



NOTICE OF LAND USE DECISION

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

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Wednesday, August 11, 2021

File No: ACU-21-010

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

Applicant(s): Edward I Fedoruk & Alysa P. Daniels
PO Box 5350
Carefree, AZ 85377

Mail Notice of Decision to:
Edward Fedoruk
290 N 3rd Court Apt 13
Coos Bay, OR 97420

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, August 26, 2021**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria, and Article 4.11 Special Development Considerations and Overlay. This proposal is not subject to review under Natural Hazards. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 4375700 / 4356404

Map Number: 25S13W12DC-1600 / 1104

Property Owner: EDWARD I FEDORUK & ELYSA P DANIELS TRUST
PO BOX 5350
CAREFREE, AZ 85377-5350

Situs Address: No Situs Address

Acreage: 2.36 Acres

This notice shall be posted from August 11, 2021 to August 26, 2021

Zoning: FOREST (F)
Special Development FOREST MIXED USE (FMU)
Considerations and overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

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

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions may be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Amy Dibble, Planner II and the telephone number where more information can be obtained is (541) 396-7770.

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

Reviewed by: Amy Dibble Date: Wednesday, August 04, 2021 .

Amy Dibble, Planner II

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

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map & Template Map

The Exhibits below are mailed/mailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following

Exhibit C: Staff Report -**Findings of Fact and Conclusions**
Exhibit D: Comments Received
Exhibit E: Submitted Application

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

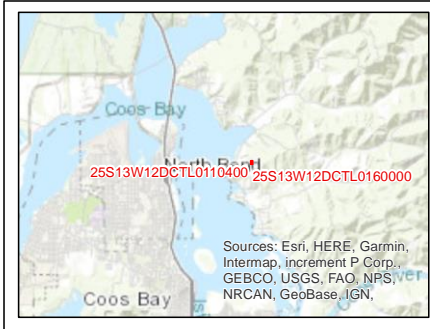
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization.
 - a. Pursuant to CCZLDO § 4.6.110 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 1. A copy of the building plans showing the type of roofing material shall be provided to Coos County Planning Department.
 - b. Pursuant to CCZLDO § 4.6.130 the following conditions will need to be complied with prior to issuance of a zoning compliance letter.
 1. All uses must comply with applicable development standards and fire siting and safety standards.
 2. A Forest Management Covenant must be recorded prior to receiving a Zoning Clearance Letter.
 3. A Water Supply Requirement form shall be submitted and signed off by the Watermaster.
 4. The applicant shall submit the well constructor's report to the county upon completion of the well.
 - c. Pursuant to CCZLDO § 4.6.140 the following conditions will need to be complied with:
 1. All Firebreak criteria found in § 4.6.140.10 shall be complied with.
 2. The dwelling shall not be sited on a slope of greater than 40 percent.
 3. Each chimney shall have an approved spark arrester.
 4. The applicant shall provide evidence of a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient garden hose to reach the perimeter of the primary fire break.
3. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.

