



Coos County Land Use Permit 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

FILE NUMBER: ACU-22-033

Date Received: 7/25 Receipt #: 235434 Received by: AMB

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

LAND INFORMATION

A. Land Owner(s) Brook and Tara Paulsen

Mailing address: 39631 Road 36, Kingsburg CA 93631-9685

Phone: (559) 999-2290 Email: brookpaulsen@gmail.com

Township: 27S14040000301 Range: _____ Section: ¼ Section: 1/16 Section: _____ Tax lots: _____

Tax Account Number(s): 755301 Zone: Select Zone Forrest (F)
Tax Account Number(s) _____

B. Applicant(s) Same as Landowner

Mailing address: _____

Phone: _____

C. Consultant or Agent: Hailey Sheldon

Mailing Address 444 N 4th Street, Coos Bay OR 97420

Phone #: (541) 968-4686 Email: hailey@sheldonplanning.com

Type of Application Requested

- | | | |
|--|---|---|
| <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU | <input type="checkbox"/> Land Division - P, SUB or PUD |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Hearings Body Conditional Use Review - HBCU | <input type="checkbox"/> Family/Medical Hardship Dwelling |
| <input type="checkbox"/> Map - Rezone | <input type="checkbox"/> Variance - V | <input type="checkbox"/> Home Occupation/Cottage Industry |

Special Districts and Services

Water Service Type: On-Site (Well) Sewage Disposal Type: On-Site Septic
School District: Unknown Fire District: Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or contulant.

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

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

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is 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. Signatures required below for application processing.



07/25/2022



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 27th day of June, 2022.

I, Brook and Tara Paulson
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 27S, Range 14W,

Section 02, Tax Lot 301, Deed Reference 2022-04098

Hereby grant permission to Harley Sheldon so that (n/a)
(Print Name)

Land Use application can be submitted to the Coos
(Print Application Type)

County Planning Department.

Owners Signature's

[Signature]
[Signature]

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: TL 301 - Near 60673 MOLAKAI VISTA

Type of Access: Public Road Name of Access: Molakai Vista Rd

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

This is the criteria and supplemental questions designed to help address the required criteria. The applicant may provide any justification to meet the burden of proof.

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

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

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

SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are: (a) Uses related to and in support of forest operations; (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.; (d) Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.

Use	TR	Subject to
Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.		
63. Template Dwelling (Alternative forestland dwellings ORS 215.750)	ACU	(9)(B)(II), (9)(C)

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

- (II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.
 - (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single family “template” dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:

- (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
- (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
- (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (d) As used in this section, “center of the subject tract” means the mathematical centroid of the tract.
- (2) The following review standards apply to “template” dwellings approved under this rule:
- (a) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.
 - (b) Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road¹ that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 - (c) If the:
 - (A) Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (i) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - (B) Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
 - (d) Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

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

- (3) A proposed "template" dwelling under this rule is allowed only if:
 - (a) It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;
 - (b) It complies with the requirements of OAR 660-006-0029 and 660-006-0035;
 - (c) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels that make up the tract are met;
 - (d) The tract on which the dwelling will be sited does not include a dwelling.
 - (e) The lot or parcel on which the dwelling will be sited was lawfully established.
 - (f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.
 - (g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
 - (h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.
- (4) Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:
 - (a) On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:
 - (A) Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;
 - (i) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and
 - (ii) The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.
- (5) When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:
 - (a) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - (b) Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - (c) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.

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

Response to SECTION 4.6.110(9)(B)(II)

Questions to Answer:

1. Has your property been involved in a property line adjustment?

No.

2. Was your property part of a tract on January 1, 2019? Tract means same ownership as an abutting property.

No. Subject property was part of a tract up to 2017 (Fralen Properties, Helen Pekny), but not after.

3. Was your property part of a tract on January 1, 2021?

No.

4. Did you own abutting property as of January 1, 2021 that contained another dwelling or dwelling authorization? Please list all properties within your ownership that were abutting.

No.

5. Do you have a current template map completed?

a. Which template did you apply and why? (See Section I & II)

Subject property is likely capable of producing greater than 85 cubic feet per acre per year of wood fiber.

160-acre square centered on the center of the subject tract: Subject property passed template test in 2017 (ACU-07-27). See attached findings of fact and template from that decision.

In addition, subject property abuts Molakai Vista Road (which existed on January 1, 1993). 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 Molakai Vista Road cul-de-sac, which abuts subject property: contains greater than 11 parcels that existed on January 1, 1993 and 3 dwellings that existed in 1993: 26S14W33CB 3300 / 7496900, 26S14W33CA 600 / 7485800, and 26S14W33CD 500 / 7487100.

b. How many lots and/or parcels were all or part within the template prior to January 1, 1993? Please list all properties

160-acre square: 90. See attached list.

c. How many dwellings are located within lots and parcels described above that were sited prior to January 1, 1993? Please list all properties that contain the qualifying dwellings.

160-acre square: 3. See attached list.

d. Are there any covenants, conditions and restrictions on this property and if so do they specifically prohibit a dwelling? Please provide the restrictions if apply.

Yes, the deed to subject property lists “by-laws of Sansaria” (68-6-29491) and covenants, conditions and restrictions (97-12-1213, modified by 2000-3615, 2005-7673, and 2005-7675). These by-laws and restrictions do not prohibit a dwelling.

Additional evidence and responses to address the criteria?

SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES

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

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby² or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) 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 shall explain how or why, providing a yes or no will not satisfy the criteria and will result in an incomplete application:

Subject property is located in a residential subdivision, within the Forest zone, planned for residential development. Sansaria subdivision is highly parceled with over one hundred less than one acre lots.

No new roads are proposed; subject property is accessed via existing roads.

Development on subject property is proposed to be set back at least 35 feet from both Molakai Vista and Seven Devil roads, per CCZLDO 4.6.140(2) Setbacks.

Per Coos County’s requirements, in order to minimize the impact of dwellings in forest lands, the property owner will (1) file in the deed record of Coos County, a Forest Management Covenant per CCZLDO 4.6.140(5) Minimizing Impacts, (2) maintain a fire break per CCZLDO 4.6.140(10) Firebreak, and (3) maintain a water tank and hose per 4.6.140(9) Fire Siting Standards for New Dwellings.

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

- (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.

Water Resource Department Information: <https://www.oregon.gov/owrd/pages/index.aspx>

Response shall include the source of water and how it is permitted:

The water source for this property will be from well, constructed by a licensed well constructor, under the review authority of the Oregon Water Resources Department's Well Construction and Compliance Section. Under ORS 537.545 (b) & (d) - no permit is required.

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

Response shall include what road the property is accessing, maintenance agreements and easements that pertain to the road. This information may be included in your deed.

Access via Molakai Vista Rd. Molakai Vista Rd is a public right of way. The Sansaria subdivision HOA is responsible for maintaining the road; the HOA is inactive.

- (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.

1. Will sufficient tress be replanted?

Yes

- 2. Is the property more than 10 acres in size? If so, the applicant shall acknowledge a stocking survey will be filed with the County Assessor's Office as a condition of approval.**

No

- 3. Upon receiving approval, will the applicant/property owner 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 injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**

Yes

Additional Response Information:

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

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

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

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

- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.
- a. The dwelling has a fire retardant roof.
 - b. The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak.
 - c. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
 - d. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
 - 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

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

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

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

Table 1 – Minimum Primary Safety Zone

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.

RESPONSE TO SECTION 4.6.140

- 1. Is the property a legal unit of land? Please provide reference to how it was created.

Yes. The findings of fact of ACU 07-27 conclude subject property is a legal unit of land. The subject property is Lot 17, Block 3, of the Plat of Sansaria.

- 2. Will the applicant meet the road setback (shall be shown on plot plan)?

Yes

- 3. Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?

No

4. **Has a driveway/access/parking permit been requested at the time of the application?**

No

5. **Has the applicant acknowledged that they will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter? (This shall be done after the conditional use is approved, but before a zoning clearance letter is issued. A Forest Management Covenant cannot be filed if the conditional use has not been approved but a draft may be submitted with the application.)**

Yes

6. **Has the applicant shown any waterways that require a 50 foot setback and if so will the setback be met?**

No. No waterways that require a 50 foot setback are present.

7. **Fire related questions:**

- a. **The proposed dwelling shall use non-combustible or fire resistant roofing materials. Describe the materials that will be used.**

Non-combustible or fire resistant roofing materials

- b. **What is the slope of the property on average and where the dwelling will be located?**

0-10%. Subject property is located on a plateau. See attached (1) topographic map and (2) site plan.

- c. **What 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?**

The dwelling will be served by a water well; no Class II stream water is available or proposed for use.

- d. **Is the property within a Fire District and if so which Fire District.**

- i. **If the property is within a Fire District you shall explain how you have requested to be included in the Fire District with a copy of the request.**

Bandon Rural Fire Protection District

- ii. **If the property is outside of a Fire District and cannot be served by a Fire District you are required to provide the contract with a private fire protection company.**

N/A

- iii. **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. Include on the plot plan water storage and access to meet the following standards:

1. 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.
2. 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.

N/A

- e. Does the proposed dwelling have a chimney and if so will a spark arrester be installed?

A spark arrester will be installed on the proposed dwelling.

8. Firebreak Safety:

- a. **The property owner shall maintain a primary firebreak safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. This information shall be included on the plot plan and described how you intend to maintain this firebreak.**

The property owner will maintain a primary fire break consistent with the attached Recommended Fire Siting Standards for Dwellings and Structures.

