



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

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

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

Date of Notice: **Tuesday, June 21, 2022**
File No: ACU-22-009

Proposal: Request for Single Family Dwelling in the Forest Zone.

Applicant(s): Jorge & Mary Torres
95115 Hwy 42S
Coquille, OR 97423

Staff Planner: Chris MacWhorter, Contract Planning Staff

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, July 06, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.***

Subject Property Information

Account Number: 869305
Map Number: 28S123000-00402

Property Owner: TORRES, JORGE VALENCIA
95115 HIGHWAY 42 S
COQUILLE, OR 97423-9684

Situs Address: 11261 HIGHWAY 42 COQUILLE, OR 97423

Acreage: 22.88 Acres

Zoning: EXCLUSIVE FARM USE (EFU)
FOREST (F)

Special Development Considerations and Overlays: NAT HAZARDS EARTHFLOW & SLUMP (HZE)
NATURAL HAZARD - LANDSLIDE (NHLND)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 225 N. Adams, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

The application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/planning/page/2022-administrative-conditional-use>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Chris MacWhorter, Contract Planning Staff and the telephone number where more information can be obtained is (541) 396-7770.

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

Reviewed by: *Chris MacWhorter*

Date: Tuesday, June 21, 2022 .

Chris MacWhorter, Contract Planning Staff

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

Exhibit E: Comments Received (none received)

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(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.
 - c. CCZLDO Section 4.6.130(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. An email from the Assessor's Office that states you have complied is acceptable

- d. Section 4.6.140(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. This should be shown on the plot plan.
- e. Section 4.6.140(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.
- f. Section 4.6.140(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. If there are no wetlands, streams, lakes or rivers then this is not applicable.
- g. Section 4.6.140(7) All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.
- h. Section 4.6.140(9) Fire Siting Standards for New Dwellings: a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback. b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- i. Section 4.6.140(10) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) 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 on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and

shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.

- j. Section 4.6.140(11) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
- k. Section 4.6.140(12) If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- l. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
- m. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
- n. Section 4.6.140 (16) Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991.
- o. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
- p. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
- q. The applicant shall submit an Administrative Conditional Use application addressing the geologic hazard assessment report, compliant with Section 4.11.150. This application must receive final approval prior to requesting a zoning compliance letter for the template dwelling.

EXHIBIT "B"
Vicinity Map

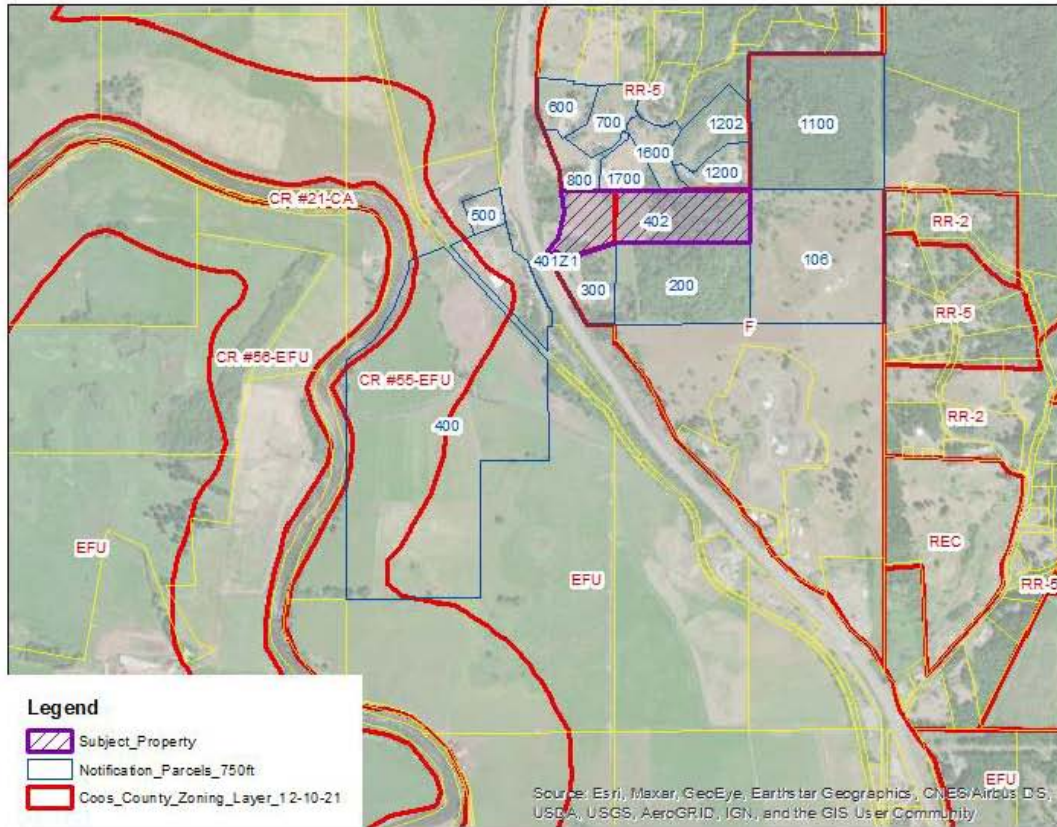


COOS COUNTY PLANNING DEPARTMENT

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



File: ACU-22-009
Applicant/ Owner: Jorge & Mary Torres
Date: June 3, 2022
Location: Township 28S Range 12W
Section 30 TL 402
Proposal: Administrative Conditional Use



Template Map



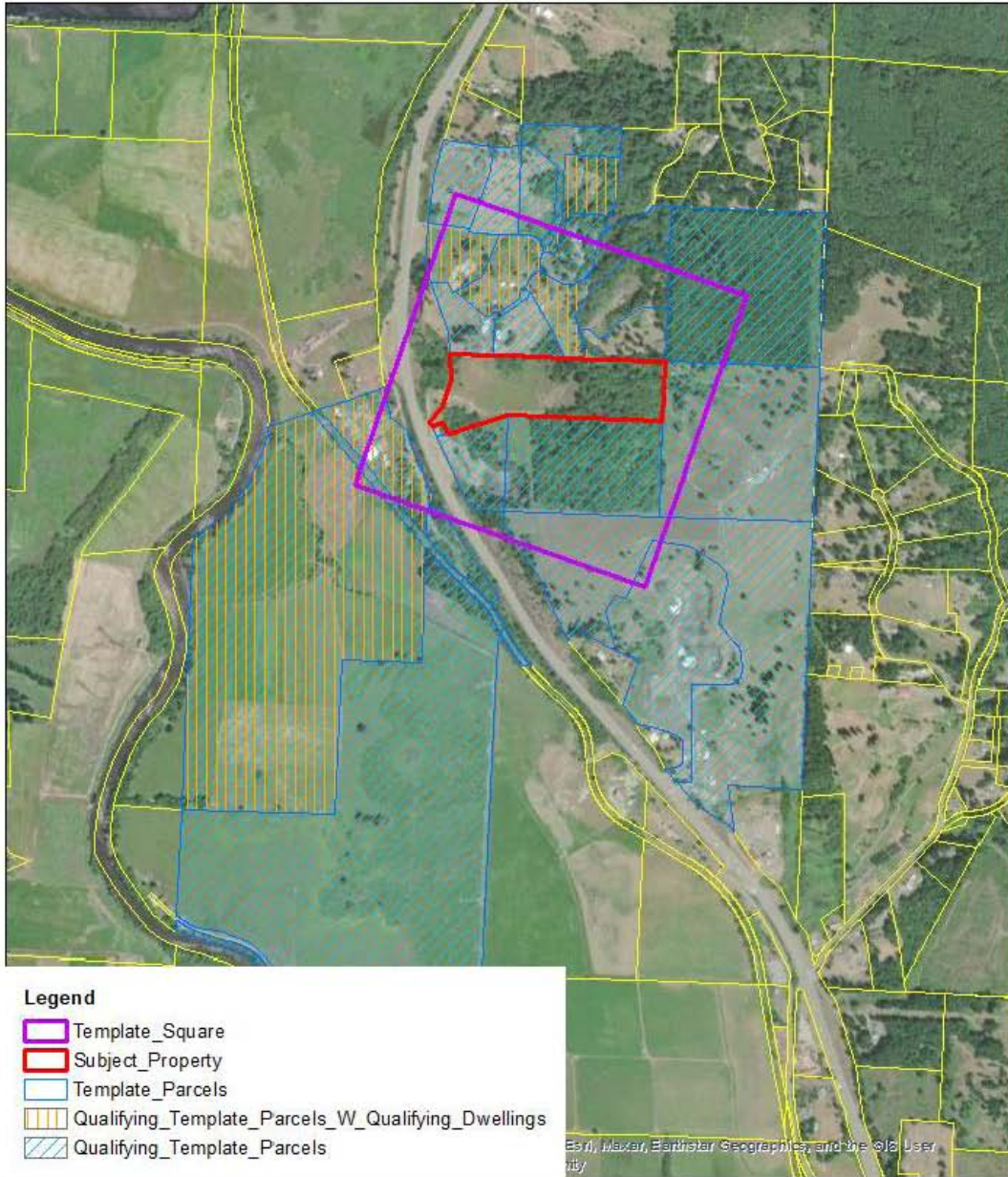
COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:

A. PROPOSAL: According to the application the property owner is seeking approval for a new Single Family Dwelling in the Forest Mixed Use Zone. There is no indication that any other development is proposed at this time.

B. BACKGROUND/PROPERTY HISTORY:

On May 16, 2005, a discrete parcel determination (no file number at the time) was issued that the subject property was a lawfully created unit of land.

On December 18, 2006, a property line adjustment (PLA-05-049) was authorized for adjusting a shared property line with T28S-R13W-S25-TL700.

On February 16, 2006 an administrative conditional use application (ACU-06-02) was approved with conditions for a forest template dwelling on the subject property.

