



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, August 30, 2022**
File No: ACU-22-010

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

Applicant(s): Shane Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

Staff Planner: Chris MacWhorter, 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, September 14, 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: 496001
Map Number: 26S123100-00100

Property Owner: JOHNSON, SHANE
94443 BOONE CREEK LN
COOS BAY, OR 97420-8406

Situs Address: None

Acreage: 20.00 Acres

Zoning: FOREST (F)

Special Development Considerations and Overlays: FOREST MIXED USE (MU)
NATIONAL WETLAND INVENTORY SITE (NWI)
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, 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, August 30, 2022 .

Chris MacWhorter, 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: Comments Received

Exhibit E: Application/Supplemental Submittal

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)(a) & Section 4.6.140(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. If they are not available yet then this will be a condition of approval on the ZCL.
- h. Section 4.6.140(7)(b) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
- i. Section 4.6.140(7)(c) & (d) 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.
- j. Section 4.6.140(7)(e) & Section 4.6.140(8)(a)(b)(c)(d) 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 (as identified in staff report) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (as identified in staff report) 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.

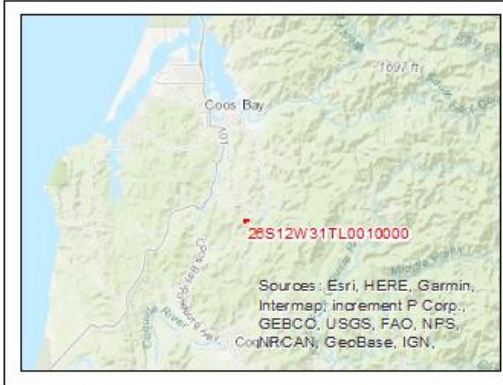
- k. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall 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.
3. **ADVISORY STATEMENT:** There are two existing dwellings, 94443 & 94445 Boone Creek Ln, on the private road. The third address assigned on this private road will require a road name application and readdressing of the two other existing addresses.

EXHIBIT "B"
Vicinity Map

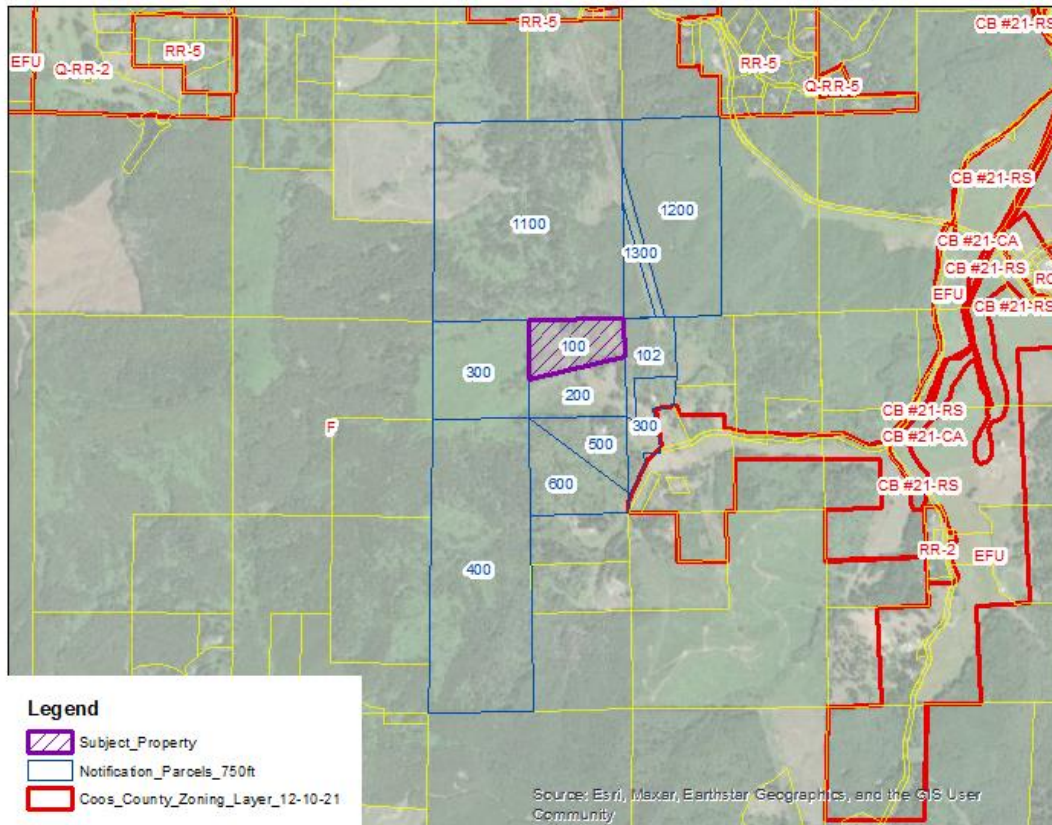


COOS COUNTY PLANNING DEPARTMENT

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-22-010
Applicant/ Owner: Shane Johnson
Date: August 10, 2022
Location: Township 26S Range 12W Section 31 TL 100
Proposal: Administrative Conditional Use



Template Map



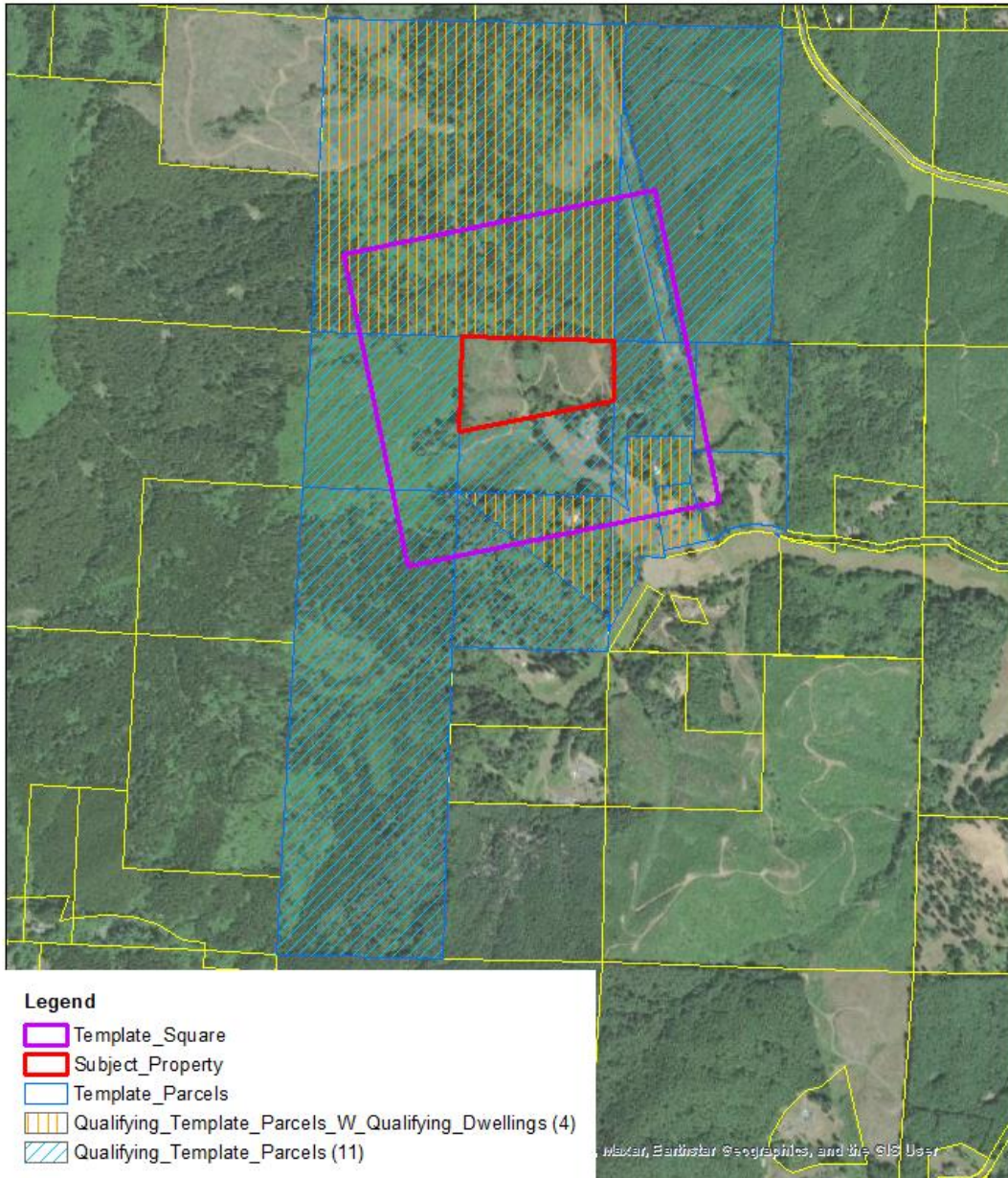
COOS COUNTY PLANNING DEPARTMENT

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:

There have been no prior land use actions on this parcel.

C. LOCATION: The subject property is located 1 mile west of the rural community of Sumner accessing directly off Boone Creek Ln.