EXHIBIT "B" Vicinity Map



COOS COUNTY PLANNING DEPARTMENT

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



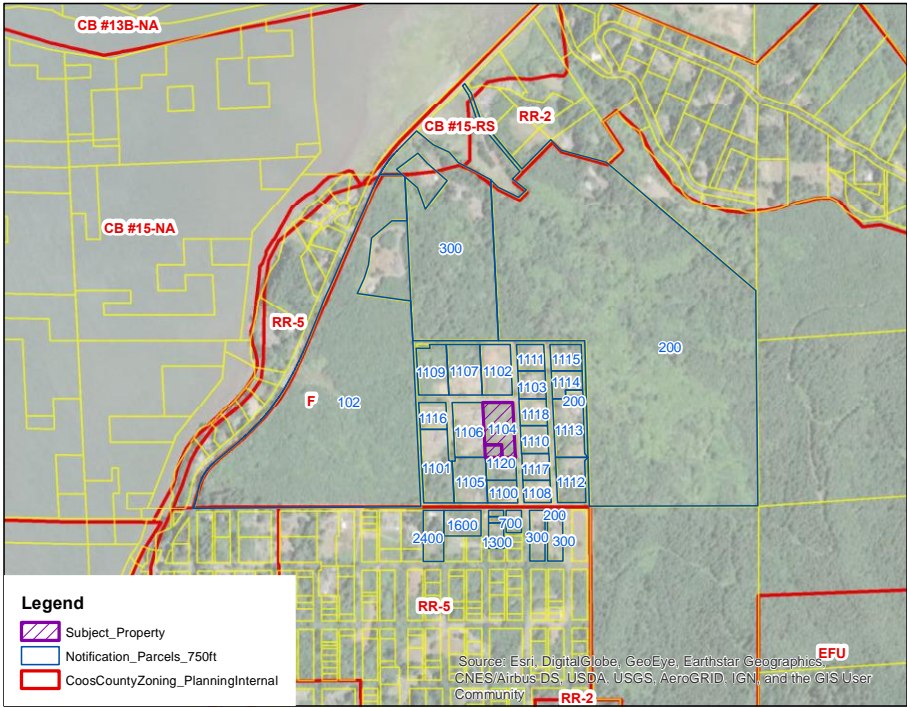
File: ACU-21-010

Applicant/
Owner: Edward I Fedoruk & Alysa P Daniels

Date: July 29, 2021

Location: Township 25S Range 13W
Section 12DC TL 1104/1600

Proposal: Administrative Conditional Use



Template Map



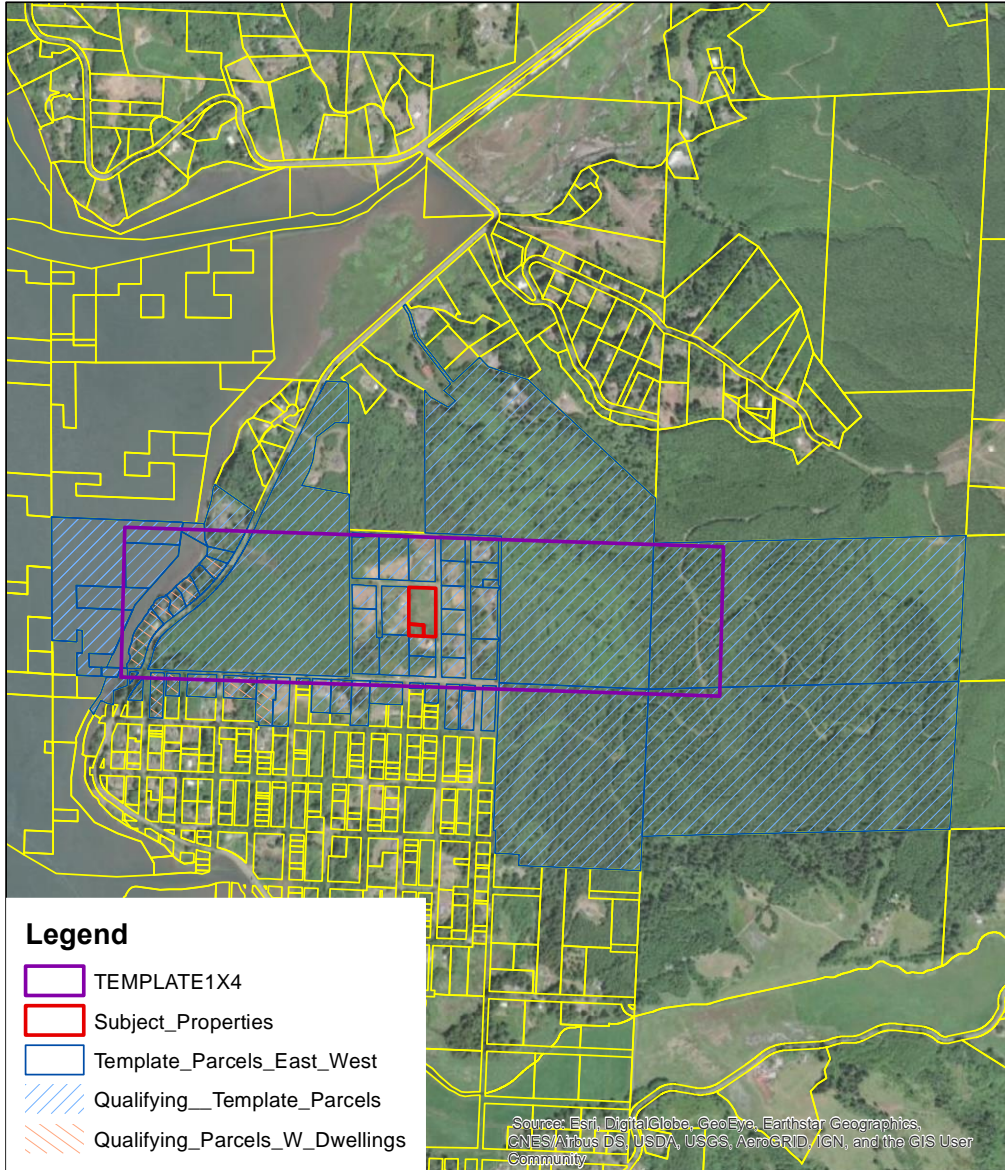
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



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

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

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

B. COMPLIANCE /BACKGROUND/PROPERTY HISTORY :

a. PROPERTY HISTORY AND BACKGROUND:

- Road vacation request (VAC-11-03) received on July 11, 2011,
 - Order (11-08-077PL) granting vacation was recorded on October 17, 2011.
- January 24, 2014 Staff signed an Oregon Department of Forestry Landowner plan for an alternate practice to be exempted from the forest reforestation requirements for the purpose of converting forest land to a non-forest use form.
- Research request (R-20-011) received on October 12, 2020, Staff processed a Forest Template test. Staff sent out a response that the template test found 59 parcels with 9 dwelling created before Jan 1, 1993 were all or part within the 160 acre rectangle template.

b. COMPLIANCE PURSUANT TO SECTION 1.1.300: It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and county files to determine that at this time the property is in compliance.