C. LOCATION: The subject property is located 4 miles south of the City of Coquille directly accessing off Hwy 42.

D. ZONING: - This property is zoned Forest with a Mixed-Use Overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

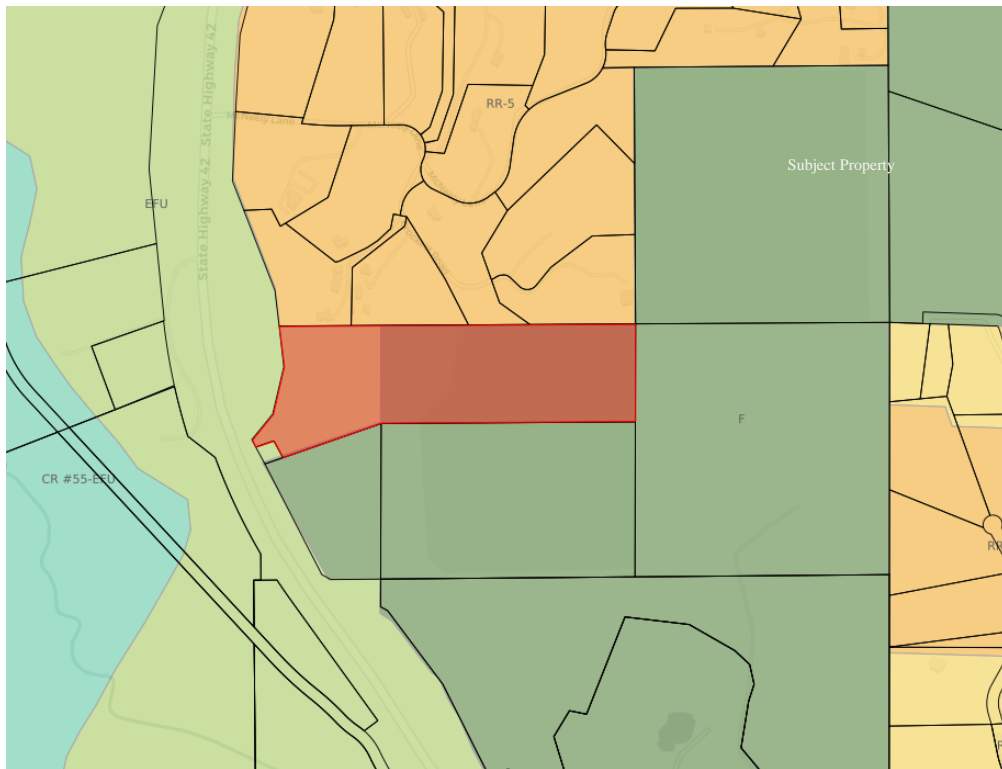
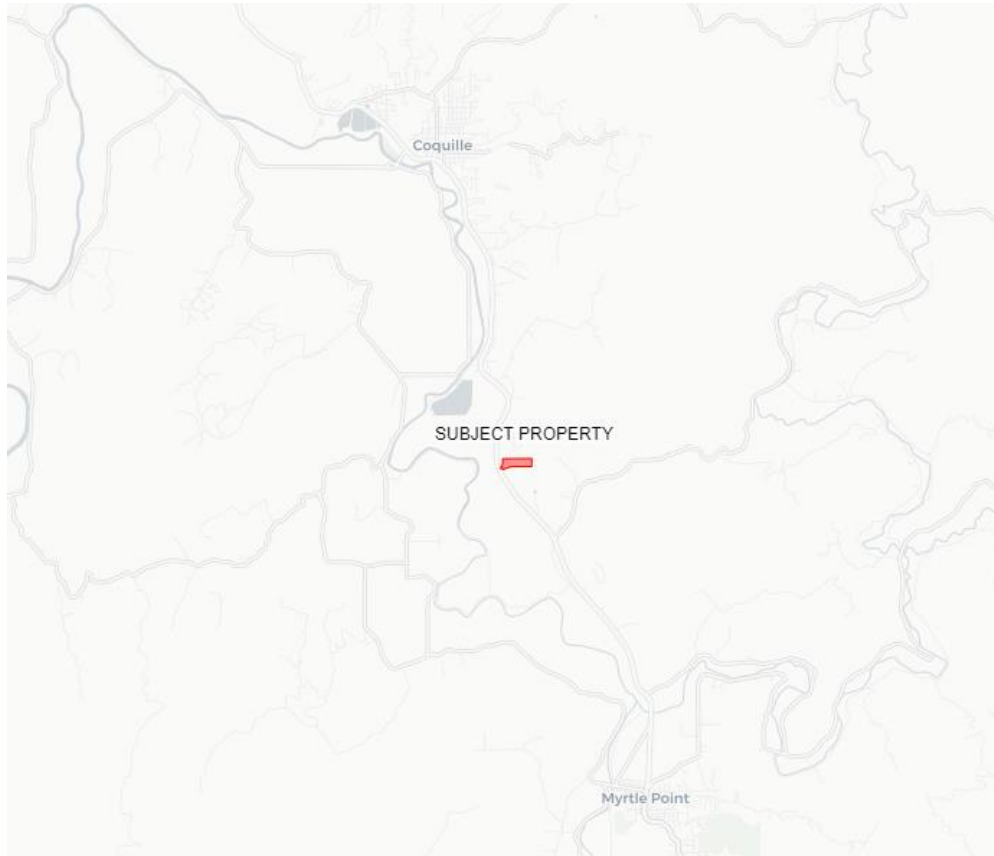
Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

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

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

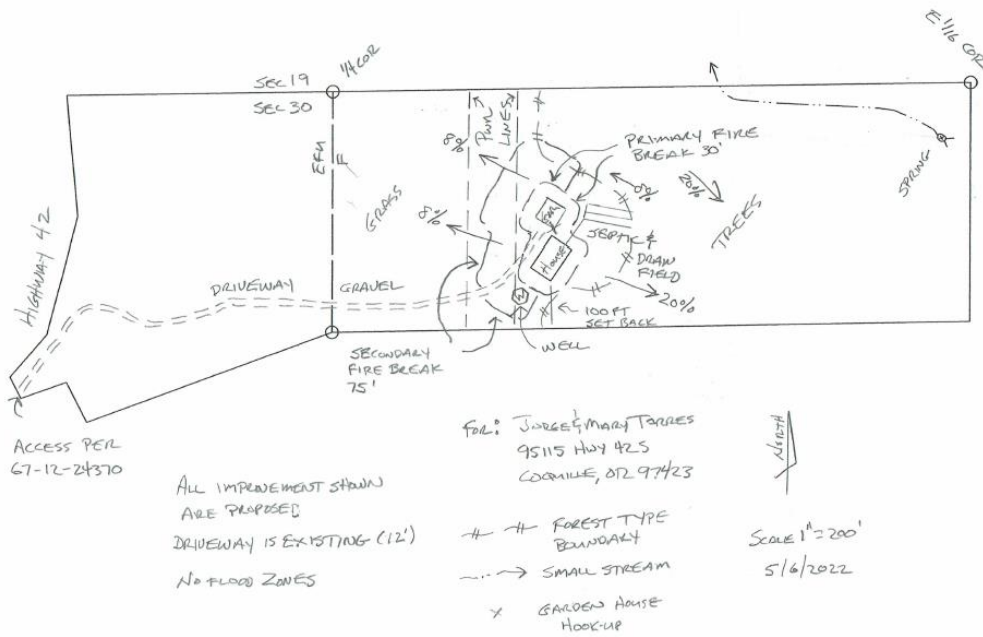
E. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcel is located south of the City of Coquille. The subject property accessed directly off Highway 42. The parcel was created by deed or land sales contract prior to planning regulations. Staff made the determination that the parcel was a lawfully created unit of land on May 16, 2005. The property was further adjusted thru PLA-05-049.





PLOT PLAN
 TAX LOT 402 T28S R12W SEC 30



Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none were received.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments from the Tribes prior to the release of the decision and none were received.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: Staff has reviewed the property history and the county finds to determine at the time of this report; this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. The unit of land was created:

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: The unit of land was created pursuant to 6.1.125.1e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The parcel was further adjusted with T28-R13-S25-TL700 thru property line adjustment PLA-05-049. The parcel was found as a lawfully created unit of land thru a prior planning application with PLA-05-049.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 Table 1 identifies the uses and activities in the Forest (F) and Forest/Mixed Use (FMU) zone. The tables describe the use, type of review, applicable review standards. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II). Development shall also comply with Section 4.6.140 Development and Siting Standards. All dwellings and structures are subject to the siting standards found in Section 4.6.130. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

B. KEY DEFINITIONS:

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

C. TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS

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

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

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

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

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

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

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
4E	Blachly silty clay loam, 30 to 50 percent slopes	0.2	0.7%
27E	Harrington very gravelly loam, 30 to 50 percent slopes	2.6	11.2%
45D	Preacher-Blachly-Digger association, 12 to 30 percent slopes	10.7	46.1%
45E	Preacher-Blachly-Digger association, 30 to 60 percent slopes	9.5	41.0%
57	Udorthents, level	0.2	0.9%
Totals for Area of Interest		23.2	100.0%



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
4E—Blachly silty clay loam, 30 to 50 percent slopes				
Blachly	Bigleaf maple	—	—	Douglas-fir
	Douglas-fir	125	186.00	
	Red alder	—	—	
	Western hemlock	—	—	
27E—Harrington very gravelly loam, 30 to 50 percent slopes				
Harrington	Douglas-fir	99	129.00	Douglas-fir, Grand fir
	Grand fir	—	—	
	Western hemlock	—	—	
	Western redcedar	—	—	

Custom Soil Resource Report

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber	
			<i>Cu ft/ac/yr</i>	
45D—Preacher-Blachly-Digger association, 12 to 30 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Blachly	Bigleaf maple	—	—	Douglas-fir
	Douglas-fir	125	186.00	
	Red alder	—	—	
	Western hemlock	—	—	
Digger	Bigleaf maple	—	—	Douglas-fir
	Douglas-fir	101	143.00	
	Red alder	—	—	
	Western hemlock	—	—	
45E—Preacher-Blachly-Digger association, 30 to 60 percent slopes				
Preacher	Bigleaf maple	—	—	Douglas-fir, Western hemlock
	Douglas-fir	126	186.00	
	Red alder	—	—	
	Western hemlock	163	257.00	
Blachly	Bigleaf maple	—	—	Douglas-fir
	Douglas-fir	125	186.00	
	Red alder	—	—	
	Western hemlock	—	—	
Digger	Bigleaf maple	—	—	Douglas-fir
	Douglas-fir	101	143.00	
	Red alder	—	—	
	Western hemlock	—	—	
57—Udorthents, level				
Udorthents	—	—	—	—

4E-Blachly silty clay loam, 30 to 50 percent slopes.