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

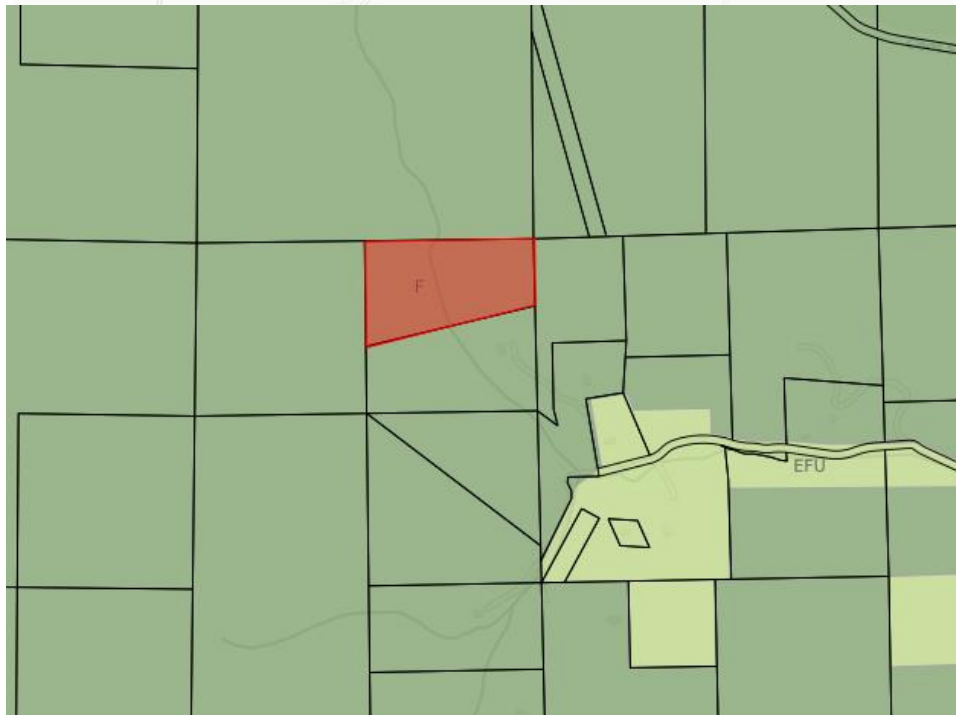
Forest (F): The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

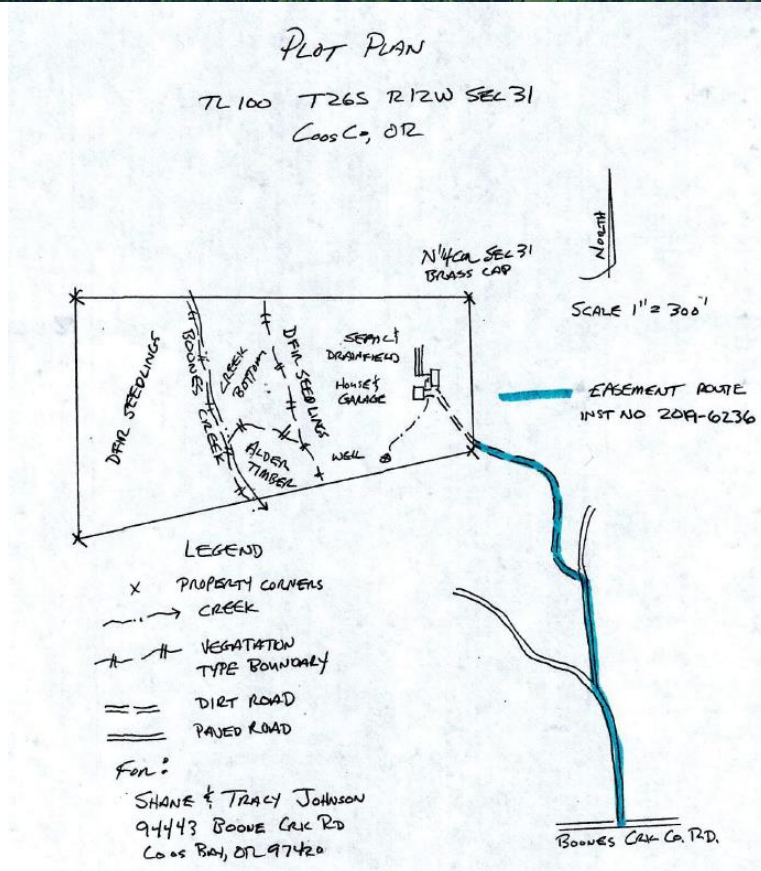
The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

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 one mile west of the rural community of Sumner. The subject property accesses directly off a private road that connects to Boone Creek Lane. The parcel was created by deed or land sales contract prior to planning regulations, as described in Coos County Deed #69-9-41941.





Maps are not to scale

F. COMMENTS:

- a. **PUBLIC AGENCY:** This property required request for comments the Oregon Department of State Lands prior to the release of the decision. DSL responded with the following comments: *“The forest template dwelling includes paving a pre-existing unimproved roadway. The NWI map is spatially incorrect as it shows the roadway crossing the stream channel (the true stream course is visible in LiDAR). This proposal does not appear to have any wetland or water impacts. Best Management Practices for erosion and sediment control due to the ESH Boone Creek being downgradient from the proposed project.”*
- 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 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.

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)

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
52F	Salander silt loam, 50 to 75 percent slopes	17.3	92.1%
54E	Templeton silt loam, 30 to 50 percent slopes	1.5	7.9%
Totals for Area of Interest		18.8	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>	
52F—Salander silt loam, 50 to 75 percent slopes				
Salander	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Sitka spruce	177	272.00	
	Western hemlock	162	257.00	
	Western redcedar	—	—	

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>	
54E—Templeton silt loam, 30 to 50 percent slopes				
Templeton	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	94	114.00	
	Sitka spruce	169	257.00	
	Western hemlock	161	257.00	
	Western redcedar	—	—	

52F-Salander silt loam, 50 to 75 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is dark reddish brown silt loam 26 inches thick. The upper 14 inches of the subsoil is dark reddish brown silt loam, and the lower 25 inches is dark reddish brown and reddish brown silty clay loam. In some areas the dark-colored surface layer is less than 20 inches thick.

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

Permeability of this Salander soil is moderate. Available water capacity is about 15.5 to 21.0 inches. Effective rooting depth is 60 inches or more. Runoff is rapid, and the hazard of water erosion is high.

This unit is used 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 Sitka spruce, western hemlock, and western redcedar. The understory vegetation is mainly western swordfern, evergreen huckleberry, salmonberry, thimbleberry, and vine maple.

On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180. At the culmination of the mean annual increment (CMAI), the production of 70-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 271 cubic feet per acre per year.

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, 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. Displacement of topsoil occurs most readily when the soil is dry. 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. 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 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. Locating roads on midslopes results in large cuts and fills and thus removes land from production. 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, Sitka spruce, and western hemlock seedlings.

This map unit is in capability subclass VIIe.

54E-Templeton silt loam, 30 to 50 percent slopes.

This deep, well drained soil is on side slopes of mountains. It formed in colluvium and residuum derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 50 to 800 feet. The average annual precipitation is 60 to 80 inches, the average annual air temperature is 51 to 53 degrees F, and the average frost-free period is 200 to 240 days.

Typically, the surface layer is very dark brown and dark brown silt loam 16 inches thick. The subsoil is reddish brown, yellowish red, and strong brown silty clay loam 26 inches thick. Soft, weathered and fractured siltstone is at a depth of 42 inches. In some areas the dark-colored surface layer is less than 10 inches thick.

Included in this unit are small areas of Geisel soils and deep gravelly loam. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Templeton soil is moderate. Available water capacity is about 8.0 to 17.5 inches. Effective rooting depth is 40 to 60 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 suited to the production of Sitka spruce. Among the other species that grow on this unit are western hemlock, Douglas fir, Port Orford cedar, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, western swordfern, and Oregon oxalis.

On the basis of a 100-year site curve, the mean site index for Sitka spruce is 180. At the culmination of the mean annual increment (CMAI), the production of 50-year-old Sitka spruce trees 1.5 inches in diameter or more at breast height is 270 cubic feet per acre per year. On the basis of a 100-year site curve, the mean site index for Douglas fir is 170. High winds from the Pacific Ocean may seriously limit the growth of trees unless they are in a protected area.

The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, steepness of slope, the hazard of erosion, plant competition, and the hazard of windthrow. 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. Displacement of topsoil occurs most readily when the soil is dry. 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. 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 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. 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. Road location and maintenance costs are greater in the more steeply sloping areas. 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. Sitka spruce, a shallow rooted species, is subject to windthrow.

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

This map unit is in capability subclass Vle.

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up 52F-Salander silt loam & 54E-Templeton silt loam soil type. Based on the plot plan, the dwelling appears to be located in the of 52F soil type. The volume of wood fiber per year for 52F is 186 cubic feet per acre per year for Douglas-fir species in the Salander 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:

(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:
 - i. Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - 1. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - ii. Road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- d. Notwithstanding subsection (6)(a) of this rule, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in sections (3) and (4) of this rule or subsections (b) or (c) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

(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;

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.

- 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:*
 - i. *Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;*
 - 1. *No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and*
 - 2. *The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.*
- (5) *When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:*
- a. *The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - b. *Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*
 - c. *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.*
 - d. *The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

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.

There have been no previous property line adjustments on the subject property; therefore, there was no PLA that had the effect of qualifying the subject property for a template dwelling.

Based on Coos County Clerk and Assessor records, the subject property was part of a tract that contained one other dwelling on January 1, 2019. That parcel is T26S-R12W-S31-TL200.