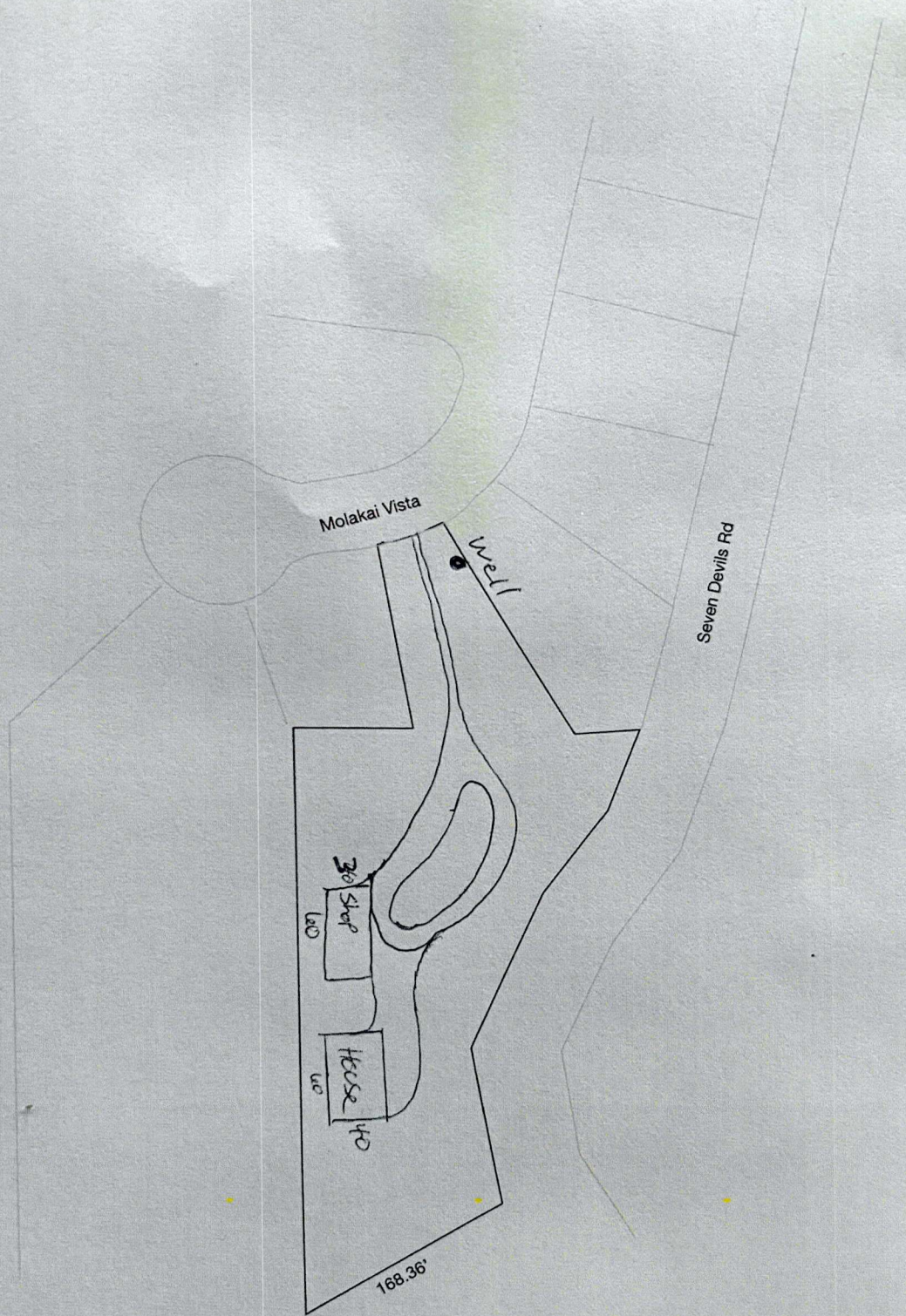
- b. **On the plot plan provide a diagram of where the garden hose will be located and describe the length that will allow it to reach the perimeter of the primary safety zone shall be available at all times.**

See attached plot plan. The property owner agrees to provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback.

- c. **Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report explain and provide evidence to show how the slope was determined. If additional safety zones are required based on the slope table you will need to show them on the plot plan.**

0-10%. See attached contour map and soil map.

Additional evidence and responses to address the criteria?



20' 100'

Scale

COOS COUNTY ASSESSOR'S NAME LEDGER

6/27/2022 4:12:12 PM

Account ID 755301 **Township** 27S **Range** 14 **Section** 04 **1/4** 0 **1/16** 0 **Taxlot** 00301 **Special Interest**

Sale Price \$540,000
Sale Date 13-Jul-2006

Effective Date 13-Jul-2006 12:00 AM **Transaction ID** -73247 **Entry Date** 13-Jul-2006 **Recorded Date** 13-Jul-2006

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map	
1	-73247	2006	HISTORICAL - BOR	WD	2006	24079	1	2006-10053		NAME CHANGE		
Name Changes			Status	Name				Name Type	Ownership Type	Ownership %		
			A	FRALEN PROPERTIES, LLC				OWNER				
Size Totals		Code	Acres	Sqft	Alternate Size							

Effective Date 13-Sep-2010 12:00 AM **Transaction ID** -34542 **Entry Date** 13-Sep-2010 **Recorded Date** 13-Sep-2010 **Sale Date** 13-Sep-2010

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
1	-34542	2010	ASSESSOR'S FILE		2010	-755301	1	CONVERSION		CONVERSION	
Size Changes		Code	+ / - Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code				
		0904	0.17 Acres								
Size Totals		Code	Acres	Sqft	Alternate Size						
		0904	0.17								

Effective Date 23-May-2013 12:00 AM **Transaction ID** 421846 **Entry Date** 23-May-2013 **Recorded Date** 23-May-2013 **Sale Date** 23-May-2013

SPLIT CODE COMBINATION DONE BY HELION

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
3938	477093	2013	ASSESSOR		2013	448	1			COMBINATION - TO	
COMBINE SPLIT CODE ACCOUNTS											27S140400-00301
Size Changes		Code	+ / - Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code				
		5401	1.60 Acres								
Size Totals		Code	Acres	Sqft	Alternate Size						
		0904	0.17								
		5401	1.60								

Sale Price \$3,200,000
Sale Date 25-Aug-2017

Effective Date 01-Sep-2017 4:15 PM **Transaction ID** 1005603 **Entry Date** 30-Aug-2017 **Recorded Date** 28-Aug-2017

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
19	1253366	2017	CLERK	WD	2017	8239	1			NAME CHANGE	

Account ID 755301 **Township** 27S **Range** 14 **Section** 04 **1/4** 0 **1/16** 0 **Taxlot** 00301 **Special Interest**

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
	D	FRALEN PROPERTIES, LLC	OWNER	OWNER	
	A	BEETHAM, STEVE	OWNER	OWNER	
	A	BEETHAM, DENNIS C	OWNER	OWNER	
	A	BEETHAM, BRENT	OWNER	OWNER	
	A	BEETHAM, MELANIE D	OWNER	OWNER	
		OWNER AS TENANTS IN COMMON (33.333%) BEETHAM, STEVE			
		OWNER AS TENANTS IN COMMON (33.333%) BEETHAM, DENNIS C			
		OWNER AS TENANTS IN COMMON (33.333%) TENANTS BY ENTIRETY HUSBAND BEETHAM, BRENT WIFE BEETHAM, MELANIE D			
Size Totals	Code	Acres	Sqft	Alternate Size	
	0904	0.17			
	5401	1.60			

Effective Date 06-Dec-2017 3:47 PM **Transaction ID** 1118053 **Entry Date** 06-Dec-2017 **Recorded Date** 28-Aug-2017 **Sale Date**

RE-RECORDED AS 2017-10284 AND CORRECTED BY 2017-10569
MISSED PARCEL AND ERROR IN NEW PARCEL ADDED

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
17	1372595	2018	CLERK	WD	2017	8239	2			REMOVE FROM SALES FILE	

Size Totals	Code	Acres	Sqft	Alternate Size
	0904	0.17		
	5401	1.60		

Effective Date 07-Dec-2017 11:28 AM **Transaction ID** 1113527 **Entry Date** 26-Oct-2017 **Recorded Date** 24-Oct-2017 **Sale Date**

ERROR IN PARCEL 6, TRIED TO CORRECT 2017-8239, CORRECTED BY 2017-10569

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID #2	PID	Source ID	PT	Operation	To/From Map
19	1372678	2018	CLERK	WD	2017	10284	1			NOTATION	

Size Totals	Code	Acres	Sqft	Alternate Size
	0904	0.17		
	5401	1.60		

Account ID 755301 **Township** 27S **Range** 14 **Section** 04 **1/4** 0 **1/16** 0 **Taxlot** 00301 **Special Interest**

Sale Price \$3,200,000
Sale Date 25-Aug-2017

Effective Date 12-Dec-2017 11:05 AM **Transaction ID** 1114977 **Entry Date** 14-Nov-2017 **Recorded Date** 01-Nov-2017

CORRECTS 2017-8239 AND 2017-10284

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
19	1372833	2018	CLERK	WD	2017	10569	1			NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
	D	BEETHAM, STEVE	OWNER	OWNER	
	D	BEETHAM, DENNIS C	OWNER	OWNER	
	D	BEETHAM, BRENT	OWNER	OWNER	
	D	BEETHAM, MELANIE D	OWNER	OWNER	
	A	BEETHAM, STEVE	OWNER	OWNER	
	A	BEETHAM, DENNIS C	OWNER	OWNER	
	A	BEETHAM, BRENT	OWNER	OWNER	
	A	BEETHAM, MELANIE D	OWNER	OWNER	
		OWNER AS TENANTS IN COMMON (33.333%)			
		BEETHAM, STEVE			
		OWNER AS TENANTS IN COMMON (33.333%)			
		BEETHAM, DENNIS C			
		OWNER AS TENANTS IN COMMON (33.333%)			
		TENANTS BY ENTIRETY			
		HUSBAND			
		BEETHAM, BRENT			
		WIFE			
		BEETHAM, MELANIE D			

Size Totals	Code	Acres	Sqft	Alternate Size
	0904	0.17		
	5401	1.60		

Sale Price \$0
Sale Date 25-Jun-2019

Effective Date 17-Jul-2019 8:03 AM **Transaction ID** 2786405 **Entry Date** 09-Jul-2019 **Recorded Date** 26-Jun-2019

