

File Number: ACU-23-049



### COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

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

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

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

Date Received: 9/7/2023 Receipt #: 142233445 Amount: \$819.00 Received by: C. Orr

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

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

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

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

### LAND INFORMATION

A. Property Owner(s) Frank John Salvator Zaita

Mailing address: PO Box 862 Coquille, OR 97423

Phone: 541-731-0784 Email: zaitafj@yahoo.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
26S	11W	28	0	0	501
26S	11W	29	0	0	1500

Tax Account Number(s): 453603 Zone: Select Zone Exclusive Farm Use (EFU)  
 Tax Account Number(s): 455100 Exclusive Farm Use (EFU)

### B. Special Districts and Services

Water On-Site (Well or Spring) Sewage Disposal On-Site Septic  
 School Coquille Fire District Select Fire District

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

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

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

[Map Information](#) Or [Account Information](#)

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

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

- I. **PROPOSAL AND CRITERIA:** A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. Project summary and details including timelines.
  2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. **PLOT PLAN OR SKETCH PLAN:** A detailed drawing delineating the following:
- Owner's name, address, and phone number, map and Tax lot number
  - North Arrow and Scale - using standard engineering scale.
  - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
  - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
  - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
  - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. **DEED:** A copy of the current deed, including the legal description, of the subject property.
- IV. **CERTIFICATION:** I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director’s decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county’s behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

**PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING**

\$153.00  
DR-23-084

**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: No situs address

Type of Access: County Road Name of Access: Fairview 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-



**SANITATION INFORMATION**

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

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

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

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

Please check  if the request is for a land division.

**Coos County Environmental Health Use Only:**

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

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

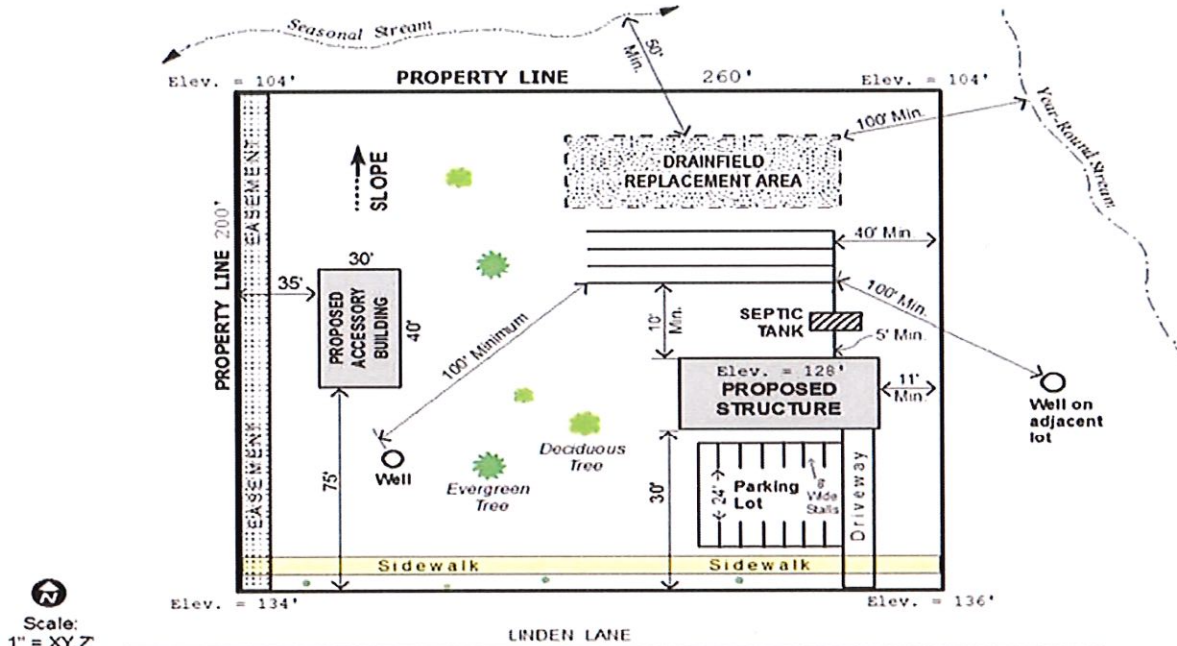
- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and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

Additional Comments:



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

**SAMPLE PLOT PLAN**



**ITEMS THAT MUST BE ON THE PLOT PLAN:**

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

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

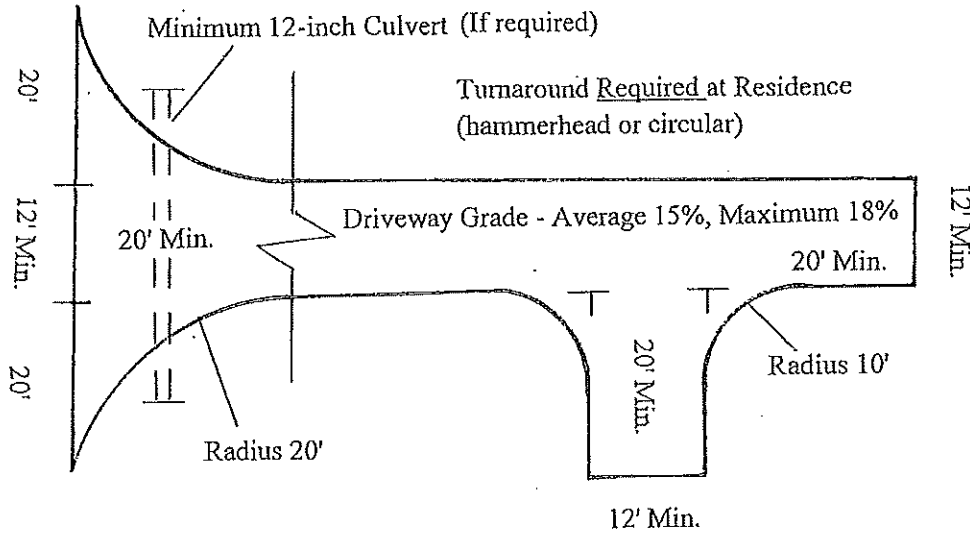
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS**  
**DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

Sight Distance Requirements (at the approach entrance)

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

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



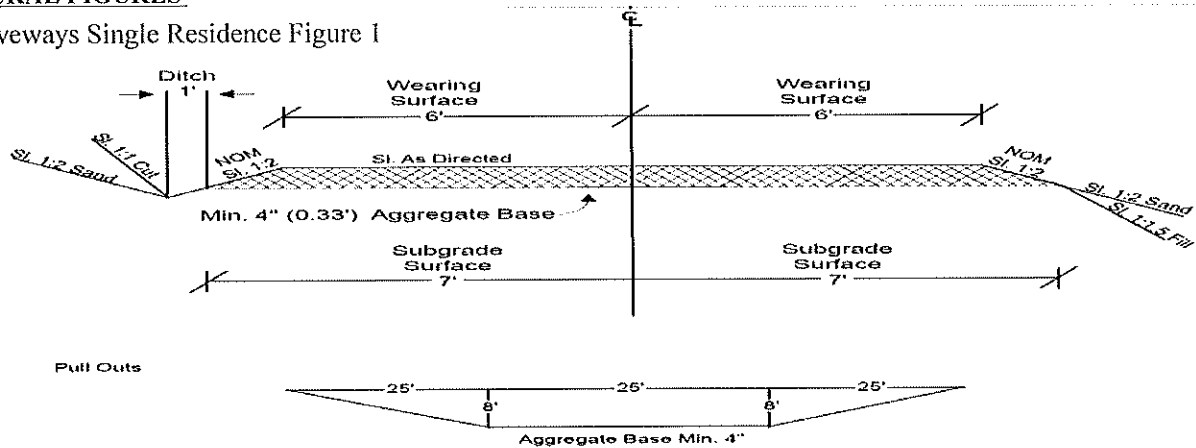
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