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 not touch a road created before Jan 1, 1993. 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; “11 Parcels of land. T26S, R12W, Sec31A, Tax Lots 102, 200 and 300; T26S, R12W, Sec 31, 300, 400, 500 and 600; T26S, R12W, Sec 30, 1100, 1200 (West of Tax Lot 1300), 1300, and 1200 (East of Tax Lot 1200”

The applicant listed out the parcels to meet the minimum 3 dwellings created before Jan 1, 1993; “3 Parcels of land. T26S, R12W, Sec 31A, 200 and 300; T26S, R12W, Sec 31, 500”

Staff did recalculate the template test using the 160-acre square. Staff finds at least eleven (11) parcels with the 160-acre template square that 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*

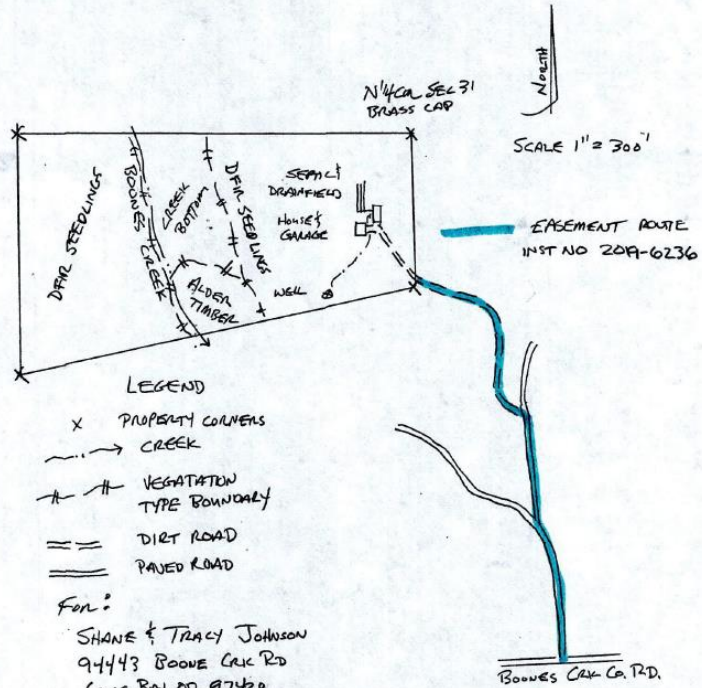
²*For the purpose of this section “Nearby” is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

- 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.*

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. Based on the application, the proposed homesite is located approximately “about 120 feet West of the East property boundary”. Based on the submitted plot plan, Staff estimates that dwelling location will be 225 north of the southern property line.

PLOT PLAN

TL 100 TR 6S R 12W SEC 31
Coos Co, OR



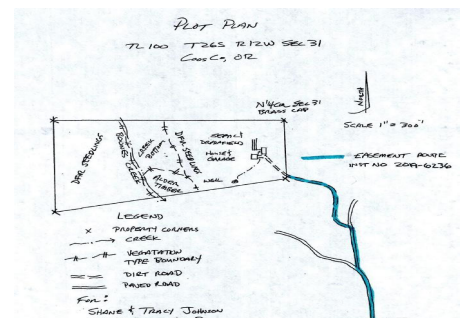
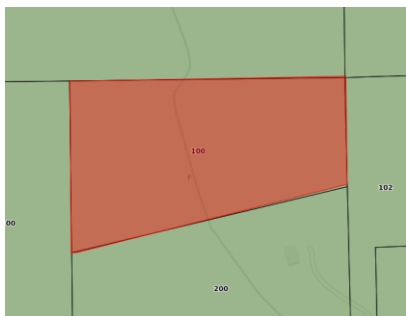
The above map shows the properties nearby. The subject property is located approximately 1 mile west of the rural community of Sumner. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The proposed home site is located about 120 feet West of the East property boundary. The area is cleared and has an existing road that was developed for logging about five years ago. The proposed home site has a slight grade for good drainage. The site is located in the eastern portion of the property approximately 0.3 miles North of Boone’s Creek Road. The proposed site appears to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. 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 resource uses on the nearby lands.

The subject property is currently covered in “reprod” timber and surrounded by the adjacent timberlands. There are commercial timberlands, greater than 80 acres, located north and west of the subject property.

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

Therefore, Staff finds the applicant’s proposed location minimizes the effects of the proposed dwelling on farming practices on the adjacent 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 trapezoid shaped, and the applicant indicated they will utilize the existing driveway as their access. The applicant did not indicate how exactly the proposed home site and driveway minimizes the amount of land removed from resource use.



The applicant is placing the dwelling relatively close to the existing private driveway. Therefore, Staff finds that this will minimize the amount of land being removed.

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”*.

The applicant did not provide any proof of slopes on the subject property. Based on the NRCS soils data, there are steep slopes 50 to 75% slopes for the 52F soil type. Avoiding long driveways are also recommended. The applicant indicate there is an existing driveway to the proposed dwelling.

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 over 40% slopes.

The applicant's will be required to install a 180 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 120 feet west of the eastern 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 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 applicant will be required to submit a water supply requirement form signed off by Oregon Water Resources Department prior to requesting a zoning compliance letter.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM, a long-term access use permit or agreement be submitted. The applicant stated *"the access is a private driveway off of Boone's Creek County Road"*. As a condition of approval, the applicant will be required to submit proof of a private road maintenance agreement from the subject property to Boones Creek County Road.

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

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

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

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

- b. *The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*
- c. *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district or contract with a private fire protection company.*
- d. *For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.*
 - i. *Water storage shall be 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.*
- e. *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*
- f. *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner and complies with Section 8 Firebreak.*

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 includes proof of the slope to determine additional firebreak setbacks is required.*

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.*

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

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.

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) require parking, loading, access and road standards be addressed. Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. Staff has received signed Driveway Confirmation DR-22-081 from the Road Department. Therefore, this criterion has been satisfied.

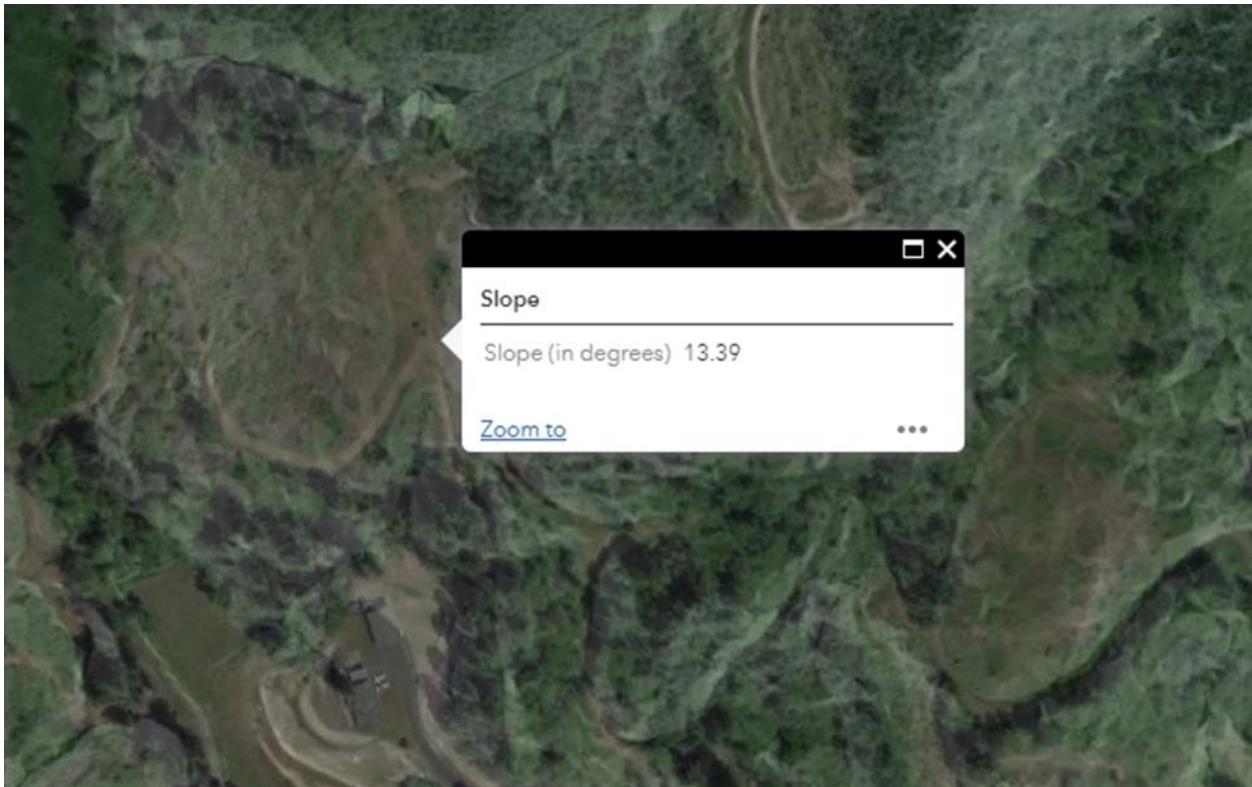
Section 4.6.140(5) requires that the property owners sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices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

Section 4.6.140(6) requires a setback from any wetland. There are mapped wetlands or water bodies requiring protection on, or adjacent to the subject property. However, OR DSL responded that based on the submitted plot plan, the “proposal does not appear to have any wetland or waters impacts”. Therefore, this criterion is not applicable.

Section 4.6.140(7)

(a) Requires the roofing material to be non-combustible or fire resistance. The applicant stated that “the proposed dwelling will use non-combustible or fire resistant roofing materials”. 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.

(b) 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 13.39 degree slope at the proposed dwelling site. 13.39 degree slope converts to 23.80 percent slope. Therefore, this criterion has been addressed.



(c) 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 Sumner Fire Protection District; therefore, this criterion has been satisfied.

(d) 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 Sumner Rural Fire Protection District. Therefore, this criterion is not applicable.

(e) 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.

(f) Determines the primary and secondary fire safety setbacks. The applicant states that *“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”*.

However, the applicant did not submit any proof of the slopes on the subject property. Staff relied on the NRCS soil type which classifies 52F soil type with 50 to 75% slopes.

The applicants will need to maintain 180 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(8)

(a) Determines the primary and secondary fire safety setbacks. The applicant states that *“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”*.

However, the applicant did not submit any proof of the slopes on the subject property. Staff relied on the NRCS soil type which classifies 52F soil type with 50 to 75% slopes.

The applicants will need to maintain 180 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.

(b) Requires sufficient ¾ inch hose for the perimeter of the primary fire break. 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 ¾ 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.

(c & d) Determines the primary and secondary fire safety setbacks. The applicant states that *“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”*.

However, the applicant did not submit any proof of the slopes on the subject property. Staff relied on the NRCS soil type which classifies 52F soil type with 50 to 75% slopes.