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
1	3079596	2019	CLERK	B&S	2019	5561	1			NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
	D	BEETHAM, STEVE	OWNER	OWNER	
	D	BEETHAM, DENNIS C	OWNER	OWNER	
	D	BEETHAM, BRENT	OWNER	OWNER	
	D	BEETHAM, MELANIE D	OWNER	OWNER	
	A	SB SOUTHERN LLC	OWNER	OWNER	
	A	BEETHAM, DENNIS C	OWNER	OWNER	
	A	BEETHAM, BRENT	OWNER	OWNER	
	A	BEETHAM, MELANIE D	OWNER	OWNER	

Account ID 755301 **Township** 27S **Range** 14 **Section** 04 **1/4** 0 **1/16** 0 **Taxlot** 00301 **Special Interest**

OWNER AS TENANTS IN COMMON (33.333%)
 SB SOUTHERN LLC
 OWNER AS TENANTS IN COMMON (33.333%)
 BEETHAM, DENNIS C
 OWNER AS TENANTS IN COMMON (33.333%)
 TENANTS BY ENTIRETY
 HUSBAND
 BEETHAM, BRENT
 WIFE
 BEETHAM, MELANIE D

Size Totals	Code	Acres	Sqft	Alternate Size
	0904	0.17		
	5401	1.60		

Effective Date 04-Feb-2022 3:38 PM **Transaction ID** 2990894 **Entry Date** 27-Jan-2022 **Recorded Date** 19-Jan-2022 **Sale Price** \$115,000
Sale Date 19-Jan-2022

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
1	3339010	2022	CLERK	WD	2022	578	1			NAME CHANGE	

Name Changes	Status	Name	Name Type	Ownership Type	Ownership %
	D	SB SOUTHERN LLC	OWNER	OWNER	
	D	BEETHAM, DENNIS C	OWNER	OWNER	
	D	BEETHAM, BRENT	OWNER	OWNER	
	D	BEETHAM, MELANIE D	OWNER	OWNER	
	A	PAULSEN, BROOK	OWNER	OWNER	
	A	PAULSEN, TARA	OWNER	OWNER	
		OWNER			
		TENANTS BY ENTIRETY			
		HUSBAND			
		PAULSEN, BROOK			
		WIFE			
		PAULSEN, TARA			

Size Totals	Code	Acres	Sqft	Alternate Size
	0904	0.17		
	5401	1.60		

Effective Date 16-May-2022 10:11 AM **Transaction ID** 2993428 **Entry Date** 11-May-2022 **Recorded Date** 03-May-2022 **Sale Price** \$0
Sale Date 29-Apr-2022

Seq	Voucher ID	Tax Year	Document Source	Type	ID #1	ID # 2	PID	Source ID	PT	Operation	To/From Map
1	3370379	2022	CLERK	QC	2022	4098	1			NAME CHANGE	

Account ID **Township** **Range** **Section** **1/4** **1/16** **Taxlot** **Special Interest**
 755301 27S 14 04 0 0 00301

<u>Name Changes</u>	<u>Status</u>	<u>Name</u>	<u>Name Type</u>	<u>Ownership Type</u>	<u>Ownership %</u>
	D	PAULSEN, BROOK	OWNER	OWNER	
	D	PAULSEN, TARA	OWNER	OWNER	
	A	BROOK AND TARA PAULSEN LIVING TRUST 04-29-22	OWNER	OWNER	
	A	PAULSEN, BROOK ROBERT	OWNER	OWNER AS TRUSTEE	
	A	PAULSEN, TARA	OWNER	OWNER AS TRUSTEE	
	OWNER	BROOK AND TARA PAULSEN LIVING TRUST 04-29-22			
	TRUSTEE	PAULSEN, BROOK ROBERT			
		PAULSEN, TARA			

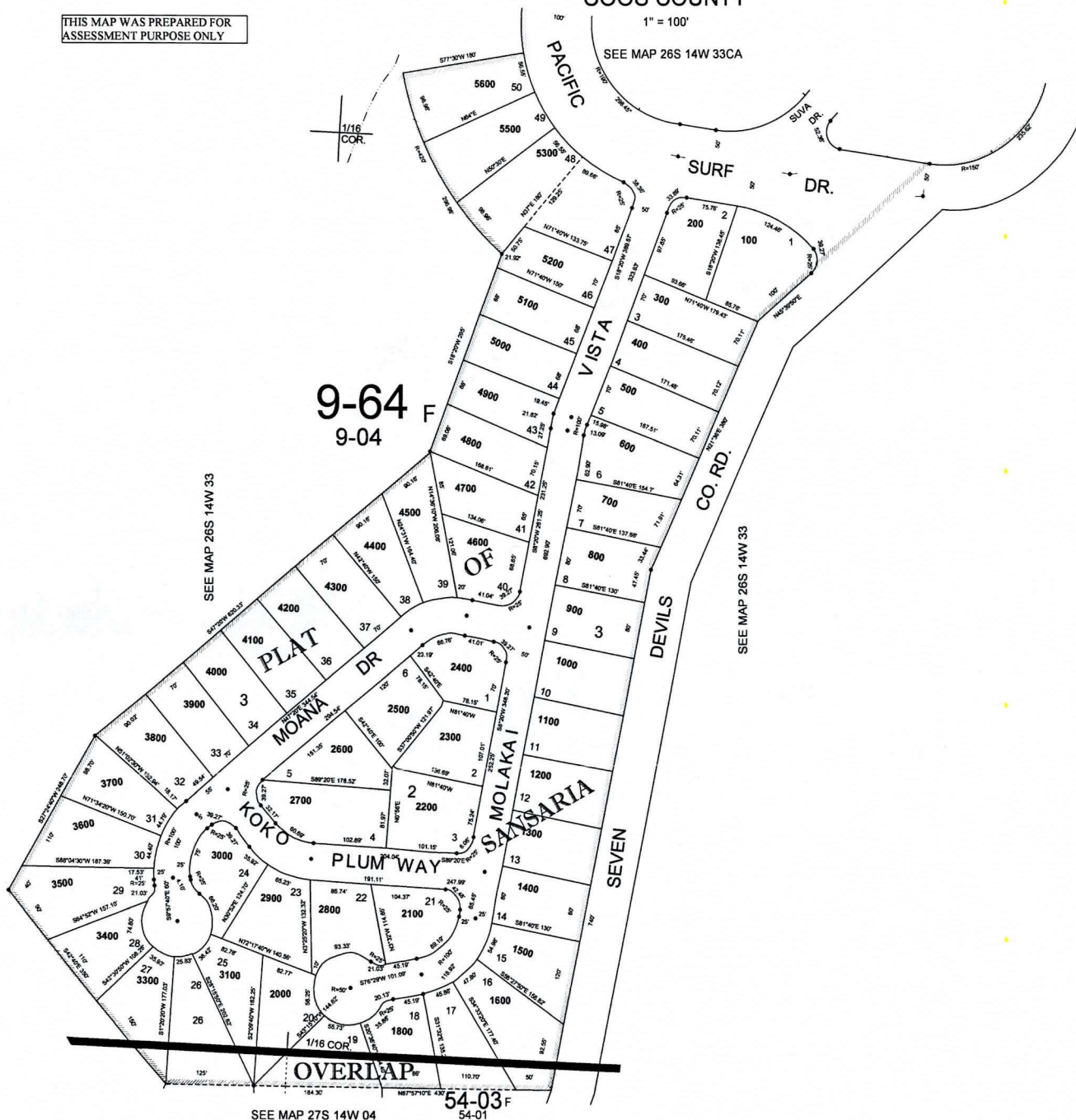
<u>Size Totals</u>	<u>Code</u>	<u>Acres</u>	<u>Sqft</u>	<u>Alternate Size</u>
	0904	0.17		
	5401	1.60		

SE1/4 SW1/4 SEC.33 T26S R14W 33 CD
COOS COUNTY

26S 14W 33CD

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

CANCELLED NO
1700
1900
3300
5400



1/16 COR.