**RURAL FIGURES**

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

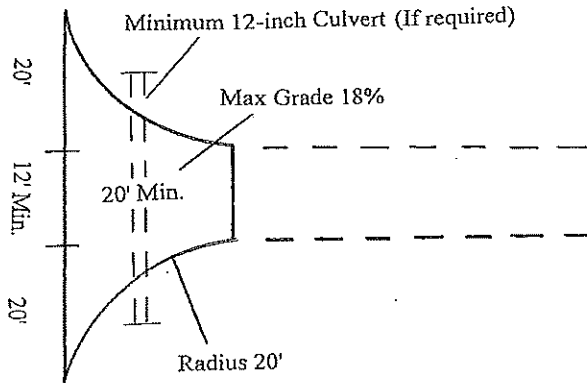
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways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

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

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

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

Figure 7.1.450

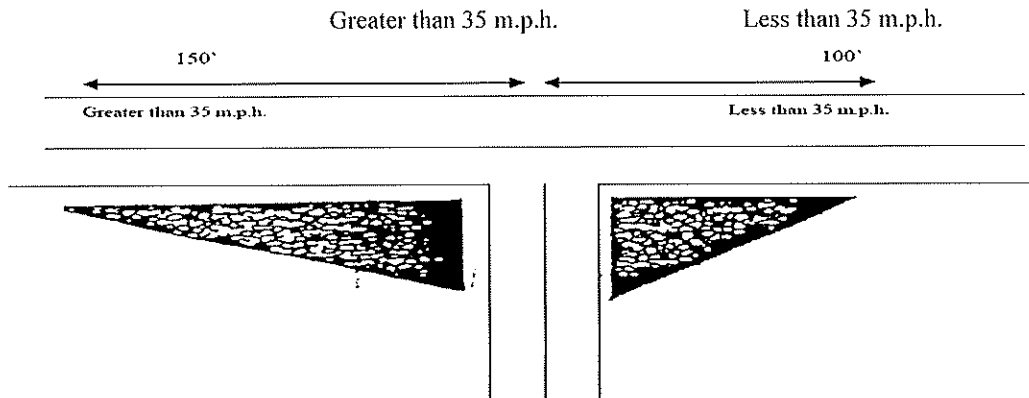


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

**VISION CLEARANCE TRIANGLE:**

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

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





PARKING STANDARDS

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

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

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

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

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

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

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 (I) 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
<b>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</b>		
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 road<sup>1</sup> that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  - (c) If the:
    - (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.

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

- (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

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? YES

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

Coos County Planning performed template test, see R-23-006

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

15

- 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.



- 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.

NO

**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 nearby<sup>2</sup> or adjoining forest or agricultural lands;
  - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

**Response shall explain how or why, providing a yes or no will not satisfy the criteria and will result in an incomplete application:**

The location that I chose for my dwelling is a preexisting clearing in the forest land with a road leading to it. Based on this choice of location it would minimize negative impact to forest lands both on the tract and adjoining due to not having to clear any land for the dwelling. The access road to said clearing is already built, further minimizing impact to the forest land. Nearby agricultural land has also been considered in making this decision, as the clearing and road being pre-existing will negate any impact on nearby water quality.

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

- (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 property has an existing well on site.**

- (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.**

I have already accepted responsibility of the road. I regularly gravel and maintain it.

- (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 trees be replanted?**

Yes if need be.



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.

**Yes, a stocking survey will be filed with the County Assessors Office.**

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.

**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. Slope<sup>3</sup> will also determine additional firebreak in Section 8 Firebreak.

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<sup>3</sup> Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon<sup>3</sup> published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon

- 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 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.

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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.

- d. Proof that all of these items will be met include proof of the slope to determine additional firebreak setbacks is required.

*Table 1 – Minimum Primary Safety Zone*

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

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 property was originally deeded 07-17-1979 Deed Ref # 86-4-7985

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, there are no plans to build any new fences or other structures along public roads of property lines.

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, a draft copy has been attached

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

No



7. Fire related questions:

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

The roof will be made out of metal

b. What is the slope of the property on average and where the dwelling will be located?  
The area where the dwelling will be located is flat, graded and ready to be built upon. This is located in the center of the 10-acre parcel.

- 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 water source will be from a drilled well, allowed by the Water Resources Department.

d. Is the property within a Fire District and if so which Fire District.  
No, the property is not within any 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.

N/A

- 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 development 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.

1,000-gallon cistern on site. Road access will be provided right to the dwellings edge.

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

No, dwelling doesn't have a chimney.

**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.**

**See plot plan. The firebreak will be maintained by mowing the grass and raking the cuttings and gathering the pruning's and debris accumulated from caring for the trees and shrubs.**

- 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 plot plan. Approximately 200 feet of garden hose will reach the primary fire break perimeter.**

- 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.**

**The clearing where the dwelling is to be built is roughly 330X450 feet of flat, cleared, graveled and prepped land. The surrounding property's slope varies between 15-30% with tree and rock covering.**

**Additional evidence and responses to address the criteria?**





**Coos County Planning Department**

Coos County Courthouse Annex, Coquille, Oregon 97423  
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, OR 97423  
Physical Address: 225 N. Adams, Coquille, Oregon 97423  
(541) 396-7770  
FAX (541) 396-1022 / TDD (800) 735-2900  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)  
Jill Rolfe, Planning Director

---

July 13, 2023

Frank John Salvator Zaita  
PO Box 862 – C  
Coquille, OR 97423

RE: Research Request R-23-006 on property located at Township 26S, Range 11W, Section 28 Tax Lot 501

Mr. Zaita,

Pursuant to your research request, a limited forest template dwelling test was conducted for the parcel located north east of the City of Coquille. The purpose of the test was to determine if the parcel was zoned Forest (F) Mixed Use (MU), the number of current qualifying pre-1993 parcels and dwellings for a new dwelling based on the relevant Coos County Zoning and Land Development Ordinance (“CCZLDO”) provisions.

