

**LAND USE PERMIT APPLICATION – BALANCE OF COUNTY
COOS COUNTY PLANNING DEPARTMENT**

COMPLETED BY STAFF	
<p>Received By: <u>MB</u></p> <p>Date Submitted: <u>12/5/19</u></p> <p>Application No.: <u>ACU-19-049</u></p> <p>Fee: <u>1479⁰⁰</u></p> <p>Fee Paid: <u>1479⁰⁰</u></p> <p>Receipt No.: <u>214445</u></p>	<p><input type="checkbox"/> COMP PLAN AMENDMENT</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p><input type="checkbox"/> TEXT AMENEDMENT</p> <p>CONDITIONAL USE REVIEW</p> <p><input type="checkbox"/> HEARINGS BODY</p> <p><input checked="" type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> LAND DIVISION *</p> <p><input type="checkbox"/> HAZARD REVIEW *</p> <p><input type="checkbox"/> FARM OR FOREST REVIEW *</p> <p><input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*</p> <p><input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY</p> <p>*Supplemental Application required</p> <p>STAFF NOTES:</p>

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: **BLAINE MESSERLE**

Mailing Address: **66151 CHURCH RD.**

City **COOS BAY** State **OR** Zip **97420**

Daytime Phone **541.269.1963**

Email: **ALLEGANYWD@GMAIL.COM**

II. OWNER(S)

Name: **BLAINE MESSERLE**

Mailing Address: **66151 CHURCH RD.**

City **COOS BAY** State **OR** Zip **97420**

Daytime Phone **541.269.1963**

Email: **ALLEGANYWD@GMAIL.COM**

III. PROPERTY - If multiple properties are part of this review please check here and attached a separate sheet with property information.

Location or Address: **10959 HIGHWAY 241 (COOS RIVER HWY)**

No. Acreage **2.58 AC.**

Tax Acct. **219104**

Township: **25** Range: **11** Section: **05 ¼** Section: **1/16** Section: Tax lot: **504**

Zone: **FOREST**

Water Service Type: **ON SITE WELL**

Sewage Disposal Type: **ON SITE SEPTIC**

School District: **COOS BAY**

Fire District: **N/A**

IV. REQUEST SUMMARY (Example: "To establish a template dwelling in the Forest Zoning District.")

CLIENT REPRESENTATIVE: Chris Hood at Stuntzner Engineering & Forestry
705 South 4th Street, Coos Bay, OR 97420 (541) 267-2872 chood@stuntzner.com

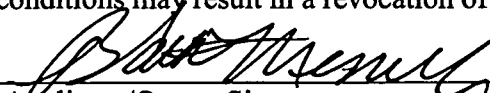
V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning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

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

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

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

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


Applicant/Owner Signature

12-2-19
Applicant/Owner Signature

APPLICANT'S EXHIBIT "A"

MESSERLE FOREST (TEMPLATE) DWELLING

LOCATED IN TOWNSHIP 25 SOUTH, RANGE 11 WEST W.M.,
SECTION 05, TAX LOT 504

Application Requirements

A. STATEMENT OF INTENT:

The purpose of this application is to request approval for a forest (Template) dwelling in the Forest (F) zone on property as described above. Evidence has been submitted below addressing the required criteria pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO).

The subject property consists of 2.58 acres (assessment records) with direct access from Coos River Highway #241. The land is covered with a mix of commercial and non-commercial tree species and natural coastal vegetation which is primarily situated upon sloped terrain. The proposed dwelling site consists of a benched area that is centrally located within the parcel (see dwelling site note below). There is currently an accessory structure that was originally part of a dwelling that for the most part has been removed. The prior residence was served by an existing paved driveway that will continue to serve the accessory structure and improvements located in the southerly portion of the property. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Water Resources Department. Sanitary sewer will be from an onsite septic system.

