

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

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

Please check  if the request is for a land division.

**Coos County Environmental Health Use Only:**

Staff Reviewing Application: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

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

Additional Comments:





Combs – Proposed Use Justification for a Single Family Dwelling  
 Subject Property: 29S14W19 Lot # 2801  
 File Number: ACU-22-012

Revised - October 16th, 2022

Coos County Planning Department  
 255 N. Adams St.  
 Coquille OR. 97423  
 Attn: Amy Dibble

To Whom it May Concern,

The following provides a brief justification for the proposed single family dwelling to be located at 29s14w19, lot #2801 on Dew Valley Road in Bandon Oregon, Tax account number 1219604. This document addresses criteria chronologically from Chapter 4 of the Coos County Land Use Ordinance.

#### 4.6.110 – USES AUTHORIZED IN FOREST ZONES

- (9) Dwellings authorized by ORS 215.705 to 215.755
  - #63 Template Dwelling (Alternative forestland dwellings ORS 215.750)
  - Subject to Administrative Conditional Use & Review Standards (9) (B)(II)

#### Section 4.6.120 REVIEW STANDARDS

- (9) (B)(II) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND € OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS

(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:

- (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.

**Response:** *Conforming with Section (1)(c)  
 The subject parcel meets the required number of parcels when applying the 160 acre square centered on the subject tract. The current number of lots existing on January 1, 1993 is 17, The minimum number of dwellings existing since 1993 is (8) as referenced from the Coos County Assessor. Soils onsite include Bandon-Blacklock complex, and Bullards Sandy Loam, producing 143 cubic feet per acre of wood fiber*



#### Section 4.6.120 REVIEW STANDARDS (cont.)

- (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 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-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.

**Response:** *Conforming with section (2)(a)  
 The subject parcel is not located in an urban growth boundary.*

*Conforming with section (2)(c) subsection (A)(ii)  
 The subject tract abuts both a road and the measurement used to determine existing residences was within one-quarter mile from the edge of the subject tract but not outside of the the length of the 160 acre rectangle, and on the same side of the road.*

- (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;

**Response:** *The subject parcel 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;

**Response:** *The subject parcel will comply with siting requirements as defined in OAR 660-006-0029 and 660-006-0035*



#### Section 4.6.120 REVIEW STANDARDS (cont.)

- (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;

**Response:** *There are no other lots or parcels that make up the tract, a deed restriction is not required.*

- (d) The tract on which the dwelling will be sited does not include a dwelling.

**Response:** *There are no existing dwellings on the subject tract/ parcel.*

- (e) The lot or parcel on which the dwelling will be sited was lawfully established.

**Response:** *The subject parcel was lawfully established per deed provided.*

- (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

**Response:** *No property line adjustment has been made to the subject parcel.*

- (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.

**Response:** *The subject property was not part of a tract on January 1, 2019, no dwelling existed on the tract on that date.*

#### SECTION 4.6.130 – SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES ADDITIONAL CRITERIA

- (1) Dwellings and structures shall be sited on the parcel so that:
- (a) They have the least impact on nearby 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.



**Response:**

(a,b)

Forest Land

Owner will adhere to the Coos County Comprehensive Plan Part 1 (March 1985) specific to 3.1 Agricultural Lands – Inventory and Assessment; Section #4 Forest Management and Practices and The Oregon Forest Practices Act

- Road construction and maintenance

No easement access is provided thru the subject property to adjacent properties.

- Harvesting

The operations on the subject property are specific to a single family dwelling unit and accessory building. Neither shall interfere with harvesting on adjacent properties.

- Site preparation by treating slash

The operations on the subject property shall not interfere with site preparation on adjacent properties as the proposed development is located more centrally on-site and at least 300ft from the Northern Property line .

- Reforestation

The operations on the subject property shall not interfere with reforestation of adjacent properties, the proposed development does not obstruct forest operations on adjacent parcels.

- Use of pesticides or fertilizers

The operations on the subject property shall not interfere with the application of pesticides or fertilizers on abutting properties, all development is located a minimum of 300ft from abutting property lines of larger forest zoned parcels (greater than 80 acres) for aerial spraying per Senate Bill 1602. Parcels under 80 acres are assumed to be sprayed via ground operations, not aerial, however a 300ft setback is provided regardless.

Farmland

Owner will adhere to the Coos County Comprehensive Plan Part 1 (March 1985) specific to Summary of the Typical Problems Associated with Farm Practices Section # 4

- Predators

The operations on the subject property will maintain predator control standards on site.