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

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

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



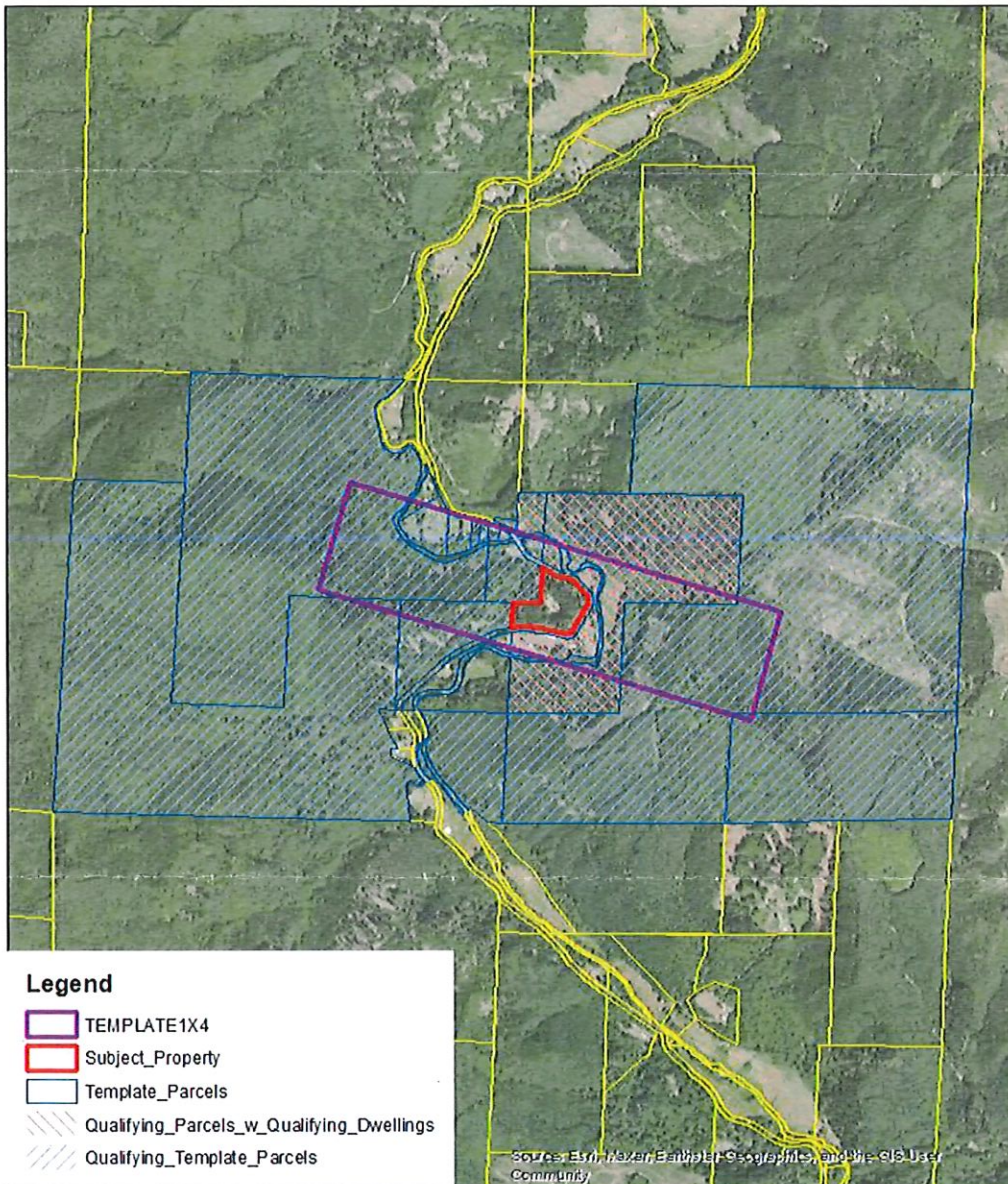
## COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