11-08-2007

26S 14W 33CD

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

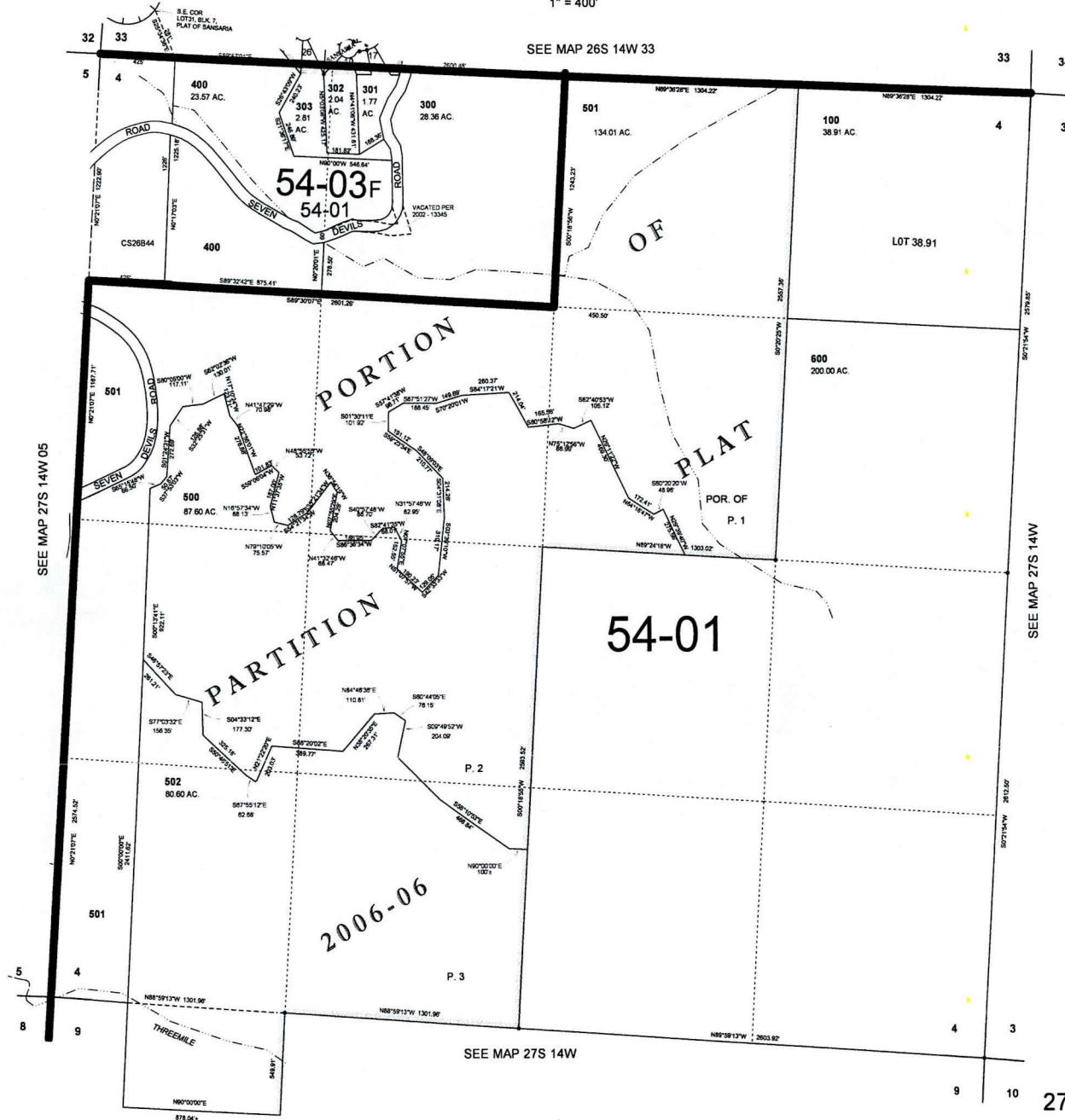
SECTION 4 T27S R14W W.M.
COOS COUNTY

1" = 400'

27S 14W 04

CANCELLED NO

- 401
- 402
- 403
- 304
- 305
- 306
- 404
- 405
- 200
- 700



SEE MAP 27S 14W 05

SEE MAP 26S 14W 33

SEE MAP 27S 14W

SEE MAP 27S 14W

8-21-2006

27S 14W 04

2006-06

Prepared by:)
Law Office of Jeffrey Wall, PC)
)
After recording return to:)
Brook and Tara Paulsen)
39631 Road 36)
Kingsburg, CA 93631)

Coos County, Oregon

2022-04098

\$106.00

05/03/2022 11:03 AM

Pgs=5



00150317202200040980050052

Diris D. Murphy, Coos County Clerk

QUITCLAIM DEED

For no monetary consideration, but for non-monetary consideration, Brook Robert Paulsen and Tara Paulsen, husband and wife, residing at 39631 Road 36, Kingsburg, CA 93631, ("Grantors") hereby release and quitclaim to Brook Robert Paulsen and Tara Paulsen, as Trustees of the Brook and Tara Paulsen Living Trust created April 29, 2022, residing at 39631 Road 36, Kingsburg, CA 93631, for non monetary consideration, and further release all the rights, title, interest and claim in or to the following described real property, situated in the County of Coos, State of Oregon, to wit:

Lot 17, Block 3, Plat of Sansaria, Coos County, Oregon

ALSO Beginning at an iron pipe marking the Southwest corner of Lot 17, Block 3, Plat of Sansaria, Coos County Oregon; thence South $87^{\circ} 54' 38''$ West 85.05 feet to an iron pipe marking the Southeast corner of Lot 19, Block 3, Plat of Sansaria; thence South $04^{\circ} 41' 06''$ East 431.61 feet to a 5/8 inch iron rod; thence North $56^{\circ} 50' 50''$ East 168.36 feet to a 5/8 inch iron rod located on the Westerly boundary of Seven Devils County Road; thence Northerly 377.00 feet, more or less, along said Westerly boundary to an iron pipe marking the intersection of the South line of Lot 16, Block 3, Plat of Sansaria and the Westerly boundary of said Seven Devils County Road; thence South $87^{\circ} 56' 08''$ West 49.95 feet along the South line of said Lot 16 to an iron pipe marking the Southeast corner of said Lot 17; thence South $87^{\circ} 55' 28''$ West 110.78 feet along the South line of said Lot 17 to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ZERO DOLLARS. (See ORS 93.030).

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, alley and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Coos Curry Electric Cooperative Inc
Recording Date: February 6, 1950
Recording No: Book 196, Page 439

(Quitclaim Deed p. 2 continued)

Any interest in any oil, gas and/or minerals, as disclosed by document

Entitled: Deed

Recording Date: September 24, 1963

Recording No: Book 304, Page 53

The present ownership or any other matters affecting said oil, gas and/or minerals are not shown herein.

By-laws of Sansaria

Recording Date: June 24, 1968

Recording No.: 68-6-29491

Said By-laws were amended by instrument

Recording Date: May 31, 2005

Recording No: 2005-7674

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Owners of Lots in the Plat of Sansaria and First Addition to Sansaria

Recording Date: June 10, 1985

Recording No: 85-2-7808

Easements for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: St. Laurent Land & Cattle Company and A. W. Sweet

Recording date: June 10, 1985

Recording no.: 85-2-7840

purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc

Recording Date: May 2, 1990

Recording No: 90-5-0136

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc

Recording Date: May 2, 1990

Recording No: 90-5-0137

Easements, conditions, restrictions and notes as delineated on the recorded plat of Sansaria.

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set

(Quitclaim Deed p. 3 continued)

forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Sansaria

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 31, 1997

Recording No: 97-12-1213

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 14, 2000

Recording No: 2000-3615

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005

Recording No: 2005-7673

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005

Recording No: 2005-7675

Liens and charges as set forth in the above mentioned declaration,

Payable to: Sansaria Owners' Association

General Judgment Declaring Easement for Beach Access Roadway and Parking Area, including the terms and provisions thereof certain plat

Name of Plat: Sansaria

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 31, 1997

Recording No: 97-12-1213

(Quitclaim Deed p. 4 continued)

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 14, 2000

Recording No: 2000-3615

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005

Recording No: 2005-7673

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 31, 2005

Recording No: 2005-7675

Liens and charges as set forth in the above mentioned declaration,

Payable to: Sansaria Owners' Association

General Judgment Declaring Easement for Beach Access Roadway and Parking Area, including the terms and provisions thereof

Between: Sansaria Owners' Association and Jim Deatherage

Recording Date: July 18, 2011

Recording No: 2011-5623

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 21 5.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

(Quitclaim Deed p. 5 continued)

In Witness thereof:

Dated: April 29, 2022

Brook Robert Paulsen
39631 Road 36
Kingsburg, CA 93631
Grantor

Tara Paulsen
39631 Road 36
Kingsburg, CA 93631
Grantor

The Brook and Tara Paulsen Living Trust dated April 29, 2022.

Brook Robert Paulsen, Trustee
39631 Road 36
Kingsburg, CA 93631
Grantee

Tara Paulsen, Trustee
39631 Road 36
Kingsburg, CA 93631
Grantee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno

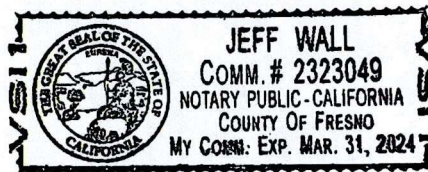
On April 29, 2022, before me, Jeff Wall, a Notary Public, personally appeared Brook Robert Paulsen and Tara Paulsen, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

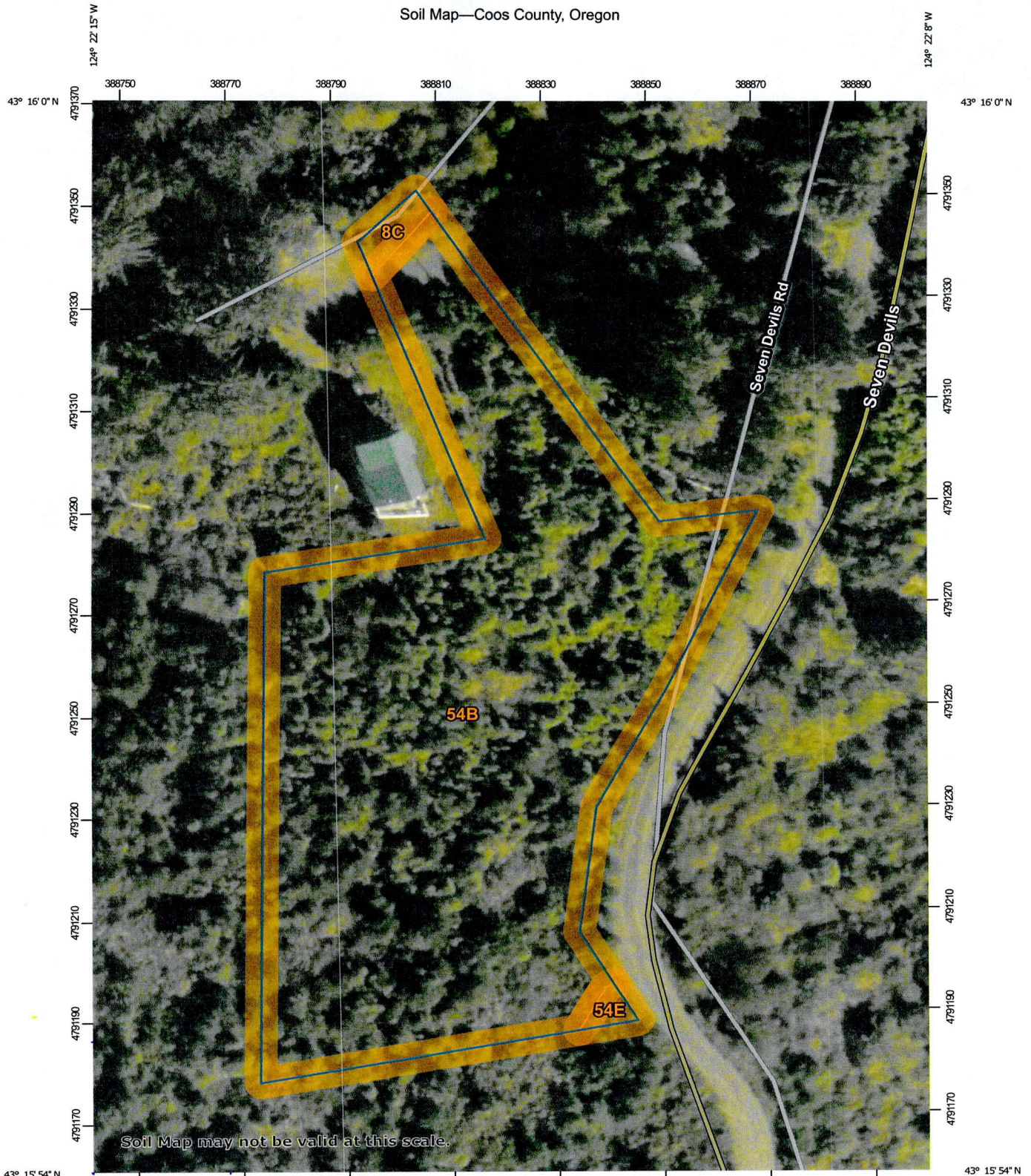
WITNESS my hand and official seal.