- Wildlife Competition

Not Applicable

- Toxic Weeds

The owner will work towards reducing/eliminating the potential for toxic weed growth on the subject property, starting with the proposed development area.

- Winter Flooding and Summer Water Shortages

The proposed development on the subject property is only for a single family dwelling and water retention for fire protection, therefore negligible. Water runoff from new construction will be directed on-site and away from descending slopes and native waterways

- Economic Problems

Not Applicable

- Inheritance and Related Problems Not Applicable



- (c) *Owners will minimize the overall impact on the subject parcels forest land by utilizing the existing driveway access located on site. The existing driveway will be improved and reused to minimize the subject property's amount of forest lands used for site access roads, service corridors, the dwelling and structures*

**SECTION 4.6.130 – SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES ADDITIONAL CRITERIA (cont.)**

***Response (cont):***

- (d) *The existing maintained road (rocked) and maintained firebreak will aid in fire suppression by allowing ease of access in the event of a fire. The subject property is serviced by the Bandon RFPD. The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾" garden hose to reach the perimeter fuel – free building setback. A firebreak shall be established and maintained around the proposed structure for a distance of 30 feet in all directions and a secondary firebreak of 50 feet shall be maintained. The proposed structure will have non-combustible or fire-resistant roofing.*

(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.

***Response:*** *The proposed dwelling and accessory structures are a minimum of 300ft from abutting properties, and proposed to be grouped in an existing minimally sloped "open" location, surrounded by by mature gorse, that is to be cleared. There is an existing driveway that will be reused to accesses the site for the proposed dwelling.*

(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: .....

***Response:*** *owner will provide verification from the Water Resources Department that the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*



(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement which could include an easement.

**Response:** *The subject property is not accessed by an easement or road owned by a private party, or state agency.*

#### **SECTION 4.6.130 – SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES ADDITIONAL CRITERIA (cont.)**

- (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.

**Response:** *The owner acknowledges the requirement to meet the Department of forestry stocking requirements and will provide a stocking survey to the county assessor, once the dwelling is approved, to verify that the minimum stocking requirements have been met. The owner is aware of the penalties for not the minimum stocking requirements.*



#### SECTION 4.6.140 – DEVELOPMENT AND SITING CRITERIA

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.

**Response:** *The subject parcel is approximately 22.13 acres and was legally created by the land partition and property line adjustment process.*

#### SECTION 4.6.140 – DEVELOPMENT AND SITING CRITERIA (cont)

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.

**Response:** *Setbacks – all existing and proposed structures will adhere to the required road setbacks.*

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

**Response:** *Fences, hedges and walls do not apply in this situation*

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

**Response:** *Off-street parking and loading: adequate space is provided for both.*

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.

**Response:** *Minimizing impacts: The owner will file a Forest Management Covenant prior to construction of a 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.....

**Response:** *Riparian vegetation Protection: No areas of riparian vegetation exist on site or on adjacent properties.*

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.

**Response:** *The proposed dwelling will have a metal roof to retard fire.*

- b. The dwelling will not be sited on a slope of greater than 40 percent. Slopes will also



determine additional firebreak in Section 8 Firebreak. 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.

**Response:** *Varying slopes existing on-site. The dwelling will not be sited on a slope greater than 40%*

- c. 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.

#### **SECTION 4.6.140 – DEVELOPMENT AND SITING CRITERIA: (cont)**

- d. 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 be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.

**Response:** *The subject property is serviced by the Bandon RFPD.*

- e. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

**Response:** *A spark arrester will be required if the proposed dwelling has a chimney.*

- f. 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. (Includes section 8 Firebreak)