This deep, well drained soil is on broad ridgetops and benches of mountains. It formed in colluvium derived dominantly from sedimentary rock or basalt. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 250 to 2,500 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 140 to 220 days.

Typically, the surface layer is very dusky red and dark reddish brown silty clay loam 7 inches thick. The upper 45 inches of the subsoil is dark red and yellowish red silty clay, and the lower 8 inches is yellowish red silty clay loam.

Included in this unit are small areas of Preacher, Dement, Honeygrove, and Remote soils. Included areas make up about 20 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Blachly soil is moderately slow. Available water capacity is about 7.0 to 8.5 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used mainly for timber production and wildlife habitat.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, red alder, and bigleaf maple. The understory vegetation is mainly vine maple, salal, red huckleberry, western swordfern, and oxalis.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 160. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 170 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 126.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, steepness of slope, and plant competition. The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cut and fill areas are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are sticky when wet or moist, and they may be impassable during rainy periods. Rock for road construction is not readily available in this unit. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass Vle.

27E-Harrington very gravelly loam, 30 to 50 percent slopes.

This moderately deep, well drained soil is on side slopes and ridgetops of mountains. It formed in colluvium derived dominantly from basalt. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 100 to 1,600 feet. The average annual precipitation is 60 to 75 inches, the average annual air temperature is 49 to 53 degrees F, and the average frost-free period is 160 to 240 days.

Typically, the surface layer is dark reddish brown very gravelly loam and extremely gravelly loam 13 inches thick. The upper 7 inches of the subsoil is dark reddish brown very gravelly clay loam, and the lower 6 inches is dark reddish brown extremely gravelly clay loam. Hard basalt is at a depth of 26 inches.

Included in this unit are small areas of Blachly, Preacher, and Bohannon soils. Also included are small areas of soils that are similar to this Harrington soil but have bedrock at a depth of less than 20 inches or more than 40 inches. Included areas make up about 25 percent of the total acreage.

Permeability of this Harrington soil is moderately rapid. Available water capacity is about 2.0 to 5.5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used mainly for timber production and wildlife habitat. It is also used for livestock grazing.

This unit is suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, grand fir, western redcedar, and Oregon myrtle. The understory vegetation is mainly creambush oceanspray, rose, snowberry, hair brackenfern, western swordfern, and northern twinflower.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 140. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 145 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 102.

The main limitations for the management of timber on this unit are the hazards of erosion and windthrow, steepness of slope, seedling mortality, and plant competition. Steepness of slope restricts the use of wheeled and tracked equipment on skid trails. Cable yarding generally is safer and disturbs the soil less.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Road location and maintenance costs are greater in the more steeply sloping areas. Because roots are restricted by bedrock, trees are subject to windthrow.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. The high content of rock fragments in the soil increases seedling mortality. To compensate for the higher mortality that can be expected, larger trees or more

trees than normal can be planted. Reforestation can be accomplished by planting Douglas fir seedlings.

If this unit is used for livestock grazing, the main limitation is slope. Slope limits access by livestock and results in overgrazing of the less sloping areas. If the pasture is overgrazed, the proportion of preferred forage plants decreases and the proportion of less preferred forage plants increases. Livestock grazing, therefore, should be managed so that the desired balance of species is maintained in the plant community. Severe overgrazing reduces the plant cover and increases the risk of erosion. Weeds and brush can be controlled by aerial spraying. Rotation grazing increases the production of forage and helps to control weeds and brush.

Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter.

This map unit is in capability subclass Vle

45D-Preacher-Blachly-Digger association, 12 to 30 percent slopes.

This map unit is on broad ridgetops, benches, and side slopes of mountains. The native vegetation is mainly conifers, hardwoods, shrubs, and forbs. Elevation is 250 to 3,000 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 40 percent Preacher loam, 25 percent Blachly silty clay loam, and 20 percent Digger gravelly loam. The Preacher and Blachly soils are on broad ridgetops and benches, and the Digger soil is on side slopes. Included in this unit are small areas of Bohannon soils.

Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

The Preacher soil is deep and well drained. It formed in colluvium and residuum derived dominantly from arkosic sandstone. Typically, the surface is covered with a mat of organic litter 4 inches thick. The surface layer is very dark grayish brown and dark brown loam 14 inches thick. The subsoil is dark yellowish brown clay loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown clay loam.

Permeability of the Preacher soil is moderate. Available water capacity is about 6.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

The Blachly soil is deep and well drained. It formed in colluvium derived dominantly from sedimentary rock or basalt. Typically, the surface layer is very dusky red and dark reddish brown silty clay loam 7 inches thick. The upper 45 inches of the subsoil is dark red and yellowish red silty clay, and the lower 8 inches or more is yellowish red silty clay loam.

Permeability of the Blachly soil is moderately slow. Available water capacity is about 7.0 to 8.5 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate.

The Digger soil is moderately deep and well drained. It formed in colluvium derived dominantly from sedimentary rock. Typically, the surface is covered with a mat of undecomposed leaves, moss, and twigs 1 inch thick. The surface layer is dark brown gravelly loam 6 inches thick. The upper 3 inches of the subsoil is dark yellowish brown gravelly loam, and the lower 18 inches is brown very gravelly loam and very cobbly loam. The substratum is brown extremely cobbly loam 4 inches thick. Weathered, fractured sandstone is at a depth of 31 inches.

Permeability of the Digger soil is moderately rapid. Available water capacity is about 2 to 5 inches. Effective rooting depth is 20 to 40 inches. Runoff is medium, and the hazard of water erosion is moderate.

This unit is used mainly for timber production and wildlife habitat.

This unit is well suited to the production of Douglas fir. Among the other species that grow on the unit are western hemlock, western redcedar, red alder, and bigleaf maple. The understory vegetation is mainly vine maple, salal, red huckleberry, western swordfern, Oregon oxalis, and Pacific trillium.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 160 on the Blachly soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 170 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 126.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Digger soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 122.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of windthrow on the Digger soil, and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullyng unless they are provided with adequate water bars or are protected by plant cover, or both. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil

can reduce erosion. Unsurfaced roads and skid trails are slippery and soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Because roots are restricted by bedrock, trees on the Blachly soil commonly are subject to windthrow.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass Vle.

45E-Preacher-Blachly-Digger association, 30 to 60 percent slopes.

This map unit is on broad ridgetops, benches, and side slopes of mountains. The native vegetation is mainly conifers, hardwoods, shrubs, and forbs. Elevation is 250 to 3,000 feet. The average annual precipitation is 60 to 100 inches, the average annual air temperature is 45 to 53 degrees F, and the average frost-free period is 110 to 200 days.

This unit is 35 percent Preacher loam, 25 percent Blachly silty clay loam, and 25 percent Digger gravelly loam. The Preacher and Blachly soils are on broad ridgetops and benches, and the Digger soil is on side slopes. Included in this unit are small areas of Bohannon soils.

Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

The Preacher soil is deep and well drained. It formed in colluvium and residuum derived dominantly from arkosic sandstone. Typically, the surface is covered with a mat of organic litter 4 inches thick. The surface layer is very dark grayish brown and dark brown loam 14 inches thick. The subsoil is dark yellowish brown clay loam 34 inches thick. The substratum to a depth of 60 inches or more is yellowish brown clay loam.

Permeability of the Preacher soil is moderate. Available water capacity is about 6.5 to 12.5 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

The Blachly soil is deep and well drained. It formed in colluvium derived dominantly from sedimentary rock or basalt. Typically, the surface layer is very dusky red and dark reddish brown silty clay loam 7 inches thick. The upper 45 inches of the subsoil is dark red and yellowish red silty clay, and the lower 8 inches or more is yellowish red silty clay loam.

Permeability of the Blachly soil is moderately slow. Available water capacity is about 7.0 to 8.5 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

The Digger soil is moderately deep and well drained. It formed in colluvium derived dominantly from sedimentary rock. Typically, the surface is covered with a mat of undecomposed leaves, moss, and twigs 1 inch thick. The surface layer is dark brown gravelly loam 6 inches thick. The

upper 3 inches of the subsoil is dark yellowish brown gravelly loam, and the lower 18 inches is brown very gravelly loam and very cobbly loam. The substratum is brown extremely cobbly loam 4 inches thick. Weathered, fractured sandstone is at a depth of 31 inches.

Permeability of the Digger soil is moderately rapid. Available water capacity is about 2 to 5 inches. Effective rooting depth is 20 to 40 inches. Runoff is rapid, and the hazard of water erosion is high.

This unit is used mainly for timber production and wildlife habitat.

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, red alder, and bigleaf maple. The understory vegetation is mainly vine maple, salal, red huckleberry, western swordfern, Oregon oxalis, and Pacific trillium.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 170 on the Preacher soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 181 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 127.

On the basis of a 100-year site curve, the mean site index for Douglas fir is 160 on the Blachly soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 170 cubic feet per acre per year.

On the basis of a 50-year site curve, the mean site index for Douglas fir is 126. On the basis of a 100-year site curve, the mean site index for Douglas fir is 154 on the Digger soil. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 163 cubic feet per acre per year.

