



CURRY COUNTY COMMUNITY DEVELOPMENT PLANNING DIVISION
94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444

Becky Crockett
Planning Director

Phone (541) 247-3228
FAX (541) 247-4579

Administrative Staff Report and Decision
January 13, 2021

Application AD-2017 is a request for Conditional Use Approval to place a single-family dwelling on a 161.29 acre parcel zoned Forestry Grazing (FG).

I. BACKGROUND INFORMATION:

Applicant/Property Owner: C. Dale Wilson

Agent: Chris Hood
Stuntzner Engineering
705 South 4th Street
Coos Bay, OR 97420

Land Use Review: Conditional use review of a single-family dwelling on a FG zoned parcel using the large tract (>160 acre) test.

Property Description: Township 37 South, Range 14 West W.M., Index; Tax Lot 1501, Curry County, OR

Location: This property is about two miles up Grizzly Mountain Rd from its intersection with Third St.

Proposed Development: To build a single-family dwelling on a 161.29 acre FG zoned parcel.

Zone: Forestry Grazing (FG) Zone

Size: 161.29 acres

Current Land Use: This property is under commercial timber production. In 2016, most of the timber on this property was harvested.

Surrounding Land Use: An adjoining 80 acre tract (to the north) is improved with a dwelling, and the Applicant has applied for conditional use approval of a dwelling on lot adjacent to the west also. Adjoining properties to east and south are under timber production.

II. NATURE OF REQUEST

The applicant seeks approval to establish a single-family dwelling on a FG zoned property using the 160+ acre test. The County Assessor's Official Record of Descriptions shows that TL 1501 was combined with adjacent parcels TL 1500 and TL 1502 from 1959 through 1976; however, TL 1501 was established as a separate legal lot when it sold in 1941 (recorded under Deed Volume 26, page 559). Properties surrounding this property are large FG zoned acreages and many are under commercial timber production.

A parcel in the FG zone may be approved for the siting of a dwelling under any one of the three tests allowed in the Curry County Zoning Ordinance (CCZO). However, any structure within the FG zone must meet certain general standards and requirements, as well as specific fire safety criteria found under CCZO Sections 3.055 and 3.056. This property includes areas identified as having Geologic Hazard, and the Applicant's proposed dwelling site is in an area identified as having Geologic Hazard by the DOGAMI Provisional Maps of Rapidly Moving Slides area. Although the Applicant has hired a geologist to inspect the property for residential development, a geology assessment for the proposed home site has not yet been provided and is addressed by condition.

The Community Development Department has duly accepted this application filed in accordance with CCZO Section 7.020 as an application for a conditional use and has given notice of this matter to affected property owners as set forth in CCZO Section 2.070(2).

III. APPLICABLE REVIEW CRITERIA

The proposed application for Conditional Use Approval of a single-family dwelling on an FG zoned parcel is an Administrative Decision under CCZO Section 2.060(1), subject to the following review requirements:

Section 3.050 Forest Grazing Zone

Section 3.052 Conditional Uses Subject to Administrative Approval by the Director

16. Dwellings subject to Section 3.0534.

Section 3.053 Standards for the Approval of Dwellings

2. Requirements for siting of a single-family dwelling on large tract forest land

4. Additional requirements for approval of a dwelling

Section 3.055 Fire Fighting Standards for Dwellings and Structures

Section 3.056 Fire Safety Standards for Roads

Section 3.252 Development in Areas of Geologic Hazard

Section 7.040 Standards Governing Conditional Uses

1. Conditional Uses Generally

2. Dwelling not served by community water or sewer

17. Uses on resource land

Section 7.050 Time Limit on a Permit for Condition Uses

IV. FINDINGS

Section 3.050. Forestry Grazing Zone (FG).

Purpose of Classification: The Forestry Grazing Zone is applied to resource areas of the county where the primary land use is commercial forestry with some intermixed agricultural uses for livestock uses. The purpose of the Forestry Grazing Zone is:

- (a) to implement the forest land policies of the Curry County Comprehensive Plan;*
- (b) to implement Statewide Planning Goal 4 with respect to forest lands in the county;*
- (c) to implement the agricultural land policies of the Curry County Comprehensive Plan with respect to livestock grazing and related farm uses which are intermixed with forest land in some parts of the county; and*
- (d) to implement Statewide Planning Goal 3 with respect to intermixed farm and forestland in the county.*

Finding: The Applicant requests approval to site a single-family dwelling in the FG zoning district. This use can be allowed in the zone through a conditional use review. The Applicant has submitted a complete conditional use application with findings to address the applicable CCZO criteria for siting a single-family dwelling on a 161.29 ac FG zoned parcel. The application is consistent with the purpose of the FG zone, so this requirement is met.

