



Coos County Land Use Permit Application

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS 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-21-002

Date Received: 1/6/21 Receipt #: 220964 Received by: MB

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

LAND INFORMATION

A. Land Owner(s) Bandon Land Management LLC c/o Kevin Wendelburg

Mailing address: PO Box 72177, Newnan GA 30271-2177

Phone: (251) 269-6766

Email: kevin@relaxonthebeach.com

Township: 26S Range: 14W Section: 32 ¼ Section: Select 1/16 Section: Select Tax lots: 401

Select Select Select Select Select

Tax Account Number(s): 587503

Zone: Select Zone Forest Mixed Use (FMU)

Tax Account Number(s)

Please Select

B. Applicant(s) Kevin Wendelburg

Mailing address: See Above

Phone: See Above

C. Consultant or Agent: Hailey Sheldon

Mailing Address Sheldon Planning LLC, 444 N 4th Street, Coos Bay OR 97420

Phone #: (541) 968-4686

Email: hailey@sheldonplanning.co

Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

- Administrative Conditional Use Review - ACU
- Hearings Body Conditional Use Review - HBCU
- Variance - V

- Land Division - P, SUB or PUD
- Family/Medical Hardship Dwelling
- Home Occupation/Cottage Industry

Special Districts and Services

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

Sewage Disposal Type: On-Site Septic

School District: Bandon

Fire District: Bandon 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](#)

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

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

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

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

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



Coos County Planning Department

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

FILE # PA-20-002

DATE: October 29, 2020

APPLICANT: Kevin Wendelburg
BANDON LAND MANAGEMENT LLC
PO BOX 72177
NEWNAN, GA 30271-2177

ATTORNEY: Adam Gould, Gould Law Firm PC
243 W. Commercial
PO Box 29
Coos Bay, OR 97420

AGENCIES/DEPARTMENT: Hui Rodomsky, Department of Land Conservation and Development (DLCD)
Shaun Gibbs, South Coast Development Council, Inc
Nathaniel Johnson, County Counsel
John Rowe, Coos County Roadmaster
Craig Zanni, Sheriff
Rick Hallmark, Coos Health & Wellness
Micah Horowitz, Oregon Department of Transportation (ODOT)
Oregon Department of Forestry
Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians
Coquille Indian Tribe

REQUEST: Discuss the possibilities of rezoning the property from Forest to Recreational.

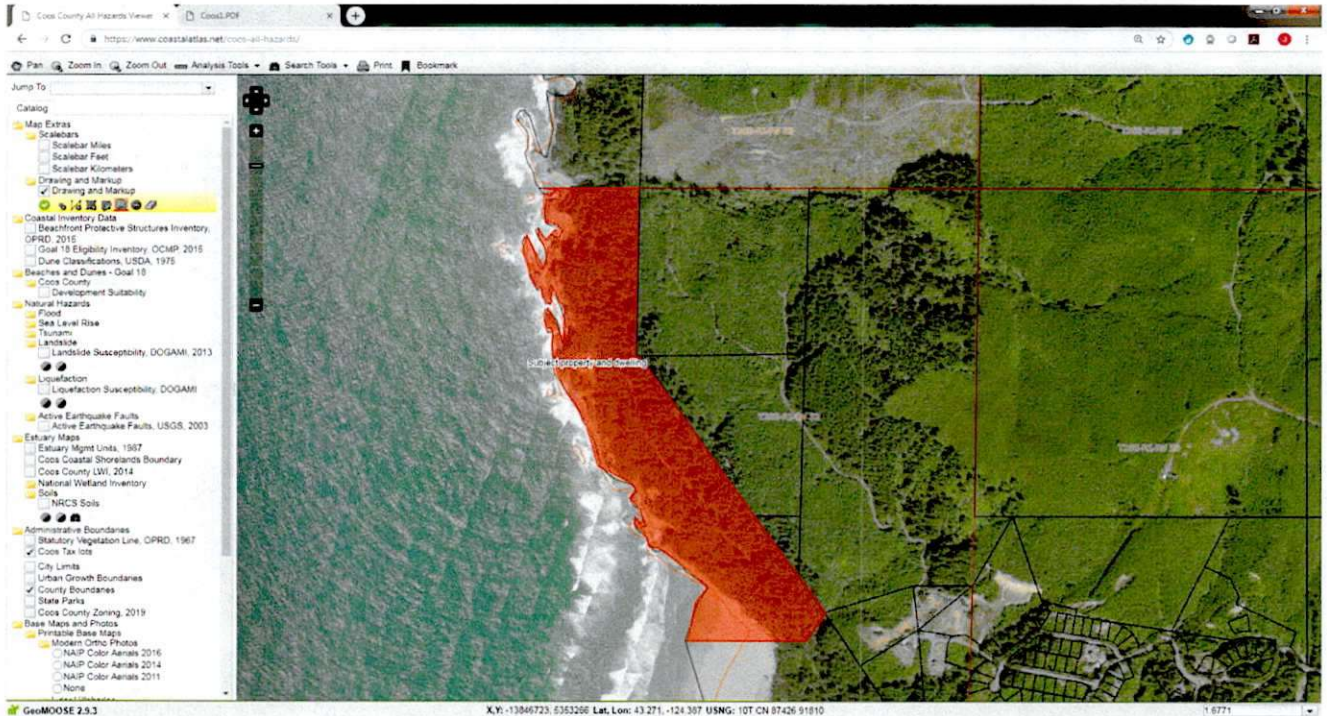
PROPERTY INFORMATION:

Account Number: 587503
Map Number: 26S143200-00401
Situs Address: 88515 PACIFIC SURF LN BANDON, OR 97411
Acreage: 54.25 Acres
Zone: FOREST (F)
Special Development
Considerations and Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
HEADLAND EROSION /OCEAN WAVES (HZH)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EROSION - COASTAL EROSION (NHERC)
NATURAL HAZARD - TSUNAMI (NHTHO)

Note: No structural development is proposed at this time.

Subject property:

ATTACHMENT E - Pre-Application Meeting Notes



Current zoning of area to be rezoned:

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.

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.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

Proposed zoning of area to be rezoned:

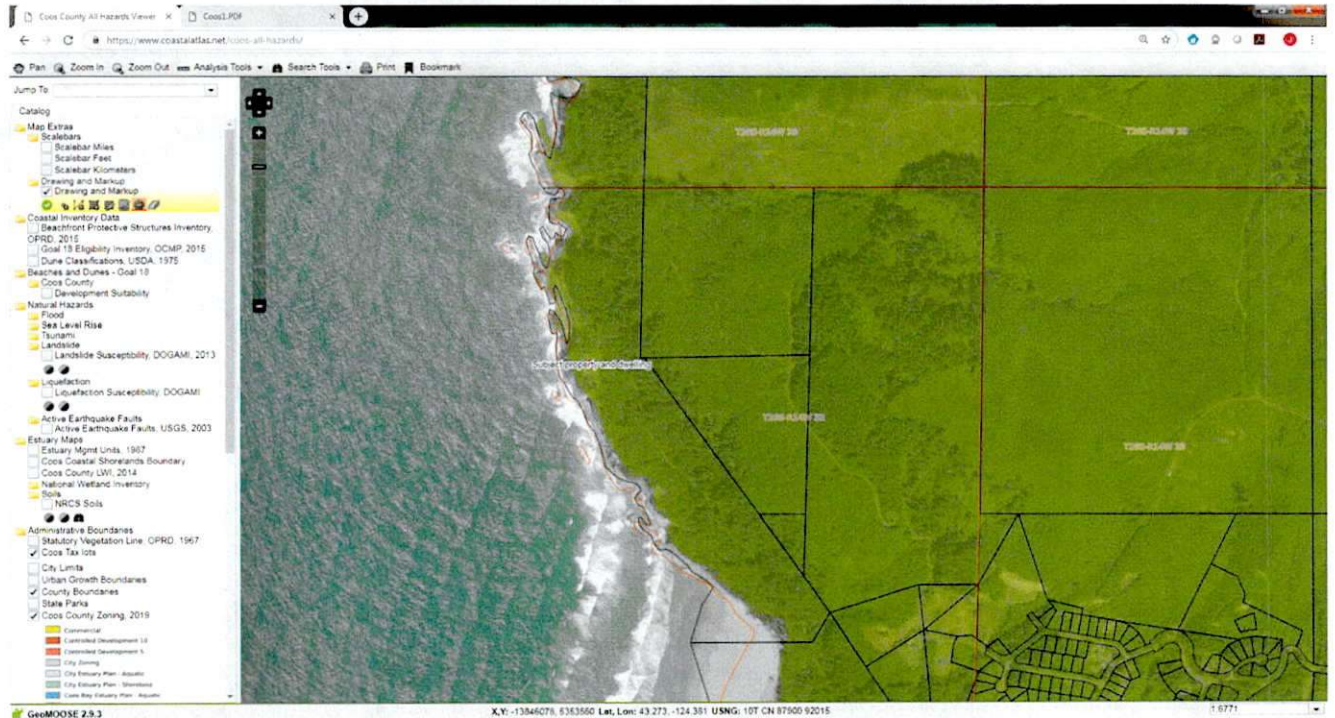
Recreation (REC)

The intent of the Recreation District is to designated recreation areas. The purpose of the "REC" district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to

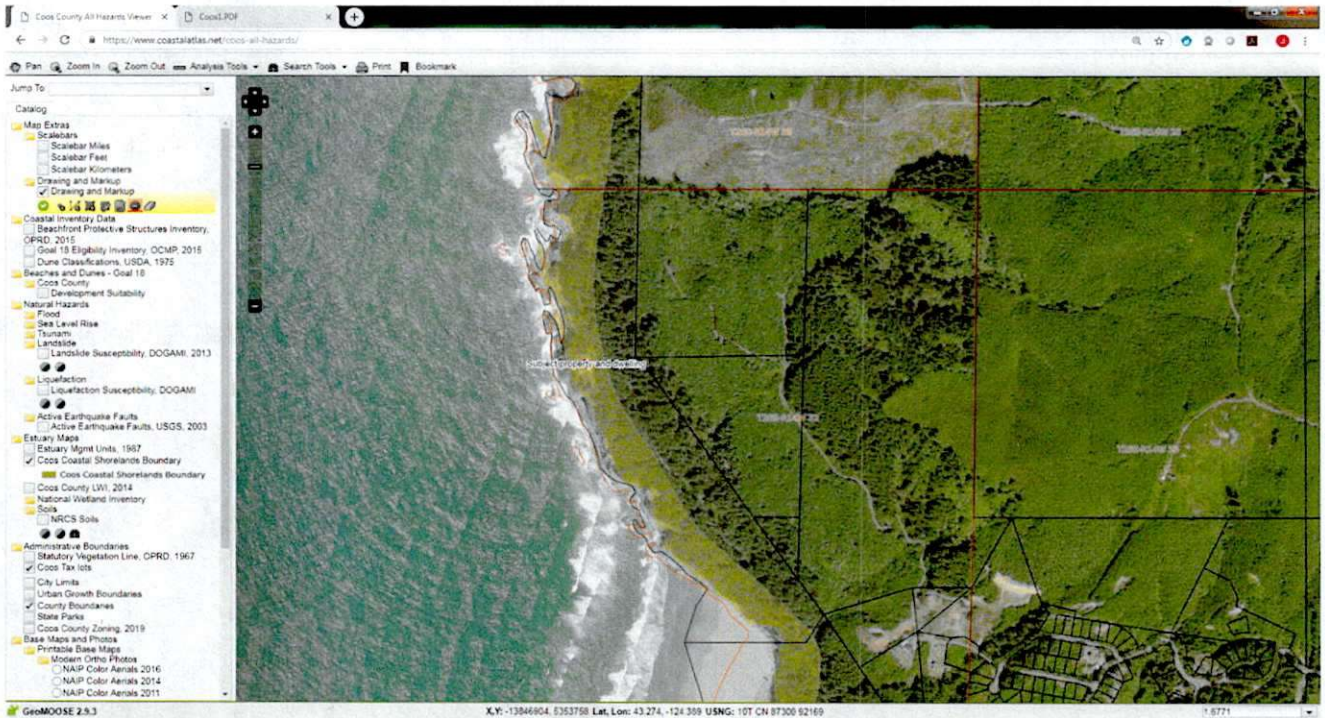
areas designated as “Recreation” in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County’s Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

Zoning shows that all units of land surrounding this property are zoned Forest.



Coastal Shoreland Boundary:



Lawfully Created Parcel: In 1997 it was determined that there were lawfully created units of land in the form of government lots that existed and a multi property line adjustment was completed which is how the legal configuration was approved.

Background: In 1986 a conditional use was approved for a Dwelling in conjunction with a forest use referred to as necessary and accessory. The statute and ordinances were amended in 1993 changing the type of approval for forest dwellings. Furthermore, the property used in this approval had an acreage of 292.24 acres and consisted of multiple tax lots. The lawfully created unit of land was not completed until 1997 followed by a property line adjustment changing the acreage to 54.25. This dwelling is considered a legal non-conforming dwelling.

Access to the property is from a private easement off of a public dedicated road (Pacific Surf Lane).

An alleged violation complaint was filed on this property regarding using the dwelling as a Bed and Breakfast or Vacation Rental without land use permits. The Planning Department notified the property owner that land use permits, parking permits and health permits were required to have a vacation rental. The Forest Zone does not permit a vacation rental which is why the applicant submitted a pre-application to discuss the permitting process to allow for a vacation rental and wedding venue. If the dwelling cannot be used under the current zoning then the property owner would like to rezone the property to a recreational zone. This property is within the Coastal Shore Land Boundary and either zone will be compatible.

Soils: According to the USDA Web Soil Survey layer and the July 1989 Coos County Soil Survey the properties soils consist of Templeton silt loam, 30 to 50 percent slopes.

54D-Templeton silt loam, 7 to 30 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 70 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 Salander soils. 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 medium, and the hazard of water erosion is moderate. This unit is used mainly for timber production and wildlife habitat. It is also used for livestock grazing and homesite development.