On the basis of a 50-year site curve, the mean site index for Douglas fir is 122. The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, the hazard of windthrow on the Digger soil, and plant competition.

The main limitation for the harvesting of timber is steepness of slope. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Cable yarding systems are safer, damage the soil less, and help to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullyng unless they are provided with adequate water bars or are protected by plant cover, or both. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery and soft when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Material cast to

the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation. Road location and maintenance costs are greater in the more steeply sloping areas. Because roots are restricted by bedrock, trees on the Blachly soil commonly are subject to windthrow.

When openings are made in the canopy, invading brushy plants can delay natural reforestation. Undesirable plants reduce natural or artificial reforestation unless intensive site preparation and maintenance are provided. Reforestation can be accomplished by planting Douglas fir seedlings.

This map unit is in capability subclass Vle.

57-Udorthents, level.

This map unit is on flood plains, marshes, and tidal flats along major streams, bays, and estuaries. It consists of areas that have been filled and leveled for commercial and industrial uses. Slopes are 0 to 1 percent.

The areas of this unit on flood plains are made up of sandy, silty, or clayey material. The areas on marsh and tidal flats are made up of dredging spoil, dune sand, and wood chips. Drainage, permeability, and other physical properties vary considerably.

Onsite investigation is needed to determine suitability of areas of this unit for the intended use.

This unit is not placed in a capability subclass

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 4E – Blachly silty clay, 27E – Harrington very gravelly loam, 45D – Preacher-Blachly-Digger association, 45E – Preacher-Blachly-Digger association, 57 – Udorthents soil type. Based on the plot plan, the dwelling appears to be located in the close to the approximate edge of soil types of 45D and 45E. The volume of wood fiber per year for 45D and 45E is 186 cubic feet per acre per year for Douglas-fir species in the Preacher-Blachly-Digger soil type.

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

- *SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:*
 - (1) *The following review standards apply to “template” dwellings approved under this rule:*
 - (a) *Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.*
 - (b) *Except as provided by subsection (c) of this section, if the tract under section (1) of this rule abuts a road¹ that existed on January 1, 1993, the measurement may be made by*

¹ The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled by local legislative intent rather than by statute. *Petersen v. Yamhill County*, 33 Or LUBA 584 (1997). The road may be public or private as long as it has been existence and continued to be in existence since January 1, 1993 and meets the following local definition: A

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.*
- (2) *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.*
- (3) *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*

public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as the use it serves; (b) a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

- (ii) *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (4) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
 - (a) *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - (b) *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - (c) *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
 - (d) *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

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

The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation. The County issued a decision finding the parcel was lawfully created unit of land on May 16, 2005. The County then authorized a property line adjustment on June 29, 2005 thru PLA-05-49. The current property configuration is a result of this adjustment.

Based on Coos County Clerk and Assessor records, the subject property was not part of a tract that contained two other dwelling on January 1, 2019

There are no deed restrictions, applicable to ORS 215.750, or other dwellings on the subject parcel that would prevent a dwelling from being built.

The parcel is less than 60 acres. The property does touch a road created before. However, the applicant indicated they performed the template test using the square. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant listed out the parcels to meet the minimum 11 parcels created before Jan 1, 1993; "28S-12W-19C 800, 600, 700; 28S-12W-19D 1700, 1600, 1200, 403, 400, 1100; 28S-12W-30 106, 200(&300), 100(&101), 400, 800"

The applicant listed out the parcels to meet the minimum 3 dwellings created before Jan 1, 1993; "28S-12W-19C 800, 700; 28S-12W-19D 1700, 1600, 403"

Staff did recalculate the template test using the 160-acre square. Staff finds at least eleven (11) parcels with the 160-acre template rectangle were created before January 1, 1993. Staff found that

at least three (3) of these parcels had dwellings created before January 1, 1993. A map of template square and qualifying parcels may be found above. Therefore, Staff is able to determine the application request complies with the requirement of ORS 215.750(2).

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

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

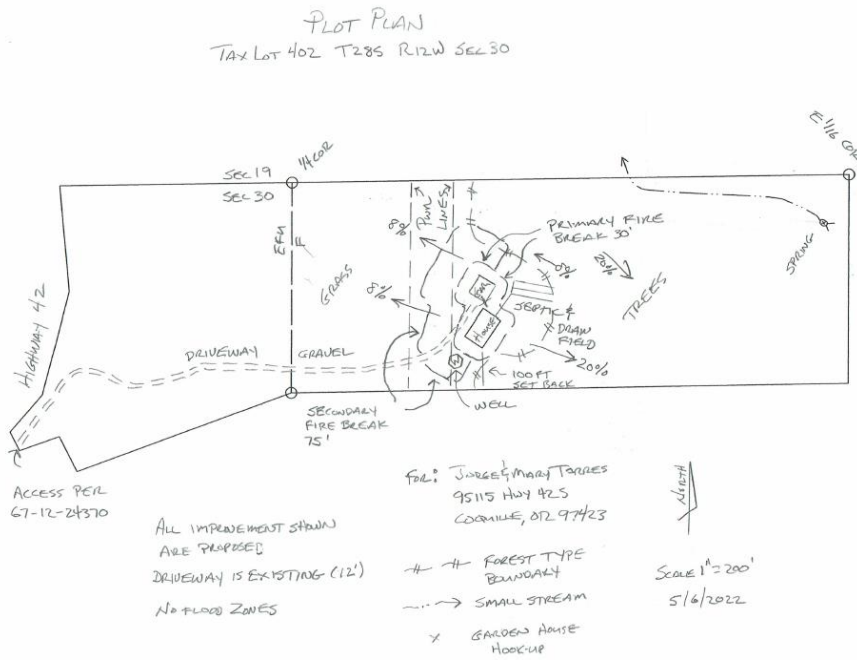
1. *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby² or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*
2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*
3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*
4. *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*
5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (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*

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

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.

FINDING: Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations. The proposed homesite is located approximately in the center of the subject property, as shown on the applicants plot plan. Based on the plot plan, the applicant's proposed dwelling is approximately 100 feet north of the southern property line. The application indicates the proposed dwelling is located 1000 ft east of Highway 42.





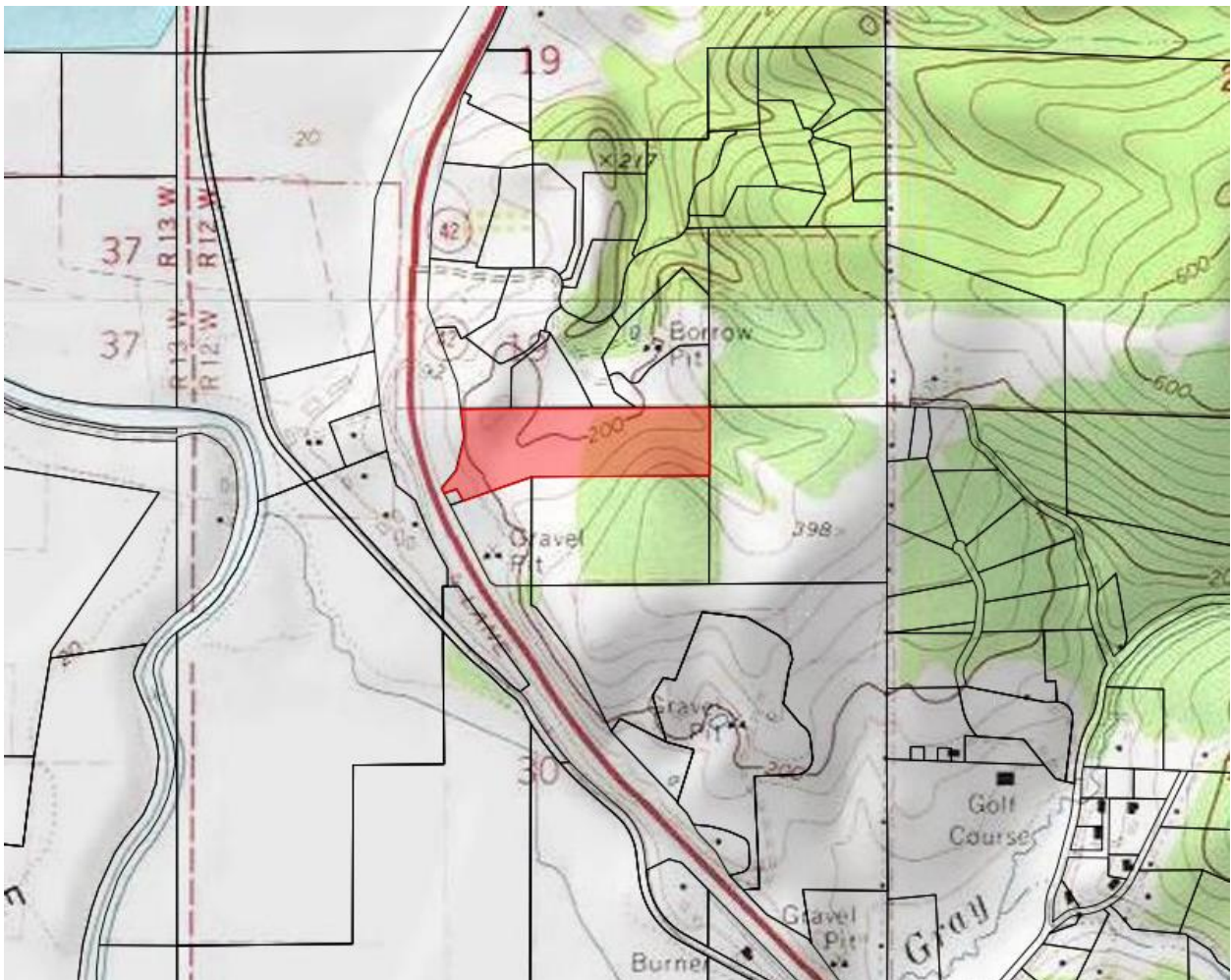
The above map shows the properties nearby. The subject property is located approximately 4 miles south of the City of Coquille. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The proposed home site is located about 100 feet North of the South property line. The area is cleared and has an existing road that was developed many years ago and rocked. The site has a slight grade, perfect for a new homesite and drainage considerations. The site is located approximately 1000 feet East of Highway 42 off the end of a private driveway. The proposed home site is located on the portion of the property Zoned Forest and East of the power transmission lines along cleared property. Utilizing the existing cleared area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setback areas will be easily maintained with the gentle topography and are already cleared of heavier fuel tips. This will ensure risks associated with wildfire are minimized.”*. The County has defined nearby lands as within a 750 feet distance. 750 feet is also the distance required for land use notices, so the notification map above identifies the lands that need to be analyzed. The applicant did not provide any other additional information about resources uses on the nearby lands.