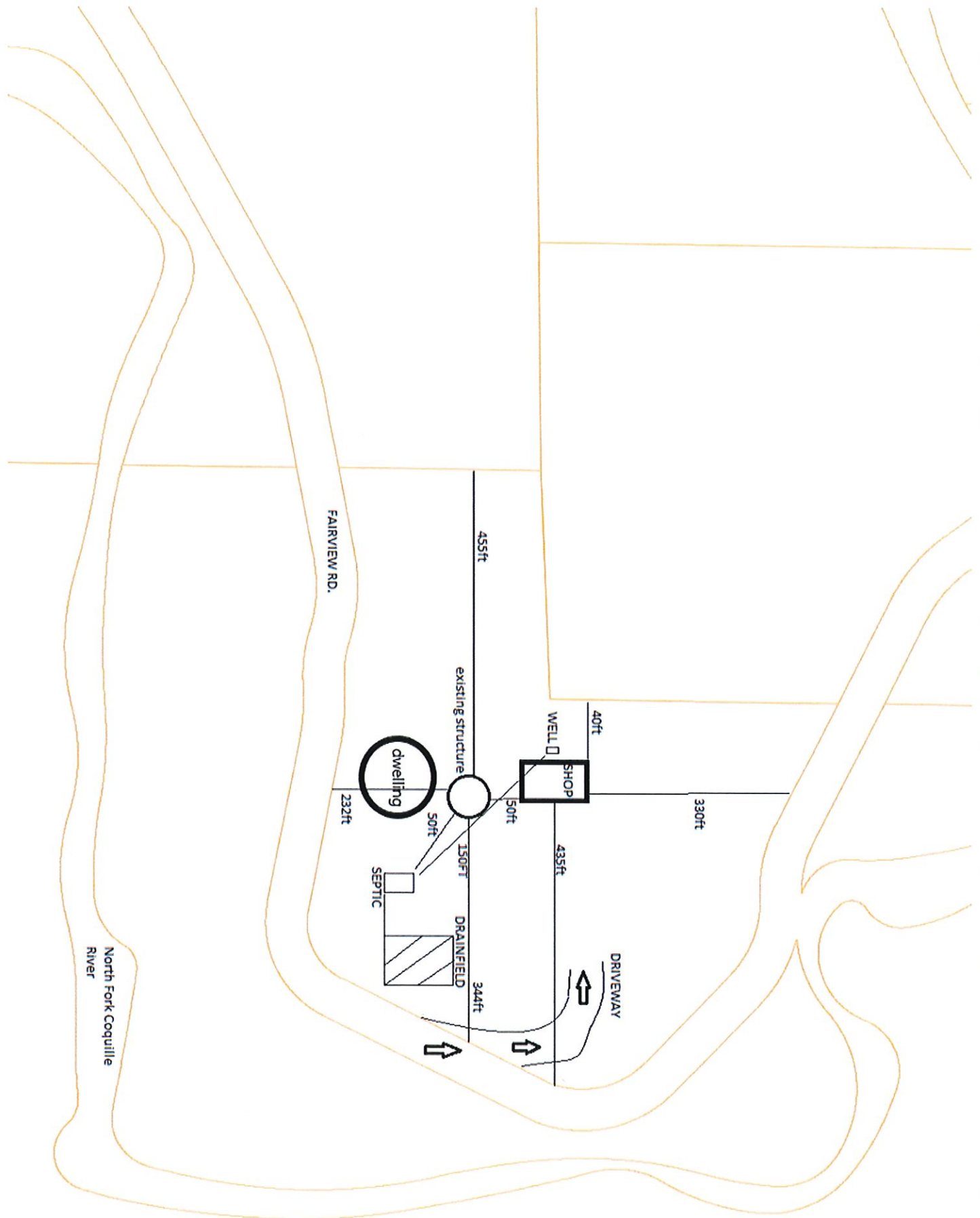
Phone: (541) 396-7770

TDD (800) 735-2900





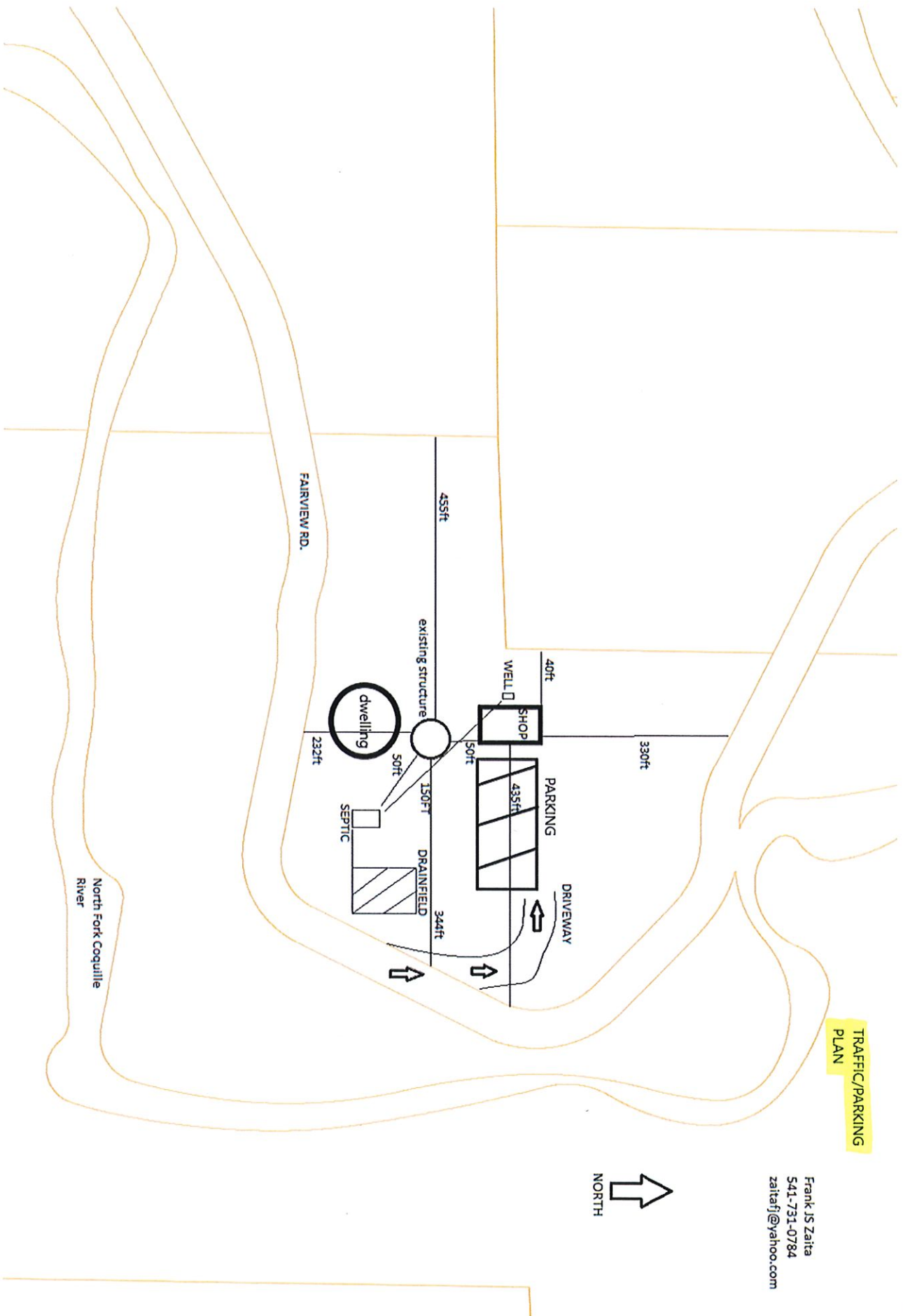
Frank JS Zaita  
541-731-0784  
zaitafj@yahoo.com