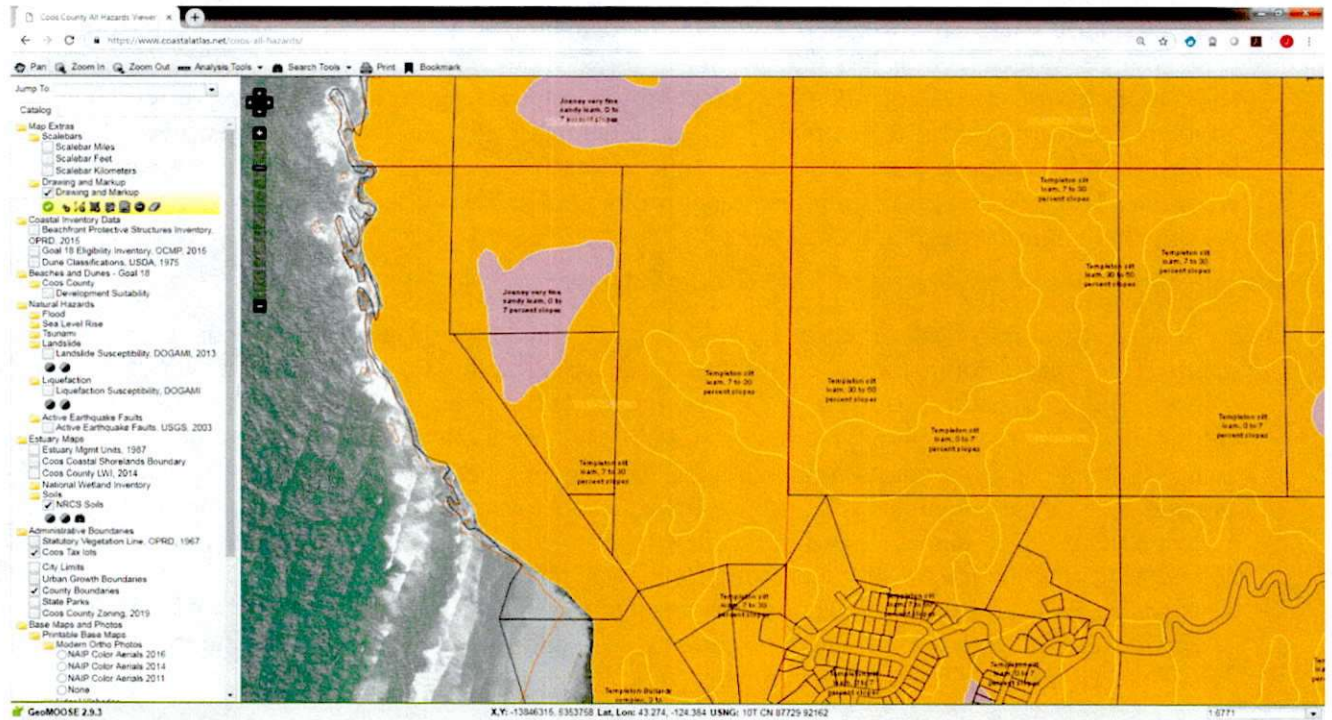
This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, Sitka spruce, grand fir, and red alder. The understory vegetation is mainly vine maple, thimbleberry, creambush oceanspray, red huckleberry, western swordfern, and Pacific trillium. 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. The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.

Proper design of road drainage systems and care in the placement of culverts help to control erosion. 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 gulying unless they are provided with adequate water bars or are protected by plant cover, or both. Sitka spruce, a shallow rooted species, commonly 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, Douglas fir, and western hemlock seedlings.

This unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition.

If this unit is used for homesite development, the main limitations are slope and depth to bedrock. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep. Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass VIe



Post Discussion: Staff provided the following suggestions as part of the discussion.

1. Show that the property has been used as a vacation rental prior to 1986;
2. File a conditional use to change the non-conforming use from a vacation home/single family dwelling to a short term rental and accessory wedding venue; or
3. Rezone the property to a recreational zone. This will involve goal exceptions to specifically Statewide Planning Goals 3 & 4.

At the meeting options two and three were discussed. It is up to the applicant to choose which option is best as the burden of proof rests with the applicant. Mr. Gould made a valid point that the proposal falls within the objectives of the Coastal Shoreland Boundary. The issues are the underline zoning of Forest Mixed Use.

Attached are the responses from Coos Health and Wellness and Department of Land Conservation and Development. Below are the criteria for the nonconforming and rezone options.

Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance). The current Ordinance was enacted on January 1, 1986.

ARTICLE 5.6 nonconforming

Section 5.6.100 Nonconforming Uses:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with

state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

1. A change in the use of no greater adverse impact to the neighborhood; and
2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

Section 5.6.105 Exceptions to restoration or replacement of nonconforming uses:

Restoration or replacement of any use described in Section 5.6.100 may be permitted outright when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this Section, restoration or replacement shall be done in compliance with any Special Development Considerations of Article 4.11 that apply to the property.

Section 5.6.110 Interruption or Abandonment of Nonconforming Uses:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

Section 5.6.115 Surface Mining:

Surface mining use continued under Section 5.6.100 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
2. The surface mining use was not inactive for a period of 12 consecutive years or more.
3. For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

Section 5.6.120 Alterations, repairs or verification:

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

Section 5.6.125 Criteria for Decision:

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
3. Other provisions of this ordinance, such as property development standards, are met.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time

the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

Section 5.6.130 General Exceptions to Minimum Property Size Requirements:

If a single parcel, lot or contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the property size requirements of the zone in which the property is located, such lots or units may be occupied by a use permitted in the zone.

1. Nothing in this ordinance shall be interpreted to limit the conveyance of such lots or contiguous units of land, provided that such holdings are sold as a single ownership.
2. Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on such lots or units or the sale of such lots or units within subdivisions or land partitioning approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.

REZONE

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

**

SECTION 5.1.220 Process for Rezones:

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:

- a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
 - b. The development of the site must conform to certain specified standards; or
 - c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
 - ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
 - iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
 - iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

SECTION 5.1.235 Board of Commissioners Action on Hearings Body Recommendation:

Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:

1. adopt the Hearings Body recommendation for approval or approval with conditions;
2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;
3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

SECTION 5.1.240 Requirements for "Q" Qualified Classification:

Where limitations are deemed necessary, Board of Commissioners may place the property in a "Q" Qualified rezoning classification. Said "Q" Qualified Classification shall be indicated by the symbol "Q" preceding the proposed zoning designation (for example: Q C-1).

SECTION 5.1.250 Permits and Applications Moratorium:

1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
 - a. Withdrawal of the application by the applicant;

- b. Expiration of the County's appeal period without an appeal having been filed; or
 - c. Final order of Board of Commissioners upon hearing the appeal.
2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:

1. The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and /or Forest Land under Statewide Planning Goal 4.

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;
3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.
4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.
5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.
6. If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.
7. The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.

Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.

8. Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use.

Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.

Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)

Links to the Oregon Statewide Planning Goals:

[Goal 2](#)

[Goal 3](#)

[Goal 4](#)

[Goal 8](#)

[Goal 17](#)

If you have any questions please call at 541-396-7770, e-mail planning@co.coos.or.us, mail to 250 N. Baxter, Coquille, OR 97423 or visit us at the office 225 N. Adams St.

Amy Dibble.

Amy Dibble, Planner II

Attached: Application

Recording requested by
Ticor Title Company
300 W. Anderson
Coos Bay, OR 97420

Coos County, Oregon **2019-11882**
\$116.00 Pgs=7 12/27/2019 03:01 PM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

AFTER RECORDING RETURN TO:
Bandon Land Management, LLC
PO Box 72177
Newnan, GA 30271

ALL TAX STATEMENTS SHALL BE SENT TO:
Bandon Land Management, LLC
PO Box 72177
Newnan, GA 30271

RE-RECORD COVER SHEET - Please print or type information

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

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

RE-RECORDED AT THE REQUEST OF Ticor Title Company
TO CORRECT The legal description now attached as **Corrected Legal Description**
PREVIOUSLY RECORDED AS MICROFILM #2019-10952

DOCUMENT TITLE(S)

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

Statutory Warranty Deed

NAME(S) of DIRECT party(s):

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

Dennis C. Beetham and Brent Beetham and Melanie D. Beetham
And SB Southern LLC

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

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

Bandon Land Management, LLC

LIEN DOCUMENTS: Amount of lien \$N/A

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

True and Actual Consideration Paid \$2,950,000.00

ATTACHMENT F - Deed to Subject Property

RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360619029109-DM
Bandon Land Management, LLC
PO Box 72177
Newnan, GA 30271

SEND TAX STATEMENTS TO:

Bandon Land Management, LLC
PO Box 72177
Newnan, GA 30271

APN: 587503
587100
7485800
Map: 26-14-32 TL 601
26-14-29 TL600
26-14-33CA TL 600

Coos County, Oregon **2019-10952**
\$106.00 Pgs=5 12/03/2019 10:18 AM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dennis C. Beetham and Brent Beetham and Melanie D. Beetham and SB Southern LLC, Grantor, conveys and warrants to Bandon Land Management, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

PARCEL 1:

Government Lot 5, Section 29, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO: Beginning at the quarter corner common to Sections 29 and 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence running South 01° 09' 33" West 1278.63 feet along the East line of Government Lot 1 of said Section 32 to a 5/8 inch iron rod set at the Southeast corner of said Government Lot 1; thence South 34° 57' 04" East 2490.08 feet to a 5/8 inch iron rod; thence South 30° 16' 57" West 263.80 feet to a 5/8 inch iron rod; thence West 131.00 feet, more or less, to the Westerly boundary of Government Lot 4 of said Section 32; thence Northwesterly along the Westerly boundaries of Government Lots 4, 3, 2 and 1 of said Section 32 to the North line of said Government Lot 1; thence East 576.00 feet, more or less, along said North line to the point of beginning.

PARCEL 2:

10, Block 1, PLAT OF SANSARIA, Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION NINE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,950,000.00). (See ORS 93.030).

Subject to:

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

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



STATUTORY WARRANTY DEED
(continued)

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

Dated: November 25, 2019

[Signature]
Dennis C. Beetham

[Signature]
Brent Beetham

[Signature]
Melanie D. Beetham

[Signature]
SB Southern, LLC

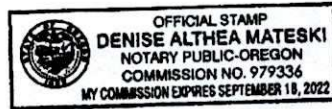
BY: [Signature]
Steve Beetham
Member

State of Oregon
County of Coos

This instrument was acknowledged before me on 12-2-19 by Dennis C. Beetham.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 9-18-22

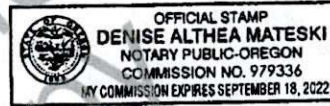


State of Oregon
County of Coos

This instrument was acknowledged before me on 12-2-19 by Brent Beetham and Melanie D. Beetham.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 9-18-22



State of Oregon
County of Coos

This instrument was acknowledged before me on 12-2-19 by Steve Beetham as member of SB Southern, LLC.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 9-18-22

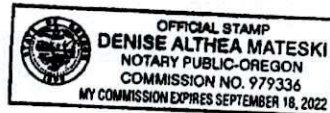


EXHIBIT "A"
Exceptions

Subject to:

The Land has been classified as Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Affects: 587503 26-14-32 401

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Pacific Ocean.

Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thornton v. Hay, 254 Or 584, 452 P2d 671 (1969).

Rights of the public, riparian owners and governmental bodies in that portion of the subject land lying in wetlands.

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Mussell Creek and Cave Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Mussell Creek and Cave Creek.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Mussell Creek and Cave Creek.

Easements, conditions, restrictions and notes as delineated on the recorded plat of Sansaria.

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 24, 1968
Recording No: 68-6-29491

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: A. W. Sweet
Recording Date: June 10, 1985
Recording No: 85-2-7840

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc
Recording Date: September 12, 1986
Recording No: 86-4-6610

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc
Recording Date: September 12, 1986
Recording No: 86-4-6613

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Frank P. Pekny and Helen Pekny
Recording Date: December 31, 1997
Recording No: 92-12-1212

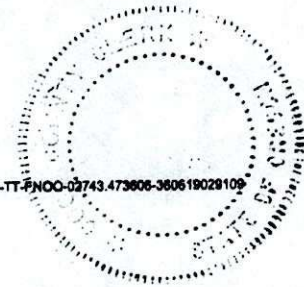


EXHIBIT "A"
Exceptions

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Frank P. Pekny and Helen C. Pekny, husband and wife
Recording Date: December 31, 1997
Recording No: 97-12-1210

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 31, 1997
Recording No: 97-12-1213

Easement Agreement(s) and rights incidental thereto, as granted in a document:

Between: Melvin L. McDugal and Francis L. Carrington
Recording Date: May 19, 1998
Recording No: 98-05-0767

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Frank P. Pekny
Recording Date: May 19, 1999
Recording No: 1999-6074

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 14, 2000
Recording No: 2000-3615

Liens and charges as set forth in the above mentioned declaration,
Payable to: Sansaria Owners' Association

NOTE: Memorandum provided to this office - see copy for full particulars.

Liens and charges as set forth in the above mentioned declaration,
Payable to: Sansaria Club

Affidavit of Correction

Recording Date: January 8, 2001
Recording No: 2001-192

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 31, 2005
Recording No: 2005-7673

Liens and charges as set forth in the above mentioned declaration,
Payable to: Sansaria Owners' Association

By-laws of Sansaria Owners' Association

Recording Date: May 31, 2005
Recording No.: 2005-7674

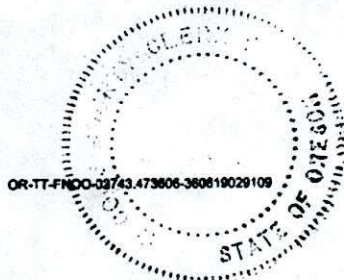


EXHIBIT "A"
Exceptions

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 31, 2005
Recording No: 2005-7675

Liens and charges as set forth in the above mentioned declaration,
Payable to: Sansaria Owners' Association

NOTE: Memorandum provided to this office - see copy for full particulars.