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

The parcel located to the south is owned by the State of Oregon, and managed by the Oregon Department of Transportation (ODOT). The parcel is under 40 acres in size and ODOT appears to be utilizing this parcel for mining gravel. Historically, ODOT manages their lands as accessory to transportation infrastructure and support lands.

The parcel located to the northeast of the subject property appears to have the potential for timber harvesting. This parcel is being managed by the United States Bureau of Land Management (BLM). Based on aerial imagery, Staff estimated that this parcel is fully covered acres with timber reproduction plantations. While over 40 acres in size, the BLM has not utilized aerial herbicide for site preparation. Therefore, Staff does not find potential that the proposed dwelling location will interfere nearby forestry practices.

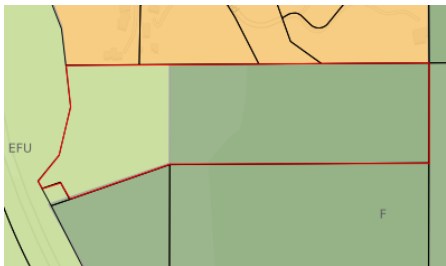
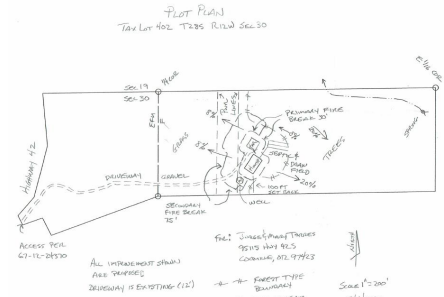
According to the topographic map below, the adjacent parcels appear to have slopes under 35%, so groundside methods would be preferred. Based on Oregon Department of Forestry (ODF) Land Use Notes, the preferred safety distance from groundside harvesting to dwellings is a 300 feet buffer. The dwelling is located in the center of the subject property and located approximately 100 feet north of the southern property line. However, Staff does not find the location of the dwelling will adversely affect commercial timber harvesting on nearby parcel located towards the south, given the land appears to be being utilized as support land to an ODOT gravel pit.



Based on reviewing aerial photos, Staff did identify a ranching operation on nearby lands towards the east. However, this parcel is located over 1000 feet east of the proposed homesite. Given this distance, Staff finds there will not be a significant impact of the dwelling on this nearby ranching operation.

Therefore, Staff finds the applicant’s proposed location minimizes the effects of the proposed dwelling on farming & forest practices on the subject property.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is rectangle shaped, and the applicant indicated they will utilize the existing driveway as their access. The applicant did not indicate how the proposed home site and driveway minimizes the amount of land removed from resource use.



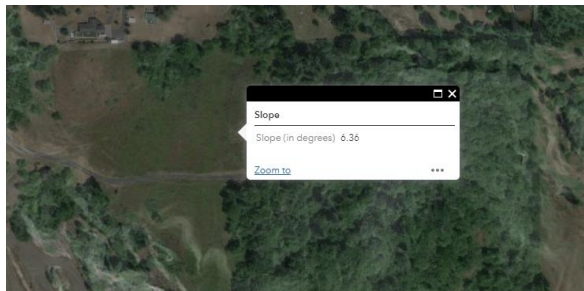
However, the western portion of the subject property is mapped Exclusive Farm Use zoning district. This is approximately 750 feet from the driveway access point on Highway 42. Staff estimates the proposed dwelling site is another 500 feet east of the zone boundary change. Therefore, Staff finds at least the majority of the road is minimized.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. Staff must analyze the topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large-scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicant indicated the “Utilizing the existing cleared area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setback areas will be easily maintained with the gentle topography and are already cleared of heavier fuel tips. This will ensure risks associated with wildfire are minimized”. Based on the topographic map, there are steep slopes (20%) that are up above the proposed dwelling. The applicant indicated on the plot plan (8%) slopes west of the proposed dwelling, which is downslope. Avoiding long driveways are also recommended. The applicant indicate there is an existing driveway to the proposed dwelling. Staff finds the narrow rectangle size, and existing landslide hazards, on the property does not allow for a change of location to minimize risks associated with wildfire.

The third factor to address is the vegetive fuels on the subject property. Based on the slope information from the Oregon LiDAR Viewer map, the subject property has 6.35 degree slope at the proposed dwelling site. 6.35 degree slope converts to 11.13 percent slope.



The subject property’s fuel break has slopes between 6.36 degrees on the lower slope to 17.28 degrees on the upper slope.



Staff reviewed the available measures, and finds that 20.93 (11.82 degrees) percent seems like a reasonable slope calculate for the subject property. The applicant’s will be required to install a 105 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. The plot plan indicates a proposed structure only 100 feet north from the southern property line. The applicant is only responsible for primary and secondary fuel free breaks on land either owned or controlled by the landowner. As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff finds that risks associated with wildfire effects will be minimized.

Section 4.6.130(3) requires the applicants to provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). The applicant submitted the following statement after their initial deemed incomplete: *“The water source will be from a drilled well. The fist part of this submitted application stated that the water source would be from a spring at the head of a small stream. That idea has been change to a drilled well”*. The applicant will be required to submit a water supply requirements form signed off by Oregon Water Resources Department.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. The applicant stated they will access be directly off Highway 42 using an existing driveway. Therefore, these criteria are not applicable.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There is greater than 10 acres on the subject property; therefore, a stocking survey is required. Assessor's Office will be notified of this proposed development by the Planning Department. The applicant will be responsible for submitting a stocking survey to the Assessor office and ensure this criterion is completed by the County Assessor.

All The criteria found in SECTION 4.6.130 have been addressed.

○ *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. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*
- 2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*
- 3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*
- 4. Off-Street Parking and Loading: See Chapter VII.*
- 5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*
- 6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said*

addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
- 7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*
- 8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
- 9. Fire Siting Standards for New Dwellings:*
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*
- 10. Firebreak:*
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
 - 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.*

Table 1 – Minimum Primary Safety Zone

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

11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
13. The dwelling shall not be sited on a slope of greater than 40 percent.
14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

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

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

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

Sections 4.6.140(4) 4.6.140(17) require parking, loading, access and road standards be addressed. The applicant indicated that the access will be boat access only. Therefore, this criterion does not apply.

Section 4.6.140(5) requires that the property owners sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These forms shall be signed in front of a notary and recorded. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. There are no mapped wetlands or water bodies requiring protection on, or adjacent to the subject property. Therefore, this criterion is not applicable.

Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the Coquille Fire Protection District; therefore, this criterion has been satisfied.

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the Coquille Rural Fire Protection District. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that *“The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.”* The property owner shall provide evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

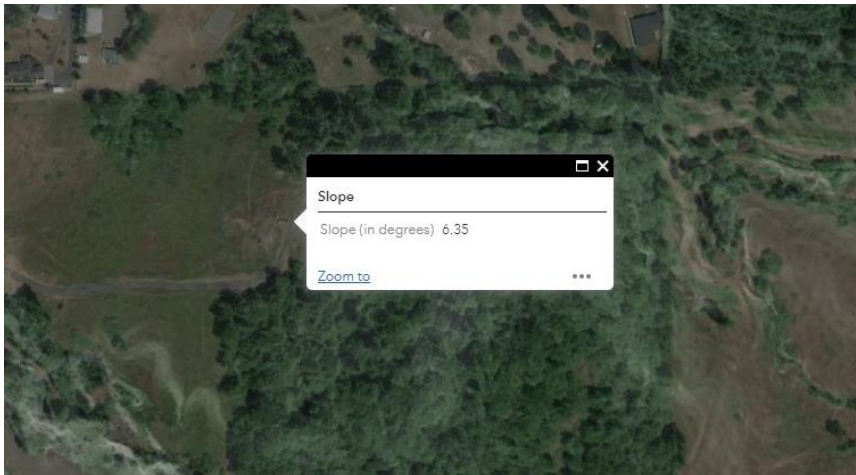
Section 4.6.140(10) determines the primary and secondary fire safety setbacks. The applicant states that the *“the slope on the property is between 2% to 30% and the applicant will meet the primary setback of 30 feet. If necessary the applicant can and shall meet the additional primary safety zone”*. The applicant later provided the following statements: *“The average slope of the subject property is 20% and the slope of the building site is 8%. Measurements made in the field and on Google Pro. The ground slopes to the West of the dwelling site are – 8%. After a distance the ground slopes to the East of the dwelling is +20%. Studied by Clyde F. Mulkins, Oregon LS2006”*.

Staff provided screenshots above from Oregon DOGAMI LiDAR Viewer of the approximate slope of the site area including the fuel-free break zone. Staff concurs with the applicant’s response that the slope is indeed between 2% to 30%. Staff finds it reasonable to calculate the slope is 20.93% for the fuel free breaks. The applicants will need to maintain 105 feet of primary fuel-free break to the standards identified above, in addition to the 100 feet secondary fuel break. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. This criterion will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that *“the dwelling will use non-combustible or fire retardant roofing materials, as may be approved by the certified official responsible for the building permit”*. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. Reviewing aerial photos, Staff did not find any water sources meeting this criterion on the subject property. Therefore, this criterion has been addressed.