Section 3.052. Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

16. Dwellings subject to Section 3.053 (1,16)

– Note CCZO Error: The correct reference is Section 3.053(1, 2, 17).

Finding: The Applicant has submitted a complete conditional use application for review by the Planning Director under the provisions of CCZO Section 2.060. The CCZO Section 3.052 identifies the proposed use as being allowed through a conditional use review. This requirement is met.

Section 3.053. Standards for the Approval of Dwellings.

One single-family dwelling may be approved on a forest land parcel if the dwelling meets any of the tests set forth in (1), (2) or (3) below.

This application has been made under test (2) as follows:

- 2. A single-family dwelling may be sited on forest land if it complies with other provisions of law and;*

a) it will be located on a tract of land of at least 160 contiguous acres; NOTE: For

purposes of this subsection a tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or waterway.

Finding: County assessor records and GIS maps currently report that TL 1501 is 158.33 acres. The county assessor's Official Record of Descriptions shows that TL 1501 was 161.29 acres in 1976, and was reduced by 2.96 acres to 158.33 acres when Grizzly Mountain Rd was excluded from the parcel. This property was sold by the county on 12/4/1941 (DV 26, pg 559); and, according to the county road dept, a 60ft r/w was reserved as was customary at the time. The county applied that reservation to the current road location across that parcel in 1967. As noted in the CCZO, the subject tract shall not be considered to consist of less than 160 acres given the road reservation made by county. Therefore, without the exclusion of Grizzly Mountain Rd, the subject's tract is 161.29 acres, so this requirement is met.

4. *The approval of a dwelling under subsections 1, 2, or 3 above shall be subject to the following additional requirements.*

a) *Dwellings and structures shall be sited on the parcel so that:*

i) *they have the least impact on nearby or adjoining forest or agricultural lands;*

Finding: The proposed home site is ~500ft south and ~600ft east of the northwest corner of TL 1501, about 500ft from Grizzly Mountain Rd. The site is on a small knoll which has been cleared and leveled, possibly as a prior staging area when the property was logged. There is ample distance between the proposed site and the lot boundaries, allowing sufficient area for maintaining the required Fire Safety Areas. The site has good separation from adjacent large parcels under commercial timber production and has little impact on adjoining forest lands. This requirement is met.

ii) *the siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*

Finding: The proposed home site is near the northwest corner of the property, close to Grizzly Mountain Rd. Beyond the site, the property will remain under commercial timber production. This proposed site will minimize any adverse impacts on forest operation on the southerly and easterly portions of the tract. This requirement is met.

iii) *the amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*

Finding: There is an existing drive off Grizzly Mountain Rd providing access to the proposed home site, so no new roads are needed to develop the home site. The proposed site is a cleared landing, so no significant tree removal or grading is necessary to develop the home site. The amount of forest lands used for access and home site development is minimized. This requirement is met.

iv) *the risks associated with wildfire are minimized.*

Finding: The risks associated with wildfire are addressed later in this report (CCZO Sections 3.055 and 3.056) and must be minimized in accordance with those standards. If the applicable standards of CCZO Sections 3.055 and 3.056 are met, then the risks associated with wildfire are minimized, thereby meeting this requirement.

- b) the siting criteria to (a) above 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.*

Finding: The proposed home site is near the northwest corner of the property, close to Grizzly Mountain Rd. Setbacks for Fire Safety Areas (under CCZO Section 3.055) and riparian buffers (50ft) will be required. Development in identified wetland areas will also be reviewed for compliance upon application submittal. No other setbacks are needed. This requirement is met.

- c) The applicant shall provide evidence that the domestic water supply is from a source authorized by the Oregon Water Resources Department's administrative rules for the appropriation of ground water or surface water and is not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:*
- i) 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, or*
 - ii) a water use permit issued by the Oregon Water Resources Department for the use described in the application; or*
 - iii) verification from the Oregon Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*

Finding: A water source for the proposed home site has not yet been developed. The applicant intends to have a well drilled for the domestic water supply. Per OR Water Resources Department, new drilled wells for domestic use do not require a water right but must be registered by the well driller. The applicant has agreed that a well report, as required by OR WRD, will be submitted to the county upon application to develop the home site. The approval of this request is conditioned on installation of a drilled well with sufficient yield for domestic use prior to application for home site development permits (Condition #2). As conditioned, this requirement will be met.