General Judgment Declaring Easement for Beach Access Roadway and Parking Area, including the terms and provisions thereof

Between: Sansaria Owners' Association and Jim Deatherage
Recording Date: July 18, 2011
Recording No: 2011-5623

Unofficial
Copy

STATE OF OREGON
COUNTY OF COOS

I hereby certify that instrument #2019-18952, recorded on 12/3/2019, consisting of 5 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

12/16/2019


Tammy Dalton - Chief Deputy

CORRECTED LEGAL DESCRIPTION

Order No.: 360619029109

PARCEL 1:

Government Lot 5, Section 29, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO: Beginning at the quarter corner common to Sections 29 and 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence running South $01^{\circ} 09' 33''$ West 1278.63 feet along the East line of Government Lot 1 of said Section 32 to a 5/8 inch iron rod set at the Southeast corner of said Government Lot 1; thence South $34^{\circ} 57' 04''$ East 2490.08 feet to a 5/8 inch iron rod; thence South $30^{\circ} 16' 57''$ West 263.80 feet to a 5/8 inch iron rod; thence West 131.00 feet, more or less, to the Westerly boundary of Government Lot 4 of said Section 32; thence Northwesterly along the Westerly boundaries of Government Lots 4, 3, 2 and 1 of said Section 32 to the North line of said Government Lot 1; thence East 576.00 feet, more or less, along said North line to the point of beginning.

PARCEL 2:

Lot 10, Block 1, PLAT OF SANSARIA, Coos County, Oregon.

Unofficial
Copy

Return after recording to:
Foss, Whitty, Littlefield & McDaniel
P. O. Box 1120
Coos Bay, OR 97420

Send tax statements to:
Larry D. Olson
700 Prot Avenue
St. Helens, OR 97051

Consideration: \$2,342,275.00

RECORDING # 96010134
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at
2:17 PM ON 01/04/1996
By M. BRIGHT Deputy
pages 6 Fee \$ 58.00



WARRANTY DEED

GEORGES C. ST. LAURENT, Jr., Grantor, conveys and warrants to
LARRY D. OLSON, Grantee, the following described real property in
Coos County, Oregon, free of encumbrances except as specifically
set forth herein:

See Exhibit "A" attached hereto and by this reference made a
part hereof.

Subject to and excepting:

All those shown on Exhibit "B" attached hereto and by this
reference made a part hereof.

THIS INSTRUMENT WILL 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 APPROVED
USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 4th day of January, 1996



George C. St. Laurent, Jr.
George C. St. Laurent, Jr.

STATE OF OREGON)
County of Coos) ss.

This instrument was acknowledged before me on January 4th,
1996, by Georges C. St. Laurent, Jr.

Janet M. Rubin
Notary Public for Oregon

AFTER RECORDING
RETURN TO
Ticor Title Insurance
181 N 3rd - Box 1075
Coos Bay, OR 97420-0233

to

Deed from Georges C. St. Laurent, Jr., to Larry Olson

LEGAL DESCRIPTION

PARCEL 1:

A portion of Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Government Lot 5, Section 29; Government Lots 1, 2 and 3, Section 32; the NW 1/4 of the NE 1/4 of Section 32; the East 1/2 of the NE 1/4 of Section 32.

A portion of the NE 1/4 of the SE 1/4 of Section 32 described as follows: Beginning at the Northeast corner of the NE 1/4 of the SE 1/4; thence South along the East line of the NE 1/4 of the SE 1/4, to the Southeast corner thereof; thence Northwestwardly, in a straight line, to the Northwest corner thereof; thence East along the North line of the NE 1/4 of the SE 1/4, to the point of beginning.

That portion of the NW 1/4 of the SW 1/4 of Section 33 lying North and West of the Plat of First Addition to Sansaria, Coos County, Oregon.

That portion of the NE 1/4 of the SW 1/4 of Section 33 lying North of Seven Devils County Road, lying North of the Plat of Sansaria and the Plat of First Addition to Sansaria, and North of the roadway easement between the said Plats as shown on the Plat of First Addition to Sansaria.

EXCEPT that portion conveyed to John H. Bergen and Carolyn B. Stocassell in instrument recorded November 8, 1968, bearing Microfilm Reel No. 68-11-32773, Records of Coos County, Oregon, described as follows: Lot 17, beginning at a point located North 1823.57 feet and East 860 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 40 feet to the true point of beginning of the following described tract; thence South 69° 00' West 87.62 feet; thence North 46° 20' West 108.42 feet to the South line of Surfview Plaza; thence along said South line North 43° 40' East 48 feet; thence along a curve to the right having a radius of 110 feet for an arc distance of 48.64 feet; thence North 69° 00' East 44 feet; thence leaving said South line running South 21° 00' East 130 feet to the true point of beginning.

ALSO EXCEPTING that portion conveyed to Agnes M. Peyton in instrument recorded January 8, 1969, bearing Microfilm Reel No. 69-01-35288, Records of Coos County, Oregon, described as follows: Lot 18, beginning at a point located North 1823.57 feet and East 860 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 127.63 feet; thence South 27° 39' 30" East 110.38 feet to the North line of Surfview Blvd.; thence along the said North line, through a curve to the right having a radius of 415.00 feet for an arc length of 110 feet; thence leaving the said North line, North 17° 40' 40" West 133.61 feet to the point of beginning.

ALSO EXCEPTING that portion conveyed to Laurel Johnson in instrument recorded January 16, 1969, bearing Microfilm Reel No. 69-01-35540, Records of Coos County, Oregon, described as follows: Lot 22, beginning at a point located North 2185.41 feet and East 881.78 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 150.00 feet; thence South 21° 00' East 150.00 feet to the North line of Surfview Plaza; thence along said North line North 69° 00' East 150.00 feet; thence leaving said North line North 21° 00' West 150.00 feet to the point of beginning.

Assessor's Account Nos. 5871.00, 5873.02, 5874.00, 5875.03, 5879.04.

EXHIBIT "A" to Deed from Georges C. St. Laurent, Jr., to Larry Olson - 1

271

PARCEL 2:

The NW 1/4 of the NW 1/4 (also described as Government Lot 4), Section 4 and the East 1/2 of the Northeast quarter and Government Lot 4 of Section 5 (excepting the West 100 feet of Government Lot 4), all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING FROM the above property the following described portion thereof.

Beginning at a 1 1/4 inch iron pipe in an orchard, thought at one time by a surveyor to be the Southwest corner of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North $87^{\circ} 57' 10''$ East along what was thought to be the South line of Section 33, for a distance of 1350.19 feet, to the initial point of the Plat of Sansaria, said initial point being what was thought to be the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $32^{\circ} 08' 20''$ East a distance of 90.69 feet, more or less, to the true Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $89^{\circ} 57' 01''$ West for a distance of 1300.25 feet, to the true Southwest corner of said Section 33, thence North $89^{\circ} 56' 40''$ West, along the South line of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, for a distance of 1677 feet, to the Pacific Ocean; thence Southerly along the Pacific Ocean for a distance of 185 feet, more or less, to a point which bears West from the point of beginning; thence East for a distance of 1630 feet, more or less, to the point of beginning.

Assessor's Account Nos. 7554.00, 7557.00 and 7558.00.

PARCEL 3:

Lots 9 and 10, Block 6, FIRST ADDITION TO SANSARIA, Coos County, Oregon.

Assessor's Account Nos. 74985.00 and 74986.00.

PARCEL 4:

Lot 1, Block 2, PLAT OF SANSARIA, Coos County, Oregon.

Assessor's Account No. 74861.00.

PARCEL 5:

Lot 17. Beginning at a point located North a distance of 1823.57 feet and East 860 feet from the initial point of the PLAT OF SANSARIA, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South $69^{\circ} 00'$ West 40 feet to the true point of beginning of the following described tract: Thence South $69^{\circ} 00'$ West 87.62 feet; thence North $46^{\circ} 20'$ West 109.42 feet to the South line of Surfview Plaza; thence along said South line North $43^{\circ} 40'$ East 48 feet; thence along a curve to the right having a radius of 110 feet for an arc distance of 48.64 feet; thence North $69^{\circ} 00'$ East 44 feet; thence leaving said South line and running South $21^{\circ} 00'$ East 130 feet to the true point of beginning. -----

Assessor's Account No. 5879.01.

EXHIBIT "A" to Deed from Georges C. St. Laurent, Jr., to Larry Olson - 2

272

EXHIBIT "B"

to

Deed from Georges C. St. Laurent to Larry D. Olson

1. As disclosed by the tax rolls, the premises herein described have been zoned or classified as forest lands. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest pursuant to the provisions of ORS chapter 321.
2. Rights of the public in and to that portion lying within streets, roads and highways.
3. Rights of the public and of the State of Oregon in the ocean shore and dry sands area defined as lying between the mean high tide and visible line of vegetation or as defined in ORS 390.605-770.
4. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the Pacific Ocean, including any ownership rights which may be claimed by the State of Oregon below the high water mark as it now exists or any any time existed.
5. Any adverse claim based upon the assertion that:
 - Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Pacific Ocean .
 - Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Pacific Ocean or has been formed by an accretion to any such portion.
6. The rights of fishing, navigation and commerce in the State of Oregon and the Federal Government and the rights of the public in and to that portion thereof lying below the ordinary high water mark of the Pacific Ocean.
7. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the Cave Creek, Five Mile Creek and Mussel Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark as it now exists or any any time existed.
8. Any adverse claim based upon the assertion that:
 - Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Cave Creek, Five Mile Creek and Mussel Creek.
 - Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Cave Creek, Five Mile Creek and Mussel Creek or has been formed by an accretion to any such portion.

EXHIBIT "B" to Deed from Georges C. St. Laurent to Larry D. Olson - 1

273

9. Covenants, conditions and restrictions, including the terms and provisions thereof, in Instrument
Recorded: June 24, 1968
Microfilm Reel No. 68-06-29491
Records of Coos County, Oregon.
10. Easement, including the terms and provisions thereof,
To: Chesterfield Land Corporation
Recorded: October 31, 1968
Microfilm Reel No. 68-10-33492
Records of Coos County, Oregon.
For: road purposes
11. Minor Partition, including the terms and provisions thereof, as set forth on map
Recorded: December 3, 1984
Microfilm Reel No.: 84-5-6485
Records of Coos County, Oregon.
12. Easement, including the terms and provisions thereof,
From: St. Laurent Land & Cattle Company, an Oregon corporation
To: A.W. Sweet
Recorded: June 10, 1985
Microfilm Reel No. 85-2-7840
Records of Coos County, Oregon.
13. Easement, including the terms and provisions thereof,
To: Coos-Curry Electric Cooperative, Inc., a cooperative corporation
Recorded: September 12, 1986
Microfilm Reel No. 86-4-6610
Records of Coos County, Oregon.
14. Easement, including the terms and provisions thereof,
To: Coos-Curry Electric Cooperative, Inc., an Cooperative corporation
Recorded: September 12, 1986
Microfilm Reel No. 86-4-6613
Records of Coos County, Oregon.
15. Easement, including the terms and provisions thereof,
From: St. Laurent Land & Cattle Company
To: Eleanor C. St. Laurent
Recorded: September 16, 1988
Microfilm Reel No. 88-9-0998
Records of Coos County, Oregon.
16. Easement, including the terms and provisions thereof,
From: Georges C. St. Laurent, Jr.
To: Coos County
Recorded: January 16, 1990
Microfilm Reel No. 90-01-0818
Records of Coos County, Oregon.
17. Easement, including the terms and provisions thereof,
From: St. Laurent Land & Cattle Company
To: Georges C. St. Laurent, Jr.
Recorded: April 6, 1990
Microfilm Reel No. 90-04-0180
Records of Coos County, Oregon.

EXHIBIT "B" to Deed from Georges C. St. Laurent to Larry D. Olson - 2

274

18. Easement, including the terms and provisions thereof.
To: Coos-Curry Electric Cooperative, Inc., a cooperative corporation
Recorded: May 2, 1990
Microfilm Reel No. 90-05-0136
Records of Coos County, Oregon.
19. Easement, including the terms and provisions thereof.
To: Coos-Curry Electric Cooperative, Inc., a cooperative corporation
Recorded: May 2, 1990
Microfilm Reel No. 90-05-0137
Records of Coos County, Oregon.
20. Easement, including the terms and provisions thereof,
From: Georges C. St. Laurent, Jr.
To: Roseburg Lumber Company
Recorded: June 30, 1993
Microfilm Reel No. 93-06-1386
Records of Coos County, Oregon.
21. Terms and provisions of deed recorded January 9, 1989, bearing Microfilm Reel No. 89-1-0315, Records of Coos County, Oregon.

UNOFFICIAL COPY

AFTER RECORDING
RETURN TO
Floor Title Insurance
181 N 3rd - Box 1078
Coos Bay, OR 97490-0228

67-928

EXHIBIT "B" to Deed from Georges C. St. Laurent to Larry D. Olson - 3

275



OREGON TITLE
Insurance Company

After Recording, Return to:
Oregon Title Insurance Company
PO Box 10127
Eugene, OR 97440

Until a change is requested, tax statements shall be sent to the following address:
Malvin L. McDougal
PO Box 87
Dexter, OR 97431

STATUTORY WARRANTY DEED
(Individual)

Larry D. Olson

conveys and warrants to
Malvin L. McDougal

the following described real property in the State of Oregon and County of Coos free of encumbrances, except as specifically set forth herein: as per EXHIBIT 'A' attached hereto and by this reference incorporated herein and made a part hereof

Tax Account Number(s):

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions, Reservations, Easements, Special Assessment disclosed by the Tax Roll wherein the premises described herein have been zoned or classified as forest land, Rights of Way, Terms and provisions of Franchise for power line, to Coos County Electric Cooperative, Inc., and any interests in minerals as disclosed by instruments now of record.