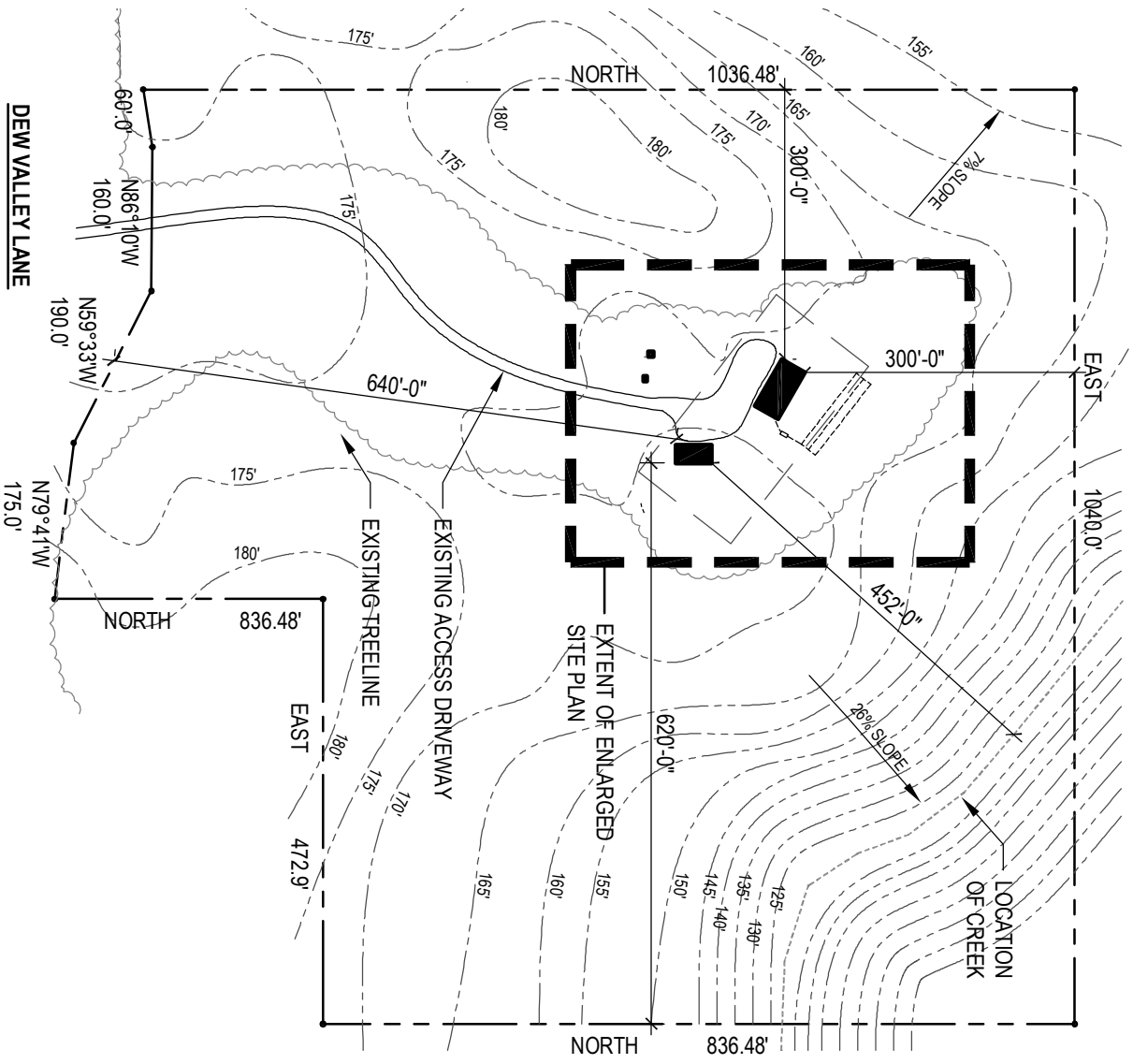
**Response:** *A firebreak shall be established and maintained around the proposed structure for a distance of 30 feet in all directions and a secondary firebreak of 50 feet shall be maintained. The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾" garden hose to reach the perimeter fuel – free building setback. The existing driveway will provide adequate access for firefighting equipment. The existing driveway will meet the road and driveway requirements as specified in Coos County Land Use Ordinance Chapter VII. The existing driveway, to the proposed site of construction, ranges from 1% to 10% and is rocked.*

Thank you for reviewing the above justification outline. Please contact me with any questions you may have regarding the information provided.