II. BASIC FINDINGS:

A. LOCATION: The property is located on the east side of Coos Bay, north of Cooston and southeast of Glasgow.

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

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.500 RESOURCE ZONES

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

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

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

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.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

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

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

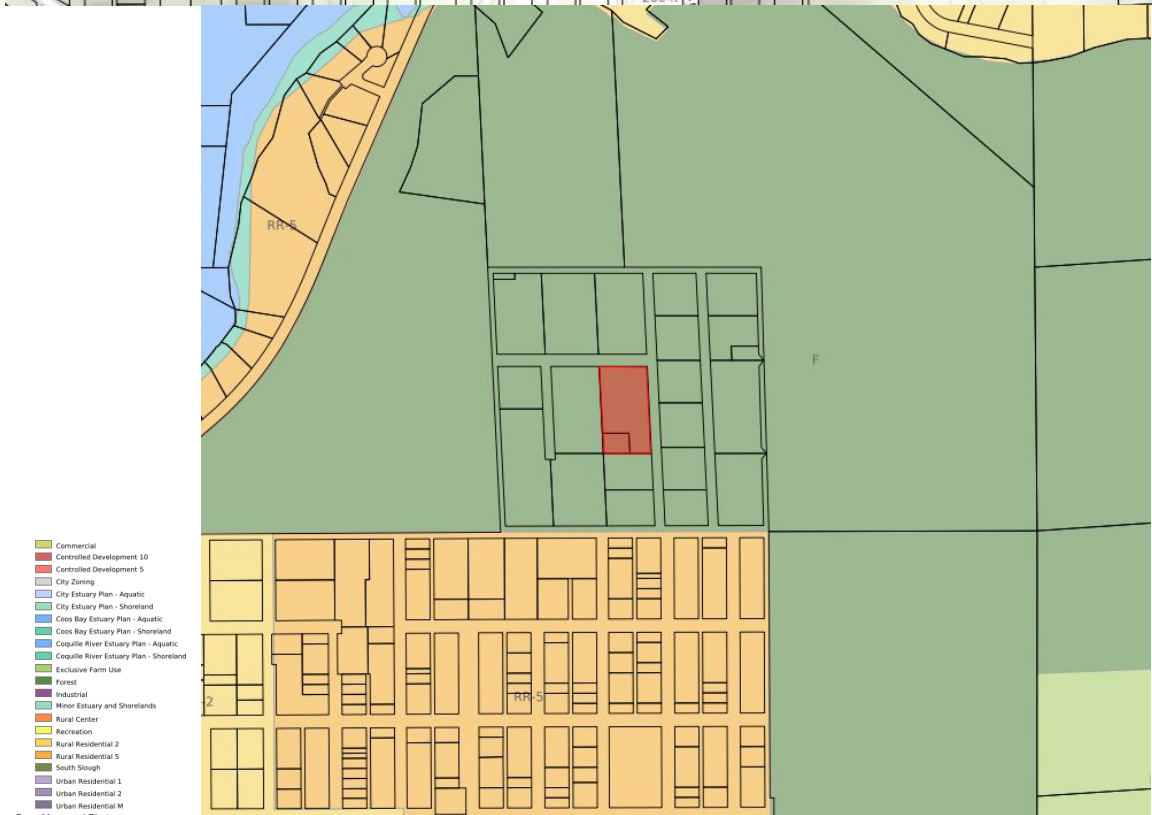
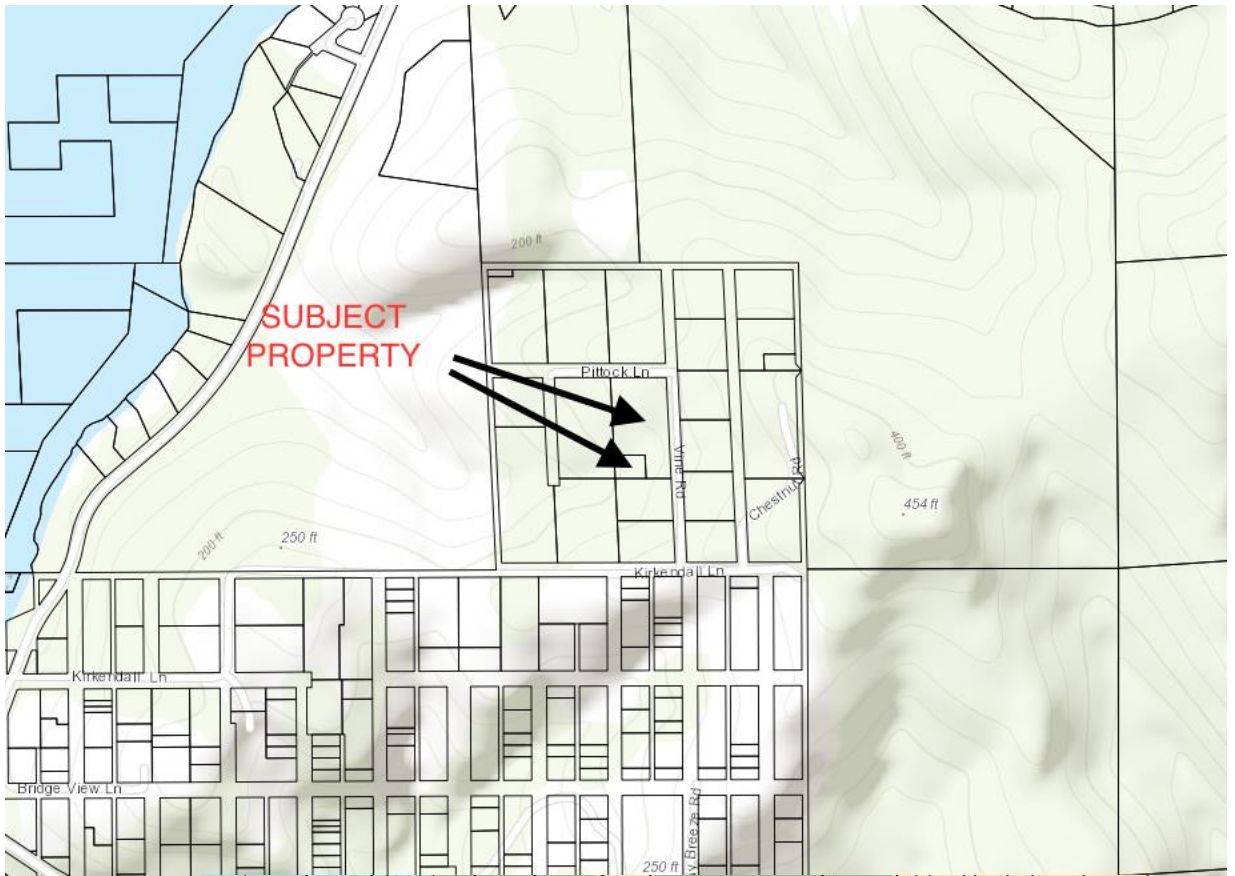
This property required that notification be provided to the Coquille Indian Tribe and the Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Tribes. The comments staff received from these agencies can be found in Exhibit D.