The true consideration for this conveyance is \$3,380,000.00

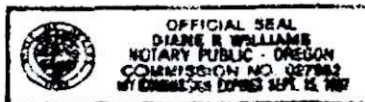
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LITIGATIONS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 26 day of January, 1996.

Larry D. Olson
Larry D. Olson

STATE OF OREGON, COUNTY OF Lane)ss.
The foregoing instrument was acknowledged before me this 24 day of January, 1996, by Larry D. Olson.

Diane Williams
Notary Public for Oregon
My Commission Expires: 9-15-87



Order No.: 420490x

680

96 02 0286

RECORDING# 96020286
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



2:41 ON 02/08/1996
By J WILSON Deputy
pages 5 Fee \$ 53.00

(Above Space Reserved for Recorder's Use)

68-159
AFTER RECORDING
RETURN TO
Oregon Title Insurance
131 N 3rd - Box 1076
Eugene, OR 97401-0323

LEGAL DESCRIPTION

PARCEL A:

A portion of Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Government Lot 5, Section 29; Government Lots 1, 2 and 3, Section 32; the NW 1/4 of the NE 1/4 of Section 32; the East 1/2 of the NE 1/4 of Section 32.

A portion of the NE 1/4 of the SE 1/4 of Section 32 described as follows: Beginning at the Northeast corner of the NE 1/4 of the SE 1/4; thence South along the East line of the NE 1/4 of the SE 1/4, to the Southeast corner thereof; thence Northwesterly, in a straight line, to the Northwest corner thereof; thence East along the North line of the NE 1/4 of the SE 1/4, to the point of beginning.

That portion of the NW 1/4 of the SW 1/4 of Section 33 lying North and West of the Plat of First Addition to Sansaria, Coos County, Oregon.

That portion of the NE 1/4 of the SW 1/4 of Section 33 lying North of Seven Devils County Road, lying North of the Plat of Sansaria and the Plat of First Addition to Sansaria, and North of the roadway easement between the said Plats as shown on the Plat of First Addition to Sansaria.

EXCEPT that portion conveyed to John H. Bergen and Carolyn B. Stocassell in instrument recorded November 8, 1968, bearing Microfilm Reel No. 68-11-33779, Records of Coos County, Oregon, described as follows: Lot 17, beginning at a point located North 1823.57 feet and East 860 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 40 feet to the true point of beginning of the following described tract; thence South 69° 00' West 87.62 feet; thence North 46° 20' West 108.42 feet to the South line of Surfview Plaza; thence along said South line North 43° 40' East 48 feet; thence along a curve to the right having a radius of 110 feet for an arc distance of 48.64 feet; thence North 69° 00' East 44 feet; thence leaving said South line running South 21° 00' East 130 feet to the true point of beginning.

ALSO EXCEPTING that portion conveyed to Agnes M. Peyton in instrument recorded January 8, 1969, bearing Microfilm Reel No. 69-01-35288, Records of Coos County, Oregon, described as follows: Lot 18, beginning at a point located North 1823.57 feet and East 860 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 127.63 feet; thence South 27° 39' 30" East 110.38 feet to the North line of Surfview Blvd.; thence along the said North line, through a curve to the right having a radius of 415.00 feet for an arc length of 110 feet; thence leaving the said North line, North 17° 40' 40" West 133.61 feet to the point of beginning.

ALSO EXCEPTING that portion conveyed to Laurel Johnson in instrument recorded January 16, 1969, bearing Microfilm Reel No. 69-01-35540, Records of Coos County, Oregon, described as follows: Lot 22, beginning at a point located North 2185.41 feet and East 881.78 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 150.00 feet; thence South 21° 00' East 150.00 feet to the North line of Surfview Plaza; thence along said North line North 69° 00' East 150.00 feet; thence leaving said North line North 21° 00' West 150.00 feet to the point of beginning.

PARCEL B:

The West 100 feet of Government Lot 4, Section 5, Township 27 South, Range 14 West of

CONTINUED

681

the Willamette Meridian, Coos County, Oregon, together with portion of Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, more particularly described as follows:

Government Lots 4 and 5, Section 32.

A portion of the NE 1/4 of the SE 1/4 of Section 32, more particularly described as follows: Beginning at the Southwest corner of the NE 1/4 of the SE 1/4; thence East along the South line of the NE 1/4 of the SE 1/4, to the Southeast corner thereof; thence Northwesterly, in a straight line, to the Northwest corner thereof; thence South along the West line of the NE 1/4 of the SE 1/4 to the point of beginning.

The SE 1/4 of the SE 1/4 of Section 32.

EXCEPTING that portion embraced by the Plat of First Addition to Sansaria, Coos County, Oregon.

ALSO EXCEPTING that portion conveyed to Joe Tucker in instrument recorded February 14, 1969, bearing Microfilm Reel No. 69-07-36187, Records of Coos County, Oregon, described as follows: A tract lying adjacent to Lot 33, Block 6, First Addition to Sansaria, Coos County, Oregon, described as follows: Beginning at a point located North 513.69 feet and West 1486.69 feet from the initial point of the Plat of Sansaria, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said beginning point also being the most Westerly corner of Lot 33, Block 6, Plat of First Addition to Sansaria; thence along a curve to the right, having a radius of 20.00 feet and through a central angle of 45° 30' for an arc distance of 15.88 feet, the long chord of which bears South 56° 15' West 15.47 feet; thence South 79° 00' West 62.00 feet; thence South 11° 00' East 15.47 feet; thence South 79° 00' West 62.00 feet; thence South 11° 00' East 150.00 feet; thence North 79° 00' East 62.00 feet; thence along a curve to the left having a radius of 170.00 feet and through a central angle of 45° 30' for an arc distance of 135.00 feet, the long chord of which bears North 56° East 131.48 feet; thence North 56° 30' West 150.00 feet to the point of beginning.

ALSO the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of Section 33.

EXCEPTING that portion conveyed to Coos County, Oregon, in instrument recorded June 24, 1968, bearing Microfilm Reel No. 68-06-29497, Records of Coos County, Oregon, described as follows: Description of 10.00 foot strip lying between the East line of the Plat of Sansaria and the West line of the Seven Devils County Road. (Road Case No. 211). Beginning at a point on the South line of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said point being located North 87° 57' 10" East 430.00 feet from the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33, also, the said point being the Southeast corner of the Plat of Sansaria; thence along the East line of the said Plat of Sansaria, North 8° 20' East 740.00 feet; thence North 21° 35' East 330.00 feet; thence North 45° 39' 50" East 329.39 feet; thence along a curve to the left, having a radius of 150.00 feet, and through a central angle 90° 00' for an arc distance of 235.62 feet, the long chord of which bears North 51° 00' East 212.13 feet; thence North 6° 00' East 163.00 feet to the Northeast corner of the said Plat of Sansaria; thence leaving the East line of the said Plat of Sansaria, South 84° 00' East 10.00 feet, more or less, to the West line of the Seven Devils Road (Road Case No. 211); thence along the West line of the said County Road, Southeasterly 1850.00 feet, more or less, to a point lying North 87° 57' 10" East from the point of beginning, said point also being located on the South line of the Southwest quarter of the said Section 33; thence along the South line of the said Southwest quarter South 87° 57' 10" West 10.00 feet, more or less, to the point of beginning.

ALSO EXCEPTING that portion embraced in the Plat of Sansaria, Coos County, Oregon.

CONTINUED

ALSO EXCEPTING that portion embraced in the Plat of First Addition to Sansaria, Coos County, Oregon.

ALSO that portion of the NE 1/4 of the SW 1/4 of Section 33, lying South of the roadway easement connecting the Plat of Sansaria with the Plat of First Addition to Sansaria, and lying between the said Plats.

ALSO that portion of the NE 1/4 of the SW 1/4 of Section 33 lying Southeast of Seven Devils Road.

ALSO that portion of the NE 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, which embraces the easement roadway for access purposes, and lies between the Plat of Sansaria and the Plat of First Addition to Sansaria.

Beginning at a 1 1/4 inch iron pipe in an orchard, thought at one time by surveyor to be the Southwest corner of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North $87^{\circ} 57' 10''$ East along what was thought to be the South line of Section 33, for a distance of 1350.19 feet, to the initial point of the Plat of Sansaria, said initial point being what was thought to be the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $32^{\circ} 08' 20''$ East for a distance of 90.69 feet, more or less, to the true Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $89^{\circ} 57' 01''$ West for a distance of 1300.25 feet, to the true Southwest corner of said Section 33; thence North $89^{\circ} 56' 40''$ West, along the South line of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, for a distance of 1677 feet, to the Pacific Ocean; thence Southerly along the Pacific Ocean for a distance of 155 feet, more or less, to a point which bears West from the point of beginning; thence East for a distance of 1630 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM, any portion of the Plat of Sansaria as it currently lies monumented on the ground.

PARCEL C:

The NW 1/4 of the NW 1/4 (also described as Government Lot 4), Section 4 and the East 1/2 of the Northeast quarter and Government Lot 4 of Section 5 (excepting the West 100 feet of Government Lot 4), all in Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING FROM the above property the following described portion thereof.

Beginning at a 1 1/4 inch iron pipe in an orchard, thought at one time by a surveyor to be the Southwest corner of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North $87^{\circ} 57' 10''$ East along what was thought to be the South line of Section 33, for a distance of 1350.19 feet, to the initial point of the Plat of Sansaria, said initial point being what was thought to be the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $32^{\circ} 08' 20''$ East a distance of 90.69 feet, more or less, to the true Southeast corner of the SW 1/4 of the SW 1/4 of said Section 33; thence North $89^{\circ} 57' 01''$ West for a distance of 1300.25 feet, to the true Southwest corner of said Section 33; thence North $89^{\circ} 56' 40''$ West, along the South line of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, for a distance of 1677 feet, to the Pacific Ocean; thence Southerly along the Pacific Ocean for a distance of 155 feet, more or less, to a point which bears West from the point of beginning; thence East for a distance of 1630 feet, more or less, to the point of beginning.

PARCEL D:

Lot 10, Block 1, Plat of Sansaria, Coos County, Oregon.

CONTINUED

PARCEL E:

Lot 12, Block 1; Lot 1, Block 2; Lots 1, 21, 22, 26, 32 and 40, Block 3, all in PLAT OF SANSARIA, Coos County, Oregon.

ALSO:

Lots 1 through 12, inclusive, Block 4; Lots 1 through 6, inclusive and Lots 12 through 16, inclusive, Block 5; Lots 1 through 6, inclusive, Lots 9 through 11, inclusive, and Lots 14 through 32, inclusive, Block 6; Lots 1 through 11, inclusive, Lots 14 through 16, inclusive, Lots 20 through 33, inclusive, Lots 35 and 36, Block 7; Lots 1 through 5, inclusive, Block 8, all in PLAT OF FIRST ADDITION TO SANSARIA, Coos County, Oregon.

PARCEL F:

Loc 17. Beginning at a point located North a distance of 1823.57 feet and East 86. feet from the initial point of the PLAT OF SANSARIA, said initial point being the Southeast corner of the SW 1/4 of the SW 1/4 of Section 33, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South 69° 00' West 40 feet to the true point of beginning of the following described tract: Thence South 69° 00' West 87.62 feet; thence North 46° 20' West 109.42 feet to the South line of Surfview Plaza; thence along said South line North 43° 40' East 48 feet; thence along a curve to the right having a radius of 110 feet for an arc distance of 48.64 feet; thence North 69° 00' East 44 feet; thence leaving said South line and running South 21° 00' East 130 feet to the true point of beginning.

PARCEL G:

The NE 1/4 of the NW 1/4 of Section 4, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPT any portion embraced in the County Road. -----

After recording return to:
FRANK P. PEKRY
331 CAMINO DEL CIELO
SOUTH PASADENA, CA 91030

97 12 1210

TITLE ORDER NO: 24-66492
KEY ESCROW NO: 24-66492

RETURN TO KEY TITLE & ESCROW

Until a change is requested tax statements shall be sent to the following address:
SAME AS ABOVE

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

MELVIN L. MC DOUGAL, Grantor,

conveys and warrants to:

FRANK P. PEKRY and HELEN C. PEKRY, husband and wife, Grantees,

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Tax Account No: 5875.93
Map No:

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$875,000.00 (which is paid to an accommodator as part of an IRC 1031 exchange). However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration. If the grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 26th day of December, 1997.

GRANTOR(S):
Melvin L. Mc Dougal
MELVIN L. MC DOUGAL



STATE OF OREGON, County of Coos) ss.

This instrument was acknowledged before me on Coos, 1997, by MELVIN L. MC DOUGAL

Tracy M. Kinley
Notary Public for Oregon

My commission expires: 6/3/99

RECORDING # 97121210
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at
2:06 PM ON 12/31/1997
M. BOUEN
By _____ Deputy
pages 3 Fee \$ 43.00



3009

Government Lot 5, Section 29, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO: Beginning at the quarter corner common to Sections 29 and 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence running South 01° 09' 33" West 1278.63 feet along the East line of Government Lot 1 of said Section 32 to a 5/8 inch iron rod set at the Southeast corner of said Government Lot 1; thence South 34° 57' 04" East 2490.08 feet to a 5/8 inch iron rod; thence South 30° 16' 57" West 263.80 feet to a 5/8 inch iron rod; thence West 131.00 feet, more or less, to the Westerly boundary of Government Lot 4 of said Section 32; thence Northwesterly along the Westerly boundaries of Government Lots 4, 3, 2 and 1 of said Section 32 to the North line of said Government Lot 1; thence East 575.00 feet, more or less, along said North line to the point of beginning.

Together with a non-exclusive perpetual easement for ingress and egress and for the installation, maintenance and repair of utility lines and a roadway, and ingress and egress to and from the beach for recreational purposes, including the terms and provisions thereof, set out in instrument recorded concurrently herewith.