The applicants will need to maintain 180 feet of primary fuel-free break to the standards identified above, in addition to the 100 feet secondary fuel break. The applicant is 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 (9) Requires the roofing material to be non-combustible or fire resistance. The applicant stated that *“the proposed dwelling will use non-combustible or fire resistant roofing materials”*. 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 (10) requires adequate access for firefighting equipment. The subject property is accessed off of Boones Creek County Road and the applicant indicated *“The property is within the Sumner 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”*. 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

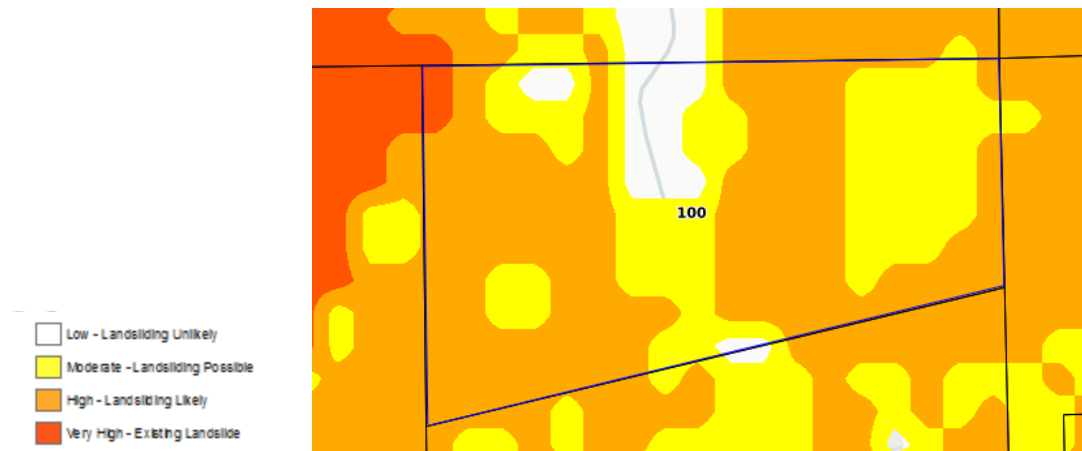
Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification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



Staff has no further comment at this time.

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, September 14, 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: Sumner Rural Fire Protection District and the Oregon Department of State Lands.

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"

Comments Received



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2022-0236

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-22-010	Coos	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
26S	12W	31		100

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Coos

Latitude

43.279479

Longitude

-124.17103

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information



Additional Comments

The forest template dwelling includes paving a pre-existing unimproved roadway. The NWI map is spatially incorrect as it shows the roadway crossing the stream channel (the true stream course is visible in LiDAR). This proposal does not appear to have any wetland or waters impacts. Best Management Practices for erosion and sediment control due to the ESH Boone Creek being downgradient from the proposed project.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

4/6/2022

Response by:

Daniel Evans

Response Phone:

503-986-5271

EXHIBIT "E"
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-22-010

Date Received: 3/8/22 Receipt #: 231810 Received by: _____

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) Shane & Tracy Johnson
 Mailing address: 94443 Boone Creek Lane, Coos Bay, OR 97420
 Phone: 541-404-0248 Email: _____

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>26S</u>	<u>12W</u>	<u>31</u>	<u>Select</u>	<u>Select</u>	<u>100</u>
<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	

Tax Account Number(s): 496001 Zone: Select Zone Forest (F)
 Tax Account Number(s) _____ Please Select _____

B. Applicant(s) Shane Johnson
 Mailing address: 94443 Boone Creek Lane, Coos Bay, OR 97420
 Phone: 541-404-0248 _____

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) Sewage Disposal Type: On-Site Septic
 School District: Coos Bay Fire District: Sumner RFPD

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

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

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 18, 2022

Coos County Planning Dept.

Subject Properties - T.L. 100 - 26S 12W 31

Applicant/Owner:

Shane and Tracy Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

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 20.00 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 100 in Township 26S Range 12W Section 31 and contains 20.00 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 11 parcels within the 160 acre square ranging from 4.06 acres to 158.91 acres of which are zoned F. Three of these parcels have pre – 1993 dwellings that fall within 160 acre grid. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

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 property was logged four or five years ago. The property now has Douglas-fir seedling covering the logged area four feet tall. The property is well stocked with young timber.
 - The dwelling will have a fire retardant roof.
 - The property has 2% to 30% slopes. The center of the property falls along Boone Creek which runs in a southerly direction. The hill side into the creek bottom are about 30 % slopes. The creek bottom ground is about 200 feet wide.
 - The property is located within the Sumner Rural Fire Protection District.
 - The water source for this property will be from well 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 consistent 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.

<p>SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST</p>
--

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. years ago.

Response to SECTION 4.6.130

- **The proposed home site is located about 120 feet West of the East property boundary. The area is cleared and has an existing road that was developed for logging about five years ago. The proposed home site a slight grade for good drainage. The site is located in the eastern portion of the property approximately 0.3 miles North of Boone's Creek Road. The proposed site appears to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. 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 Boone's Creek County Road.**
- **The seedlings on the property are dark green and vigorous about 4 feet tall with a 10 foot by 10 foot spacing and free to grow.**

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.

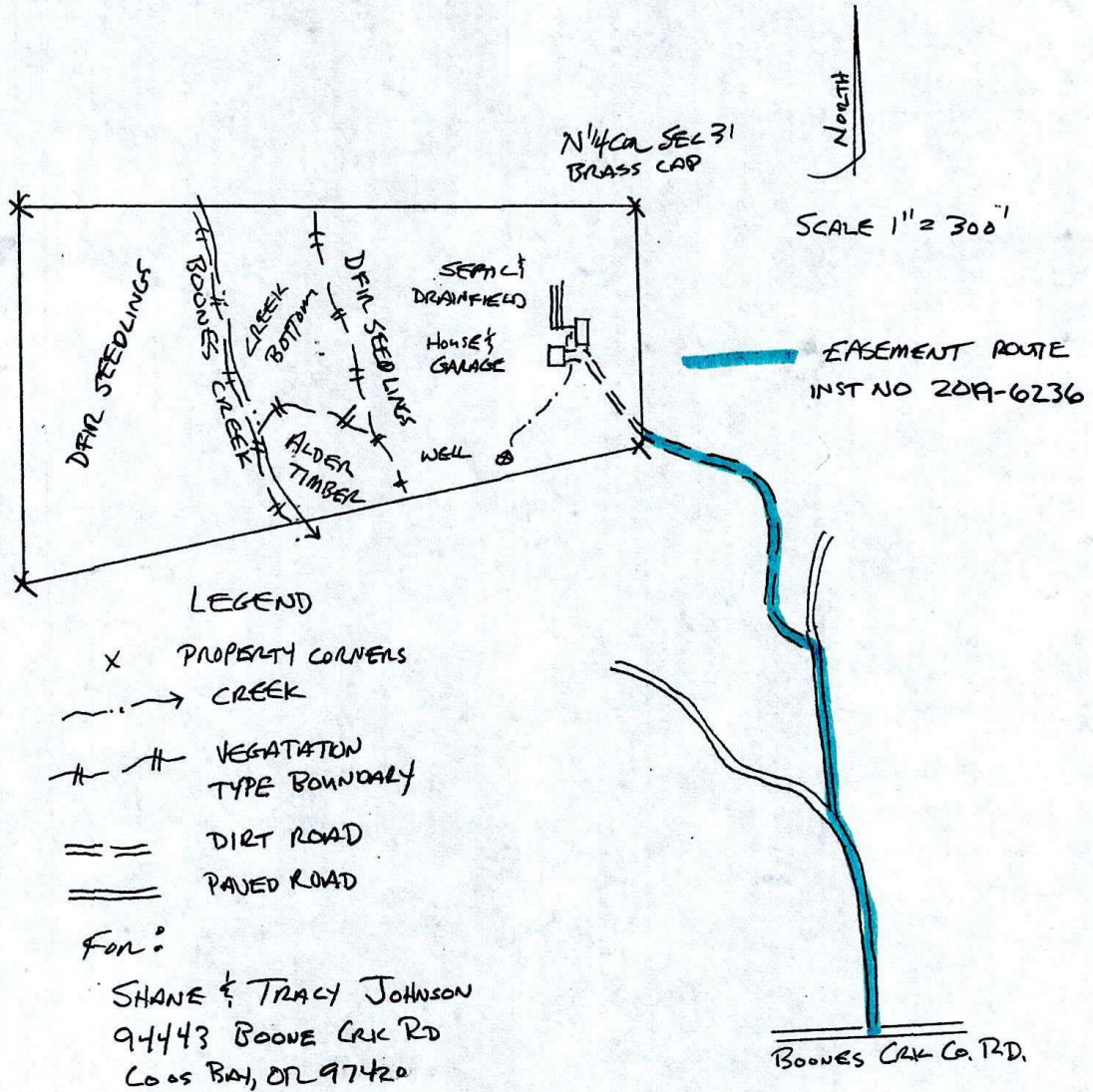
14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant 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 Sumner 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 will 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 Sumner 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.**

PLOT PLAN

TL 100 T26S R12W SEC 31
Coos Co, OR



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 100 – Map T26S, R12W, Sec31**

The subject property straddles the Boone Creek with a southerly flow. The side slopes along the creek draw average 30 percent slopes. The Boone Creek bottom has a width of approximately 200 feet.

The soils are made up of Salander silt loam by the Coos County Soil Survey prepared by the USDA in 1982. The soils have a site index of 180 on the 100-year Basis for Sitka spruce. This soil type will produce 270 cubic feet per acre per year of wood fiber on a 70-year age stand.