**TRAFFIC/PARKING  
PLAN**

Frank JS Zaita  
541-731-0784  
zaitafj@yahoo.com



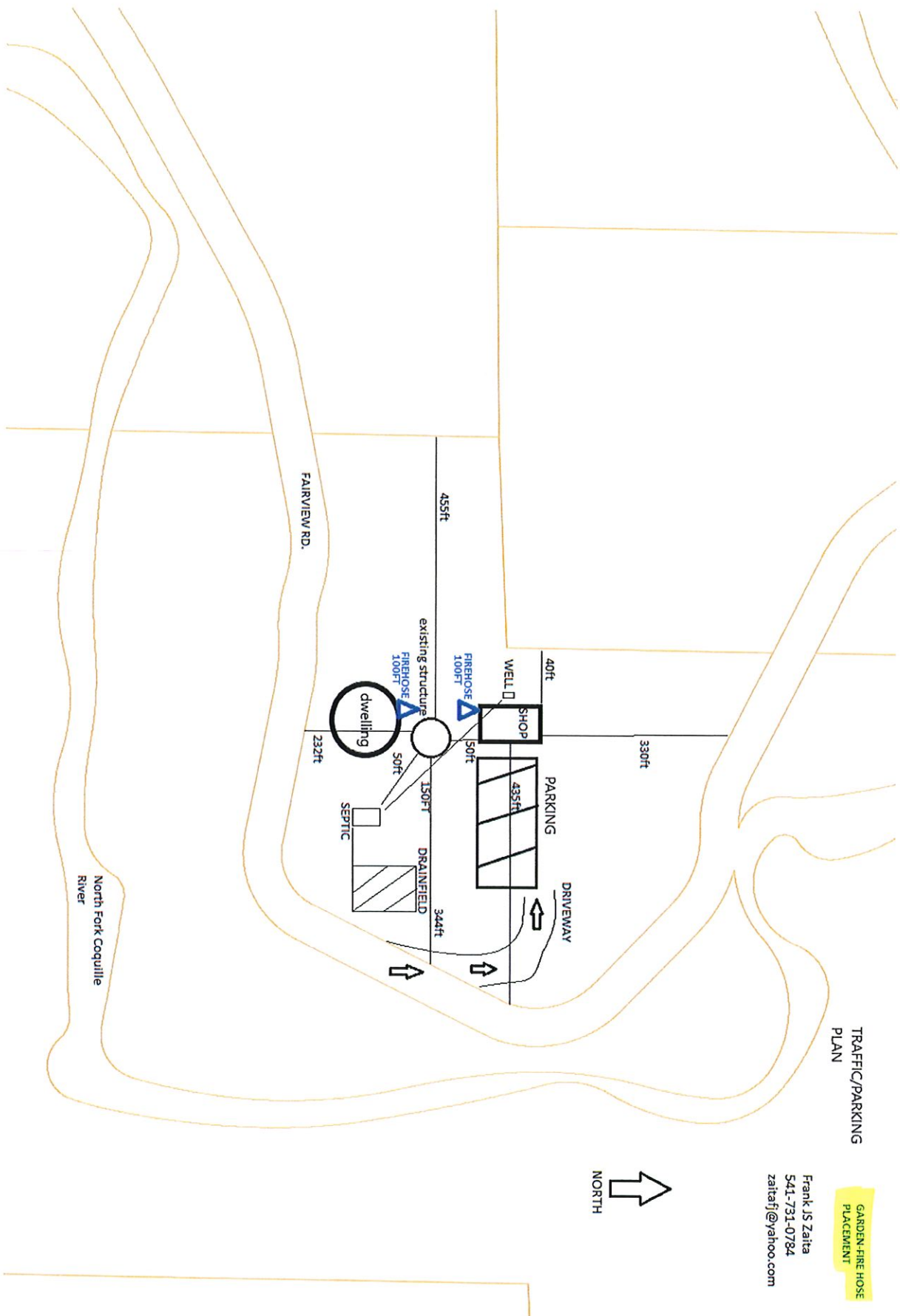
TRAFFIC/PARKING  
PLAN

GARDEN-FIRE HOSE  
PLACEMENT

Frank JS Zaita  
541-731-0784  
zaitafj@yahoo.com



NORTH



**RECORDING COVER SHEET** (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

Coos County, Oregon

**2023-00844**

\$101.00 Pgs=4

02/13/2023 02:33 PM

eRecorded by: TICOR TITLE COOS BAY

Julie A. Brecke, Coos County Clerk

**AFTER RECORDING RETURN TO:** ORS 205.234(1)(c)

Frank J.S. Zaita

PO Box 862

Coquille, OR 97423

<b>1. TITLE(S) OF THE TRANSACTION(S)</b> <span style="float:right">ORS 205.234(1)(a)</span>	
Statutory Warranty Deed	
<b>2. DIRECT PARTY(IES) / GRANTOR(S)</b> <span style="float:right">ORS 205.234(1)(b)</span>	
Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable Trust dated February 6, 2008	
<b>3. INDIRECT PARTY(IES) / GRANTEE(S)</b> <span style="float:right">ORS 205.234(1)(b)</span>	
Frank J.S. Zaita	
<b>4. TRUE and ACTUAL CONSIDERATION</b> Amount in dollars or other value/property ORS 205.234(1)(d)	<b>5. SEND TAX STATEMENTS TO:</b> <span style="float:right">ORS 205.234(1)(e)</span>
\$325,000.00 <input type="checkbox"/> Other Value <input type="checkbox"/> Other Property	Frank J.S. Zaita
Other value/property is <b>Whole</b> <input type="checkbox"/> or <b>Part</b> <input type="checkbox"/> of the consideration	PO Box 862
<b>6. SATISFACTION of ORDER or WARRANT</b> Check one if applicable: <span style="float:right">ORS 205.234(1)(f)</span>	<b>7. The amount of the monetary obligation imposed by the order or warrant:</b> <span style="float:right">ORS 205.234(1)(f)</span>
<input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL	\$
<b>8. If this instrument is being Re-Recorded, complete the following statement:</b> <span style="float:right">ORS 205.244(2)</span>	
Re-recorded at the request of Ticor Title to correct the grantees address	
Book/Volume ___ and Page ___, or as Fee Number 2023-00782_____.	

RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075  
Coos Bay, OR 97420

**GRANTOR'S NAME:**

Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable Trust dated February 6, 2008

**GRANTEE'S NAME:**

Frank J.S. Zaita

**AFTER RECORDING RETURN TO:**

Order No.: 360623041736-VR

Frank J.S. Zaita

~~33864 Miller Lane~~

~~Gold Beach, OR 97444~~

**SEND TAX STATEMENTS TO:**

Frank J.S. Zaita

~~33864 Miller Lane~~

~~Gold Beach, OR 97444~~

APN: 455100

453603

Map: 26-11-29-TL1500

26S-11-28 TL 501

0 Fairview Road, Coquille, OR 97423

Coos County, Oregon

**2023-00782**

\$91.00

Pgs=2

02/10/2023 08:53 AM

eRecorded by: TICOR TITLE COOS BAY

Julie A. Brecke, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable Trust dated February 6, 2008, Grantor, conveys and warrants to Frank J.S. Zaita, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

**PARCEL I:**

That portion of the following real property lying Southwesterly of the Coquille-Fairview County Road: The Southwest quarter of the Northwest quarter of Section 28, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon. Except the West 10 acres of the South half of the Northwest quarter of Section 28, conveyed to H.L. Peak, et ux by deed recorded January 7, 1948 in Book 177, Page 60, Deed Records of Coos County, Oregon.

ALSO: That portion of the Northwest quarter of the Southwest quarter of Section 28, Township 26 South Range 11 West of the Willamette Meridian, Coos County, Oregon, lying Northwesterly of the Coquille-Fairview County Road.

**PARCEL II:**

That portion of the Northeast quarter of the Southeast quarter of Section 29, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying Northwesterly of the Coquille-Fairview County Road.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$325,000.00). (See ORS 93.030).

**Subject to:**

1. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
3. Right reserved by W.T. Culver Company, a Delaware corporation as disclosed by Bargain and Sale Deed

Recording Date: July 24, 1947  
Recording No: Book 171, Page 158  
Grantor: W.T. Culver Company  
Grantee: William J. Reed and Minnie M. Reed

**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**

RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075  
Coos Bay, OR 97420

**GRANTOR'S NAME:**

Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable  
Trust dated February 6, 2008

**GRANTEE'S NAME:**

Frank J.S. Zaita

**AFTER RECORDING RETURN TO:**

Order No.: 360623041736-VR  
Frank J.S. Zaita  
PO Box 862  
Coquille, OR 97423

**SEND TAX STATEMENTS TO:**

Frank J.S. Zaita  
PO Box 862  
Coquille, OR 97423

APN: 455100  
453603

Map: 26-11-29-TL1500  
26S-11-28 TL 501

0 Fairview Road, Coquille, OR 97423

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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The Southwest quarter of the Northwest quarter of Section 28, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon. Except the West 10 acres of the South half of the Northwest quarter of Section 28, conveyed to H.L. Peak, et ux by deed recorded January 7, 1948 in Book 177, Page 60, Deed Records of Coos County, Oregon.

ALSO: That portion of the Northwest quarter of the Southwest quarter of Section 28, Township 26 South Range 11 West of the Willamette Meridian, Coos County, Oregon, lying Northwesterly of the Coquille-Fairview County Road.

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THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$325,000.00). (See ORS 93.030).

**Subject to:**

1. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
3. Right reserved by W.T. Culver Company, a Delaware corporation as disclosed by Bargain and Sale Deed

Recording Date: July 24, 1947  
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Grantor: W.T. Culver Company  
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STATUTORY WARRANTY DEED

(continued)

THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

Dated: 2/6/23

Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable Trust dated February 6, 2008

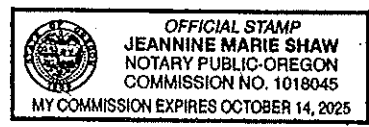
BY: [Signature]  
Kevin R. Hagstrom  
Trustee

State of Oregon  
County of Deschutes

This instrument was acknowledged before me on 02/06/23 by Kevin R. Hagstrom, Trustee of the Kevin R. Hagstrom Revocable Trust dated February 6, 2008.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10/14/25



# COOS County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

May 25, 2023 1:21:31 pm

Account # 455100  
 Map # 26S11290001500  
 Code - Tax # 0804-455100

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr See Record

Mailing Name ZAITA, FRANK J S

Deed Reference # 2014-4857

Agent

Sales Date/Price 06-09-2014 / \$0.00

In Care Of

Appraiser

Mailing Address PO BOX 862  
 COQUILLE, OR 97423-0862

Prop Class 640 MA SA NH Unit  
 RMV Class 600 04 17 RRL 7491-1

Situs Address(s)	Situs City
------------------	------------

Code Area		RMV	MAV	Value Summary		MSAV	RMV Exception	CPR %
				AV	SAV			
0804	Land	20,312	0	13,087	20,312	13,087	Land	0
	Impr.	0	0	0	0	0	Impr.	0
<b>Code Area Total</b>		20,312	0	13,087	20,312	13,087		0
<b>Grand Total</b>		20,312	0	13,087	20,312	13,087		0

Land Breakdown											
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0804	15	<input checked="" type="checkbox"/>		EFU	Designated Forest Land	100	A	16.04	A	006*	20,240
0804	20	<input checked="" type="checkbox"/>		EFU	Designated Forest Land	100	A	5.00	X	006*	72
<b>Grand Total</b>								21.04			20,312

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
<b>Grand Total</b>										0

### Exemptions / Special Assessments / Potential Liability

**NOTATIONS:**

- FARM/FOREST POT'L ADD'L TAX LIABILITY FOREST

Code Area 0804

**FIRE PATROL:**

- FIRE PATROL TIMBER

Amount 39.01 Acres 21.04 Year 2023









## EXHIBIT "A"

PARCEL I: That portion of the following real property lying Southwesterly of the Coquille-Fairview County Road:

SW 1/4 of NW 1/4, Section 28, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, except the West 10 acres of the S 1/2 of the NW 1/4, Section 28, conveyed to H. L. Peak, et ux by deed recorded January 7, 1948, in Book 177, Page 60, Deed Records of Coos County, Oregon.

ALSO: That portion of NW 1/4 of SW 1/4, Section 28, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying Northwesterly of the Coquille-Fairview County Road.