Notary Public

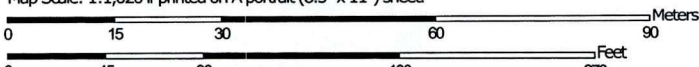
(seal)



Soil Map—Coos County, Oregon



Map Scale: 1:1,020 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 10N WGS84




Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/27/2022
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points


Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot


 Landfill

 Lava Flow


 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water


 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coos County, Oregon
Survey Area Data: Version 17, Oct 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 5, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

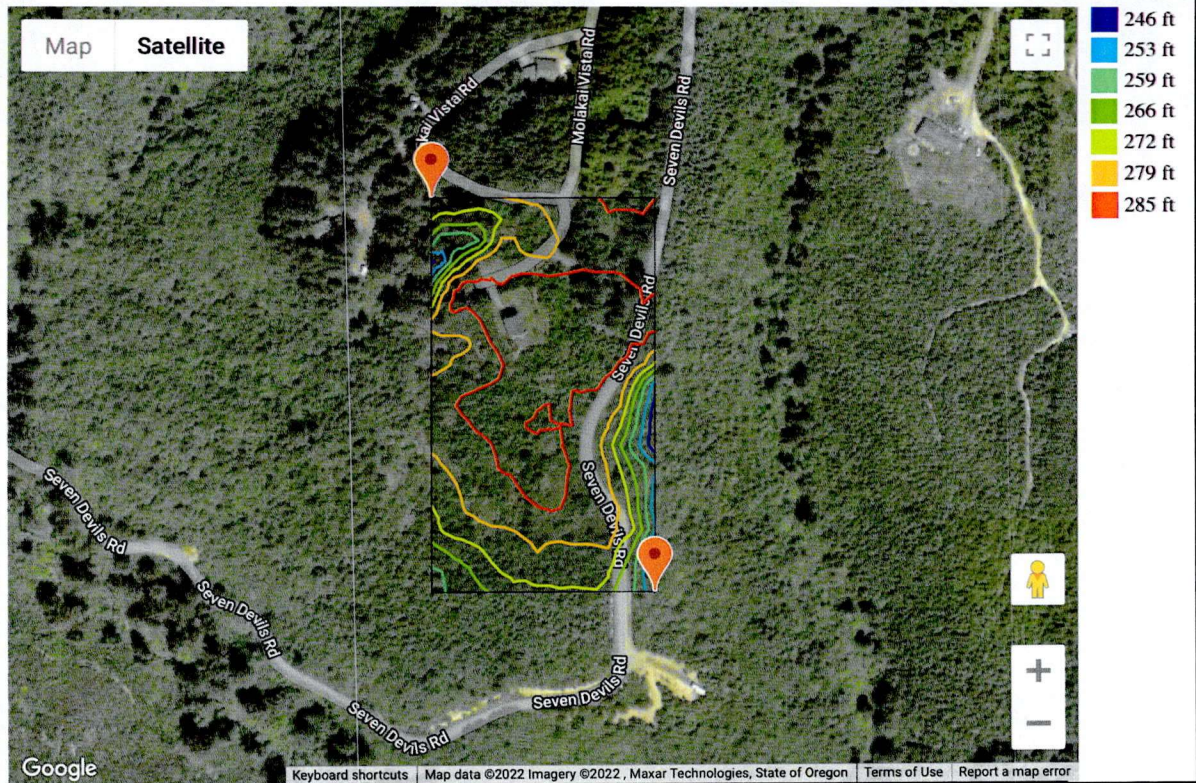
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8C	Bullards sandy loam, 7 to 12 percent slopes	0.0	1.0%
54B	Templeton silt loam, 0 to 7 percent slopes	2.1	98.4%
54E	Templeton silt loam, 30 to 50 percent slopes	0.0	0.6%
Totals for Area of Interest		2.2	100.0%

Contour Map Creator

0.314

[improvement ideas](#)

60673 MOLAKAI VISTA RD, coos bay



LAND USE PLANNING NOTES▶▶▶▶



"STEWARDSHIP IN FORESTRY"

NUMBER 1 • MARCH 1991

PURPOSE: This technical bulletin has been developed jointly by the Department of Forestry and structural fire protection agencies in Oregon as technical guidance and recommended minimum standards to meet the requirements of new administrative rules, OAR 660-06-035 (fire siting standards for dwellings and structures) and OAR 66006-040 (fire safety design standards for roads) adopted by the Land Conservation and Development Commission for forest land zones (Goal 4 lands). Counties are encouraged to adopt stricter rules in forest zones where these recommendations might not adequately address a particular hazard or risk.

RULE REQUIREMENTS:

OAR 660-06-035 (Fire Siting Standards for Dwellings and Structures) requires that:

"[T]he following fire siting standards or their equivalent apply to new dwelling or structures in a forest or agriculture/forest zone:

"(1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

"(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

"(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting

Recommended Fire Siting Standards for Dwellings and Structures *and* Fire Safety Design Standards for Roads

Published by:

Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

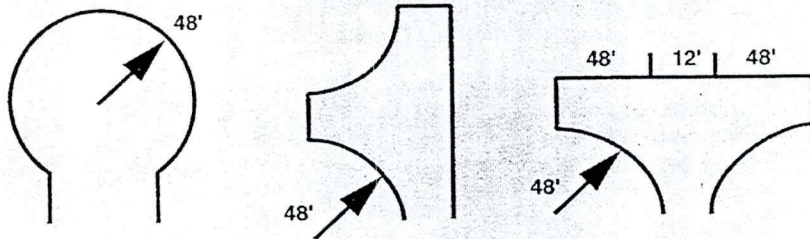
equipment vehicles in accordance with the provisions in *Protecting Your home from Wildfire* (National Fire Protection Association)."

OAR 660-06-040 (Fire Safety Design Standards for Roads) requires that:

"[T]he governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards."

Though there are no similar rule requirements to be met in rural residential zones in forested areas, the Department of Forestry encourages the adoption by local government of these recommended fire safety standards in these zones as well.

Turn-Around Types



Though some of the recommendations are strictly to accommodate structural fire protection apparatus and needs, it is recommended that the standards be applied to all lands within forest zones, regardless of the presence or absence of a rural (structural) fire protection district. The standards should be applied in anticipation of structural fire protection eventually becoming present.

RECOMMENDED FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES:

A. Water Supply Standards:

1. Access— If a water supply—such as a swimming pool, pond, stream, or lake—of 4,000 gallons or more exists within 100 feet of the driveway or road at a reasonable grade (12%) an all-weather approach to a point within 15 feet of the water's edge should be provided. The all-weather approach should provide a turn-around with a **48-foot** radius of one of the types shown in the illustration below.

2. Identification— Emergency water supplies should be clearly marked along the access route with a county approved sign.

B. Fuel Break Standards:

1. Primary Safety Zone— The primary safety zone is a fire break extending a minimum of **30 feet** in all directions around structures. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, limbs and other dead vegetation should be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) should be placed next to the house.

As slope increases, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table and illustration on the next page.

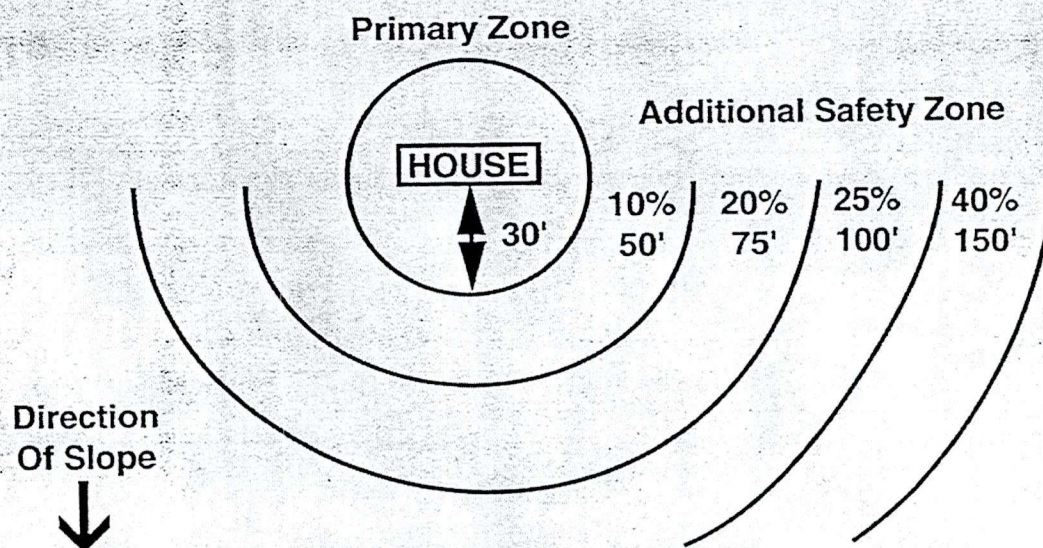
2. Secondary Fuel Break— The secondary fuel break is a fuel break extending a mini-

Size of Primary Safety Zone by Percent Slope

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

Buildings should be restricted to slopes of less than 40 percent.