Prepared by



Clyde F. Mulkins

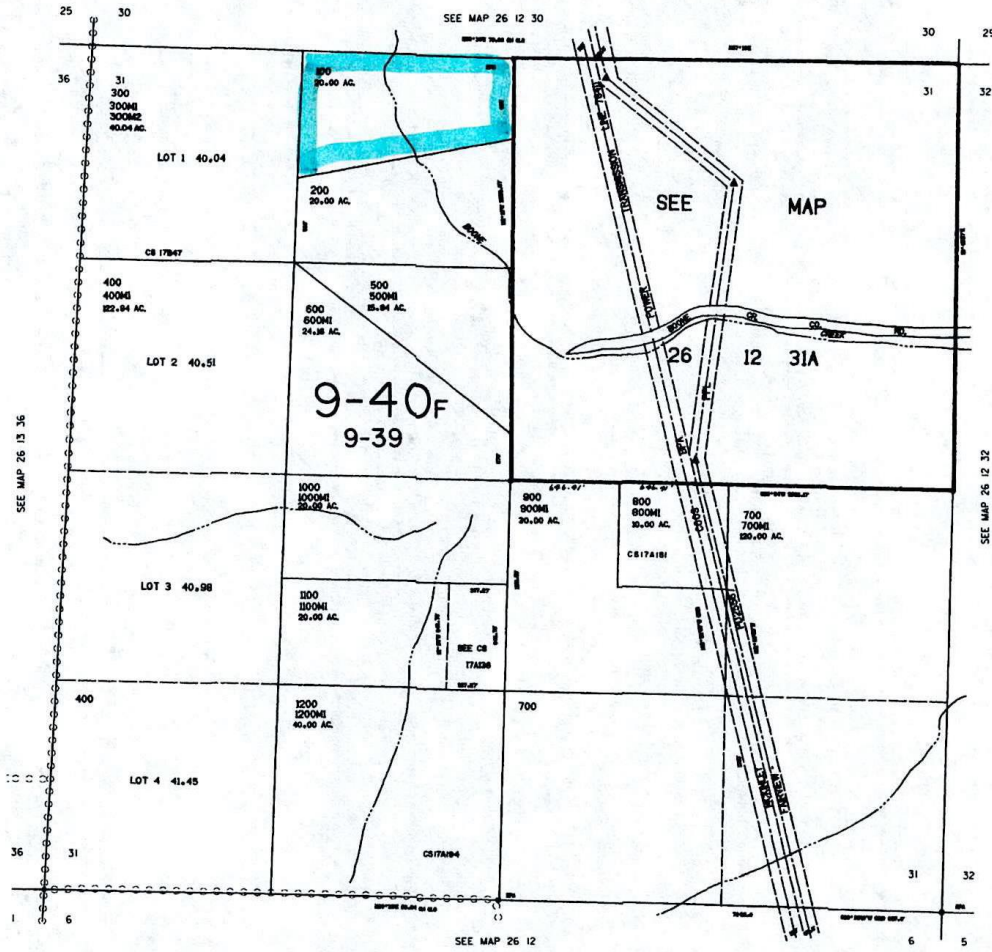
, February 17, 2022

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 31 T.26S. R.12W. W.M.
COOS COUNTY

1" = 400'

26 12 31
& INDEX
CANCELLED



DATE:
26 12 31
& INDEX

RECORDING REQUESTED BY:



300 W Anderson, PO Box 1075
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360618022712-VR
Shane Johnson and Tracy Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:

Shane Johnson and Tracy Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

APN: 496001

COOS COUNTY, OREGON **2018-03243**
\$51.00 04/06/2018 02:09:00 PM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=2

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Jimmie R. Ketchum and Carolyn E. Ketchum, as tenants by the entirety, Grantor, conveys and warrants to **Shane Johnson and Tracy Johnson, as tenants by the entirety**, 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 portion of the NE 1/4 of the NW 1/4 of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the NE 1/4 of the NW 1/4 of said Section 31; thence South along the East line of said quarter Section 500 feet to point; thence in a Southwesterly direction along a line, 1320 feet, more or less, to a point on the West line of the NE 1/4 of the NW 1/4, that is 500 feet North of the Southwest corner thereof; thence North along the said West line to the Northwest corner thereof; thence East along the North line of said quarter Section to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS NINETEEN THOUSAND AND NO/100 DOLLARS (**\$19,000.00**). (See ORS 93.030).

Subject to:

1. Notwithstanding the covered risks as set forth in the policy, the company does not insure against loss or damage by reason of a lack of a right of access to and from the Land.
2. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Boone Creek.
3. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Boone Creek.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Boone Creek.

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

Entitled: Deed
Recording Date: June 26, 1984
Recording No: Book 13 Page 240 Deed Records

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

5. Any rights incidental to the ownership and development of the mineral interest excepted or reserved in the document

Entitled: Deed
Dated: June 13, 1884
Recording Date: June 26, 1884
Recording No: Book 13 Page 240 Deed Records
Affects:

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

STATUTORY WARRANTY DEED
(continued)

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

Dated: 4/6/18

Jimmie R. Ketchum
Jimmie R. Ketchum

Carolyn E. Ketchum
Carolyn E. Ketchum

State of OR
County of DEW

This instrument was acknowledged before me on 4/6/18 by Jimmie R. Ketchum and Carolyn E. Ketchum.

Diana R. Ketchum
Notary Public - State of Oregon

My Commission Expires: 7/6/19



Unofficial Copy

RECORDING COVER SHEET (Please print or type)

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



Debbie Heller, CCC, Coos County Clerk

After recording return to: ORS 205.234(1)(c)

Shane Johnson
94443 Boone Cr. Ln
Coos Bay, OR. 97420

1. Title(s) of the transaction(s) ORS 205.234(1)(a)

Gar Eastwood

2. Direct party(ies) / grantor(s) Name(s) ORS 205.234(1)(b)

Marvin Stemmerman trustee
Marvin Stemmerman Trust

3. Indirect party(ies) / grantee(s) Name(s) ORS 205.234(1)(b)

Shane R Johnson
Tracy Johnson

4. True and actual consideration: ORS 205.234(1) Amount in dollars or other

\$ 0

Other: _____

5. Send tax statements to: ORS 205.234(1)(e)

6. Satisfaction of lien, order, or warrant: ORS 205.234(1)(f)

FULL PARTIAL

7. The amount of the monetary obligation imposed by the lien, order, or warrant: ORS 205.234(1)(f)

\$ 0

8. Previously recorded document reference: 2018-12103

9. If this instrument is being re-recorded complete the following statement: ORS 205.244(2)

"Rerecorded at the request of Shane Johnson
to correct add Robert E. Eastwood Description
previously recorded in book _____ and page _____, or as fee number 2018-12103."



DEBBIE HELLER, CCC, COOS COUNTY CLERK

After Recording Return To:

Jerry L. Lawson, Jr.
Delta Counsel, P.C.
PO Box 751
Lake Oswego, OR 97034

**GRANT OF EASEMENT
(Road Construction, Ingress, Egress and Maintenance of Utility)**

GRANT made this 20 day of Dec., 2018, from Marvin Stemmerman, Trustee of The Marvin Stemmerman Trust u/t/d June 25, 2003 ("Grantor") to Shane R. Johnson and Tracy Johnson, husband and wife (collectively "Grantee").

RECITALS:

A. Grantor owns those certain parcels of real property located in the County of Coos, State of Oregon, legally described in the attached Exhibit A, attached and incorporated herein by this referenced ("Grantor's Parcel"):

B. Grantee owns those certain parcels of real property located in the County of Coos, State of Oregon, legally described in the attached Exhibits B and C, attached and incorporated herein by this reference ("Grantee's Parcel"):

GRANT OF EASEMENT:

1. **Grant of Easement.** For good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a non-exclusive non-priority easement ("Easement") to use a strip of land across Grantor's Parcel as more particularly described and shown on the map attached as Exhibit D (the "Easement Strip"). The easement granted herein shall be perpetual and shall only be terminated by an instrument in writing signed by Grantor and Grantee, or their successors and assigns, and duly recorded in the records of the county in which Grantor's Parcel and Grantee's Parcel are located. The parties' rights hereunder shall not lapse in the event of failure to use the Easement on a continuous basis. The parties understand and agree that at such time as the roadway has been completed by Grantee, the construction and design of which shall be at Grantee's sole discretion, Grantee will commission a surveyor to create a legal description of the Easement Strip which shall be attached to this Grant of Easement and shall be re-recorded to include such description as Exhibit E.

2. **Purpose and Use.** The Easement shall be used by Grantee for construction of a road way for vehicular and pedestrian travel and the maintenance of any existing utilities or construction of any new utilities by Grantee and to allow Grantee, and their successors in interest the ability to travel across Grantor's Parcel to and from Grantee's Parcel and maintain any

existing underground utilities or those constructed by Grantee under and across Grantor's Parcel to and from Grantee's Parcel. Other than on a temporary basis while Grantee is constructing the roadway, at no time shall Grantee impair, impede, interfere with or obstruct Grantor's use, and the use by Grantor's permitted assigns or successors interest, of Grantor's Parcel or the Easement Strip. Grantor specifically consents to Grantee's activities with respect to construction of the roadway, location of utilities within the Easement Strip and all other activities Grantee requires in order to carry out and complete the construction of the roadway.

Other than as required for maintenance or repair of the Easement Strip on a temporary basis, neither Grantor nor Grantee, nor the invitees, guests or tenants of the same shall park vehicles or place any other objects within the area of the Easement, nor install any type of fence or other structure which restricts access across the Easement.

3. **Maintenance and Repair.** The Easement Strip shall be constructed by Grantee at Grantee's sole cost and expense. Once constructed the Easement Strip shall be maintained in its then present condition as of the date the construction of the roadway is completed by Grantor unless otherwise agreed to by the parties in writing. Notwithstanding the foregoing, if at any time Grantee should sell the real property described in Exhibit C to a third party or transfer the real property described in Exhibit C to a lineal descendant of Grantee who then constructs a residence thereon (each a "Grantee Transferee"), the maintenance of the Easement Strip shall thereafter be shared equally between Grantor and the Grantee Transferee.