PARCEL II: That portion of NE 1/4 of SE 1/4, Section 29, Township 26 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying Northwesterly of the Coquille-Fairview County Road.

-----  
THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO THE FOLLOWING:

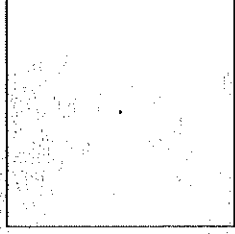
1. As disclosed by the tax roll the premises herein described are classified as Forest Lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
2. Rights of the public in streets, roads and highways.
3. All rights reserved in that certain contract between W.T. Culver Company and William J. Reed and Minnie M. Reed, dated August 3, 1945, as set forth in instrument recorded July 21, 1957, in Book 171, Page 158, Deed Records of Coos County, Oregon.

RECORDED BY

TICOR TITUS  
INSURANCE

58-232  
Coos County Clerk

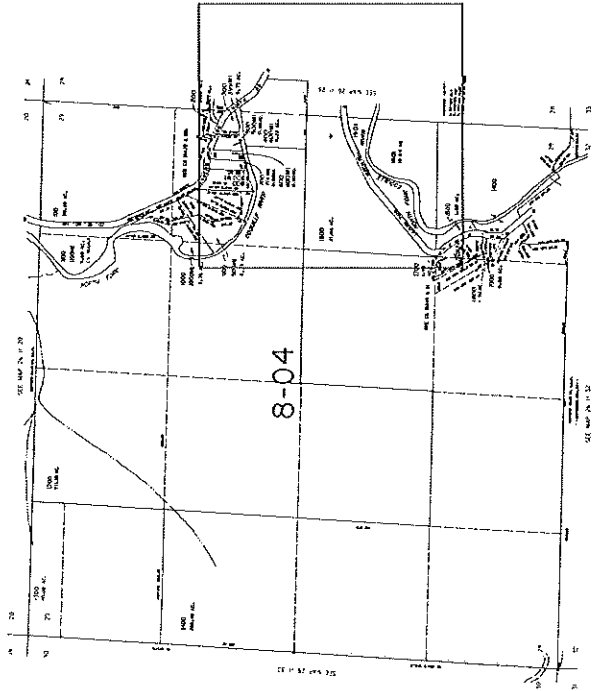




8-04

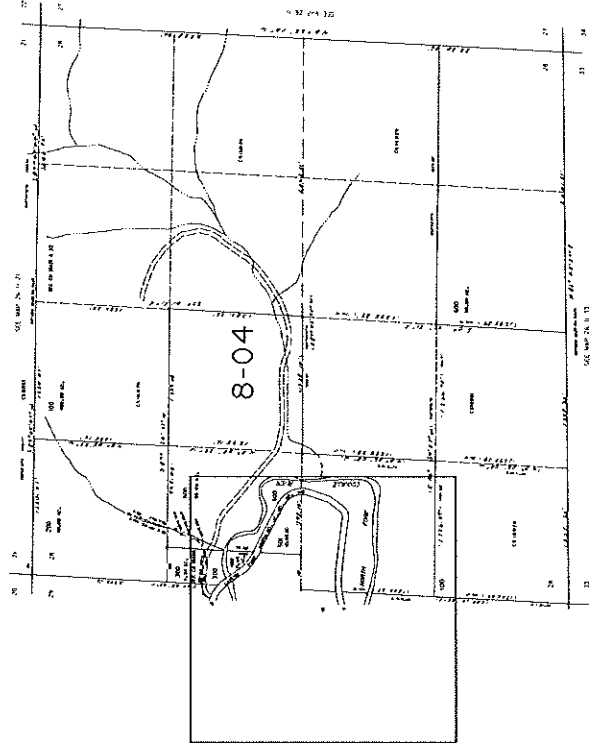
SECTION 29, T.26S., R.11W., W.4M.  
COOS COUNTY

NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



SECTION 28, T.26S., R.11W., W.4M.  
COOS COUNTY

NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



26 11 28  
2023

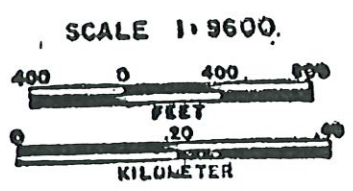
26 11 28  
2023

Template and Notice Area Map & List  
Zaita | Fairview Rd

Draft March 17, 2023  
3 / 3



RECEIVED  
FEB 19 1901  
DEPT. OF REVENUE

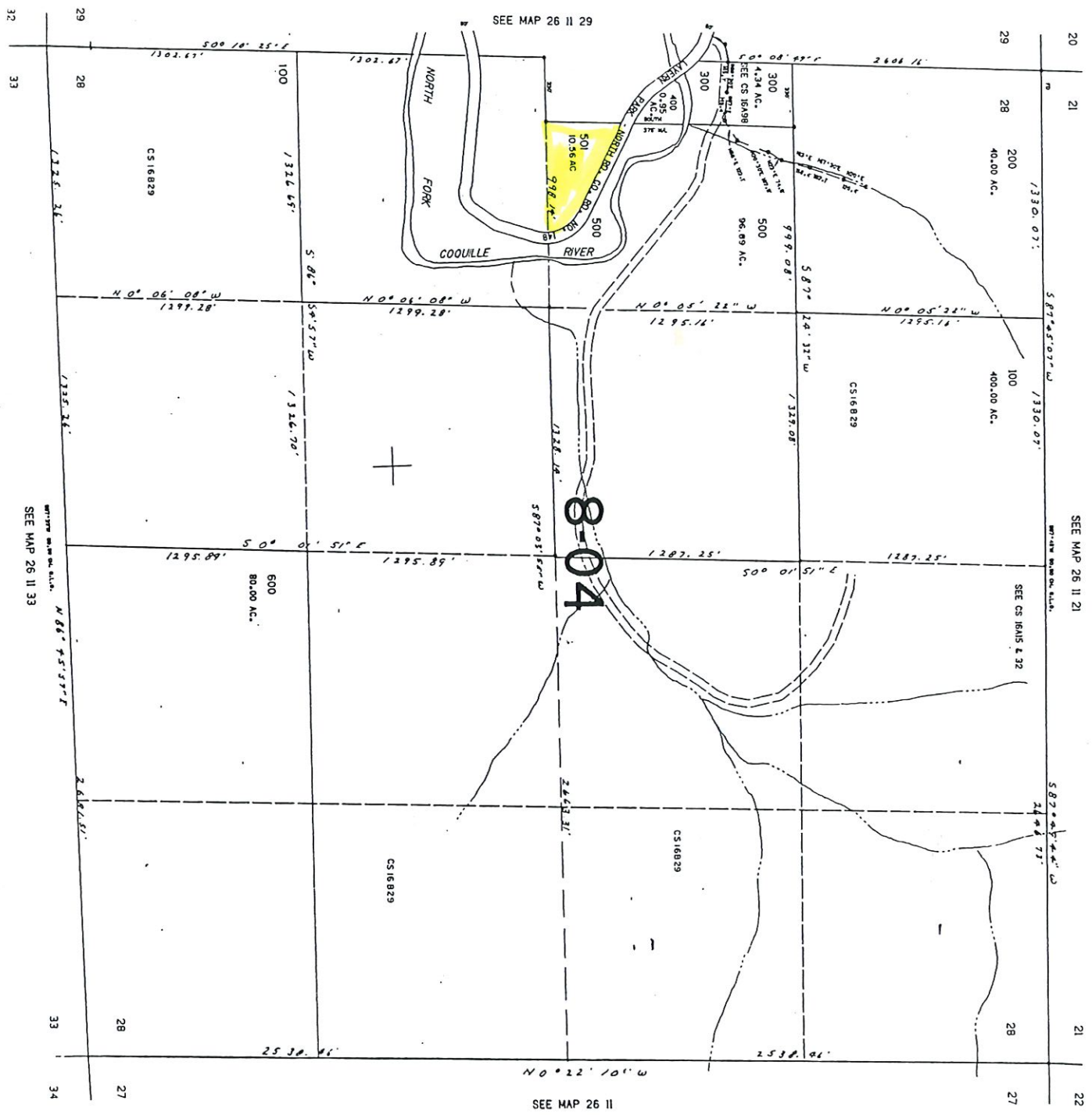


THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

COOS COUNTY

1"-400'