NOTE ON ZONING: While the subject property is zoned for forest use, based on size alone, it more resembles a rural residential parcel than a forest parcel. In other words, it is not reasonable to consider this parcel as viable for commercial forest use. However, with that said, the criteria relating to residential impacts to forest operations can and should be applied to adjacent and surrounding lands upon which commercial forest activities are likely to occur.

NOTE ON DWELLING SITE: The subject property historically contained a dwelling that was located in the southerly portion of the property in close proximity to Coos River Highway #241. For security reasons, the applicant now wishes to move the dwelling location in a northerly direction to a bench that is centrally located within the parcel.

The property is situated in a rural location at the junction of the Coos River Highway and Marlow Creek Road. Marlow Creek Road connects to Douglas County through Loon Lake and the road is often utilized as a back door by individuals that, for various reasons, do not wish to travel on standard public roads. There has been a recent history of criminal activity at this location relating to theft, vandalizing and littering. It is no longer prudent to develop in an exposed area adjacent to the state highway. The applicant is therefore proposing to develop in a

more obscure location with access from a driveway that can be secured against trespass in several locations.

There are several criteria below that address impacts to forest operation resulting from dwelling location and access development. However, this particular property is not suitable for commercial forest operations and therefore it is more reasonable to focus on impacts to adjacent and nearby tracts upon which commercial forest operations are viable.

B. PLOT PLAN:

A Plot Plan has been submitted showing all of the elements required pursuant the Coos County Land Use Permit Application.

Application Criteria and Evidence

SECTION 4.6.110(3)

b. Template Dwelling

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

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

APPLICANT'S RESPONSE: There was a prior residential dwelling on the property that has been removed with the exception of a non-residential portion that is currently utilized, and will continue to be utilized, as an accessory structure for storage. There is currently no residential dwelling on the property.

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

APPLICANT'S RESPONSE: A copy of the current deed of record has been submitted with the application showing that there are no restrictions prohibiting residential development.

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

APPLICANT'S RESPONSE: The property is composed of soils that are capable of producing more than 85 Cubic Feet, Per Acre, Per Year of Growth.

On August 20, 2019, the Coos County Planning Department issued a determination in response to a research Request by the applicant, showing that the property qualified for a Template Dwelling under the provisions of section 4.6.110(B)(3)(iii through v.) More specifically, the Department determined that there are 22 parcels and 8 dwellings that

were created prior to January 1, 1993 and are either within or touching a 160 acre template utilized for the test.

iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using 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 maximum extent possible, aligned with the road or stream. 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. However, one of the three required dwellings shall 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-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

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.

v. If a tract 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. Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

APPLICANT'S RESPONSE: The subject property consists of 2.58 acres by assessment records and therefore the provisions above (iv, 1, 2, or v) do not apply.

vi. A proposed "template" dwelling under this ordinance is not allowed if:

1) It is prohibited by or will not comply with the requirements of the acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;

APPLICANT'S RESPONSE: It is believed that there are no identified special considerations or natural hazards that preclude residential development on the subject property. Because the property qualifies with the "acknowledged provisions" of the CCZLDO, the proposed use is deemed to be in compliance with all state and local provisions of law.

2) Unless it complies with the requirements of Section 4.6.130.6 through 8 and Section 4.6.140.8 through 16.

APPLICANT'S RESPONSE: Section 4.6.130 (6)(7) have been addressed below. There is no section 4.6.130(8) contained within the CCZLDO.

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW:

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

APPLICANT'S RESPONSE: The evidence submitted throughout this application clearly indicate that the applicant will comply with all provisions intended to alleviate any potential conflicts associated with nearby farm or forest uses. It is therefore reasonable to conclude that the use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest land.

2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

APPLICANT'S RESPONSE: The applicant has addressed the statutory development standards, and the fire siting and safety standards, and has agreed to comply with those standards. Therefore, a reasonable conclusion can be made that the proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.

3. All uses must comply with applicable development standards and fires siting and safety standards.

APPLICANT'S RESPONSE: As a "Requirements of Approval" pursuant to this application, the property owner shall be responsible for implementing and maintaining all development and fire siting standards.