4. **Real Property Taxes.** The liability for any real property taxes attributable to the Easement shall be borne exclusively by Grantor.

5. **Covenant Running With The Land.** The easement hereby granted, the restrictions hereby imposed, and the agreements herein contained shall be easements, restrictions, and covenants running with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors, and assigns, including, but without limitation, all subsequent owners of Grantor's Parcel and Grantee's Parcel and all persons claiming hereunder.

6. **Remedies.** In the event of any breach of the provisions of this Easement, the aggrieved party shall be entitled to exercise any remedy provided by law or equity, including the remedies of injunction and specific performance. In the event litigation is commenced to enforce or interpret the provisions of this Easement, including any appeal therefrom, the prevailing party shall recover from the other party, in addition to all other costs and damages, reasonable attorneys' fees at trial, at arbitration or upon any appeal or petition for review thereof.

7. **Authority.** Each party hereto represents and warrants to the other that they have full power and authority to execute this Grant of Easement and that when signed it shall be a legally binding document benefitting and burdening each respective parcel of real property.

GRANTOR:
Marvin Stemmerman
Marvin Stemmerman, Trustee of The
Marvin Stemmerman Trust u/d June 25, 2003

GRANTEE:
Shane R. Johnson

Tracy Johnson
Tracy Johnson

STATE OF OREGON)
) ss.
County of Coos)

This instrument was acknowledged before me on 12/20, 2018 by Marvin Stemmerman, Trustee of The Marvin Stemmerman Trust u/d June 25, 2003.



Bridgette Whinery
Notary Public for Oregon
My Commission expires: 12-5-20

STATE OF OREGON)
) ss.
County of Coos)

The instrument was acknowledged before me on 12/20, 2018 by Shane R. Johnson.



Bridgette Whinery
Notary Public for Oregon
My Commission expires: 12-5-20

STATE OF OREGON)
) ss.
County of Coos)

The instrument was acknowledged before me on 12/20, 2018 by Tracy Johnson.



Paula Whinery
Notary Public for Oregon
My Commission expires: 12-5-20

Unofficial
Copy

4 - Easement Agreement

122018 Easement For Utilities and Ingress Egress Marvin

Exhibit "A"

Beginning at a point on the North-South centerline of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, 153.38 feet North of the center of said Section 31;

Thence along the East boundary of a roadway, North 26°41'30" East 68.85 feet;

Thence North 25°01' East 449.89 feet;

Thence North 1°31'30" West 55.57 feet;

Thence North 26°14' West 72.77 feet;

Thence North 4°03'30" West 37.78 feet;

Thence North 49°13' East 5 feet to the center line of Boone Creek;

Thence Northwesterly along the center of Boone Creek to a point on the West line of the Northeast quarter of said Section 31, 1422.18 feet South 02°13' East of the North quarter corner of said Section 31, and further described in a Warranty Deed recorded January 8, 1974, bearing Microfilm Reel No. 74-1-95118-19, Records of Coos County, Oregon, from Bonnie Hill to John Harris;

Thence Southerly along the North-South centerline of said Section 31 to the point of beginning.

Also including:

Beginning at a 5/8" iron rod set per Coos County Survey 17B73, said iron rod marking the Center-North 1/16 corner of Section 31, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon, thence South 54°00'23" East 188.80 feet to a 5/8" iron rod;

Thence North 14°26'39" West 128.03 feet;

Thence North 1°30'36" West 493.60 feet to a 5/8" iron rod;

Thence North 87°47'00" East 540.00 feet to a 5/8" iron rod;

Thence continuing North 87°47'00" East 13.53 feet, more or less, to the East boundary of that parcel described per Deed Inst. #2007-5556.

Thence along the East boundary of that parcel, South 2°13'00" East 397.71 feet, more or less, to a 5/8" iron rod marking the Northeast corner of that parcel conveyed to Gerald Carl and Mary Louise Napier per instrument recorded in Microfilm No. 68-10-33206, Deed Records of Coos County, Oregon

Thence along the Northerly line of said Napier parcel, South 80°27' West 283.35 feet to the Northwest corner of said Napier parcel;

Thence South 10°05' East 587.02 feet along the Westerly line of said Napier parcel to a 3/4" iron pipe at the Southwest corner of said Napier parcel;

Thence South 87°00' West 235 feet;

Thence North 48°00' West 17 feet;

Thence North 52°15' West 80 feet;

Thence North 40°15' West 200 feet;

Thence North 19°30' West 145 feet to a point on the North-South center line of said Section 31, the Southwest corner of that parcel described per Deed Inst. #2007-5556;

Thence Northerly along the North-South centerline of said Section 31 to the point of beginning.

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

06/29/2007 #2007-8771
03:22PM 3 OF 4

2007-08771

Exhibit "A"

Beginning at a 5/8" iron rod set per Coos County Survey 17B73, said iron rod marking the Center-North 1/16 corner of Section 31, Township 26 South, Range 12 West, Willamette Meridian, Coos County, Oregon, thence South 54°00'23" East 188.80 feet to a 5/8" iron rod;
Thence North 14°26'38" West 128.03 feet;
Thence North 1°30'36" West 483.60 feet to a 5/8" iron rod;
Thence North 87°47'00" East 540.00 feet to a 5/8" iron rod;
Thence continuing North 87°47'00" East 13.53 feet, more or less, to the East boundary of that parcel described per Deed Inst. #2007-5556.
Thence along the East boundary of that parcel, North 2°13'00" West to the Northeast corner of that parcel described per Deed Inst. #2007-5556;
Thence along the North line of Section 31, Westerly 875.11 feet to the North 1/4 corner of said Section 31;
Thence Southerly along the North-South centerline of said Section 31 to the point of beginning.

Unofficial
Copy

COOS COUNTY CLERK, OREGON TOTAL \$41.00
TERRI L. TURI, CCC, COUNTY CLERK

06/29/2007 #2007-8771
03:22PM 4 OF 4

2007-08771

Exhibit B
Page 1 of 1

Beginning at a point on the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ 500 feet South of the Northeast corner thereof, Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence Westerly to a point on the West line 500 feet North of the Southwest corner of said quarter; thence South to the Southwest corner; thence East to the Southeast corner; thence North to the point of beginning.

Unofficial
Copy

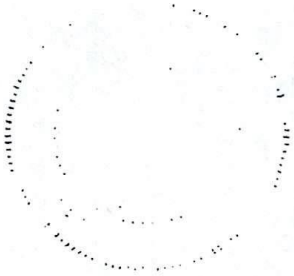


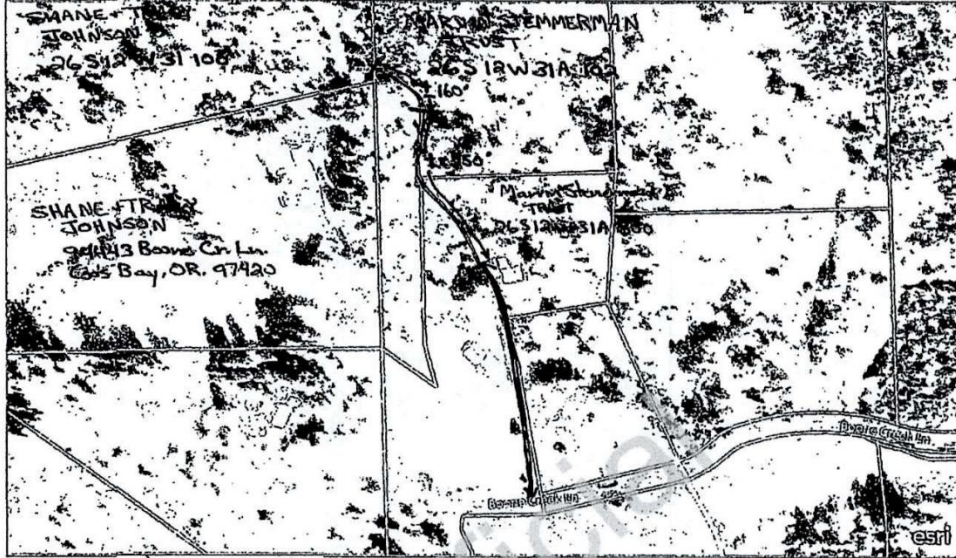
Exhibit C
Page 1 of 1

A portion of the NE 1/4 of the NW 1/4 of Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the NE 1/4 of the NW 1/4 of said Section 31; thence South along the East line of said quarter Section 500 feet to point; thence in a Southwesterly direction along a line, 1320 feet, more or less, to a point on the West line of the NE 1/4 of the NW 1/4, that is 500 feet North of the Southwest corner thereof; thence North along the said West line to the Northwest corner thereof; thence East along the North line of said quarter Section to the point of beginning.