Section 4.6.140(13) requires that a dwelling not be located on a slope of greater than 40%. Based on the slope information from the Oregon LiDAR Viewer map, the subject property has 6.35 degree slope at the proposed dwelling site. 6.35 degree slope converts to 11.13 percent slope. Therefore, this criterion has been addressed.



Section 4.6.140(14) states that if a dwelling has a chimney it shall have a spark arrester. The applicant indicated they plan on install at least one chimney. As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester by providing a copy of the building plans. Therefore, this criterion has been addressed.

Section 4.6.140(16) requires adequate access for firefighting equipment. The subject property is accessed off of Highway 42 and the applicant indicated *“The proposed home will be the only residence on this driveway”*. At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee will confirm that all road standards have been met to provide adequate access for firefighting/emergency equipment. Therefore, this criterion is not applicable.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria has been addressed.

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

- *SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.*
- *4.11.132 Natural Hazards (Balance of County Policy 5.11)*

Coos County has inventoried the following hazards:

- *Flood Hazard*
 - o *Riverine flooding*
 - o *Coastal flooding*
- *Landslides and Earthquakes*
 - o *Landslide Susceptibility*
 - o *Liquefaction potential*
- *Tsunamis*
- *Erosion*
 - o *Riverine streambank erosion*
 - o *Coastal*
 - Shoreline and headlands*
 - Wind*

- *Wildfire*

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.

b. Landslides and Earthquakes

Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

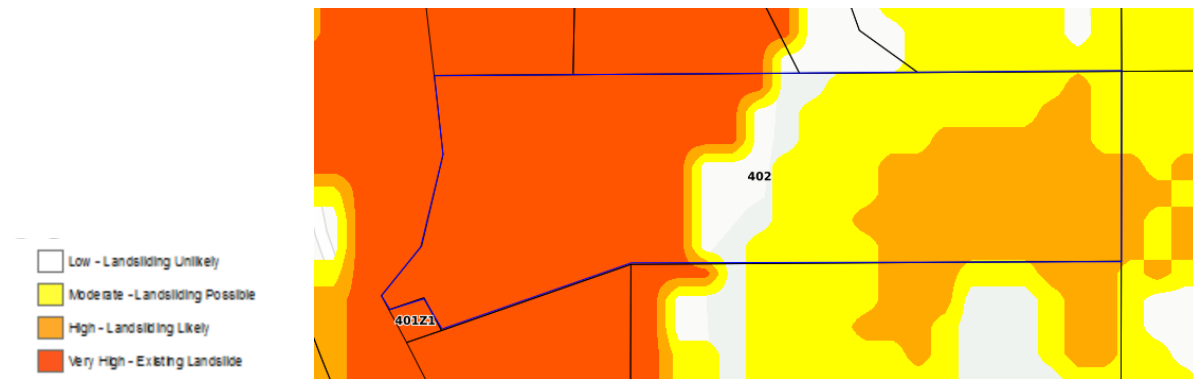
4.11.150 Geological Hazards special development Review Standards

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant’s expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;*
- b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or*
- c. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed profession then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.*

FINDING: The applicant did not address this overlay. Staff verified the property has lands partially, or completely, within “very high” landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, “Landslide susceptibility map of Oregon.”



As a condition of approval, the applicant shall submit a geologic hazard assessment report prior to requesting a zoning compliance letter or plot plan that clearly shows the development will not be located within the Very High-Existing Landslide area.

IV. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

V. EXPIRATION:

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

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

- i. First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - 1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
 - 2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
 - 3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
- ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - 1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*

2. *The applicable residential development statute has not been amended following the approval of the permit; and*
3. *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*

An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Monday, July 06, 2026.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: Coquille Rural Fire Protection District

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

EXHIBIT "D"
Application



Coos County Land Use Permit Application

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

FILE NUMBER: ACU-22-009

Date Received: 3/10/22 Receipt #: 231815 Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.
If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Jorge Torres

Mailing address: 95115 Hwy 42 S, Coquille, OR 97423

Phone: 541-396-5988

Email: Coppergoose@bmi.net

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>28S</u>	<u>12W</u>	<u>30</u>	<u>Select</u>	<u>Select</u>	<u>402</u>
<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	

Tax Account Number(s): 869305
Tax Account Number(s) _____

Zone: Select Zone Forest (F) **FEU**
Please Select _____

B. Applicant(s) Jorge & Mary Torres

Mailing address: 95115 Hwy 42 S, Coquille, OR 97423

Phone: 541-936-5988

Coppergoose@bmi.net

C. Consultant or Agent: Clyde Mulkins

Mailing Address P.O. Box 809, North Bend, OR 97459

Phone #: 541-751-8900

Email: mandrllc@frontier.com

Type of Application Requested

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

Special Districts and Services

Water Service Type: On-Site (Well or Spring)
School District: Coquille

Sewage Disposal Type: On-Site Septic
Fire District: Select Fire District **COQUILLE RFPD**

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

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

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

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

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

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

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. Signatures required below for application processing.

x Jorge V. Torres Jorge V. Torres 3-6-22
 x Mary E. Torres Mary E. Torres 3-6-22

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: _____

Type of Access: Select Name of Access: _____

Is this property in the Urban Growth Boundary? Select

Is a new road created as part of this request? Select

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

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

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

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

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

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

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

February 17, 2022

Coos County Planning Dept.

Subject Properties - T.L. 402 - 28S 12W 30

Applicant/Owner:

George and Mary Torres
95115 Hwy 42
Coquille, OR 97423

RE: Forest Dwelling (Template Dwelling) criteria and applicant's findings

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

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

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6) (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) 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) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

(7) Notwithstanding subsection (4)(a) of this section, 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 subsection (1), (2), (5) or (6) 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. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

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

- The attached Soil classification report shows 22.88 acres of the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).
- There are no parcels located within the Urban Growth Boundary.
- The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of Tax Lot 402 in Township 28S Range 12W Section 30 and contains 22.88 acres.
- The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 14 parcels within the 160 acre square ranging from 5.01 acres to 40.00 acres of which are zoned F, EFU and RR-2. Fiver of these parcels have 6 pre – 1993 dwellings and fall within the grid. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.

6

9(C) ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES.

- (1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
 - (b) the dwelling meets the following requirements:
 - (A) The dwelling has a fire retardant roof.
 - (B) The dwelling will not be sited on a slope of greater than 40 percent.
 - (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.

- (E) 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.
- (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.

Response to SECTION 4.6.110(9)(C)(1)

- The property is more than 10 acres therefore a stocking survey is required. The East half of the property was red alder trees 6 to 14 inches in diameter with scattered sis nd growth Douglas-fir. The area laying West of this is grass land that was formerly pasture. A power transmission lie runs across the property just West of the homesite, and a strip 50 feet on both sides of the centerline is unavailable for tree planting.
 - The dwelling will have a fire retardant roof.
 - The property has 2% to 40% slopes. The West and East boundaries are the steepest areas with 10% to 40% slopes. The center of the property is bench ground with 2% to 10% slopes.
 - The proposed dwelling site is along the Eastern edge of the bench area.
 - The property is located within the Coquille Rural Fire Protection District.
 - The water source for this property will be from a spring and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
 - If the proposed dwelling has a chimney, a spark arrester will be installed.
 - The owner will provide and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a 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. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

Response to SECTION 4.6.110(9)(C)(2)

- The property is within a fire district and there is no need for alternative fire protections.
- There is no need for an additional water supply.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST

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

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby⁽¹⁾ or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (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. imately 1000 feet Eastt

Response to SECTION 4.6.130

- **The proposed home site is located about 100 feet North of the South property line. The area is cleared and has an existing road that was developed many years ago and rocked. The site has a slight grade, perfect for a new homesite and drainage considerations. The site is located approximately 1000 feet East of Highway 42 off the end of a private driveway. The proposed home site is located on the portion of the property Zoned Forest and East of the power transmission lines along cleared property. Utilizing the existing cleared area ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setback areas will be easily maintained with the gentle topography and are already cleared of heavier fuel tips. This will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will 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 prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access is a private driveway off of Highway 42. The proposed home will be the only residence on this driveway.**

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

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

5. **Minimizing Impacts:** In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. **Riparian Vegetation Protection.** Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.
8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

- c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
9. Fire Siting Standards for New Dwellings:
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
10. Firebreak:
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - 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.

Table 1 – Minimum Primary Safety Zone

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

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection

pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

13. The dwelling shall not be sited on a slope of greater than 40 percent.
14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Response to SECTION 4.6.140

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **The riparian vegetation will not be disturbed during the development of the site.**
- **The property is within the Coquille Rural Fire Protection District. No additional fire protection is required.**
- **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
- **The slope on the property is between 2% to 30% and the applicant will meet the primary setback of 30 feet. If necessary the applicant can and shall meet the additional primary safety zone.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is within the**
- **Coquille RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

MULKINS & RAMBO, LLC
P.O. BOX 809 NORTH BEND, OR 97459 Ph. (541)751-8900 Fax (541)751-9000

Forest Soils Report – Template Dwelling Application
Tax Lot 900 – Map T28S, R12W, Sec30

From the eastern property boundary of the subject property lays along a northerly slope with a small stream along the north edge. The property transcends into an elevated bench ground before dropping of onto Highway 42 the last 300 feet. .

The soils are made up of an association of Preacher loam, Blachly silty clay and Digger gravelly loam by the Coos County Soil Survey prepared by the USDA in 1982. This soils group have an accumulated site index of 165 on the 100-year Basis for Douglas-fir. This soil type will produce 175 cubic feet per acre per year of wood fiber for a 60-year age stand.