4. A "Forest Management Covenant", which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and shall be recorded in the deed records of the County prior to any final County approval for uses authorizing any type of residential use in the Forest and Forest Mixed Use zones. There may be other criteria listed that applies to individual uses.

APPLICANT'S RESPONSE: As a "Requirement of Approval" to this application, the applicant will be responsible for recording a deed covenant or written contract with the County Clerk, or its equivalent, that 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.

5. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed home site. 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. These criteria 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.

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.

APPLICANT'S RESPONSE: The proposed dwelling will be generally located in the center of the property so that there will be a considerable buffer from adjacent forest lands. The dwelling is intentionally being located to have the least impact on forest activities occurring on nearby or adjoining properties. There are no agricultural uses occurring on nearby or adjoining lands.

ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

APPLICANT'S RESPONSE: The subject property contains 2.58 acres. While the subject property is zoned for forest use, based on size alone, it more resembles a rural residential parcel than a forest parcel. In other words, it is not reasonable to consider this parcel as being viable for commercial forest use (AKA Forest Operations). However, with that said, the criteria relating to residential impacts to forest operations can and should be applied to adjacent and surrounding lands upon which commercial forest operations are likely to occur.

iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. And

APPLICANT'S RESPONSE: The subject property historically contained a dwelling that was located in the southerly portion of the property in close proximity to Coos River Highway #242. For security reasons, the applicant now wishes to move the dwelling location in a northerly direction to a bench that is centrally located within the parcel.

The property is situated in a rural location at the junction of the Coos River Highway and Marlow Creek Road. Marlow Creek Road connects to Douglas County through Loon Lake and the road is often utilized as a back door by individuals that, for various reasons, do not wish to travel on standard public roads. There has been a recent history of criminal activity at this location relating to theft, vandalizing and littering. It is no longer prudent to develop in an exposed area adjacent to the state highway. The applicant is therefore proposing to develop in a more obscure location with access from a driveway that can be secured against trespass in several locations.

With that said, there is currently no access within the parcel that can be utilized for any type of forest operations that may occur. Therefore the proposed driveway can be utilized residential for forestry access. Due to topography, the driveway is situated in the only practical location where it meets county driveway standards.

iv. The risks associated with wildfires are minimized.

APPLICANT'S RESPONSE: The applicant will comply with all statutory fire siting and safety requirements to assure that risks associated with wildfires are minimized.

b. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:

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.

ii. A water use permit issued by the Water Resources Department for the use described in the application. Or

iii. 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.

APPLICANT'S RESPONSE: The domestic water source will be from an onsite well that is exempt under Oregon Department of Water resources regulations.

6. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

APPLICANT'S RESPONSE: Access to the subject property is via Coos River Highway 241, a fee title State Highway. The primary access does not cross a road that is owned or maintained by ODF, BLM, or USFS.

7. Approval of a dwelling shall be subject to the following additional requirements:

a. Approval of a dwelling requires the owner 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, 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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.

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 the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and 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 pursuant to ORS 321.372.

APPLICANT'S RESPONSE: The subject property contains 2.58 acres and therefore these criteria do not apply.

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.

APPLICANT'S RESPONSE: Sub Section 7(e) shall be imposed upon the property owner as "Requirements of Approval" pursuant to this application. The property owner shall be responsible for recording the required non-remonstrative deed restriction.

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.

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;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

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;

APPLICANT'S RESPONSE: The property owner at the time of development shall comply with any alternative fire suppression requirements deemed necessary by the Planning Director.

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

APPLICANT'S RESPONSE: There is no water diversion proposed for fire suppression other than from the applicant's domestic water source. The domestic water source is from an on-site well which is exempt from permitting under the Oregon Department of Water Resources regulations.

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.

APPLICANT'S RESPONSE: There is currently no body of water or stream available for fire suppression purposes.

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.

APPLICANT'S RESPONSE: The property owner at the time of development shall construct 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.