Unofficial
Copy

"Exhibit D"

November 2018 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT)

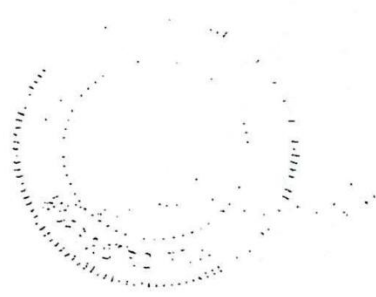


* New roadway marked in red

Copyright: © 2013 National Geographic Society, I-cubed | Employment | Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Coos County Comprehensive Plan: Volume I. Part 2. Inventories and Factual Base. Digital work created by Coos County Planning Staff & Coos County Board of Commissioners with financial assistance provided by the Coastal Zone Management

<http://www.arcgis.com/home/webmap/print.html>

12/6/2018



Unofficial
Copy

STATE OF OREGON
COUNTY OF COOS

I hereby certify that instrument #2018-12103,
recorded on 12/20/2018, consisting of 9 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, CCC, County Clerk

7/17/2019

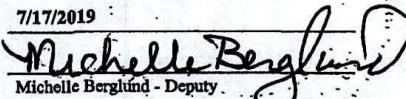

Michelle Berglund - Deputy


EXHIBIT "E"

Easement Description

A 30 foot easement located in West half of the Northeast quarter, Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying 15 feet either side of the following described centerline:

Beginning at a point in the center of Boone's Creek County Road, from which point the Center quarter corner of said Section 31, bears S 27° 05' 57" W a distance of 930.34 feet; thence N 4° 15' 42" W a distance of 106.16 feet; thence N 7° 50' 26" W a distance of 239.21 feet; thence N 8° 01' 26" W a distance of 60.75 feet; thence N 12° 36' 45" W a distance of 69.86 feet; thence N 17° 02' 50" W a distance of 123.02 feet; thence N 21° 59' 28" W a distance of 80.09 feet; thence N 27° 23' 47" W a distance of 47.13 feet; thence N 55° 41' 35" W a distance of 53.26 feet; thence N 37° 22' 58" W a distance of 73.12 feet; thence N 49° 01' 06" W a distance of 73.74 feet; thence N 30° 29' 35" W a distance of 54.18 feet; thence N 4° 10' 12" W a distance of 56.51 feet; thence N 2° 29' 24" E a distance of 88.38 feet; thence N 14° 37' 38" E a distance of 80.23 feet; thence N 1° 37' 21" W a distance of 36.26 feet; thence N 44° 20' 29" W a distance of 39.77 feet; thence N 69° 40' 17" W a distance of 50.87 feet; thence N 53° 13' 19" W a distance of 49.48 feet; thence N 37° 21' 26" W a distance of 40.58 feet; thence N 20° 43' 18" W a distance of 91.26 feet, more or less, to a point on the East boundary of the Northeast quarter of the Northwest quarter of said Section 31, from which point a 5/8 inch iron rod marking the East corner of the southerly boundary of the tract of land described in Inst. No. 2018-3243, Coos County Deed Records, bears thence S 1° 23' 43" E a distance of 104.27 feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 19, 1999
CLYDE F. MULKINS
2008

RENEWAL 12/31/2020

EXHIBIT "E"

Easement Description

A 30 foot easement located in West half of the Northeast quarter, Section 31, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying 15 feet either side of the following described centerline:

Beginning at a point in the center of Boone's Creek County Road, from which point the Center quarter corner of said Section 31, bears S 27° 05' 57" W a distance of 930.34 feet; thence N 4° 15' 42" W a distance of 106.16 feet; thence N 7° 50' 26" W a distance of 239.21 feet; thence N 8° 01' 26" W a distance of 60.75 feet; thence N 12° 36' 45" W a distance of 69.86 feet; thence N 17° 02' 50" W a distance of 123.02 feet; thence N 21° 59' 28" W a distance of 80.09 feet; thence N 27° 23' 47" W a distance of 47.13 feet; thence N 55° 41' 35" W a distance of 53.26 feet; thence N 37° 22' 58" W a distance of 73.12 feet; thence N 49° 01' 06" W a distance of 73.74 feet; thence N 30° 29' 35" W a distance of 54.18 feet; thence N 4° 10' 12" W a distance of 56.51 feet; thence N 2° 29' 24" E a distance of 88.38 feet; thence N 14° 37' 38" E a distance of 80.23 feet; thence N 1° 37' 21" W a distance of 36.26 feet; thence N 44° 20' 29" W a distance of 39.77 feet; thence N 69° 40' 17" W a distance of 50.87 feet; thence N 53° 13' 19" W a distance of 49.48 feet; thence N 37° 21' 26" W a distance of 40.58 feet; thence N 20° 43' 18" W a distance of 91.26 feet, more or less, to a point on the East boundary of the Northeast quarter of the Northwest quarter of said Section 31, from which point a 5/8 inch iron rod marking the East corner of the southerly boundary of the tract of land described in Inst. No. 2018-3243, Coos County Deed Records, bears thence S 1° 23' 43" E a distance of 104.27 feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 18, 1992
CLYDE F. WULKINS
2006

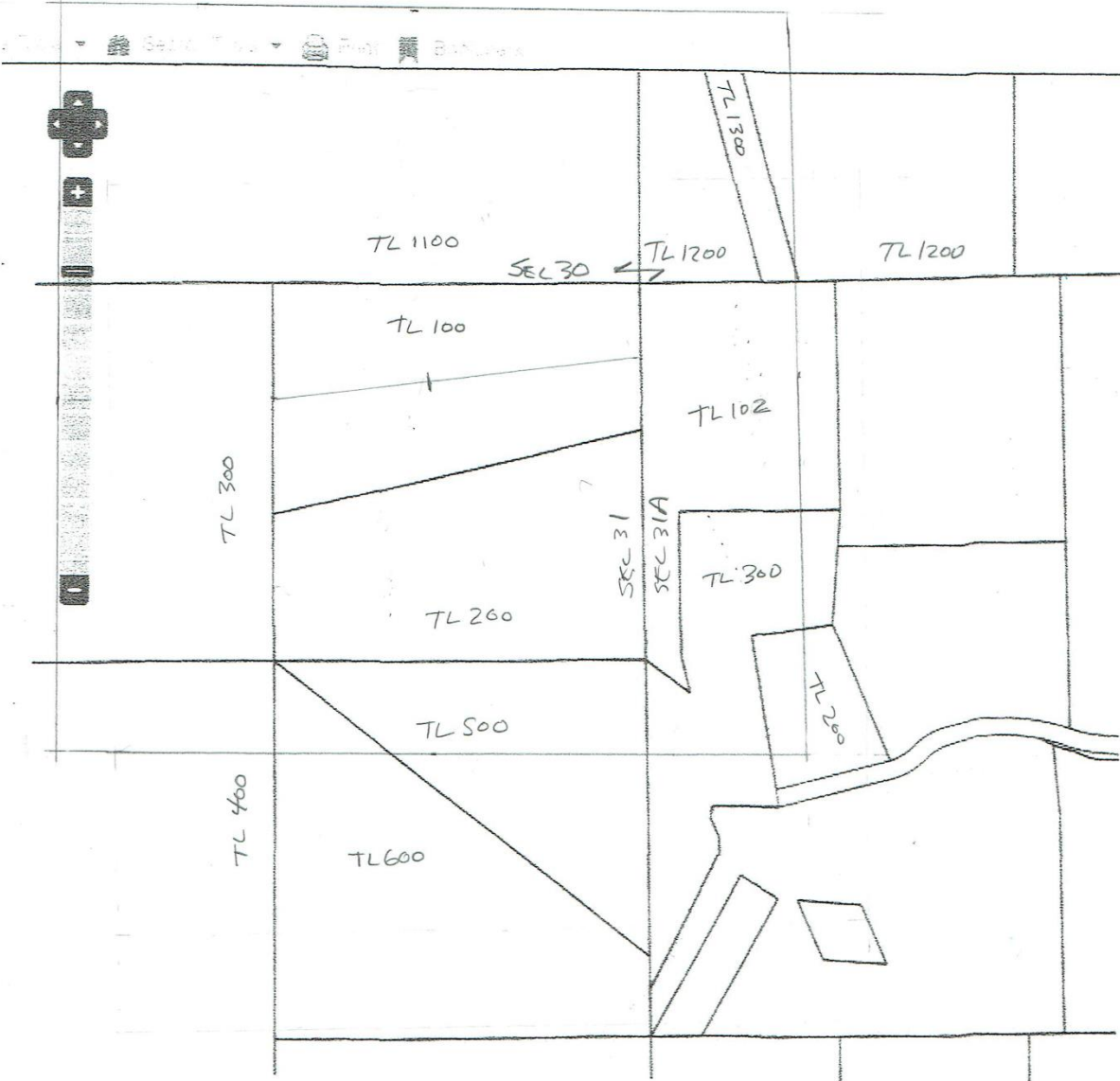
RENEWAL 12/31/2020

Supplemental Submittal

160 AL TEMPLATE

SCALE 1" = 500'

<https://www.coastalatlantis.net/coos-all-hazard>



1967/50

KNOW ALL MEN BY THESE PRESENTS, That John M. Harris and Gladys M. Harris,
 husband and wife

hereinafter called the grantor, for the consideration hereinafter stated,
 to grantor paid by Jimmie R. Ketchum and Carolyn E. Ketchum, husband and wife

hereinafter called the grantee,
 does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that
 certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, sit-
 uated in the County of Coos and State of Oregon, described as follows, to-wit:

EXHIBIT "A"

A portion of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-one (31), Township Twenty-six (26) South, Range Twelve (12) West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of said Section Thirty-one (31); thence South along the East line of said quarter section 500 feet to a point; thence in a Southwesterly direction along a line, 1320 feet more or less to a point on the West line of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) that is 500 feet North of the Southwest corner thereof; thence North along the said West line to the Northwest corner thereof; thence East along the North line of said quarter section to the point of beginning.

69-9-41942

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

except 1969/70 taxes

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 4,500.00

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).

In construing this deed and where the context so requires, the singular includes the plural, WITNESS grantor's hand this 3rd day of September 19 69

STATE OF OREGON, County of Coos) ss. September 3, 19 69. Personally appeared the above named John M. Harris and Gladys M. Harris, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed. Before me: Notary Public for Oregon My commission expires August 19, 1971

NOTE-The sentence between the symbols @. if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

John M. Harris Gladys M. Harris TO Jimmie R. Ketchum Carolyn E. Ketchum

AFTER RECORDING RETURN TO 4-31228 TRANSMERICA TITLE INSURANCE CO. 3809 S. E. MARSHON ST. PORTLAND, OREGON 97214 ESCROW NO. TRANSMERICA TITLE INSURANCE CO.