26 11 28



610,000

2011 11 20

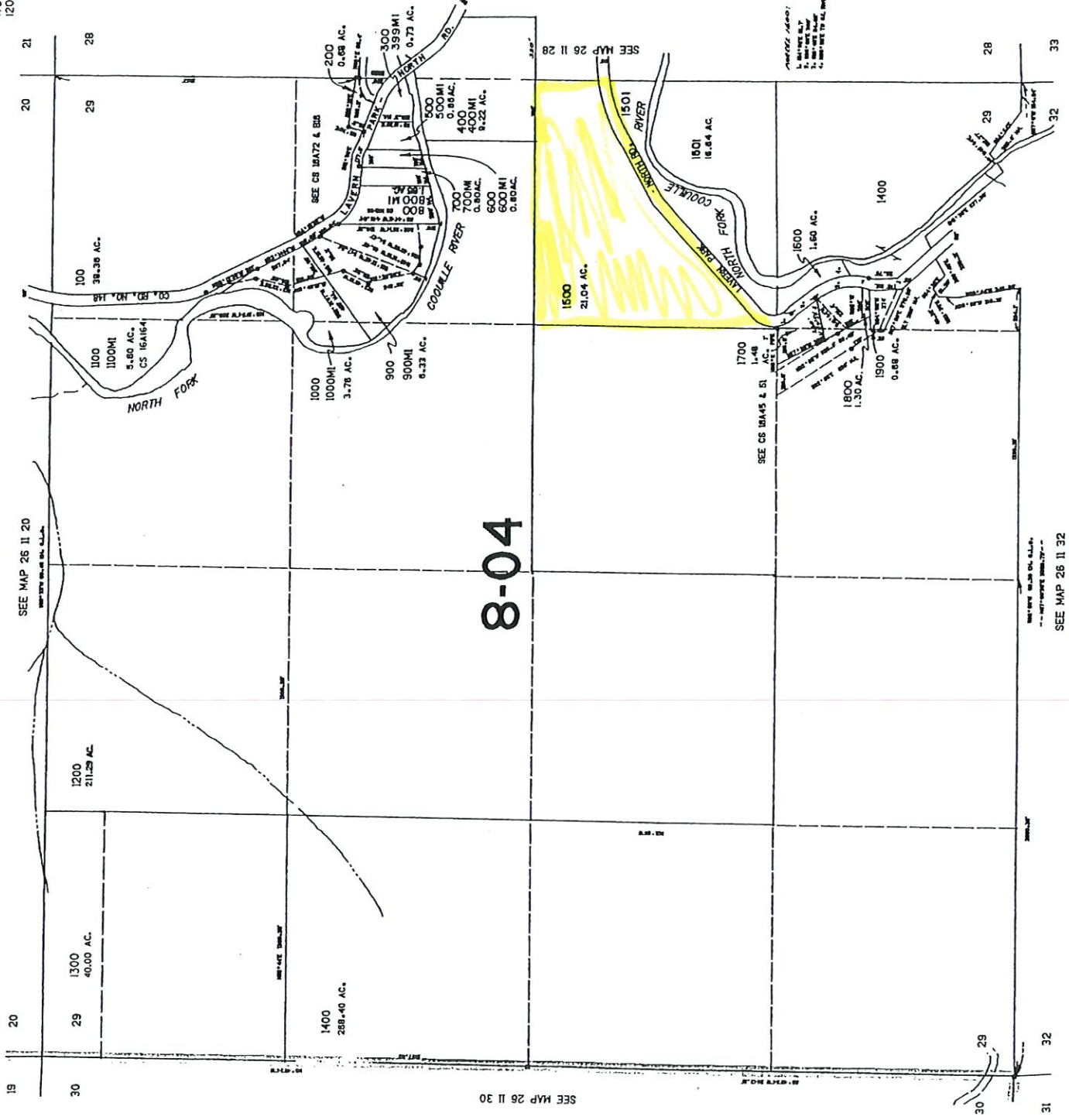
SECTION 29 T.26S. R.11W. W.M.  
COOS COUNTY

26 11 29

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.



CANCELLED  
1200MI  
1701  
1201



REDUCED COPY  
NOT TO SCALE

22-JUL-1997

00 11 00



20

21

T26S R11W

29

28

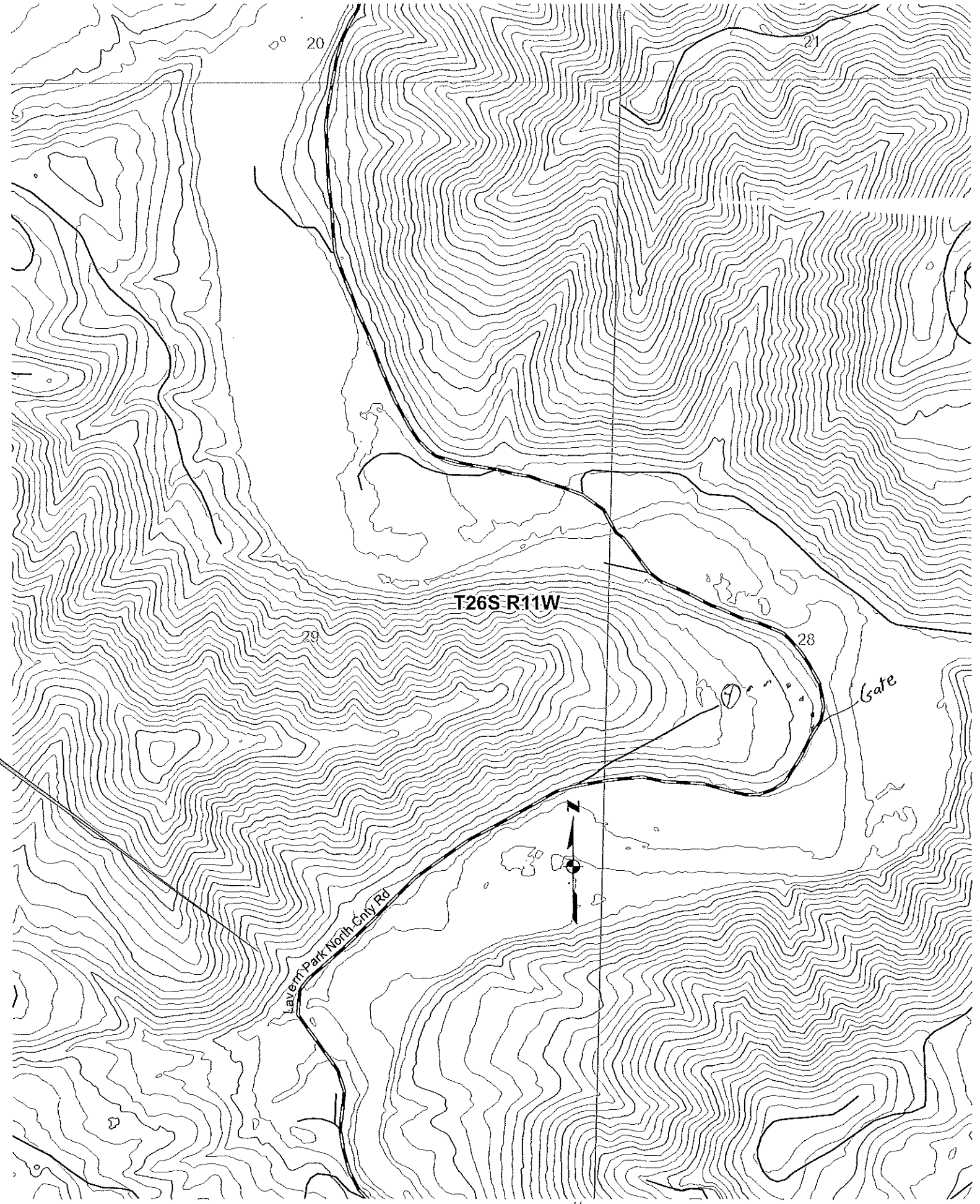
Gate

Lavern Park North Cnty Rd



1" = 1000'