Sincerely,

David Reed  
 541-551-0057

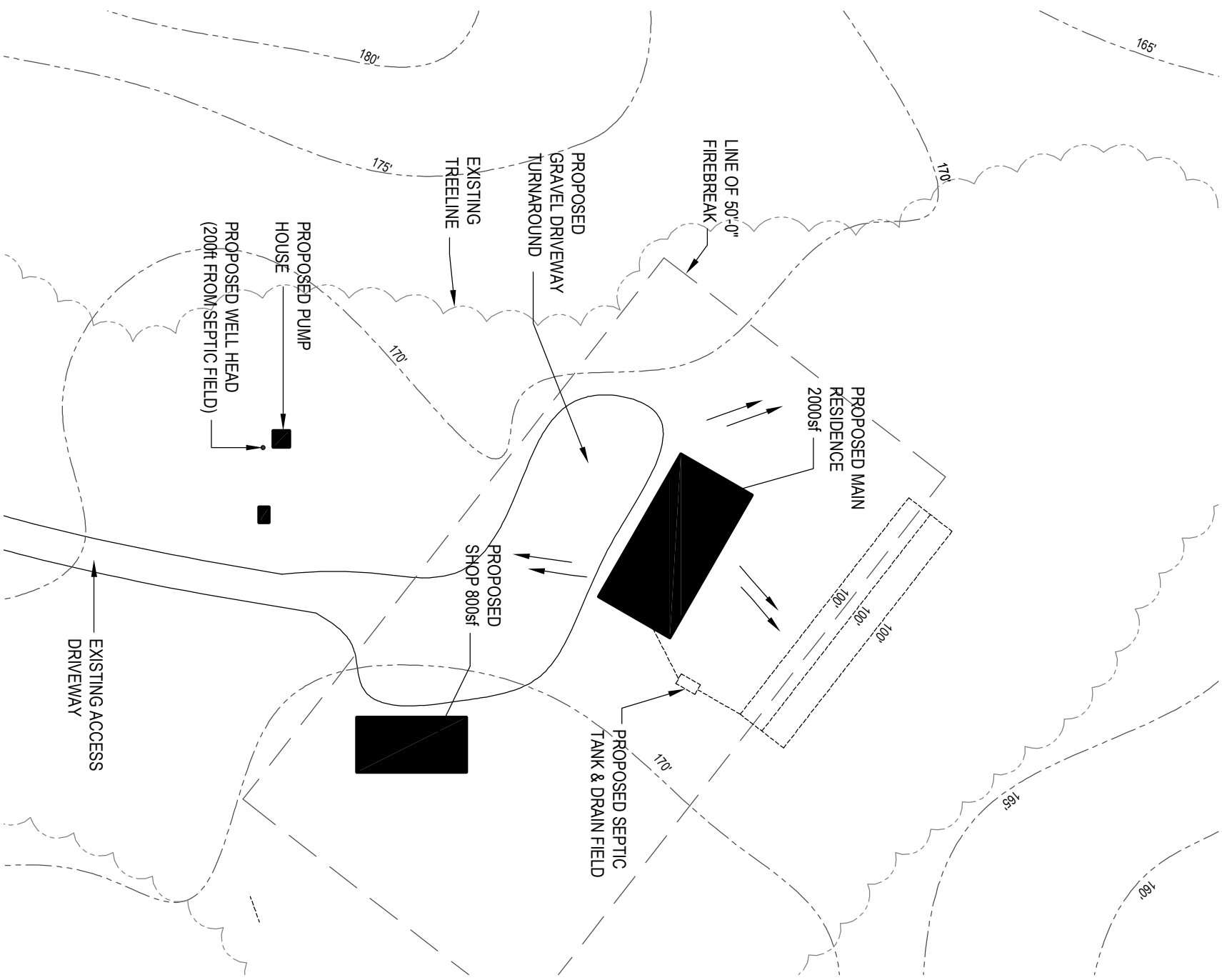




**OVERALL SITEPLAN**  
 SCALE : 1"=200'-0"

THE WAYWARD R STUDIO  
 BANDON OREGON  
 DAVID REED / 541-551-0057

MAP AND TAX LOT:	29S 14W 19 LOT 2801
ZONING DISTRICT:	F FORESTLAND
LOT SIZE:	22.13 ACRES



**OVERALL SITEPLAN**  
 SCALE : 1"=50'-0"



**Coos County Planning Department**

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

(541) 396-7770  
FAX (541) 396-1022 / TDD (800) 735-2900

Jill Rolfe Planning Director

**CONSENT**

On this 23rd day of August, 2022

I, RENEE & STEVE COMBS  
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 29S, Range 14W,

Section 19, Tax Lot 2801, Deed Reference \_\_\_\_\_

hereby grant permission to DAVID REED so that a(n)  
(Print Name)

All these Apply For development application can be submitted to the Coos  
(Print Application Type)

County Planning Department.

Owners Signature/s Renee Combs Steve Combs

\_\_\_\_\_  
\_\_\_\_\_