69-9-41941-42 State of Oregon County of Coos hereby certify that the within instrument was filed for record

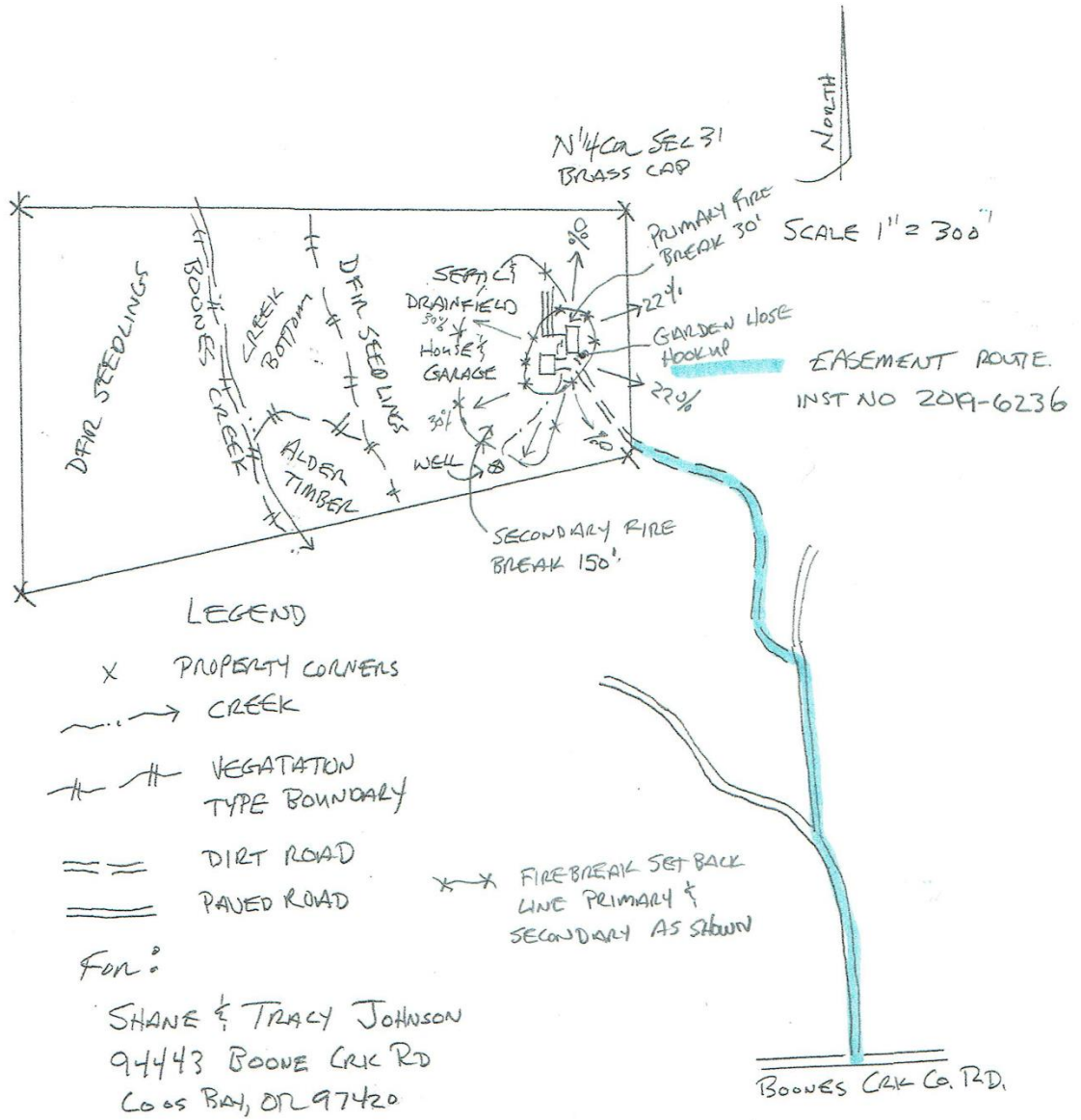
SEP 8 1 25 PM '69 and recorded in Book of Records Microfilm Reel No. 69-9-41941-42 of said County WITNESS my hand and Seal of County at my office, Coos County Clerk By: Deputy Return to Fee: 7.00

633

COOS DAY, OREGON 97420

PLOT PLAN

TL 100 T26S R12W SEC 31
 Coos Co, OR



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. The property existed as a discrete parcel in 1975 prior to planning rules.

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

Yes the subject property was a parcel described per Inst. No. 2018-3243, Coos County Deed Records (Tax Lot 100, T26S, R12W, Sec 31). The property was purchased from Jimmie R. Ketchum and Carolyn E. Ketchum. The property to the South which together form a Tract is described per Inst. No. 2001-4795 (Tax Lot 200, T26S, R12W, Sec 31). This property was purchased from Ron Ray Farley and Cynthia Ann Farley.

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

Yes the subject property was a parcel described per Inst. No. 2018-3243, Coos County Deed Records (Tax Lot 100, T26S, R12W, Sec 31). The property was purchased from Jimmie R. Ketchum and Carolyn E. Ketchum. The property to the South which together form a Tract is described per Inst. No. 2001-4795 (Tax Lot 200, T26S, R12W, Sec 31). This property was purchased from Ron Ray Farley and Cynthia Ann Farley.

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.

Yes Tax Lot 200, as stated above is the residence and home for Shane and Tracy Johnson.

5. Do you have a current template map completed?

Yes. See attached.

**a. Which template did you apply and why? (See Section I & II)
160 acre square, II, c, 1**

**b. How many lots and/or parcels were all or part within the template prior to January 1, 1993? Please list all properties
11 Parcels of land. T26S, R12W, Sec31A, Tax Lots 102, 200 and 300; T26S, R12W, Sec 31, 300, 400, 500 and 600; T26S, R12W, Sec 30, 1100, 1200 (West of Tax Lot 1300), 1300, and 1200 (East of Tax Lot 1200).**

**c. How many dwellings are located within lots and parcels described above that were sited prior to January 1, 1993? Please list all properties that contain the qualifying dwellings.
3 Parcels of land. T26S, R12W, Sec 31A, 200 and 300; T26S, R12W, Sec 31, 500.**

**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.
None of record.**

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

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.

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:

- (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 roadway, maintenance agreement and utility access to the template dwelling site is recorded per Inst. No. 2019-6236. This easement runs from Boones Creek County Road to the subject property. See copy attached per Inst. No. 2019-6236.

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

1. Will sufficient trees be replanted?

Yes, they were planted in 2018.

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 Coos 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.
- 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

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.

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 proof of the slope to determine additional firebreak setbacks is required.

Table 1 – Minimum Primary Safety Zone

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

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

RESPONSE TO SECTION 4.6.140

- 1. Is the property a legal unit of land? Please provide reference to how it was created.
The property was originally deeded out in 1969 per Deed Ref 69-9-41941. See attached.
- 2. Will the applicant meet the road setback (shall be shown on plot plan)?
Yes, the dwelling site is 1500 feet from Boones Creek County Road.
- 3. Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?
No, there are no plans to build any new fences or other structures along public roads of property lines.
- 4. Has a driveway/access/parking permit been requested at the time of the application?
Yes, contact has been made and culverts are presently being installed per field meeting with John Rowe.
- 5. Has the applicant acknowledged that they will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter? (This shall be done after the conditional use is approved, but before a zoning clearance letter is issued. A

Forest Management Covenant cannot be filed if the conditional use has not been approved but a draft may be submitted with the application.)

Yes, a draft copy is attached.

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

Yes, Boones Creek is shown on the Plot Plan. The dwelling site is 600 feet away from 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 property is 30% along the slopes East and West of Boones Creek. The Boones Creek bottom land is flat and averages over 150 feet. The ground slopes to the West of the building site is -20 to -30%, but some broken ground goes up to -40% which was held for the secondary fire break. The area East of the dwelling site is +20%. Studied by Clyde F. Mulkins, 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, allowed by the Water Resources Department.

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

Yes, the Sumner RFPD.

- 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 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, 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 raking the cuttings, and gathering the prunings and debris accumulated from caring for the trees and shrubs.

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

See the Plot Plan. Approximately 120 feet of garden hose will reach the primary fire break perimeter.

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

The average slope of the property is 30% along the slopes East and West of Boones Creek. The Boones Creek bottom land is flat and averages over 150 feet. The ground slopes to the West of the building site is -20 to -30%, but some broken ground goes up to -40% which was held for the secondary fire break. The area East of the dwelling site is +20%. Studied by Clyde F. Mulkins, LS2006.

Additional evidence and responses to address the criteria?

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Shane Johnson and Tracy Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

Shane Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

After recording, return to (Name and Address):
Shane Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

Until requested otherwise, send all tax statements to (Name and Address):
Shane Johnson
94443 Boone Creek Lane
Coos Bay, OR 97420

Coos County, Oregon 2022-07374
\$86.00 08/04/2022 02:21 PM
Pgs=1



Doris D. Murphy, Coos County Clerk

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Shane Johnson and Tracy Johnson

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

Shane Johnson hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Coos County, State of Oregon, described as follows (legal description of property):

A portion of the NE 1/4 of the ~~NE 1/4~~ NW 1/4 of Section 31, Township 36 South, Range 12, West of the Willamette meridian, Coos County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the NE 1/4 of the NW 1/4 of said Section 31; thence South along the East line of said quarter section 500 feet to point; thence in a Southwesterly direction along a line, 1320 feet, more or less, to a point on the West line of the NE 1/4 of the NW 1/4, that is 500 feet North of the southwest corner thereof; thence North along the said West line to the Northwest corner thereof; thence East along the North line of said quarter section to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ n/a. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols ³, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on 8/4/2022; any signature on behalf of a business or other entity is made with the authority of that entity.

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 32.010 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.

Tracy Johnson

STATE OF OREGON, County of Coos
This instrument was acknowledged before me on 8/4/2022
by Shane Johnson and Tracy Johnson
This instrument was acknowledged before me on
by
as
of

Bridgette Whinery
Notary Public for Oregon
My commission expires 11-11-2024



PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.