APPLICANT'S RESPONSE: There is no existing pond, swimming pool, stream or lake available for fire suppression.

10. Firebreak:

a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.

b. 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.

APPLICANT'S RESPONSE: The owner at the time of development shall establish and maintain a primary firebreak as described in subsection (b) around all structures, including decks.

c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

APPLICANT'S RESPONSE: The owner shall maintain a garden hose capable of reaching the perimeter of the primary safety zone at all times.

d. 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.

<i>Table 1 – Minimum Primary Safety Zone Slope</i>	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

APPLICANT'S RESPONSE: While the dwelling will be situated on the benched area that is generally flat. The owner at the time of development will be responsible for maintaining a 30 foot minimum primary fire break in perpetuity.

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.

APPLICANT'S RESPONSE: All new and replacement structures will use non-combustible or fire resistant roofing materials 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).

APPLICANT'S RESPONSE: There is currently no water source exceeding 4000 gallons existing on the subject property.

13. The dwelling shall not be sited on a slope of greater than 40 percent.

APPLICANT'S RESPONSE: The dwelling will be sited on a bench area that is relatively flat, and does not contain slopes that exceed 10 percent in any direction.

14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

APPLICANT'S RESPONSE: If the proposed 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.

APPLICANT'S RESPONSE: The subject property is not located within a rural fire protection district. The fire district nearest to the subject property is the Timber Park Rural Fire Protection District which is covered by the City of Coos Bay Fire Department. The applicant has made a request to the City of Coos Bay Fire Department for inclusion to that district and a letter is attached from Coos Bay Fire Chief, Mark Anderson, in response to the applicant's request.

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.

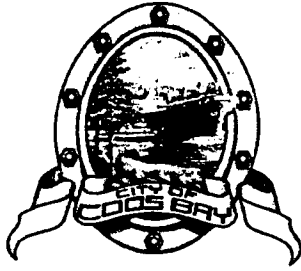
APPLICANT'S RESPONSE: The property is accessed by State Highway #241 which is constructed to provide adequate access for firefighting equipment.

17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

APPLICANT'S RESPONSE: The applicant will meet the road and driveway standards of Chapter VII.

MESSERLE FOREST (TEMPLATE) DWELLING PLOT PLAN
LOCATED IN T.25, R.11, S.05, TL 504





City of Coos Bay Fire Department

450 Elrod Avenue Coos Bay, Oregon 97420 • (541) 269-1191

November 13, 2019

Mr. Blaine Messerle,

I have reviewed your request to have your property with the legal description of Township 25, Range 11, Section 05, Tax Lot 504 (located near the intersection of Coos River Highway and Marlow Creek Rd.) annexed into the Timber Park Rural Fire Protection District.

The Timber Park Rural Fire Protection District contracts with the City of Coos Bay for fire protection and EMS services. The district extends eastward along Coos River Highway from the Chandler Bridge to mile post 7, roughly 5 miles short of your property.

While there has been a recent interest in properties along Coos River Highway joining the Timber Park Rural Fire Protection District, unless all properties contiguous with the district boundaries petition to join the district, your property is too far outside of the district to be considered for annexation. The Timber Park Rural Fire Protection District may reconsider your petition if the district boundary is extended closer to your property.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Anderson".

Mark Anderson, Fire Chief
City of Coos Bay

RECORDING REQUESTED BY:



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

GRANTOR'S NAME:
John Knutson and Judy Knutson

GRANTEE'S NAME:
Blaine R. Messerle

AFTER RECORDING RETURN TO:
Order No.: 360619027707-SL
Blaine R. Messerle
66151 Church Rd
Coos Bay, OR 97420

SEND TAX STATEMENTS TO:
Blaine R. Messerle
66151 Church Rd
Coos Bay, OR 97420

APN: 219104
Map: 25S 11W 05 TL 504
VL 25S 11W 05 TL 504, Coos Bay, OR 97420

Coos County, Oregon	2019-06316
\$106.00 Pgs=5	07/19/2019 03:43 PM
eRecorded by: TICOR TITLE COOS BAY	
Debbie Heller, CCC, Coos County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

John Knutson and Judy Knutson, as their interests may appear, Grantor, conveys and warrants to Blaine R. Messerle, 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:

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$65,000.00). (See ORS 93.030).