Prepared by

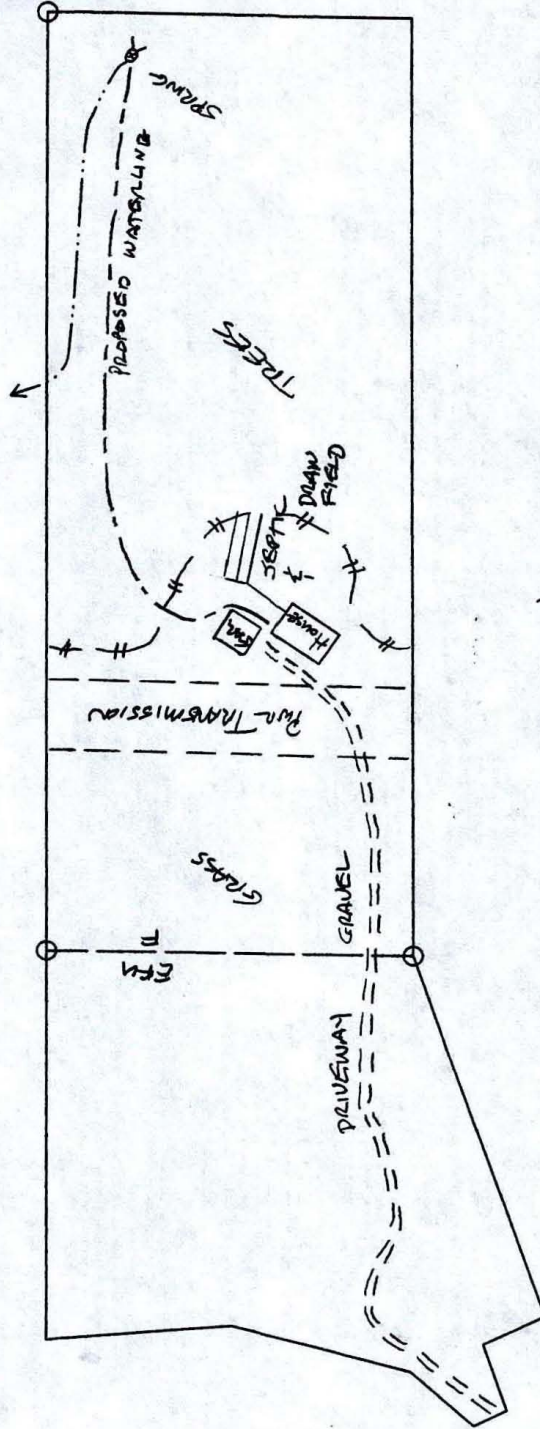


, February 3, 2022

Clyde F. Mulkins

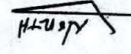
PLOT PLAN

TAX LOT 402 T285 R12W S6E30



FILE: JUDGE MARY TARGES
95115 MAY 425
COORVILLE, OR 97423

ALL IMPROVEMENT SHOWN
ARE PROPOSED
DRIVEWAY IS EXISTING
NO FLOOD ZONES



SCALE 1" = 200'

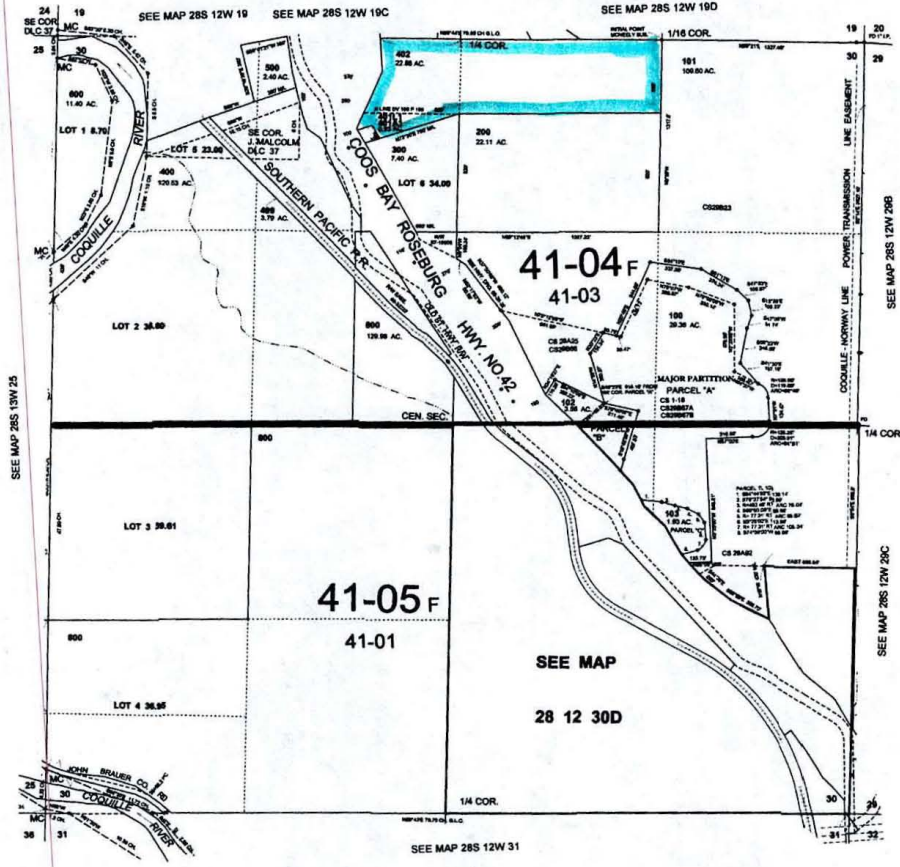
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 30 T28S R12W W.M.
COOS COUNTY
1" = 400'

28S 12W 30
& INDEX

CANCELLED NO.

700
800
801
104
105



12-8-2011

28S 12W 30
& INDEX

COOS COUNTY, OREGON **2018-04834**
\$66.00 05/24/2018 10:54:00 AM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=5

**AFTER RECORDING
RETURN TO
Ticor Title Company
300 West Anderson Ave. - Box 1075
Coos Bay, OR 97420-0233**

AFTER RECORDING RETURN TO:
Jorge Valencia Torres
95115 Highway 42 S
Coquille, OR 97423

ALL TAX STATEMENTS SHALL BE SENT TO:
Jorge Valencia Torres
95115 Highway 42 S
Coquille, OR 97423

RE-RECORD COVER SHEET - Please print or type information

Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

(Required if document does not meet first page recording requirements under ORS 205.234 or does not provide adequate space on the first page for the recording certificate)

RE-RECORDED AT THE REQUEST OF Ticor Title Company
TO CORRECT the Legal Description now attached as Exhibit A
PREVIOUSLY RECORDED AS MICROFILM #2017-12415

DOCUMENT TITLE(S)

(If two or more transactions, document(s) must be clearly labeled to record transaction in appropriate records)

Statutory Warranty Deed

NAME(S)) of DIRECT party(s):

(i.e. DEEDS: Seller/Grantor – MORTGAGES: Borrower/Mortgagor – LIENS: Creditor/Plaintiff)

Reed L. Terry, an estate in fee simple

NAME(S) AND ADDRESS(ES) of INDIRECT party(s):

(i.e. DEEDS: Buyer/Grantee – MORTGAGES: Lender/Mortgagee – LIENS: Debtor/Defendant)

Jorge Valencia Torres

LIEN DOCUMENTS: Amount of lien \$0

If conveying or contracting to convey fee title to real property:

True and Actual Consideration Paid \$175,000.00

RECORDING REQUESTED BY:



105 E 2nd Street
Coquille, OR 97423

GRANTOR'S NAME:
Reed L. Terry

GRANTEE'S NAME:
Jorge Valencia Torres

AFTER RECORDING RETURN TO:
Order No.: 360617021823-TT
Jorge Valencia Torres
95115 Highway 42 S
Coquille, OR 97423

SEND TAX STATEMENTS TO:
Jorge Valencia Torres
95115 Highway 42 S
Coquille, OR 97423

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233

APN: 869305
11261 Highway 42, Coquille, OR 97423

COOS COUNTY, OREGON 2017-12415
\$56.00 12/28/2017 01:16:00 PM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Reed L. Terry, an estate in fee simple, Grantor, conveys and warrants to Jorge Valencia Torres, 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:

A parcel of land lying in the N 1/2 of the N 1/2 of Section 30, Township 28 South, Range 12 West, Willamette Meridian, Coos County, Oregon, said parcel being that portion of the parcel of land described per Deed bearing Instrument #2004-1448, Records of Coos County, Oregon, lying East of Coos Bay-Roseburg State Highway 42.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON
COUNTY OF COOS

I hereby certify that instrument #2017-12415, recorded on 12/28/2017, consisting of 3 page(s), has been compared with the original, and is a correct and whole transcript as it appears on record at the County Clerk's office in Coos County, Oregon.
Debbie Heller, CEA, County Clerk

4/17/2018

T Dalton
Tammy Dalton - Chief Deputy

STATUTORY WARRANTY DEED
(continued)


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

Dated: 12/28/2017


Reed L. Terry by Patrick M. Terry, attorney in fact

State of Oregon
County of Coos

This instrument was acknowledged before me on 12/28/2017 by Patrick M. Terry as attorney in fact of Reed L. Terry.