SUBJECT TO:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.
3. The following matters are excluded from the coverage of the policy based on the proximity of the property to the Pacific Ocean
 - 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Pacific Ocean as it now exists or has existed.
 - 2) Any adverse claim based on the assertion that:
 - a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - b) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Pacific Ocean or has been formed by accretion to such portion.
 - c) Any adverse claim based upon the assertion that the Pacific Ocean has changed location.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the Pacific Ocean and the ownership of the State of Oregon in that portion lying below the high water mark thereof.
Rights of the public and of the State of Oregon in the ocean shore and dry sands area as declared acquired under the provisions of ORS 390.605-ORS 390.770 or West of the seaward edge of vegetation where upland supports vegetation as defined in THORNTON V. HAY, Oregon Supreme Court.
5. Maintenance provisions contained in appurtenant easement over the existing road, including the terms and provisions thereof, set out in instrument recorded June 10, 1985 in Microfilm Reel Number 85-2-7840, Records of Coos County, Oregon.

97 12 1210

6. An easement created by instrument, including the terms and provisions thereof,

Dated: July 28, 1986

Recorded: September 12, 1986, Microfilm Reel Number 86-4-6610,
Records of Coos County, Oregon

In favor of: Coos-Curry Electric Cooperative, Inc.

For: Electric Transmission or distribution line or system
and appurtenances

7. An easement created by instrument, including the terms and provisions thereof,

Dated: July 28, 1986

Recorded: September 12, 1986, Microfilm Reel Number 86-4-6613,
Records of Coos County, Oregon

In favor of: Coos-Curry Electric Cooperative, Inc.

For: Electric transmission or distribution line or system and
appurtenances

Unofficial
Copy

3011

- Nine 20x9' Spaces @ 45-Degrees
- Two 20x9' Parallel Spaces
- 2 Car Garage
- One 19' Drive Aisle



ATTACHMENT C - Parking Plan

Land Use Documentation & Licensing Questionnaire for Travelers' Accommodations

Complete a separate document for each property used for vacation rental purposes.

I. To VERIFY THE ZONING DISTRICT this section must be completed by your local County or City Planning Department. If you are located outside of an unincorporated city then please have Coos County Planning complete this form. There may be a fee required by the Planning Department.

Township 26S Range 14W Section 32 Tax Lot 401
Account # 587503 Jurisdiction: Coos County

- The vacation rental is permitted in the zoning district.
- This requires a land use review permit to be completed.
- This is not an allowed use for the property.

Planning Official Signature and Title

Phone or email contact

Applicants/Owners Signature

Applicants/Owners Signature

II. REFERENCE TO APPLICATION

Owner Bandon Land Management LLC Name of facility SeaWinds

Address of facility 88515 Pacific Surf Ln, Bandon

Who would you like public health to coordinate an inspection with? Kevin Wendelburg
Provide at least 1 phone number for this person & best time to call. (714) 417-6337

III. It is common for a Travelers' Accommodation to obtain ADDITIONAL LICENSES contingent upon guests' services provided.

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 1. Do you provide lodging on more than one property lot? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Do you provide any food that is not commercially sealed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Do you provide guests access to a pool or spa? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Do you provide water, sewer or electrical service for an RV? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IV. What best describes the WATER SUPPLY to the lodging:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Water is from a municipal water system? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Water is from a private well or spring? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the lodging does not have a physical water connection to a municipal system, be advised to call Coos County Public Health now to initiate the process to have the potable water system reviewed at (541)751-2431. Per OAR 333-029-0075(3) surface water use may preclude license from being issued.

V. What best describes SEWAGE DISPOSAL for the lodging:

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. The lodging is connected to a municipal sewer? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. There is an on-site septic system? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the vacation rental uses an on-site system, be prepared to provide a copy of the DEQ approval paperwork along with an as-built drawing of the system.

For your reference, Traveler's Accommodations Laws regulated by Coos County Public Health include: Oregon Revised Statutes 446.310 – 425 and Oregon Administrative Rules Chapter 333, Division 029.

Submit this questionnaire with your tourist facility application and the correct fee as per the enclosed schedule to: Coos County Environmental Health, 1975 McPherson #1, North Bend, OR 97459

Date / Name / From ...	Comments
April 28, 2018 Johnsons	What an amazing place to stay! Loved every minute. There really are no words... but a home filled with love, exquisite furnishings and decorative touches, great attention to detail. Also one of the most beautiful views of God's creation I have ever seen.
July 15th 2018 Apple Del	Thank you! What a beautiful view! Simply grace, love, & joy. I will open the eyes of your heart! ❤️
July 13-15, 2018 C.A.	
The Harris Family + Bradley	We enjoyed our stay so much in this beautiful home - a nice break from the Texas summer heat.
8/28/19 Leah Bluestin	A beautiful home with a magnificent view!
8/27 & 8/30/18 Brad + Patty Cummings Brian Cummings, Ade Chouin, Chris & Kelley Cummings and Clayton & Kennedy Cummings	Sea Winds was such a perfect, special place to celebrate our 50th anniversary. Beautiful home & views and so much fun. We sat on every outdoor porch, great memories & photos were made. Thank you!!!

Would you be willing to let us share your testimonial? If so, please scribble your initials after your comments. Thank you!



Date / Name / From ...	Comments
10-5-2018 Cindy George	Love this special place! 😊
10-10-18 Katie Luke	Very blessed to be here! ♥
10-6-18 Erlette Lipshaw	Beautiful!
10-5-18 Jennifer Rogers	Amazing little piece of Heaven on earth!
10-5-18 Christina Watson	Absolutely amazing! Thank you!
10-5-18 Jennifer Sullivan	Gorgeous!
11-21-18 Katrina + Doc Myers	An amazing place for a wonderful Thanksgiving w/ family!
11-24-18 Dan + Yvonne Andette	Wonderful place + what a view!
11-21-18 Holly + Damon Tindall	Great Place!!
11-21-18 Dean + Alyssa Andette	Very comfortable and luxurious pt sea view!
11-21-18 Traci Myers	One of the most beautiful places I have stayed
8-18-19 Lisa Shobesta	Beautiful place w/ view!
03-15/03-17 Christian Rains	Enjoyed every second! Thanks! ☺
5/25/19 For Nowe	Best place ever!
5/25/19 Bruce Lujan	A FANTASTIC PLACE TO WORK EVERYDAY!

Would you be willing to let us share your testimonial? If so, please scribble your initials after your comments. Thank you!



Written Statement Index

Property Overview 1
 Background 1
 CCZLDO Article 5.6 Nonconforming 2
 CCZLDO Article 5.2 Conditional Uses 5
 CCZLDO Article 4.6 Resource and Recreational Zoning Districts 6
 CCZLDO Article 4.3 Balance of County Zoning Tables 9
 Attachments 10

Property Overview

Owner	Bandon Land Management LLC
Applicant	Kevin Wendelburg
Site Address	88515 Pacific Surf Ln, Bandon
Map No	26S14W32
Parcel No	401
Coos County Assessor’s Account Number	587503
Acres	54.25
Location/Community	Approximately 1.5 miles south, on the coastline, from Cape Arago beach/south end of Cape Arago Hwy.
Access	Private Drive via Pacific Surf Ln; Access Easement 1997-12-1212
Urban Growth Area	No
Plan Zone	Forest Mixed Use

Background

The applicant requests to alter a nonconforming use pursuant to the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 5.6.100 Nonconforming Uses – for the purpose of operating a vacation rental out of a legal non-conforming dwelling in the Forest Mixed Use zone.

No structural alterations are proposed.

Subject Property is a 54.25 acre lot, which spans about three-quarters of a mile of coastline. The only structure on the lot is a large single-family dwelling, overlooking the ocean. It is accessed via a private road / access easement, connecting to Pacific Surf Lane and then Old Seven Devils

Rd.¹ The remainder of the property is un-harvested forest land. The nearest neighboring structure is a half mile from the dwelling on Subject Property.

The existing dwelling has been determined by Coos County Planning to be legally non-conforming. The dwelling was constructed in 1986/1987; it was permitted by Coos County Planning as a conditional use in 1986.² The dwelling has not been significantly altered since. It has been bought and sold five times since its construction.³ At the time of construction, the dwelling was situated on a larger tract of land.⁴

The parcel in its existing configuration was determined by Coos County Planning to be a lawfully created unit of land in 1997.⁵

The findings in this report address the following:

- Compliance with the standards for an alteration of a non-conforming use; specifically that the proposed change of use will have no greater adverse impact to the neighborhood.
- Adherence to the criteria listed in Article 5.2 Conditional Uses
- Compliance with the standards for a vacation rental, set forth in Article 4.3 Balance of County Zoning Tables, Section 4.3.210 Categories and Review Standards: (87) Vacation Rental/Short Term Rental
- Similarity and compatibility between proposed altered use (vacation rental) and the uses enumerated in Article 4.6 Resource and Recreational Zoning Districts, Section 4.6.100 Forest and Forest Mixed Use – Use Tables.

CCZLDO Article 5.6 Nonconforming

The existing development on Subject Property was lawful at the time of the enactment and amendment of the CCZLDO, and therefore may be continued. The applicant is proposing an alteration of that use, in compliance with Sections 5.6.120 and 5.6.125, as described below.

Section 5.6.100 Nonconforming Uses

¹ See Attachment B Access Easement Map & Description

² See Attachment E Pre Application Meeting Notes

³ See Attachment G Historic Deeds

The property changed ownership five times after the dwelling was constructed in 1986/87.

1996-010134: St Laurent transferred ownership of a large tract, including the dwelling and what is now Subject Property, to Larry Olsen

1996-020286: Larry Olsen sold the dwelling and a portion of the tract to Melvin McDougal.

1997-121210: Melvin McDougal sold the dwelling and lot *in its current 54.25 acre configuration*, to Frank and Helen Pekny.

In 1997, Coos County Planning determined the Pekny lot to be a lawfully created unit of land.

In 2017, the Peknys sold Subject Property in its current configuration to the Beethams, who then sold the same to the applicant in 2019.

⁴ See Attachment F Deed. (Note that Subject Property is not within the Sansaria Owners' Association; the deed to Subject Property includes a "caretakers house," which is located on a separate lot approximately a mile from Subject Property, within the Sansaria neighborhood, at 88515 Pacific Surf Ln.)

⁵ See Attachment E Pre Application Meeting Notes

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

- 1. A change in the use of no greater adverse impact to the neighborhood; and*
- 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

The applicant's proposed change in use is of no greater adverse impact to the neighborhood than the existing use; see findings regarding Section 5.6.125 Criteria for Decision, below.

Section 5.6.120 Alterations, Repairs or Verification

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)- (8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

See findings regarding CCZLDO Article 5.2 Conditional Uses, below.

Section 5.6.125 Criteria for Decision

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

The change in the use will be of no greater adverse impact to the neighborhood;

The change in use will be of no greater adverse impact to the neighborhood, for the following reasons:

Existing Condition: Subject Property has been used as a vacation rental and a special event venue in the past. It was used as a vacation rental by the previous owners (Beetham), in 2018 and 2019, without known incident. See Attachment H Guest Book, for a copy of the guest book kept by those previous owners. In addition, a major motion picture, ironically titled "The Rental," was filmed on Subject Property in 2019.

Noise/Unsightliness: the nearest neighborhood is the Sansaria subdivision. The distance between Subject Property and the border of that neighborhood is a half mile, as the crow flies. Dense

forest lies between. Activities taking place on Subject Property are unlikely to be heard or seen from Sansaria.

Traffic: The proposed accessory use will result in a lower trip count than the primary use, residential. The ITE Trip Manual, 7th Edition lists the daily rates trip rates for select land uses. The daily rate for 210 Single Family Detached Housing = 9.57. The daily rate for 260 Recreational Homes = 3.16. (For comparison only: the daily rate for 310 Hotel = 8.92.

In addition, the Coos County Planning Department made the following findings regarding a similar application (ACU-17-015/AP-17-003: an application for the alteration of a non-conforming use, to allow for a vacation rental in a legally non-conforming residential dwelling in the Forest Zone), which also apply to this application:

Owner-Occupied Residential Use is Similar in Intensity to Vacation Rental Use: *“Technically, there is not much difference between a home occupation and a vacation rental other than the property owner would not be on site. Consider that in the statute a Bed and Breakfast is permitted in the resource zones and this is not likely to be any more impactful than a Bed and Breakfast.” (Notice of Decision AP-17-003, Exhibit A)*

- This same finding applies to the applicant’s proposal. In addition, a caretaker / caretaker residence is located one mile from Subject Property, at 88811 Pacific Surf Ln. The caretaker monitors activity on Subject Property and is available to renters, neighbors, and authorities.

Renter-Occupied Residential Use is Higher in Intensity than Vacation Rental Use: *“A full time residential use can be rented to others for a period longer than 30 days without any need for any county permits and a vacation rental can be rented to others. The entire house is rented in a vacation rental situation just as the entire house can be rented in a full time resident situation. The vacation rentals here are likely to have fewer adverse impacts than are possible with a full time dwelling because the occupants of a vacation rentals do not have children enrolled in public schools, are not running errands or to appointments, are less likely to go back and forth but rather are more likely to stay put an relax, and the vacation rental use is largely seasonal.” (Notice of Decision AP-17-003, Exhibit A)*

- This same finding applies to the applicant’s proposal.

Development/Use of Adjacent Parcels is Similar to the Proposed Use: *“This area is highly parceled with many lots of five or less acres. A lot of the dwellings in this area are used for recreational/vacation purposes instead of fulltime residential dwellings.” (Notice of Decision AP-17-003, Exhibit A)*

- This same finding applies to the applicant’s proposal. The nearby Sansaria subdivision (the nearest neighborhood to Subject Property) is also highly parceled with over one hundred less-than-one-acre lots; also used for recreational/vacation purposes instead of fulltime residential dwellings.

The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and

No change in a structure or physical improvements are proposed.