EXAMPLE OF SAFETY ZONE SHAPE



mum of **100** feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels should be removed.

RECOMMENDED FIRE SAFETY DESIGN STANDARDS FOR ROADS:

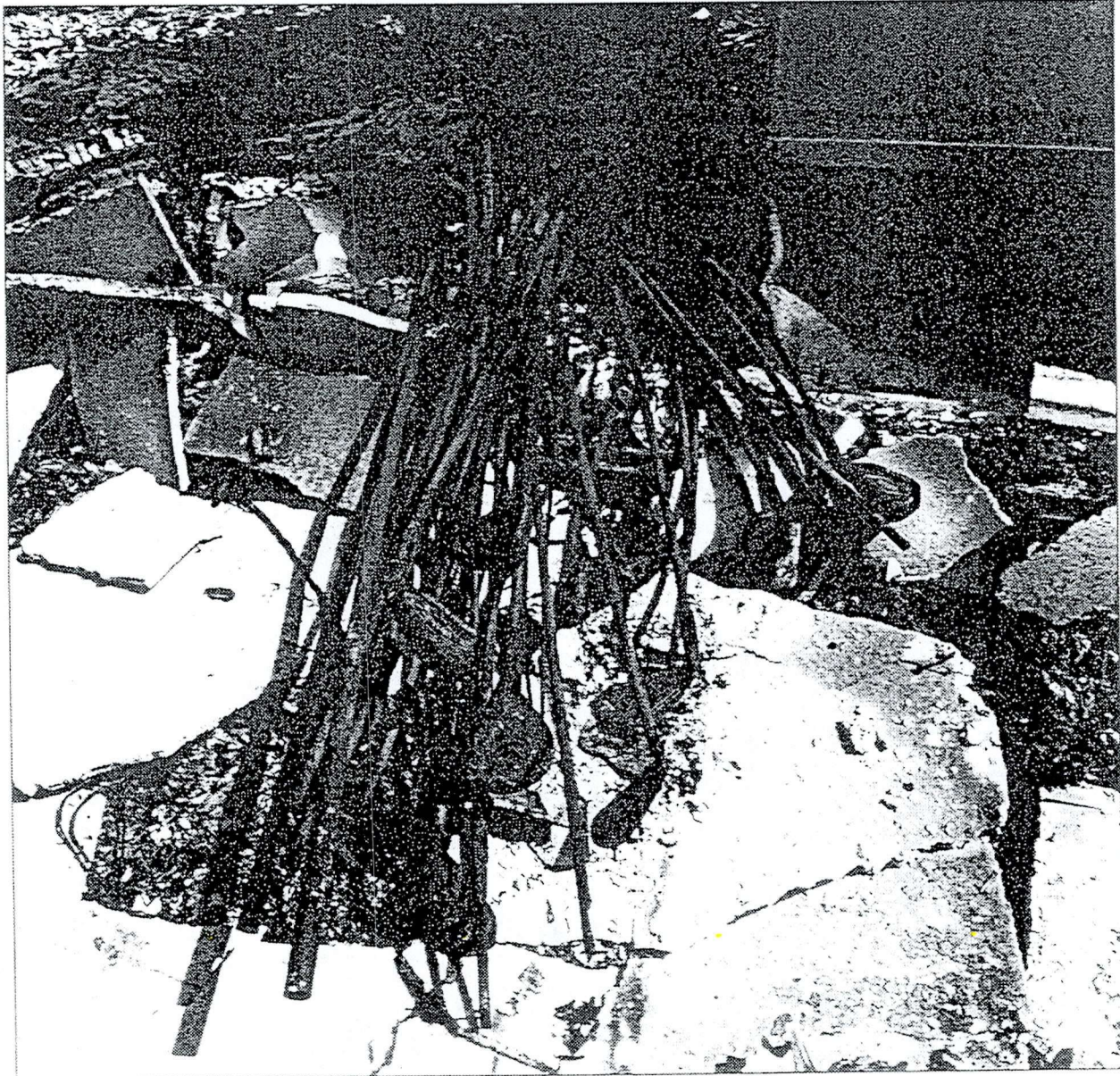
A. Road Standards (public roads and private roads accessing 2 or more residences):

1. Right-of-ways— Roads should be built and maintained to provide a minimum **20** foot width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Cul-de-Sacs— Cul-de-sacs should be defined as dead-end roads over **150** feet in length. Cul-de-sacs should have turn-arounds of not less than **48** feet radius at a maximum spacing of **500** feet between turn-a-rounds. All turn-a-rounds should be marked and signed as “NO PARKING.”

3. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

4. Road Grades— Road grades should not exceed an average of **8** percent, with a maxi-



A set of burned golf clubs lay in the ruin of a home burned by the 1990 Awbrey Hall Fire. Twenty-two homes burned during this fire, which raced along the outskirts of Bend, Oregon. Most of the burned homes had insufficient fuel breaks surrounding them.

Photograph courtesy of The Bulletin, Bend

mum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

5. Identification— Roads should be uniquely named or numbered and visibly signed at each road intersection. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

B. Driveway Standards (private roads accessing a single residence):

1. Driveways— Driveways should be built and maintained to provide a minimum **12-foot** width of all-weather surface capable of supporting gross vehicle weights of **50,000** pounds, a minimum curve radius of **48** feet and a vertical clearance of **13'6"**.

2. Vehicle Passage Turnouts— Driveways in excess of **200** feet should provide **20-foot** wide by **40-foot** long passage space (turnouts) at a maximum spacing of $1/2$ the driveway length or **400** feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.

3. Dead-end-driveways— Dead-end-driveways are defined as dead-end roads over **150** feet in length serving a single residence. Dead-end-driveways should have turn-a-rounds of not less than **48** feet radius.

4. Bridges and Culverts— Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.

5. Driveway Grades— Driveway grades should not exceed an average of **8** percent, with a maximum of **12** percent on short pitches. Variances could be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

6. Identification— Driveways should be marked with the residence's address unless

the residence is visible from the roadway and the address is clearly visible on the residence. Letters or numbers should be a minimum of three inches in height and constructed of reflectorized material.

C. Certification:

1. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 gross vehicle weight standard should be provided from an Oregon Registered Professional Engineer. Otherwise, written verification of compliance should be provided by the applicant.

BASIS FOR RECOMMENDATIONS:

A. Water Supply

Water is a critical tool in fire suppression. Hydrants are generally not available in forested areas. Therefore, fire suppression in forested areas is dependent upon the water carried in the responding fire equipment and water sources available for refill or that can be pumped from an engine. Water available for refilling an engine can mean the difference between saving or losing a structure, or preventing a wildfire from escaping initial attack. When a fire engine or tanker runs out of water, turn around time to a refill site may be quite lengthy. A 4,000 gallon water supply is large enough to refill a large tanker or several smaller fire engines. Requiring construction of an all weather approach to within 15 feet of 4,000 gallon or larger water sources within 100 feet or less of a driveway or road will greatly help fire protection agencies.

B. Fuel Breaks

The steeper the slope, the greater the flame length, the hotter the flame front, and the faster the rate of fire spread. This greater fire activity is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below, and more flame contact with upslope fuels. On steeper slopes, failure to provide for larger safety zones downslope from a residence will make it more difficult for fire personnel to protect the structure. The

firefighter is also in a more tenuous safety position.

On the last page are two graphs showing the relationships of flame length and dozer line construction speeds to slope for two fuel types. Flame lengths increase with slope and dozer fire line construction rates decrease. Other fire fighting methods such as water attack and hand line construction are also hampered by steep slopes. Generally, hand lines are useless when flame lengths reach 4 feet; dozer lines fail with 8-foot flame lengths.

C. Road & Driveway Specifications

Fire fighting apparatus (fire engines, tankers, dozer and lowboy, etc.) are much larger and heavier than personal vehicles. These vehicles

require greater road width and clearance for passage, wider road curves for turning, and level or at most moderate road grades for maintaining vehicle engine performance and driver safety.

- The 1988 Oregon Uniform Fire Codes, Chapter 10.207 specifies that all roads shall be all weather surfaced, minimum 20 feet width, and have a vertical clearance of 13' 6".

- A filled, fully equipped 3,000 gallon tanker weighs around 40,000-45,000 pounds. Many rural fire departments utilize this size tanker as a water source for the small fire engines. A minimum road surface load limit of 50,000 pounds provides for this load plus an appropriate safety margin.

- Large, heavy vehicles have difficulty driving up and down steep road grades. Additionally, most rural fire departments are principally staffed by volunteers and most forest fire agency employees are seasonal. While these people are capable drivers, very few are professional truck drivers and they may have a more difficult time maneuvering a truck up a steep winding road than would the professional driver.

- Rural address identification is extremely important. While the local resident may be familiar with the localized road or driveway system, emergency responders generally will not. Proper signing of roads and driveways with 3" or larger reflectorized letters or numbers will assist fire fighters in locating threatened residences, especially when visibility is impaired by darkness or smoky conditions.