- d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service,*

then the applicant shall provide proof of a long-term road access permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Finding: The access does not cross ODF or US BLM lands or USFS roads, so this standard is not applicable.

Access to the subject property from Grizzly Mountain Rd is via a drive shared with the Applicant's adjacent lot to the west (TL 1502). The GIS maps show Grizzly Mountain Rd as a platted county road until it reaches TL 1501. However, per the county road department, the section of Grizzly Mountain Rd crossing the subject was reserved when the property sold in 1941 and the county applied that reservation to the current road location across TL 1501 in 1967.

- e) Approval of a dwelling shall be subject to the following requirements:*
- (1) the applicant shall 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;*
 - f) The Director shall notify the county Assessor of the above condition at the time the dwelling is approved.*
 - g) the property owner shall submit a stocking survey report to the Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - h) the Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;*
 - i) upon notification by the Assessor the Department of Forestry shall determine whether the tract meets the minimum stocking requirements of the Forest Practices Act, if the Department of Forestry determines that the tract does not meet those requirements then the Department shall notify the owner and the Assessor that the land is not being managed as forest land, the Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.*

Finding: Most of the subject property was logged in 2018 and it was subsequently replanted. The Applicant reports the property owner is in the process of meeting ODF's statutory "free to grow" stocking requirements. In Oregon, landowners are required to complete replanting of harvested ground within two years; and, within six years of harvest, young trees must be "free to grow." Per the Applicant, it is the property owner's intent to meet ODF's stocking requirements during the "free to grow" term. Approval of this request is conditioned on the applicant restocking the subject property in accordance with Section 3.053 (4) (e-i) and compliance will be reviewed upon submittal of a development permit (Condition #3). As conditioned, this requirement is met.

Section 3.055. Fire Fighting Standards for Dwellings and Structures

The following fire siting standards shall apply to all new dwellings or permanent structures constructed or placed on lands within the Forestry Grazing (FG) Zoning designation.

1. *The dwelling shall be located on a parcel that is located within a structural fire protection district or the owner has contracted with a structural fire protection district for residential fire protection. 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 Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Director may provide an alternative means for protecting the dwelling from fire hazards. The alternative means for providing fire protection may include a fire sprinkling system, onsite fire suppression equipment and water storage or other methods that are reasonable, given the site conditions. 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. 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. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Finding: The subject property would receive forest protection from the Coos Curry Protective District, but the parcel is not located within a Rural Fire Protection District (RFPD) and would not have structural fire protection. Per the applicant, a request to the Gold Beach Fire Protection District resulted in a refusal to contract fire protection service to this property. Approval of this request is conditioned on providing an alternative means of fire protection upon application to develop a home site (Condition #4). As conditioned, this requirement will be met.

2. *Fire Safety Area: Owners of new dwellings and structures shall comply with the following requirements.*
 - a) *A primary fire safety area of at least thirty (30) feet width shall be maintained around all structures;*

NOTE: For purposes of this ordinance a primary fire safety area shall be defined as follows:

An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.

- b) *A secondary fire safety area of at least one hundred (100) feet width shall be cleared and maintained around the primary fire safety area.*

NOTE: For purposes of this ordinance a secondary fire safety area shall be defined as follows:

An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.

Finding: The proposed home site has sufficient separation from the property lines to meet the distance requirements for both the primary and secondary Fire Safety Areas. The requirements for Fire Safety Areas (CCZO Section 3.055 (2)) will be reviewed for compliance upon application to construct a dwelling. (Condition #5)

3. *The dwelling shall have a fire-retardant roof.*
4. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*
5. *The dwelling shall not be sited on a slope greater than 40 percent.*

Finding: These dwelling construction requirements (CCZO Section 3.055 (3), (4) and (5)) will be reviewed for compliance at the time an application is made to construct a dwelling. (Condition #6)

6. *The County may impose standards and conditions in addition to those specified above, when it deems it necessary to protect the public health, safety and welfare.*

Finding: CCZO Section 3.055(6) authorizes the County to impose additional standards and conditions on a dwelling constructed in an FG Zone if the County believes it is necessary to protect the public. The County has not imposed any conditions pursuant to this subsection other than those set forth in the review above. The County may impose additional conditions in later sections of this report to enable criteria and standards to be met, or to protect the public.