Other provisions of this ordinance, such as property development standards, are met.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

See Coos County Planning Department Pre-Application Meeting Notes for File PA-20-002. The existence, continuity, nature and extent of the nonconforming use has been established, as described in the Background section of this report and in the pre-application meeting notes; the nonconforming use (residential dwelling) has been determined to have been lawful at the time the zoning ordinance or regulation went into effect.

CCZLDO Article 5.2 Conditional Uses

The applicant has filed an application for a conditional use permit, per Section 5.6.120 Alterations, Repairs or Verification, which stipulates alteration of a nonconforming use requires filing an application for a conditional use.

Section 5.2.500 Criteria for Approval of Applications

An application for a conditional use or an administrative conditional use shall be approved only if it is found to comply with this Article and the applicable review standards and special development conditions set forth in the zoning regulations and any other applicable requirements of this Ordinance.

The findings in this report describe the proposal's compliance with Article 5.2 and the applicable review standards and special development conditions set forth in the zoning regulations and other applicable requirements of the CCZLDO.

Section 5.2.600 Expiration and Extension of Conditional Uses

(1) 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.
4. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

The applicant understands that an approved alteration of use, granted as a conditional use, is valid for 4 years; a first extension may be applied for, valid for 2 years; followed by a maximum of 5 additional 1 year extensions – for a total of 11 years, after which time the applicant must apply for a new conditional use permit.

CCZLDO Article 4.6 Resource and Recreational Zoning Districts

The use “vacation rental” is similar and compatible with the uses allowed in the Forest Mixed Use zone.

Similar uses are outlined in the table below.

Abbreviated Table: Sections 4.6.100 Forest and Forest Mixed Use & 4.6.120 Review Standards			
(3) Permitted or Uses Subject to Compliance Determinations: The following uses may be allowed outright on forest lands subject to the review identified in the use table for forest are listed as part of the use:			
19.	Mass Gathering Fewer than 3000 Persons	CD	(3)(p) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division;
(8) Other Uses Allowed in the Forest Mixed Use Only			
60.	Winery and Accessory Uses	ACU	(8)(C) (i) A winery and accessory uses in conjunction with the 15 or 40 acre vineyard provisions and standards as set forth in ORS 215.452 and 215.237.

			(ii) A winery and accessory uses in conjunction with the 80 acre tract provisions and standards as set forth in ORS 215.453 (iii) A restaurant in conjunction with a winery authorized under the 80 acre tract provisions and standards of ORS 215.453.
58.	Cider Business and Accessory Uses	ACU	(8)(B) A cider business as described in ORS 215.451 may be established as a permitted use on land zoned for exclusive farm use under 215.283 (1)(y) or on land zoned for mixed farm and forest use.
(4) Conditional Uses - The following uses may be allowed on forest lands as a conditional use (see table for type of conditional use) subject to the review standards in section (5) of this rule:			
50.	Mass Gatherings More Than 3,000	ACU	(4)(y) An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
37.	Private Seasonal Accommodations for Fee Hunting Operations	ACU	(4)(p) Private seasonal accommodations for fee hunting operations may be allowed subject to section (5) of this section, OAR 660-006-0029, and 660-006-0035 and the following requirements: (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; (B) Only minor incidental and accessory retail sales are permitted; (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and (D) A governing body may impose other appropriate conditions.
48.	Private Accommodations for Fishing Occupied on a Temporary Basis	ACU	(4)(w) Private accommodations for fishing occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 600-060-0029 and 660-006-0035 and the following requirements: (A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; (B) Only minor incidental and accessory retail sales are permitted; (C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; (D) Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and (E) A governing body may impose other appropriate conditions.

The CCZLDO stipulates of the Forest Zones:

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.

The proposed altered use of the existing legal non-conforming dwelling on Subject Property meets these criteria.

Moreover, a vacation rental is similar to the uses listed in the table above, which share the common trait of low-intensity and/or location-dependent commercial uses of forest land, which do not disrupt forest operations.

The applicant is proposing no additional development of, or increase in traffic through, forest land. In fact, the applicant's proposed use of the property is less impactful to forest operations than the majority of uses allowed (either outright or with standards) on forest land.

Section 4.6.120 Review Standards

(5) REVIEW CRITERIA FOR CONDITIONAL USES: A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(A) 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;

The proposed altered use will not force any change in, or increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

The proposed altered use will increase the fire hazard, fire suppression costs, or risks to fire suppression personnel. No alterations to the land or structures are proposed.

(C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

The applicant agrees to record a written statement with the deed that both (a) recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule and (b) acknowledges that the vacation rental is an accessory use to the approved residential use.

(D) All uses must comply with applicable development standards and fires siting and safety standards.

The proposed altered use complies with applicable development, fire, and safety standards, as described in the findings of this report.

(6) Nothing in this rule relieves governing bodies from complying with other requirement contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) that exist on forest lands.

CCZLDO Article 4.3 Balance of County Zoning Tables

The applicant's proposal meets the CCZLDO standards for a vacation rental.

Section 4.3.210 Categories and Review Standards

(87) Vacation rental/short term rental - Subject to the following criteria:

(a) Shall be found to be compatible with the surrounding area.

The existing dwelling is located on a remote hillside, overlooking the ocean. The nearest structure (of any kind) is a dwelling located a half a mile away, as the crow flies, southeast of Subject Dwelling.

Access to Subject Dwelling is off of Pacific Surf Ln, via a private road; see Attachment A for an aerial view of the access and the recorded access easement.

The proposed altered use will result in a lower trip count than the primary use, residential. The ITE Trip Manual, 7th Edition lists the daily rates trip rates for select land uses. The daily rate for 210 Single Family Detached Housing = 9.57. The daily rate for 260 Recreational Homes = 3.16. (For comparison only: the daily rate for 310 Hotel = 8.92.

(b) Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;

See attached Coos Health and Wellness Land Use Documentation & Licensing Questionnaire for Travelers' Accommodations (see Attachment D).

The applicant will submit all required documentation to Coos Health and Wellness's Environmental Health Office, following land use approval of the proposed vacation rental. The applicant understands that they may be required to meet additional criteria for the provision of water and food, which are specific to a "special event venue," and that the Environmental Health Office provides licensing oversight.

(c) Shall meet parking access, driveway and parking standards as identified in Chapter VII;

The applicant is proposing no new access, driveways, or parking.

There exists an approximately 6,250 square feet of paved, off street parking directly adjacent to Subject Dwelling. See Attachment C Parking Plan. The existing parking area can accommodate nine 20x9' spaces at 45 degrees on its western side, two parallel spaces on its eastern side, and a

19' drive aisle down the middle, in compliance with *Section 7.5.175 Required Number of Parking Spaces for Type of Use: Minimum Horizontal Parking Widths for Standard Automobiles*. This is in addition to the two spaces in the garage, for a total of 13 off street parking spaces.

Section 7.5.175 Required Number of Parking Spaces for Type of Use lists the requirement for a motel, hotel, rooming or boarding house as 1 space per guest accommodation plus 1 space per employee. Subject Property contains 5 bedrooms, requiring 5 spaces under this provision.

(d) Shall not be conveyed or otherwise transferred to a subsequent landowner without a the new property owner submitting a Compliance Determination Application showing compliance with this section; and

(e) A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that this is an accessory use to the approved residential use. If located within Urban Growth Boundary further restrictions may be required based on comments from the City.

The applicant agrees to file a deed restriction with the Coos County Clerk's Office acknowledging the vacation rental as an accessory use to the approved residential use.

Subject Property is not located within an Urban Growth Boundary.

Attachments

- A Aerial Photo of Subject Property
- B Access Easement & Description
- C Parking Plan
- D Coos Health and Wellness Land Use Documentation & Licensing Questionnaire for Travelers' Accommodations
- E Coos County Planning Department Pre-Application Meeting Notes for File PA-20-002
- F Deed to Subject Property (2019-11882)
- G Historic Deeds
- H Beetham Guest Book

Coos Health & Wellness

Together, Inspiring Healthier Communities



October 27, 2020

Kevin Wendelburg
Bandon Land Management, LLC
800 Willamette St, Suite 530
Eugene, OR 97401

Re: Proposed Zoning Change

Mr. Wendelburg:

The County Planning Department has labeled an application to zone a property submitted by you as "**PA-20-002 Bandon Land Management, LLC.**" In reference to potable water this letter is comment from the Environmental Health (EH) office on that application.

The EH office has no prohibition regarding the proposed property zone, but will advise the importance of an approved water source following a successful zone change including:

1. A "special event venue" makes approval from Oregon's Drinking Water Services (DWS) agency for a public water system via the DWS plan review process appear prerequisite to operating the business.
 - As per ORS 448.119, A water system with at least four service connections **or serving water to premises which are used by an average of at least 10 individuals daily at least 60 days each year is subject to regulation as a public water system.**
 - Reference the enclosed Basic Plan Review Requirements document to initiate plan review with DWS. The same document and additional detail is on-line at: <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PLANREVIEW/Pages/index.aspx>
2. The EH office provides licensing oversight for both vacation rentals and food service where approved water is necessary for both.
 - Though traditionally strait forward, at your request the EH office will provide you an outline to apply for a vacation rental license.
 - You are expected to initiate discussion with the EH office regarding intended food service in conjunction with the "special event venue." Have a plan to do this as soon as practical following a successful zone change.

Call the EH office at 541-266-6720 with any related discussion.

Rick Hallmark, Environmental Health Program Manager

281 LaClair St, Coos Bay, OR 97420
541-266-6744



Coos County Planning Department

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

FILE # PA-20-002

DATE/TIME OF MEETING: October 14, 2020 at 10:00 am

LOCATION: Owen Building Small Conference Room

GO TO MEETING INFORMATION: PA-20-002 Pre-Application Meeting
Pre-application meeting for Bandon Land Management
Wed, Oct 14, 2020 10:00 AM - 11:00 AM (PDT)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/134945757>

You can also dial in using your phone.
United States: [+1 \(872\) 240-3412](tel:+18722403412)

Access Code: 134-945-757

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APPLICANT: Kevin Wendelburg
BANDON LAND MANAGEMENT LLC
PO BOX 72177
NEWNAN, GA 30271-2177

ATTORNEY: Adam Gould, Gould Law Firm PC
243 W. Commercial
PO Box 29
Coos Bay, OR 97420

AGENCIES/DEPARTMENT: Hui Rodomsky, Department of Land Conservation and Development (DLCD)
Shaun Gibbs, South Coast Development Council, Inc
Nathaniel Johnson, County Counsel
John Rowe, Coos County Roadmaster
Craig Zanni, Sheriff
Rick Hallmark, Coos Health & Wellness
Micah Horowitz, Oregon Department of Transportation (ODOT)
Oregon Department of Forestry
Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians
Coquille Indian Tribe

REQUEST: Discuss the possibilities of rezoning the property from Forest to Recreational.

PROPERTY INFORMATION:

Account Number: 587503
Map Number: 26S143200-00401
Situs Address: 88515 PACIFIC SURF LN BANDON, OR 97411
Acreage: 54.25 Acres
Zone: FOREST (F)
Special Development
Considerations and Overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
FOREST MIXED USE (MU)
HEADLAND EROSION /OCEAN WAVES (HZH)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EROSION - COASTAL EROSION (NHERC)
NATURAL HAZARD - TSUNAMI (NHTHO)

Note: No structural development is proposed at this time.

Subject property:



Current zoning of area to be rezoned:

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.

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.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

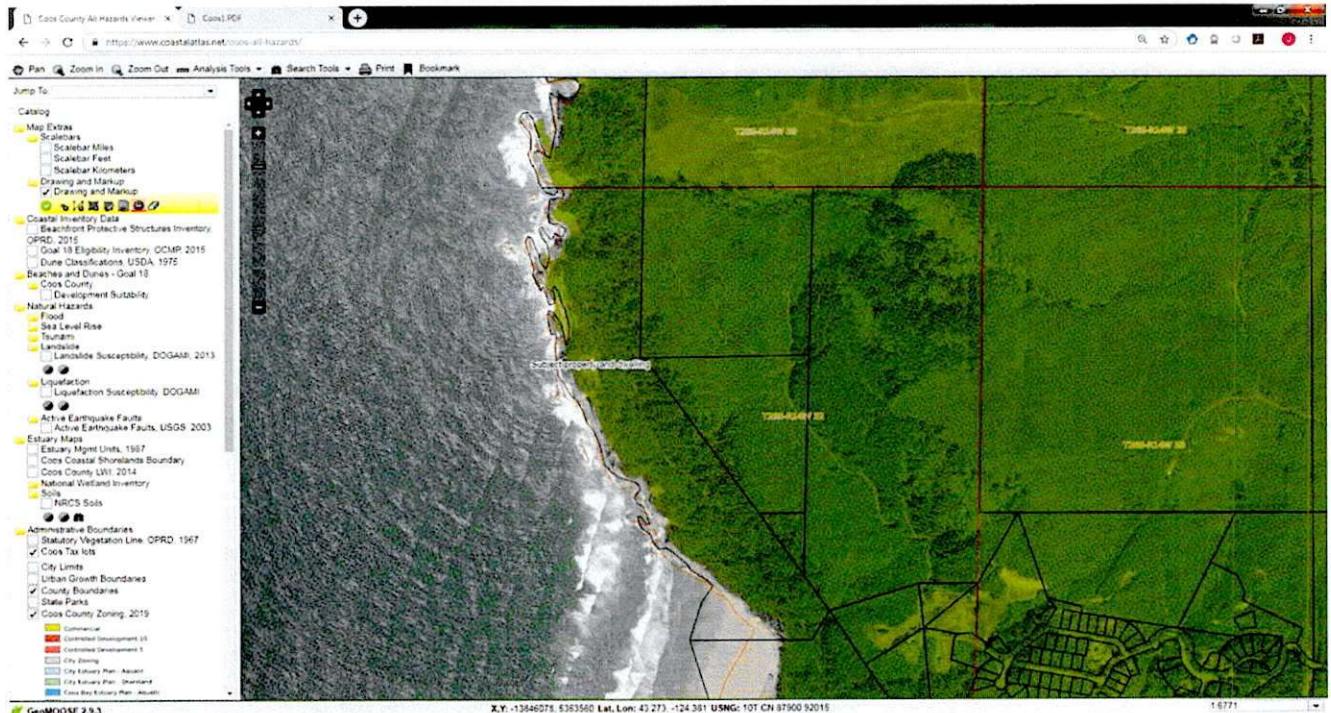
Proposed zoning of area to be rezoned:

Recreation (REC)

The intent of the Recreation District is to designated recreation areas. The purpose of the “REC” district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as “Recreation” in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County’s Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

Zoning shows that all units of land surrounding this property are zoned Forest.