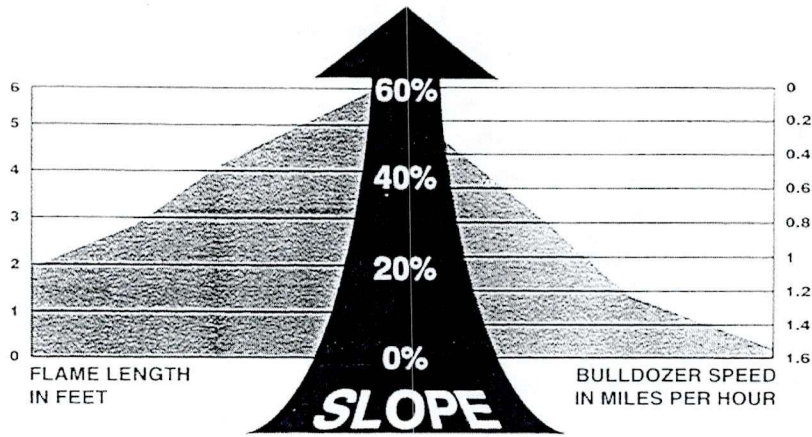
- It is very difficult to back up long distances in large fire apparatus, and this difficulty can be compounded if driveway grade is not level. Therefore, turnouts and turnarounds are very important.



The 1989 Dooley Mountain Fire threatened the residents of Baker City.

Photograph courtesy of the Democrat-Herald, Albany

The Relationship of Flame Length to Fuel Type and Slope: Two Situations

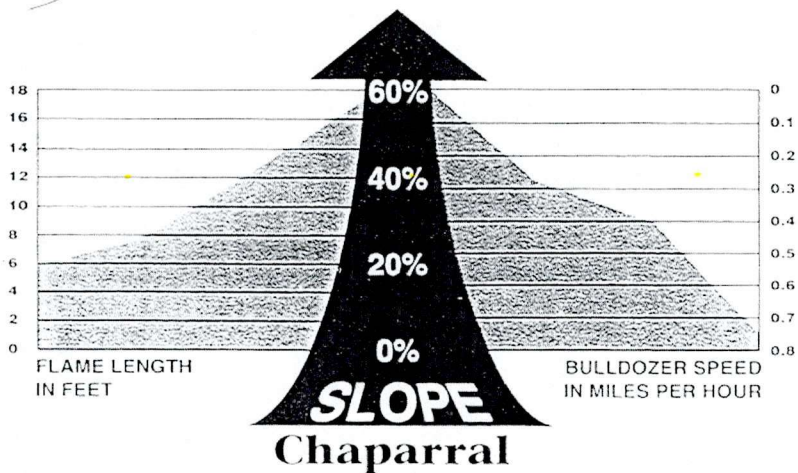
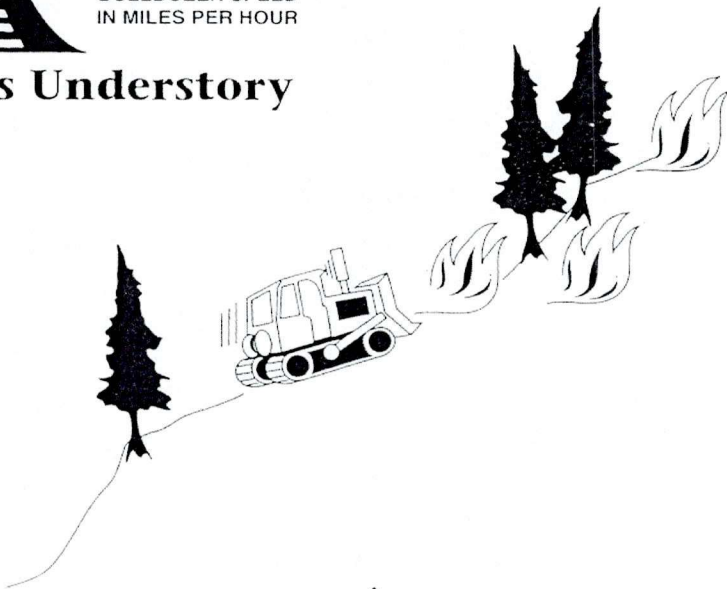


Timber with Grass Understory

These two graphs illustrate the effect of slope on flame length and bulldozer speed in two common fuel types.

In open timber with grass, flames traveling up a 20% slope can reach 3-4 feet in length. Chaparral, on the same slope, will generate flame lengths of 6-8 feet. Hand-constructed fire lines usually fail to stop fires having 4-foot or longer flame lengths. Bulldozer-constructed fire lines usually fail to stop fires having 8-foot or longer flame lengths.

Fire lines become less effective as slope increases and as fuel loads increase.



Chaparral

Information Provided By:

Oregon Department of Forestry
Resource Planning Office

Land Conservation and
Development Commission

Office of State Fire Marshal

Oregon Fire Chiefs Association

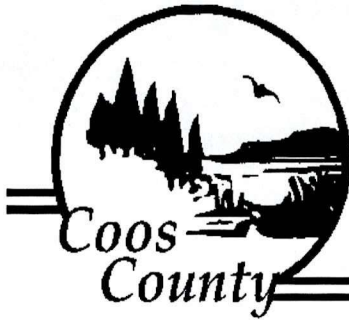
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Public Affairs Office
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Salem, Oregon 97310
503-378-2562



Oregon Department of Forestry
Resource Planning Office
2600 State Street
Salem, OR 97310

"STEWARDSHIP IN FORESTRY"



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse,
Coquille, Oregon 97423
(541) 396-3121 Ext.210
FAX (541) 396-2690 / TDD (800) 735-2900

Staff Report

File #: ACU-07-27

Date: July 19, 2007

Applicant : Steve Stalcup
3682 Tremont
North Bend OR 97459

Owner: Fralen Properties
Helen Pekny
331 Camino Del Cielo
South Pasadena, CA 91030

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

Staff Contact: Jill Barzee, Administrative Aide

I. APPLICABLE REVIEW CRITERIA: COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

- i. Section 4.8.525(B) - Forest Dwellings (Template dwelling)
- ii. Section 4.8.600 - Mandatory siting standards for dwellings and structures within the Forest zone
- iii. Section 4.8.700 - Fire Siting and Safety Standards
- iv. Section 4.8.750 (B) & (I) - Development Standards (setbacks)

II. BASIC FINDINGS:

- A. **Location:** The property is located between the Cities of Coos Bay and Bandon, in the Sansaria Subdivision. The subject property is identified on the Coos County Assessor's map Township 27, Range 14, Section 04, as Tax Lot 301. The subject property is accessed off of Molokai Vista Road.

- B. Lot of Record:** Pursuant to the CCZLDO Section 3.3.800 (1), Lawfully Created Lots and Parcels, "The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:...Lots or parcels created prior to January 1, 1986;.."

The subject property is located within the Sansaria Subdivision, which was created in 1968.

Therefore, the subject property is a legal lot of record pursuant to CCZLDO Section 3.3.800(1).

- C. Background:** There have been no permits or clearance letters issued on the subject property. The current application was submitted and deemed complete on June 19, 2007.
- D. Zoning:** The subject property is zoned Forest (F) with a mixed use overlay. The purpose of the "F" zone is:

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

Mixed Farm-Forest Area

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

In certain areas of the County, these "mixed use" areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in "prime forest areas", and grazing is in many

places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

- E. Site Description:** The subject property is 1.77 acres. Pursuant to the 2007 Coos County assessment records, there is no development on the property. The 2005 aerial photograph supports this.

The subject property is forested. Molokai Vista Road borders the property on the northwestern edge. Seven Devils Road borders the subject property on the east, generally running in a north-south direction.

- F. Special Considerations:** The property has a mixed use overlay. There are no other special considerations on the subject property.

- G. Surrounding Land Uses:** The surrounding properties are all zoned forest and are all within the Sansaria subdivision. There is sparse development throughout the notification area.

The parcels within the 500-foot notification area of the subject property range in size from approximately 0.25 to 50.5 acres, all in private ownership.

III. DECISION:

The submitted application to is hereby **approved** subject to requirements and conditions of approval set forth below.

IV. CCZLDO Review Criteria

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

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

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

FINDING: The subject property is 1.77 acres. 2007 Assessment records and 2005 aerial photographs confirm there are no other dwellings on the subject tract.

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

FINDING: The deed for the subject property, recorded in 2006 (2006-10053), does not reference any deed restrictions limiting development on the subject property. Sansaria Subdivision has certain Covenants, Conditions and Restrictions (CC&R) as to what type of dwelling must be built; however, single family residences are allowed.

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

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

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

FINDING: The Oregon Department of Forestry and the Planning Department estimated the cubic foot per acre per year growth to be greater than 85. Based upon the above criteria the template option requires 11 parcels and 3 dwellings, established prior to January 1, 1993, within a 160-acre square centered on the subject property. The subject property qualifies for a forest template dwelling because there are 90 parcels and 3 dwellings within the 160-acre template established prior to January 1, 1993.

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

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

- iii. Section 4.8.600 - Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use 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. Dwellings and structures shall be sited on the parcel so that:**
- 1. They have the least impact on nearby or adjoining forest or agricultural lands; and**
 - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and**
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and**
 - 4. The risks associated with wildfires are minimized.**

FINDING: The property is accessed from Molokai Vista Road to the northwest. The development will be sited to comply with the fire safety standards as much as is possible and will be located basically in the center of the property. This will minimize adverse impacts on forest operations, as well as have the least impact on agricultural and forest operations. By maintaining the fire safety corridor, risks associated with wildfires will be minimized.

- B. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:**
- 2. A water use permit issued by the Water Resources Department for the use described in the application; or**
 - 3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.**

FINDING: The applicant has not supplied 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. As a condition of approval, this must be supplied.

- C. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or**

agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

FINDING: The property is accessed off of Molokai Vista Road, which is a Coos County roadway. The Coos County Road Department must issue access permits and driveway confirmation.

iv. Section 4.8.700 - Fire Siting and Safety Standards

The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

FINDING: There is submitted evidence that the subject property is located within the Bandon Rural Fire Protection District (RFPD). The applicant has requested to be included in the RFPD.