7. *Replacement or substantial improvement of legally sited existing dwellings requires compliance with the Fire Safety Area requirements of subsection (2) above. Substantial improvement constitutes an improvement which is in excess of 50% of the assessed value of the existing dwelling.*

Finding: This application is a request to permit a new dwelling. This standard is not applicable.

8. *Road Access to Dwellings*
Road access to the dwelling shall meet the requirements set forth in Section 3.056.

Finding: The road access standards are addressed next (Section 3.056).

Section 3.056. Fire Safety Standards for Roads. *The following special road standards shall apply within the Forestry Grazing (FG) zoning designation. These special road standards shall not apply to private roads accessing only commercial forest uses that do not include permanent dwellings or structures. The purpose of the rule is to provide adequate access for fire-fighting equipment.*

- 1. Roads and driveways shall have a drivable surface width of sixteen (16) feet.*
- 2. Roads and driveways shall have an all-weather drivable surface of gravel or rock.*
- 3. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet.*
- 4. Average grade for an road or driveway shall not exceed thirteen and one-half (13.5%) percent for any one mile of road length; or exceed twenty (20%) percent for any four hundred (400) consecutive feet of road length.*
- 5. Roads and driveways shall have a drivable surfaced turnaround which has either a thirty five (35) foot radius cul-de-sac, or a sixty (60) foot "T-shaped" design for the turning of fire-fighting equipment.*
- 6. Roads, driveways, bridges and culverts shall be designed and maintained to support a minimum gross weight (GVW) of 50,000 pounds for the passage of fire fighting vehicles or equipment.*
- 7. Bridges or culverts which are part of the construction of the road or driveway to the dwelling or structure shall have written verification from a Professional Engineer, licensed in the State of Oregon, that the structure can meet the 50,000 pound construction standard.*
- 8. All bridges shall be inspected and certified as to compliance with the 50,000 pound construction standard at an interval not greater than once every two years from the date of this ordinance. The inspection report shall be filed with the Curry County Road Department.*
- 9. Variations from these standards may be granted through the provisions of Article VIII of this ordinance. The applicant shall provide a written statement from the governing board of the fire protection district having responsibility for structural fire protection in the area where the new dwelling or structure is to be located which states that their fire-fighting vehicles and equipment can negotiate the proposed road and driveway.*

Finding: The road access standards (Section 3.056) will be reviewed for compliance at the time an application is made to construct the dwelling. (Condition #7)

Section 3.252 Development in Areas of Geological Hazards. *Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity is submitted to the Director.*

- 1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels*

of risk and the suitability of the site for the development activity in view of such hazards.

- a) A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.*
 - b) A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Section 3.250.*
- 2. If the assessment provides a certification pursuant to Section 3.252(1)(a), the development activity may proceed without further requirements of this Section*
 - 3. If the assessment provides a statement pursuant to Section 3.252(1)(b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.*

Finding: Per DOGAMI Provisional Maps of Rapidly Moving Slides, portions of this property are identified as having a geologic hazard area, including the Applicant's proposed home site area on the leveled knoll. As a condition of approval, a geologic hazard assessment shall be provided at the time a development permit is requested. This requirement is met with the above stated condition for this application (Condition #8).

Section 7.010 Authorization to Grant or Deny Conditional Uses:

Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 7.020 through 7.050. In permitting a conditional use the County may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole. A change in use, the size of the site area of use, or a structure that is classified as conditional and in existence prior to the effective date of this ordinance shall conform to all provisions of this ordinance pertaining to conditional uses.

Finding: The authority stated above gives the County the ability, if warranted by findings of fact, to impose some or all of the conditions set forth in Section 7.040(1) below, or other conditions that may be necessary to protect the best interests of the area or the County as a whole. There are conditions applicable to this application that will be required to be satisfied at the time a development permit is requested to establish the residential dwelling on the property. This finding is met.

Section 7.040 Standards Governing Conditional Uses:

1. Conditional Uses Generally.

- a) The County may require property line set-backs or building height restrictions other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land use.*

- b) *The County may require access to the property, off-street parking, additional lot area, or buffering requirements other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land uses.*
- c) *The County may require that the development be constructed to standards more restrictive than the Uniform Building Code or the general codes in order to comply with the specific standards established and conditions imposed in granting the conditional use permit for the proposed use.*

Finding: Based on evaluation of this application, the County is not requiring additional conditions of approval related to items a) – c) in order to find the proposed use of establishing a dwelling on the property to be compatible with adjacent land uses. This requirement has been met.