Coastal Shoreland Boundary:



Lawfully Created Parcel: In 1997 it was determined that there were lawfully created units of land in the form of government lots that existed and a multi property line adjustment was completed which is how the legal configuration was approved.

Background: In 1986 a conditional use was approved for a Dwelling in conjunction with a forest use referred to as necessary and accessory. The statute and ordinances were amended in 1993 changing the type of approval for forest dwellings. Furthermore, the property used in this approval had an acreage of 292.24 acres and consisted of multiple tax lots. The lawfully created unit of land was not completed until 1997 followed by a property line adjustment changing the acreage to 54.25. This dwelling is considered a legal non-conforming dwelling.

Access to the property is from a private easement off of a public dedicated road (Pacific Surf Lane).

An alleged violation complaint was filed on this property regarding using the dwelling as a Bed and Breakfast or Vacation Rental without land use permits. The Planning Department notified the property owner that land use permits, parking permits and health permits were required to have a vacation rental. The Forest Zone does not permit a vacation rental which is why the applicant submitted a pre-application to discuss the permitting process to allow for a vacation rental and wedding venue. If the dwelling cannot be used under the current zoning then the property owner would like to rezone the property to a recreational zone. This property is within the Coastal Shore Land Boundary and either zone will be compatible.

Soils: According to the USDA Web Soil Survey layer and the July 1989 Coos County Soil Survey the properties soils consist of Templeton silt loam, 30 to 50 percent slopes.

54D-Templeton silt loam, 7 to 30 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 70 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 Salander soils. 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 medium, and the hazard of water erosion is moderate. This unit is used mainly for timber production and wildlife habitat. It is also used for livestock grazing and homesite development.

This unit is well suited to the production of Douglas fir. Among the other species that grow on this unit are western hemlock, western redcedar, Sitka spruce, grand fir, and red alder. The understory vegetation is mainly vine maple, thimbleberry, creambush oceanspray, red huckleberry, western swordfern, and Pacific trillium. 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. The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, plant competition, and the hazard of windthrow. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Displacement of the surface layer occurs most readily when the soil is dry. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity.

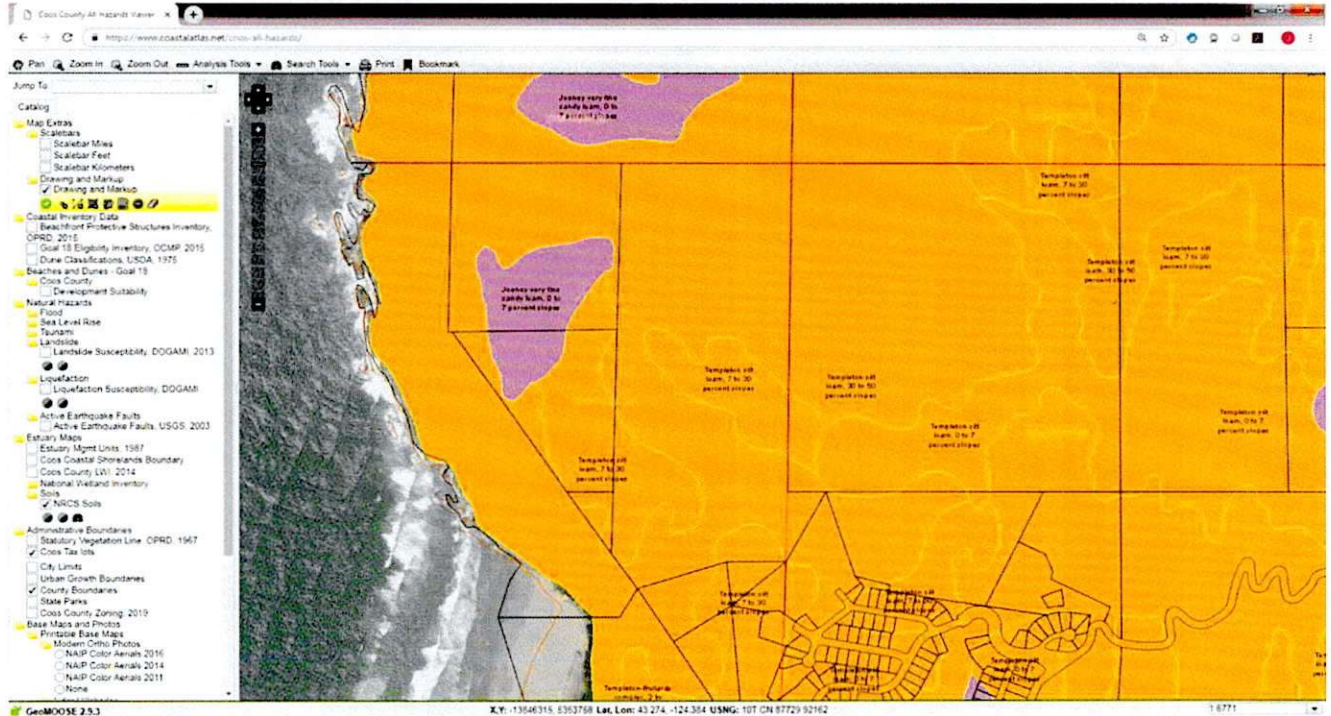
Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they 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 gulying unless they are provided with adequate water bars or are protected by plant cover, or both. Sitka spruce, a shallow rooted species, commonly 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, Douglas fir, and western hemlock seedlings.

This unit is well suited to livestock grazing. In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of an inadequate water supply. Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition.

If this unit is used for homesite development, the main limitations are slope and depth to bedrock. Absorption lines should either be placed in the more gently sloping areas of this unit or in adjoining areas of soils that are not so steep. Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion.

Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.

This map unit is in capability subclass Vle



Discussion: The current dwelling is considered nonconforming as it appears it would not conform to meet the current criteria for a dwelling in the forest zone.

Staff suggested options are (this does not prohibit additional options):

1. Show that the property has been used as a vacation rental prior to 1986;
2. File a conditional use to change the non-conforming use from a vacation home/single family dwelling to a short term rental and accessory wedding venue; or
3. Rezone the property to a recreational zone. This will involve goal exceptions to specifically Statewide Planning Goals 3 & 4.

Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance). The current Ordinance was enacted on January 1, 1986.

ARTICLE 5.6 nonconforming

Section 5.6.100 Nonconforming Uses:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with

state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

1. A change in the use of no greater adverse impact to the neighborhood; and
2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

Section 5.6.105 Exceptions to restoration or replacement of nonconforming uses:

Restoration or replacement of any use described in Section 5.6.100 may be permitted outright when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this Section, restoration or replacement shall be done in compliance with any Special Development Considerations of Article 4.11 that apply to the property.

Section 5.6.110 Interruption or Abandonment of Nonconforming Uses:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

Section 5.6.115 Surface Mining:

Surface mining use continued under Section 5.6.100 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
2. The surface mining use was not inactive for a period of 12 consecutive years or more.
3. For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

Section 5.6.120 Alterations, repairs or verification:

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

Section 5.6.125 Criteria for Decision:

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
3. Other provisions of this ordinance, such as property development standards, are met.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time

the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

Section 5.6.130 General Exceptions to Minimum Property Size Requirements:

If a single parcel, lot or contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the property size requirements of the zone in which the property is located, such lots or units may be occupied by a use permitted in the zone.

1. Nothing in this ordinance shall be interpreted to limit the conveyance of such lots or contiguous units of land, provided that such holdings are sold as a single ownership.
2. Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on such lots or units or the sale of such lots or units within subdivisions or land partitioning approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.

REZONE

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

**

SECTION 5.1.220 Process for Rezones:

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:

- a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
 - b. The development of the site must conform to certain specified standards; or
 - c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
 - ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
 - iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
 - iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

SECTION 5.1.235 Board of Commissioners Action on Hearings Body Recommendation:

Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1. 225, the Board of Commissioners shall either:

1. adopt the Hearings Body recommendation for approval or approval with conditions;
2. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application;
3. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
4. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

SECTION 5.1.240 Requirements for "Q" Qualified Classification:

Where limitations are deemed necessary, Board of Commissioners may place the property in a "Q" Qualified rezoning classification. Said "Q" Qualified Classification shall be indicated by the symbol "Q" preceding the proposed zoning designation (for example: Q C-1).

SECTION 5.1.250 Permits and Applications Moratorium:

1. After a proposed rezoning has been set for public hearing, no building or sewage disposal system permits shall be issued until final action has been taken. Final action constitutes either:
 - a. Withdrawal of the application by the applicant;

- b. Expiration of the County's appeal period without an appeal having been filed; or
 - c. Final order of Board of Commissioners upon hearing the appeal.
2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:

1. The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and /or Forest Land under Statewide Planning Goal 4.

NOTE: If the subject property is predominantly Class 1-IV soils or if it predominantly consists of soils capable of producing 5000 cubic feet of commercial tree species it is not considered to be nonresource land.

2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan;
3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.
4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.
5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or as designated forestland at any time in the past five years.
6. If the subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.
7. The subject property shall be at least 10 acre in area unless it is contiguous to an area that is zoned for nonresource use.

Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.

8. Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use.

Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.

Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004)

After the meeting staff will provide a follow-up letter identifying any applicable criteria.

If you have any questions please call at 541-396-7770, e-mail planning@co.coos.or.us, mail to 250 N. Baxter, Coquille, OR 97423 or visit us at the office 225 N. Adams St.

Amy Dibble.

Amy Dibble, Planner II

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: 88515 Pacific Surf Ln, Bandon

Type of Access: Private Easement - Provide Easement Name of Access: _____

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

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

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

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

- 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 his designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. I understand that I shall contact the Road Department to let them know when the improvements are ready to be inspected or Bonded. Contact by phone at 541-396-7600

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-20-



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423
(541) 396-7770
FAX (541) 396-1022 / TDD (800) 735-2900
Jill Rolfe, Planning Director

CONSENT

On this 3rd day of January, 2020,

I, Kevin Wendelburg
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 26S, Range 14W,

Section 32, Tax Lot 401, Deed Reference 2019-11882

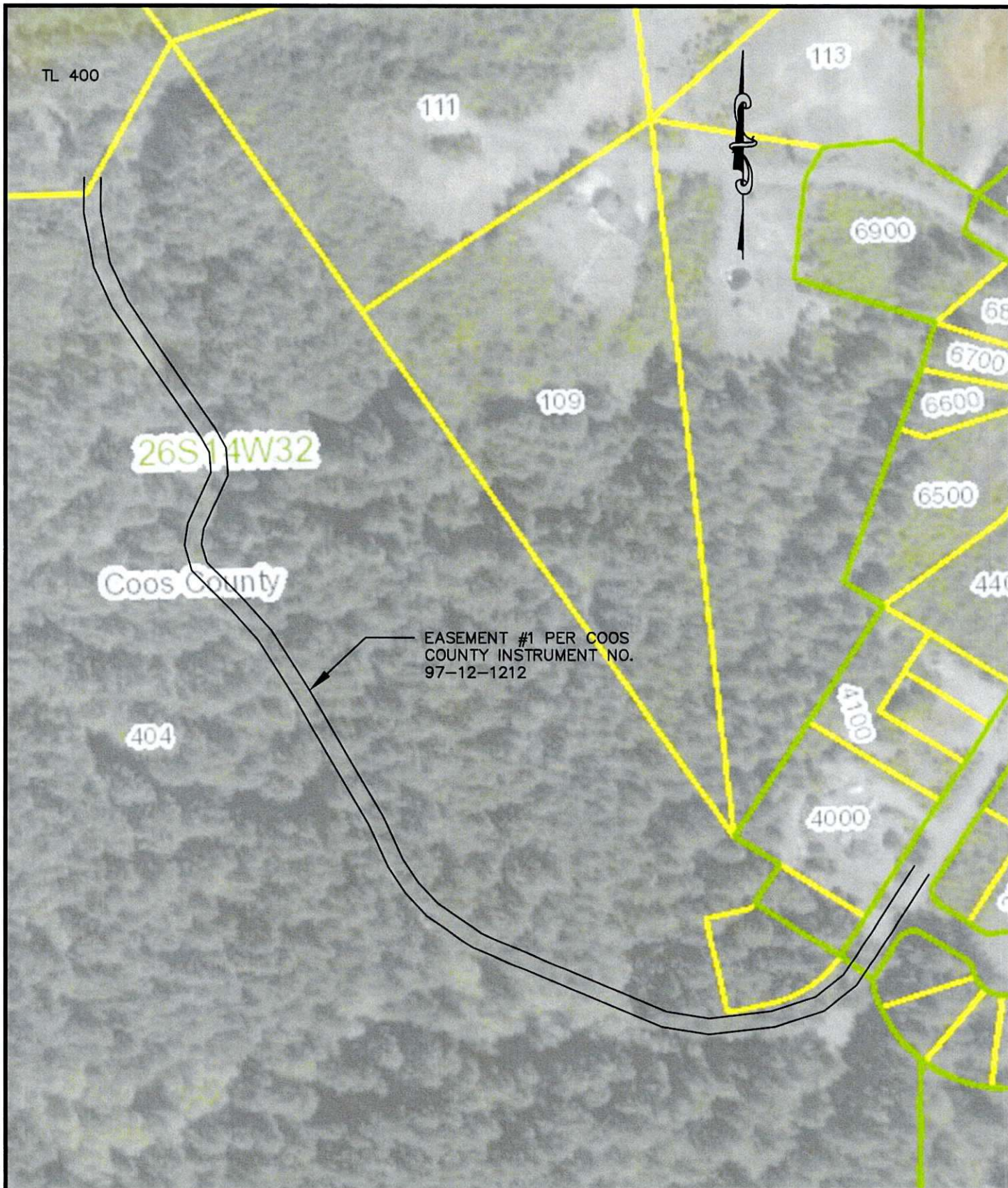
Hereby grant permission to Hailey Sheldon so that a(n)
(Print Name)

Land Use Application application can be submitted to the Coos
(Print Application Type)

County Planning Department.