Subject to:

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

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

STATUTORY WARRANTY DEED
(continued)

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

Dated: July 17, 2019

[Signature]
John Knutson

[Signature]
Judy Knutson

State of Oregon

County of COOS

This instrument was acknowledged before me on July 17, 2019
by John Knutson and Judy Knutson.

[Signature]
Notary Public - State of Oregon

My Commission Expires: July 15, 2022



EXHIBIT "A"
Legal Description

A parcel of land located in Section 5, Township 25 South, Range 11 West of the Willamette Meridian, Coos County, Oregon and lying West of the Marlow Creek Road Right-of-way, North of the Coos River Highway Right-of-way and East of the following described line:

Beginning at the Northeast corner of the NW 1/4 of the NE 1/4 of Section 5, Township 25 South, Range 11 West of the Willamette Meridian, Coos County, Oregon; thence South 4° 33' 40" West 1055.21 feet to the true point of beginning, said point being a point on the Westerly right-of-way line of Marlow Creek Road which is South 49° 24' 26" West 95.00 feet and North 01° 23' 30" East 17.22 feet from right-of-way centerline Station 10+60.70; thence South 26° 12' 35" West 331.03 feet; thence; South 22° 37' 01" East 175.22 feet to a point on the Westerly right-of-way line of Coos River Highway which is North 32° 54' 38" West 125.00 feet and North 75° 23' 59" East 43.31 feet from right-of-way centerline Station 136+50.00 and the terminus of the adjusted line.

EXCEPTING THEREFROM ANY PORTION lying within that parcel conveyed to the State of Oregon by and through its State Highway Commission by deed recorded December 16, 1969 as instrument no. 69-12-44628, Records of Coos County, Oregon.

ALSO EXCEPTING THEREFROM ANY PORTION lying within that parcel conveyed to the State of Oregon, State Board of Forestry by deed recorded May 31, 1983 as instrument no. 83-2-3646, Records of Coos County, Oregon.

EXHIBIT "B"
Exceptions

Subject to:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, alley and highways.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: William Vincamp
Recording Date: August 16, 1881
Recording No: Book 6, Page 340

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

Granted to: Buehner Lumber Company, an Oregon corporation
Recording Date: February 5, 1917
Recording No: Book 74, Page 511

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

Granted to: State of Oregon, State Board of Forestry
Recording Date: September 10, 1956
Recording No: Book 253, Page 374
And modification recorded 09051958 in Book 267, Page 310

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

Granted to: Oscar Lundberg and Signa Lundberg, husband and wife
Recording Date: May 24, 1957
Recording No: Book 258, Page 350

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
and

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Recording Date: December 16, 1968
Recording No: 69-12-44628

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

Granted to: General Telephone Company
Recording Date: August 22, 1972
Recording No: 72-8-75242

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

Granted to: Pacific Power & Light Company
Recording Date: November 16, 1972
Recording No: 72-11-78961

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

Granted to: Pacific Power & Light Company
Recording Date: June 16, 1980
Recording No: 80-2-7684

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

Recording Date: May 31, 1983
Recording No: 83-2-3646

12. A lease and assignment, with certain terms, covenants, conditions and provisions set forth therein.

Recording Date: May 3, 1985
Recording No: 85-2-5842

And
Recording Date: July 7, 1986
Recording No: 86-3-2408

13. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Lyle L. McGuire and Maxine McGuire
Recording Date: February 27, 1987
Recording No: 87-2-0547

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

Recording Date: October 10, 1989
Recording No: 89-10-0562

EXHIBIT "B"
Exceptions

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

Recording Date: July 11, 2003
Recording No: 2003-10254