- d) *If the proposed conditional use involves development that will use utility services; the applicant shall provide statements from the affected utilities that they have reviewed the applicants' proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions for providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.*

Finding: The proposed dwelling is located outside the utility service areas for water service, sewer service and structural fire protection. Electrical power is to be supplied by the Coos Curry Electric Co-Op. The applicant has provided a service provider letter from CCEC. A previously discussed under Section 3.055, an alternative means of structural fire protection will be required upon application to construct a dwelling. This requirement is met.

2. *Dwelling not served by community water or sewer service.*

- a) *A dwelling not served by community sewer may be authorized as a conditional use only after the individual sewage disposal system site has been approved in writing by the County Sanitarian or other agent authorized to regulate sewage disposal systems in the county. If the Board, Commission or Director has been informed as to a possible environmental hazard if the conditional use permit were approved, or if records show past environmental violations on the part of the applicant; the Board, Commission or Director shall request that this conditional use be reviewed by the Department of Environmental Quality and that a sewage disposal system plan shall be approved for this conditional use before the permit is granted.*

Finding: A copy of a Residential Septic Site Evaluation (246-20-000100-EVAL) for use of an onsite sewage disposal system on the subject property was submitted by the Applicant. The required individual site evaluation was approved on 7/23/2020 by Greg Alton, Regional Onsite Wastewater Specialist, Coos County DEQ, the appropriate authority for the task. This requirement is met.

- b) *A dwelling not served by community water may be authorized as a conditional use*

only after the description of the proposed method of supplying domestic water to the proposed dwelling have been approved by the decision maker. If the proposed method involves the creation of a community water system; the plans, approved by a licensed engineer, and other related documents including water rights, water quality test(s), water quantity test(s), and letters of approval from the appropriate agency shall be provided to the decision maker. If the proposed method involves the extension of an existing water supply system a statement from the agency that controls the system indicating that it can and will supply water to the proposed dwelling shall be provided to the decision maker. If the proposed water source is an individual on-site source a description of the water source and quantity of flow shall be provided to the decision maker. If the water source is to be a proposed well the applicant shall provide evidence that there is ground water available based on the well records from existing wells within 1/4 mile of the proposed well site.

Finding: The Applicant proposes use of a drilled well as a domestic water source for the requested home site and provided copies of six well log entries from OR Water Resources Dept with well test information, two of which were duplicates. The four well log entries with well test information were about ½ to 1 mile distant of the subject's proposed well site, which did not meet the specified ¼ mile requirement. These wells were drilled between 1992 and 2004, with an average depth of ~160 ft and an average yield of ~28 gallons per minute (GPM). Upon review of the OWRD's online well log, an entry (CURR_52778 for TL 3317) was found for one drilled well within the ¼ mile requirement from the subject's proposed home site. Two additional log entries (CURR_51576 on TL 3314 and CURR_51574 on TL 3314) were considered within a ½ mile given the large tracts adjoining the subject. The three wells were drilled between 2008 and 2017, yielding 0.8 to 11 GPM (average ~6 GPM) when drilled, at a depth of 150 to 320 ft (average depth ~230 ft). These well log entries provide support that ground water is available nearby. Verification of a sufficient domestic water source will be required upon application of a home site development permit (Condition #2). As conditioned, this requirement is met.

17. Uses on resource land.

- a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forestland.*

Finding: This request is for a single-family dwelling plus the implementation of associated residential activities. The Applicant submitted evidence and has proposed to comply with provisions intended to alleviate any conflicts associated with nearby forest or farming uses. A dwelling on the proposed site has been found to have minimal impact on adjacent forest or farming uses; therefore, the proposed use should not significantly deter those uses. This requirement is met.

- b) The proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.*

Finding: This requirement has been addressed in prior sections of this review. The conclusion was reached that if all conditions of approval were met for the

stated requirements and standards, danger from wildfire would be minimized. If danger from wildfire is minimized, the use should not pose a significant risk to personal involved in fire suppression, nor significantly increase the associated costs. The requirements for Fire Fighting Standards for Dwellings and Structures (Section 3.055) and Fire Safety Standards for Roads (Section 3.056) will be reviewed for compliance at the time an application is made to construct a dwelling.

c) *A written statement be recorded with the deed or written contract with the County or its equivalent shall be obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.*

Finding: As a condition of approval, a written statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules shall be recorded (Condition #9). As conditioned, this requirement will be met.