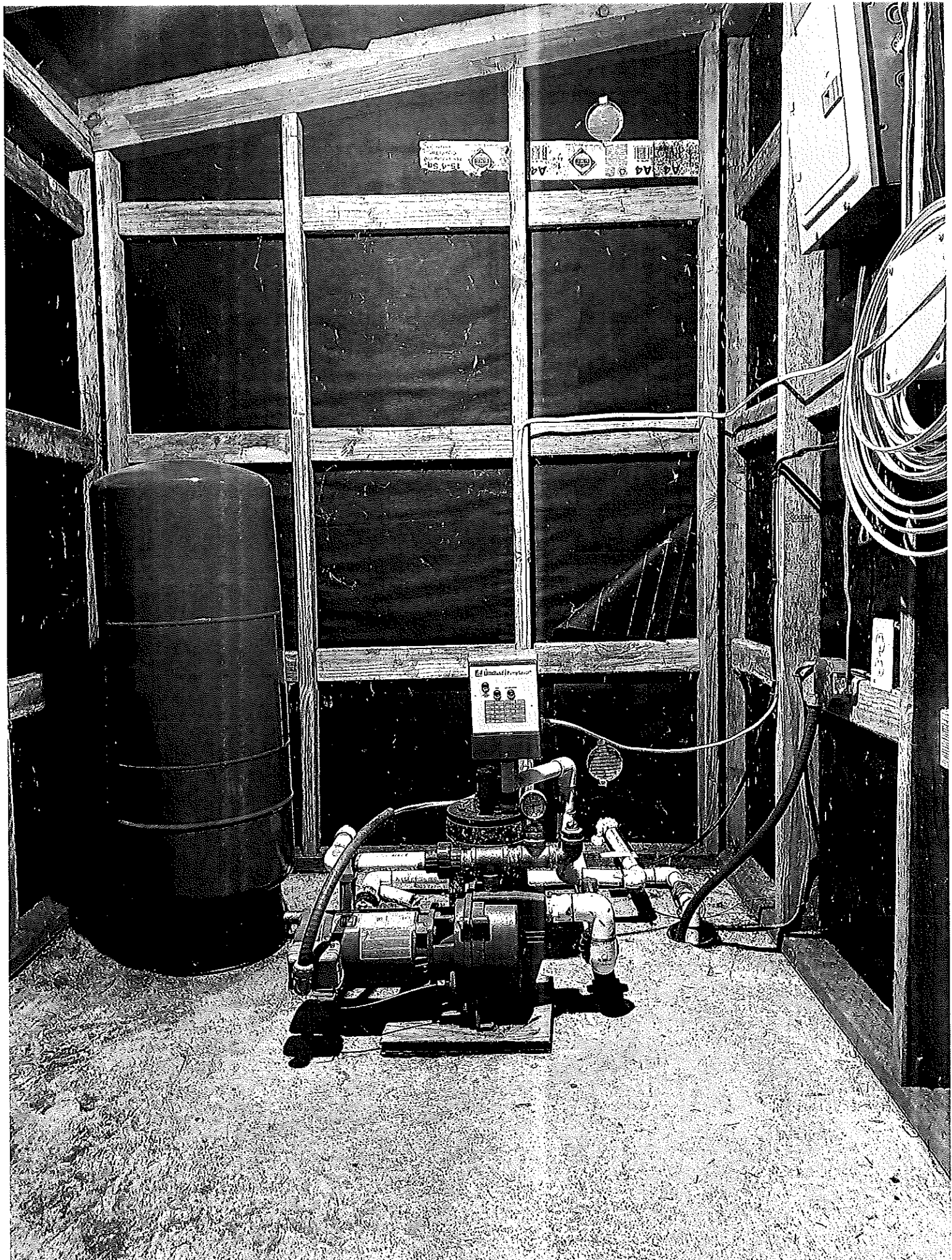
20' Elevation between Lines













North Fork Coquille River

North Fork Coquille River

Fairview Rd

Fairview Rd

North Fork Coquille River

North Fork

Fairview Rd

North Fork Coquille River

Fairview Rd







541-396-7770

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
<b>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</b>		
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 road<sup>1</sup> that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  - (c) If the:
    - (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.

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



- (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

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? Yes

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

Template Dwelling Section I All criteria met  
(Documents included) (c)

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

15

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.

3

- 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.

NO

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 nearby<sup>2</sup> or adjoining forest or agricultural lands; ✓
  - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; ✓
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and ✓
  - (d) The risks associated with wildfire are minimized. ✓
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees. ✓

See attached →

**Response shall explain how or why, providing a yes or no will not satisfy the criteria and will result in an incomplete application:**

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

- (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 property has an existing well on site.

- (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. ✓  
*I have already accepted responsibility of the road. I regularly gravel and maintain it.*

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.

- (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 if need be.



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.

Yes, a stocking survey will be filed with the county assessors office.

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.

#### 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. Slope<sup>3</sup> will also determine additional firebreak in Section 8 Firebreak.

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<sup>3</sup> Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon<sup>3</sup> published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon

- 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 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.

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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.

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 property was originally deeded 07-17-1979. Deed ref # 86-4-7985

**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, there are no plans to build any new fences or other structures along public roads of property lines.

**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, a draft copy has been attached.

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

No.

**7. Fire related questions:**

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

The roof will be made out of metal.

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

The area where the dwelling will be located is flat, graded and ready to be built upon.

This is located in the center of the 10 acre parcel.

**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 water source will be from a drilled well, allowed by the Water Resources Department.

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

No, the property is not within any fire district.

**e. 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.**

N/A

- i. **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.

- ii. **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. 1000 gallon cistern on site.
2. Road access will be provided right to the dwellings edge.

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

No, dwelling doesn't have a chimney.

#### **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.**

See Plot Plan. The fire break will be maintained by mowing the grass and raking the cuttings, and gathering the prunings and debris accumulated from caring for the trees and shrubs.

- 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 the Plot Plan. Approximately 200 feet of garden hose will reach the primary fire break perimeter.

- 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.**

The clearing where the dwelling is to be built is roughly 330 x 450 feet of flat, cleared, graveled and prepped land. The surrounding property's slope varies between 15-30% with tree and rock covering.

**Additional evidence and responses to address the criteria?**



The location that I chose for my dwelling is a preexisting clearing in the forest land with a road leading to it. Based on this choice of location it would minimize negative impact to forest lands both on the tract and adjoining due to not having to clear any land for the dwelling. The access road to said clearing is already built, further minimizing impact to the forest land. Nearby agricultural land has also been considered in making this decision, as the clearing and road being pre-existing will negate any impact on nearby water quality.