Notary Public - State of Oregon
My Commission Expires: July 21, 2018



Unofficial
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Deed (Statutory Warranty) Legal
ORD1398.doc / Update: 05.31.17

Page 2

OR-TT-FHO0-02743-42302-0001 (02/19)

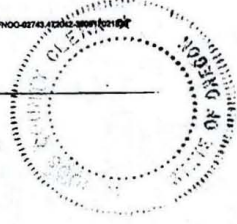


EXHIBIT "A"
Exceptions

Subject to:

1. The Land has been classified as Farm/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 Coos Bay Roseburg Highway No. 42.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Coos and Curry Telephone Company
Purpose: telephone poles and lines
Recording Date: November 17, 1924
Recording No: Book: 95 Page: 166
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Mountain States Power Company
Purpose: power poles and lines
Recording Date: November 17, 1927
Recording No: Book: 104 Page: 92
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Mountain States Power Company
Purpose: power poles and lines
Recording Date: November 26, 1927
Recording No: Book: 104 Page: 147
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Mountain States Power Company
Purpose: power poles and lines
Recording Date: May 11, 1945
Recording No: Book: 155 Page: 639
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Mountain States Power Company
Purpose: power poles and lines
Recording Date: October 6, 1952
Recording No: Book: 221 Page: 686
8. The herein described Land has no rights of ingress and egress to the thoroughfare named below, except across that portion of the boundary line herein after set forth, such rights having been:

Relinquished by a deed to the State of Oregon
Recording Date: December 15, 1987
Recording No: 67-12-24370

Street name: Coos Bay Roseburg Highway No. 42
Affects: right of access
9. A lease with certain terms, covenants, conditions and provisions set forth therein.

Dated: November 29, 2002
Lessor: Ronald L. Woodworth and Catherine M. Woodworth and Susan etlefsen, sole heir of Robert T. Dettelsen
Lessee: Coquille Rural Fire Protection District
Recording Date: November 29, 2002
Recording No: 2002-15725
10. Agreement Easement

Executed by: Leif Schrader and Jennifer Schrader, husband and wife and Michael Miranda and Lisa Miranda
Recording Date: December 12, 2007
Recording No.: 2007-15473

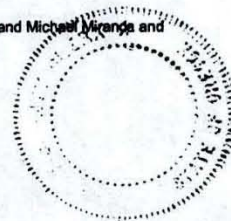


EXHIBIT "A" - LEGAL DESCRIPTION

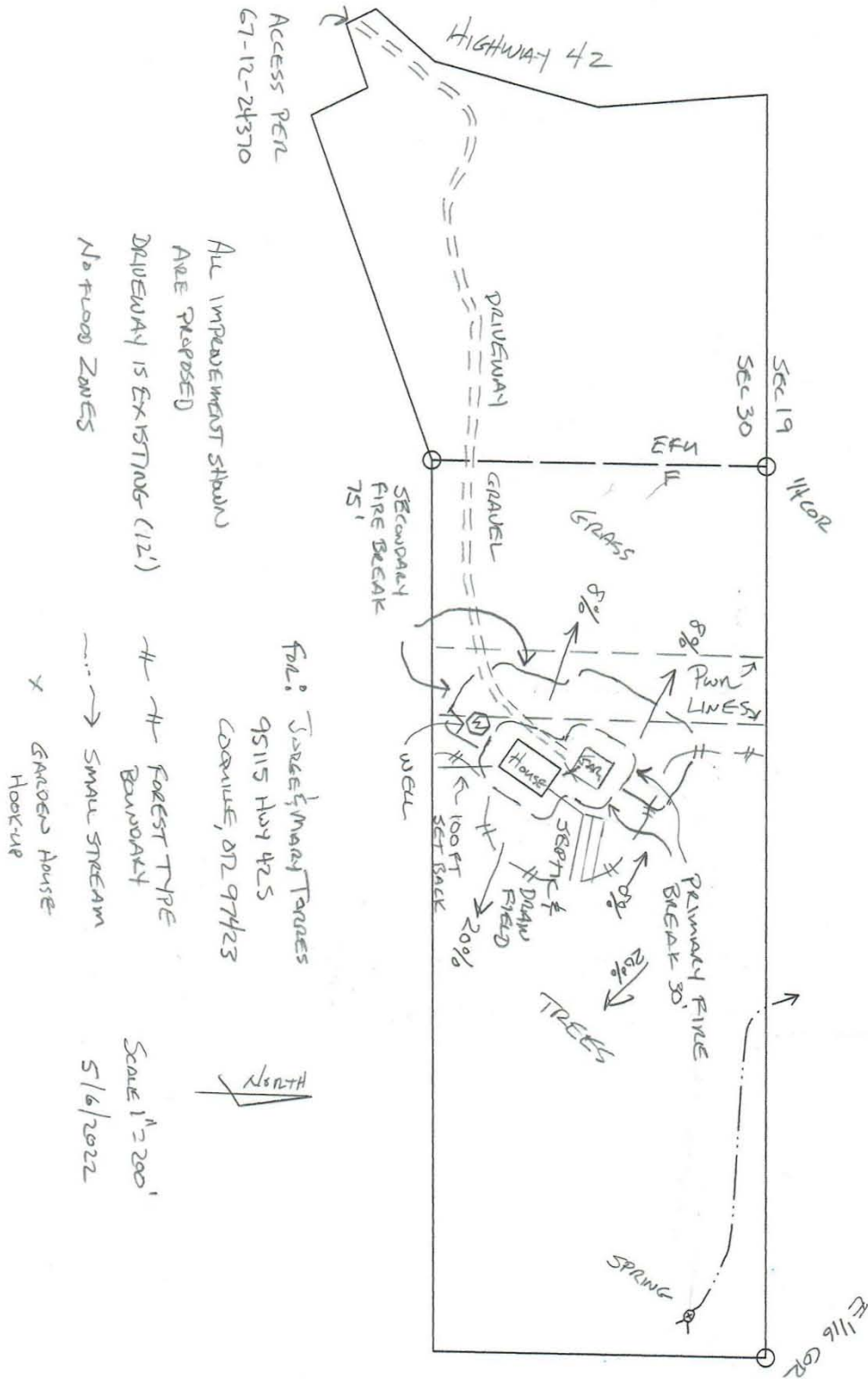
Order No.: 360617021823

A parcel of land lying in the N 1/2 of the N 1/2 of Section 30, Township 28 South, Range 12 West, Willamette Meridian, Coos County, Oregon, said parcel being that portion of the parcel of land described per Deed bearing Instrument #2004-16448, Records of Coos County, Oregon, lying East of Coos Bay-Roseburg State Highway 42.

Unofficial
Copy

SUPPLEMENTAL SUBMITTAL

Tax Lot 402 T285 R12W SEC 30
 PLOT PLAN



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Questions to Answer:

1. **Has your property been involved in a property line adjustment?**
No
2. **Was your property part of a tract on January 1, 2019? Tract means same ownership as an abutting property.**
No
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)**
160 acre square, II, 1, c
 - b. **How many lots and/or parcels were all or part within the template prior to January 1, 1993? Please list all properties**
14 parcels, 28S-12W-19C 800, 600, 700; 28S-12W-19D 1700, 1600, 1200, 403, 400, 1100; 28S-12W-30 106, 200(&300), 100(&101), 400, 800.
 - 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.**
5 dwellings, 28S-12W-19C 800, 700; 28S-12W-19D 1700, 1600, 403.
 - 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 nearby² or adjoining forest or agricultural lands;
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

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

- (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:

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

The proposed water source is a spring located in the Northeast corner of the subject property. Water use for domestic purpose is allowed upto 0.125cfm or 0.935 gallons per minute.

- (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.

The driveway to the propose template dwelling goes directly from Highway 42 to the subject property. Driveway has existed for many years. Access from the subject property onto State Highway 42 is provided through

- (5) Approval of a dwelling shall be subject to the following requirements:
 - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

1. Will sufficient tress be replanted?

Yes.

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

The property is more than 10 acres, a stocking survey shall be submitted to the County Assessor's 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.

Yes, draft Deed Declaration (Forest Management Covenant) attached.

Additional Response Information:

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

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

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

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

- vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new and replacement dwellings and permanent structures shall, at a minimum, meet the following standards.
- a. The dwelling has a fire retardant roof.
 - b. The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak.
 - c. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
 - d. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.
 - e. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.
 - i. Water storage shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. The access to the water source shall be marked with signs for fire water sources.
 - f. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

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

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

Table 1 – Minimum Primary Safety Zone

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

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

RESPONSE TO SECTION 4.6.140

- 1. Is the property a legal unit of land? Please provide reference to how it was created. The subject property existed in 1942 as shown on State Highway drawings for Tax Lots 200 and 300, 28S-12W-30. This predates the development of our Planning Department.

2. Will the applicant meet the road setback (shall be shown on plot plan)?
Yes the proposed dwelling site is nearly 1000 feet from the State Highway right of way boundary.

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 the highway or other property boundaries.

4. Has a driveway/access/parking permit been requested at the time of the application?
N/A, the access is existing and been in use for many years for ranching and water maintenance, storage and use. Access to realigned Hwy 42 is documented per Microfilm Reel 67-12-24370, Coos County Clerk's Office..

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. Draft copy attached.

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

Yes, a small stream is shown on the Plot Plan. The dwelling site is 300 feet distant, more or less, from the said stream.

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 roofing shall be metal.

b. What is the slope of the property on average and where the dwelling will be located?
The average slope of the subject property is 20% and the slope of the building site is 8%. Measurements made in the field and on Google Pro. The ground slopes to the West of the dwelling site are -8%. After a distance the ground slopes to the East of the dwelling is +20%. Studied by Clyde F. Mulkins, Oregon LS2006.

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. The fist part of this submitted application stated that the water source would be from a spring at the head of a small stream. That idea has been change to a drilled well.

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

Yes, Coquille Rural Fire Protection 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.

The subject property is currently on the tax rolls for this fire protection district.

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

N/A.

iii. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage. Include on the plot plan water storage and access to meet the following standards:

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

N/A.

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

Yes and a spark arrester will be installed.

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 hand raking and gathering the debris accumulated from pruning and caring for the shrubs and trees.

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 120 feet of garden hose will 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.**

See Plot Plan. The average slope of the subject property is 20% and the slope of the building site is 8%. Measurements made in the field and on Google Pro. The ground slopes to the West of the dwelling site are - 8%. After a distance the ground slopes to the East of the dwelling is +20%. Studied by Clyde F. Mulkins, Oregon LS2006.

Additional evidence and responses to address the criteria?