Section 7.050 Time Limit on a Permit for Conditional Uses – *Authorization of a conditional Use permit to establish a single-family dwelling in the FG zone, outside the urban growth boundary, shall become null and void after four years unless substantial construction has taken place or an extension has been granted. The county may grant an extension period of up to 12 months if the applicant makes a written request for an extension and the request is submitted to the County prior to the expiration of the approval period.*

Finding: In order to comply with Section 7.050 of the CCZO, the conditional use approval for the single-family dwelling will include a condition (Condition #10) that the approval expires if construction does not commence within four years and if an extension is not requested by the applicant and granted by the Planning Director.

V. PUBLIC COMMENTS/CONCERNS

A Notice of Application was issued to nearby property owners regarding this request for Conditional Use Approval on November 3, 2020. No written comments were received.

VI ADMINISTRATIVE DECISION AND CONDITIONS OF APPROVAL

Application AD-2017 for a Conditional Use Approval to establish a dwelling on a 161.29 acre parcel zoned Forestry Grazing (FG) located on Assessor's Index Map 3714, Tax Lot 1501 is **APPROVED** with the conditions on this date of January 13, 2021.

The Applicant has demonstrated that this request, with the imposition of the conditions listed below, will meet all applicable requirements and standards for a dwelling in the FG zone.

1. One single-family dwelling may be developed on this tract. This approval is based on siting the single-family dwelling as indicated in this application. Therefore, in order to comply with the applicable criteria and standards of the CCZO, and the recommended conditions of approval, the dwelling and any accessory structures must be sited in the

approved area proposed in this application. No change in the location of the approved area is authorized without amendment of this conditional use approval.

2. The Applicant shall provide verification of a drilled well with sufficient yield for domestic use upon application for a home site development permit.
3. The Applicant shall provide verification that the Department of Forestry restocking requirements have been met and timber restocking requirements (Section 3.053 (4) (e-i)) will be reviewed for compliance upon application for a home site development permit.
4. The approved home site is not within a structural fire protection district. The Coos Forest Protective Association will take fire suppression action only on fire in wildland type fuels. Alternative means for protecting the dwelling from fire hazards is required and must be identified on the construction plans upon application for a home site development permit. Per CCZO Section 3.055 (1):

Alternative means will include a fire sprinkling system, onsite fire suppression equipment and water storage containing at least 4,000 gallons of water. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water storage has been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

5. Fire Safety Areas shall be cleared and maintained around all structures, consistent with CCZO Section 3.055 (2a) and (2b). Fire Safety Areas are defined as:

The primary fire safety area (30ft from structure) is defined as follows: *an area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.*

The secondary fire safety area (an additional 100ft beyond the primary area) is defined as follows: *an area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.*

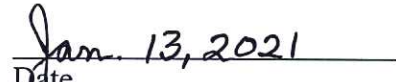
6. A proposed dwelling shall have a fire-retardant roof, all chimneys shall have approved spark arresters installed and the dwelling shall not be sited on a slope greater than 40%. Compliance with these standards will be inspected and certified by the building inspector at the time of construction.
7. Road access to the dwelling must meet Fire Safety Standards (CCZO Section 3.056). The Applicant must submit, prior to building permit issuance, a copy of a signed and notarized form, supplied by the County, stating that the private drive has been constructed and will be maintained to the standards in CCZO Section 3.056.
8. Any proposed development within a Geologic Hazards Area will require a Geologic Hazard Assessment prior to approval.

9. A written statement shall be recorded by the Applicant recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.
10. This approval will **expire four (4) years** from the date this decision becomes final unless substantial construction of the dwelling has taken place or an extension of time has been granted. Requests for extension of time shall be consistent with CCZO Section 7.050(5) and must be received by the Planning Department, in writing, with the appropriate fee, prior to the expiration date.

This decision is limited to the review of Curry County applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development.

Notice of this Administrative Decision is being sent to property owners within the statutory vicinity of this property. The applicants, or the noticed adjacent property owners, have the right to request an appeal hearing within 15 days of this decision. This decision will be final once the 15 day period has ended, provided an appeal has not been filed. Any appeal must meet the provisions of CCZO Sections 2.060(2) (b), 2.170; and 2.180.


Becky Crockett
Curry County Planning Director


Date Jan. 13, 2021