Section 4.8.700(A)(Firebreak) - identifies fire siting and safety standards that are applicable to dwellings approved in the Forest zone. The Ordinance requires a 30-foot primary setback and a 100-foot secondary setback be maintained. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met

FINDING: The property is of such size and shape that the secondary firebreaks cannot be met; however, the primary firebreak can be met and will be maintained.

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

FINDING: There was no indication of the slopes on the submitted site plan. The property consists of Templeton silt loam, (54B) found on slopes of 0 to 7 percent and (54E) found on slopes of 30-50 percent. The dwelling shall not be sited on any slope greater than 40 percent.

v. Section 4.8.750 - Development Standards

(B) Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.

FINDING: The building site is located such that the roadway setbacks will be met from both Molokai Vista Road and Seven Devils Road.

(I) 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...

FINDING: There are no waterways, creeks, streams or acknowledged wetlands on the subject property; therefore, this criterion does not apply.

V. ANALYSIS:

The proposed dwelling meets the applicable review criteria of the CCZLDO subject to requirements and conditions of approval. Because of the subject property's shape and size, it is not possible for the property owners to meet the secondary fire safety setbacks; however, they can meet the primary fire safety setback and will maintain this.

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

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

VI. NOTICE OF APPEAL RIGHTS:

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals filed after **August 3, 2007** are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information may be provided by the Planning Department upon request.

VII. Requirements and Conditions of approval:

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

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

3. Pursuant to Table 7.2 of the CCZLDO there is a maximum allowed grade of 12% for any newly created road. The applicant must provide evidence from the County Roadmaster stating the road providing access to the subject property is in compliance with these requirements. If the property owner is unable to bring the existing forest road into compliance with these requirements a variance application will be required addressing Section 7.1.550 (Section 14).
4. A form must be submitted from the Oregon Water Resources Department indicating the subject property is not deriving its water from a Class II stream.
5. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the fee, then the applicant shall be responsible for paying the full amount. If this amount is due, you must pay it before a zoning compliance letter can be issued.
6. Once the applicant has complied with items 1 through 5 above, a Zoning Compliance Letter (ZCL) can be obtained from the Planning Department in order to continue with any required development permits from the Department of Environmental Quality (DEQ) or State Building Codes Agency.
7. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" shall by acting upon this permit agree to notify the "buyer" or "grantee" of the terms and conditions of the permit.
8. The proposed dwelling must be located as shown on the applicant's submitted plot plan; however the dwelling must not be located on slopes of more than 40%.

9. Pursuant to the CCZLDO, Section 4.8.700 requires the following:
 - a. All dwellings to maintain a 130-foot fuel free firebreak setback; however since this is not possible, the property owners must keep the property cleared of combustible materials,
 - b. New structures shall use a non-combustible or fire resistant roofing material,
 - c. A water supply exceeding 4,000 gallons available for fire suppression,
 - d. The dwelling shall not be sited on a slope of greater than 40 percent,
 - e. If a chimney is proposed it shall have a spark arrester,
 - f. Adequate road access for fire personnel

10. Construction activities that disturb one or more acres of land are subject to Department of Environmental Quality (DEQ) review. Less than one acre may be subject to review if part of a larger common plan. Please direct all questions to DEQ.

Attachments to the applicants only:

Template Map

"Waiver of Right to Object Forest and Farm Practices Management Covenant"

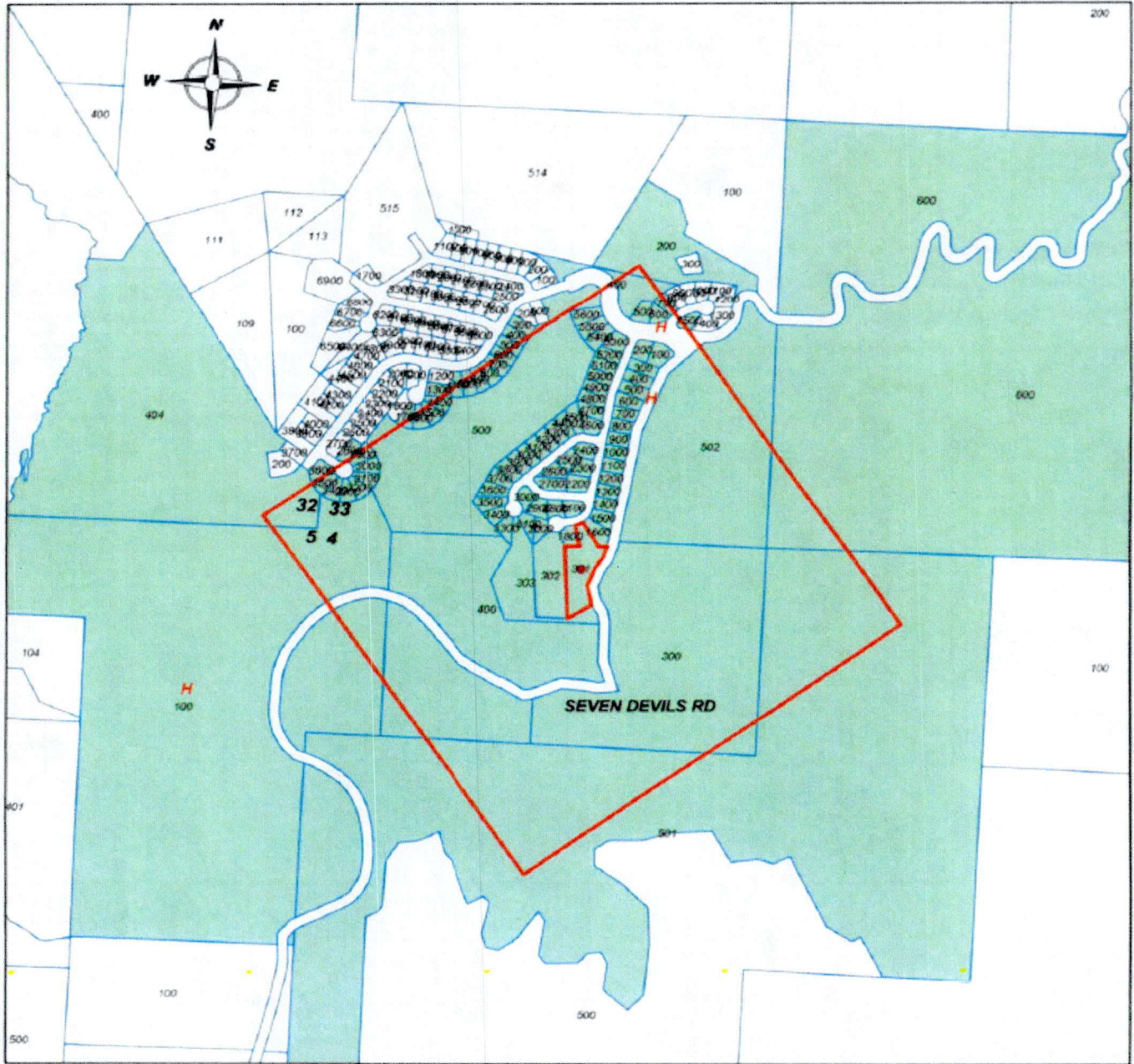
Water Rights form

Driveway Confirmation form

C: David Perry, DLCD
File

TEMPLATE = 1/2 X 1/2 MILE

1" = 800'



H, MH = RESIDENCES

NOTE: PARCELS CREATED AFTER JAN. 1, 1993 NOT ALLOWED

GREEN = PARCELS WITHIN TEMPLATE

Parcels within template ACU-07-27

Map_No	Parcel_No
26S14W32	404
26S14W33CA	200
26S14W33CA	400
26S14W33CA	500
26S14W33CA	600 H
26S14W33CA	700
26S14W33CA	1500
26S14W33CC	300
26S14W33CC	400
26S14W33CC	500
26S14W33CC	600
26S14W33CC	700
26S14W33CC	800
26S14W33CC	900
26S14W33CC	1000
26S14W33CC	1100
26S14W33CC	1300
26S14W33CC	1400
26S14W33CC	1500
26S14W33CC	1600
26S14W33CC	1700
26S14W33CC	2800
26S14W33CC	2900
26S14W33CC	3000
26S14W33CC	3100
26S14W33CC	3200
26S14W33CC	3300
26S14W33CC	3400
26S14W33CC	3500
26S14W33CC	3600
26S14W33CD	100
26S14W33CD	200
26S14W33CD	300
26S14W33CD	400
26S14W33CD	500 H
26S14W33CD	600
26S14W33CD	700
26S14W33CD	800
26S14W33CD	900
26S14W33CD	1000
26S14W33CD	1100
26S14W33CD	1200
26S14W33CD	1300
26S14W33CD	1400
26S14W33CD	1500

Parcels within template ACU-07-27

Map_No	Parcel_No
26S14W33CD	1600
26S14W33CD	1800
26S14W33CD	2000
26S14W33CD	2100
26S14W33CD	2200
26S14W33CD	2300
26S14W33CD	2400
26S14W33CD	2500
26S14W33CD	2600
26S14W33CD	2700
26S14W33CD	2800
26S14W33CD	2900
26S14W33CD	3000
26S14W33CD	3100
26S14W33CD	3300
26S14W33CD	3400
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26S14W33CD	4100
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26S14W33CD	4700
26S14W33CD	4800
26S14W33CD	4900
26S14W33CD	5000
26S14W33CD	5100
26S14W33CD	5200
26S14W33CD	5300
26S14W33CD	5400
26S14W33CD	5500
26S14W33CD	5600
26S14W33	500
26S14W33	502
26S14W33	600
27S14W04	300
27S14W04	301
27S14W04	
27S14W04	

subject Prop

Parcels within template ACU-07-27

Map_No	Parcel_No
27S14W04	400
27S14W04	501
27S14W05	100

Parcels
90

Dwellings
3