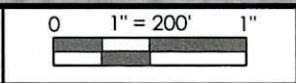
Owners Signature/s

Kevin Wendelburg



ESTABROOK
LAND SURVEYING

Drawn By: SRS
 Date: 1/2/2021



EASEMENT REVIEW

PRELIMINARY LAYOUT

TM: 26S-14W-32
 COOS COUNTY, OR

FIGURE

1

07 12 1212

After recording, return to:

Key Title Company
215 Curtis Avenue
P. O. Box 355
Coos Bay, Oregon 97420-0037

24-66492/Tm
RETURN TO KEY TITLE & ESCROW

RECORDING # 97121212

I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



2:06 PM ON 12/31/1997
M. BOWEN

By _____ Deputy

pages 3 Fee \$ 43.00

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that MELVIN L. McDOUGAL, "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledge, does hereby grant and give unto FRANK P. PEKNY and HELEN C. PEKNY, husband and wife, their successors and assigns, hereinafter referred to as "Grantee", a non-exclusive perpetual easement for ingress and egress and for the installation, maintenance and repair of utility lines and a roadway. Said Easement shall be 25 feet in width centered on the following described centerline:

Beginning at the Southeast corner of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said corner being marked with a brass capped two-inch iron pipe; thence North 01° 35' 18" East 513.13 feet along the East line of Section 32 to the TRUE POINT OF BEGINNING; thence along the centerline of the existing road as follows:

South 32° 12' 46" West 200.10 feet; South 49° 59' 42" West 58.70 feet; South 71° 01' 19" West 73.63 feet; South 83° 09' 42" West 96.19 feet; North 80° 27' 20" West 67.36 feet; North 65° 58' 52" West 305.07 feet; North 55° 16' 10" West 81.25 feet; North 42° 16' 40" West 44.90 feet; North 32° 43' 31" West 45.25 feet; North 23° 49' 26" West 71.42 feet; North 29° 24' 50" West 223.59 feet; North 31° 41' 19" West 107.13 feet; North 40° 23' 42" West 62.13 feet; North 43° 46' 54" West 82.96 feet; North 15° 29' 04" West 34.99 feet; North 08° 01' 51" East 28.82 feet; North 24° 06' 30" East 86.40 feet; North 04° 10' 57" West 37.07 feet; North 27° 50' 38" West 32.22 feet; North 33° 33' 27" West 236.02 feet; North 24° 08' 19" West 65.98 feet; North 09° 49' 24" West 83.89 feet; North 00° 22' 59" East 53.07 feet to the South line of the tract of land conveyed from McDougal to

1 - EASEMENT

3017

97 12 1212

Pekny, per deed recorded as instrument no.
97-12-1212, deed records of Coos County,
Oregon.

Grantor further grants to Grantee a non-exclusive perpetual easement for ingress and egress and for the installation, maintenance and repair of utility lines and a roadway, which easement is described as follows:

Beginning at the Southeast corner of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said corner being marked with a brass capped two inch iron pipe; thence North 01° 35' 18" East 513.13 feet along the East line of Section 32 to the TRUE POINT OF BEGINNING; thence running Easterly over and across Pacific Surf Drive to Seven Devils County Road No. 33 as platted per the Plat of First Addition to Sansaria and the Plat of Sansaria.

Grantor further grants to Grantee a non-exclusive perpetual easement 25 feet in width for ingress and egress to and from the beach for recreational purposes. Said easement is described as follows:

Beginning at the Southeast corner of Section 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said corner being marked with a brass capped two-inch iron pipe; thence North 01° 35' 18" East 513.13 feet along the East line of Section 32 to the TRUE POINT OF BEGINNING; thence running Southwesterly over an existing road through the Southeast Quarter of the Southeast Quarter of Section 32; thence continuing Southwesterly through the Northeast Quarter of Section 5, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, to the beach.

Each of the easements described above shall be appurtenant to the following described real property of grantee:

Government Lot 5, Section 29, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

ALSO: Beginning at the quarter corner common to Sections 29 and 32, Township 26 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence running South 01° 09'

2 - EASEMENT

3017

97 12 1212

33" West 1278.63 feet along the East line of Government Lot 1 of said Section 32 to a 5/8 inch iron rod set at the Southeast corner of said Government Lot 1; thence South 34° 57' 04" East 2490.08 feet to a 5/8 inch iron rod; thence South 30° 16' 57" West 263.80 feet to a 5/8 inch iron rod; thence West 131.00 feet, more or less, to the Westerly boundary of Government Lot 4 of said Section 32; thence Northwesterly along the Westerly boundaries of Government Lots 4, 3, 2 and 1 of said Section 32 to the North line of said Government Lot 1; thence East 576.00 feet, more or less, along said North line to the point of beginning.

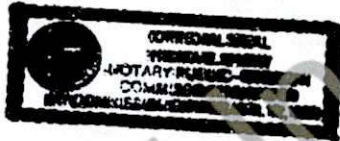
IN WITNESS WHEREOF, Grantor has made and executed this instrument this 29 day of Dec, 1997.


GRANTOR:



Melvin L. McDougal

STATE OF Oregon)
County of Tillamook) ss.
December 29, 1997

Personally appeared before me the above named Melvin L. McDougal who acknowledged the foregoing instrument as his voluntary act and deed.

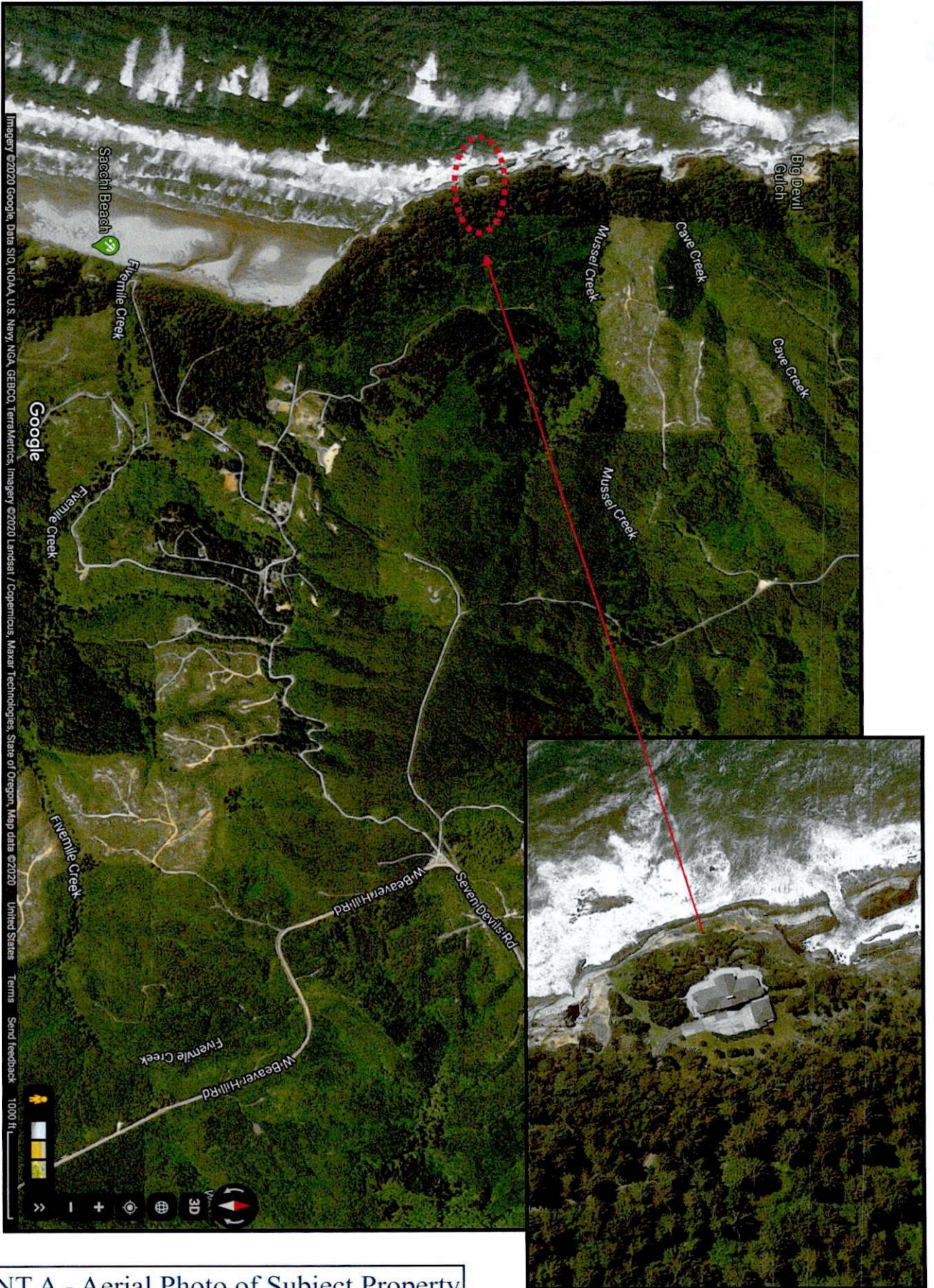



Notary Public for Oregon
My Commission Expires: 4-12-99



3. EASEMENT

3000



ATTACHMENT A - Aerial Photo of Subject Property

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

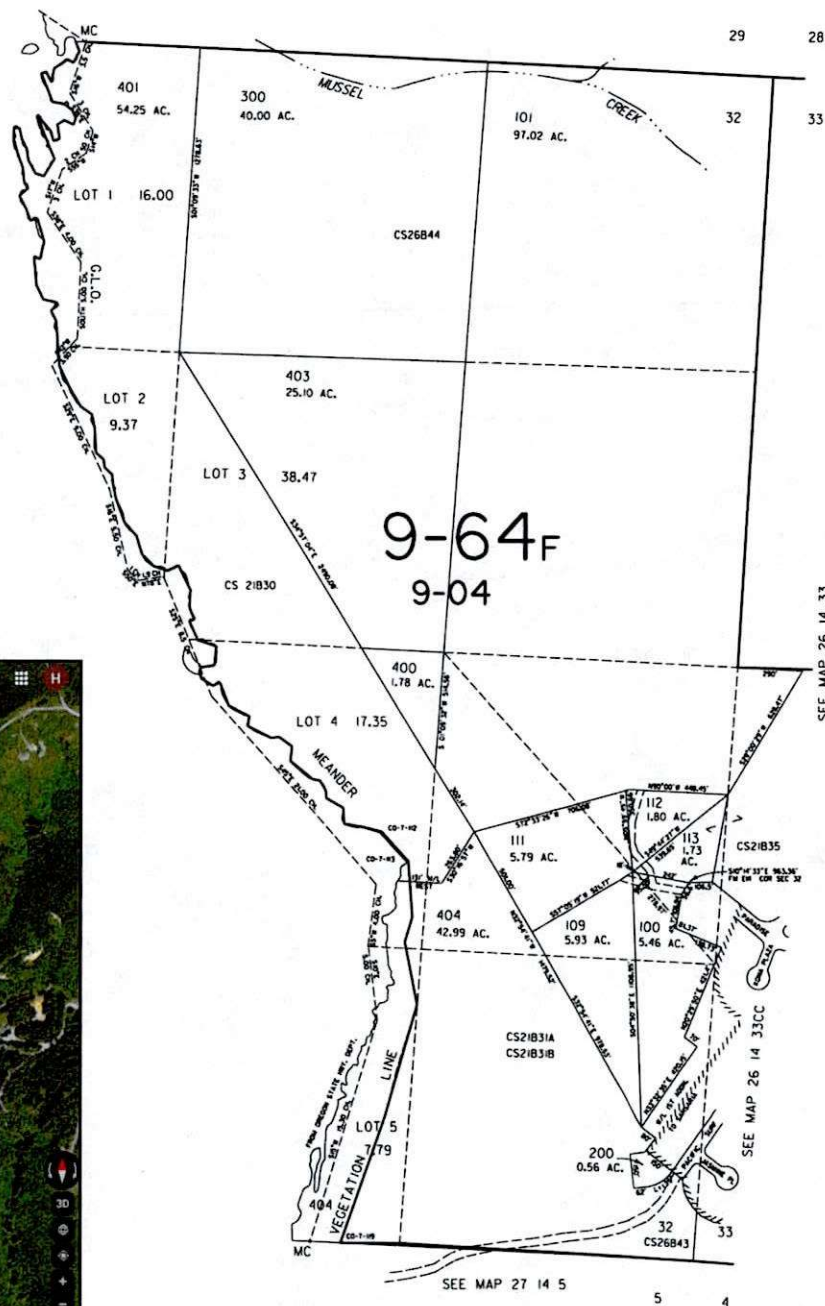
Approximate Location of Built Road /
Access Easement 97-12-1212



SECTION 32 T.26S. R.14W. W.M.
COOS COUNTY

1" = 400'

SEE MAP 26 14 29



26 14 32

CANCELLED

- 500
- 102
- 402
- 103
- 104
- 105
- 600
- 106
- 107
- 108
- 110
- 114
- 115

ATTACHMENT B - Access Easement Map and Description

9-8-2004

26 14 32

Need actual app, see
correspondence between Amy +
Nancy Sheldon
12-18-2020

Hi Amy + Will!

Please find my PA-20-002 Application
for unleased for 88515 Pacific Surf Lane,
Thanks for working with me on this!

Wm

~~26-17-17-101~~
26-14-29-600