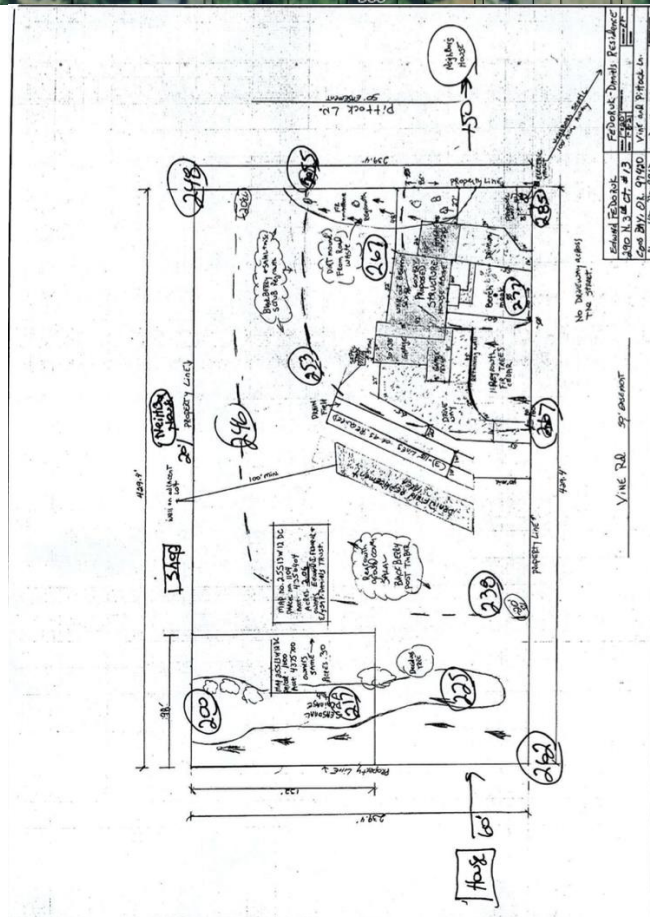
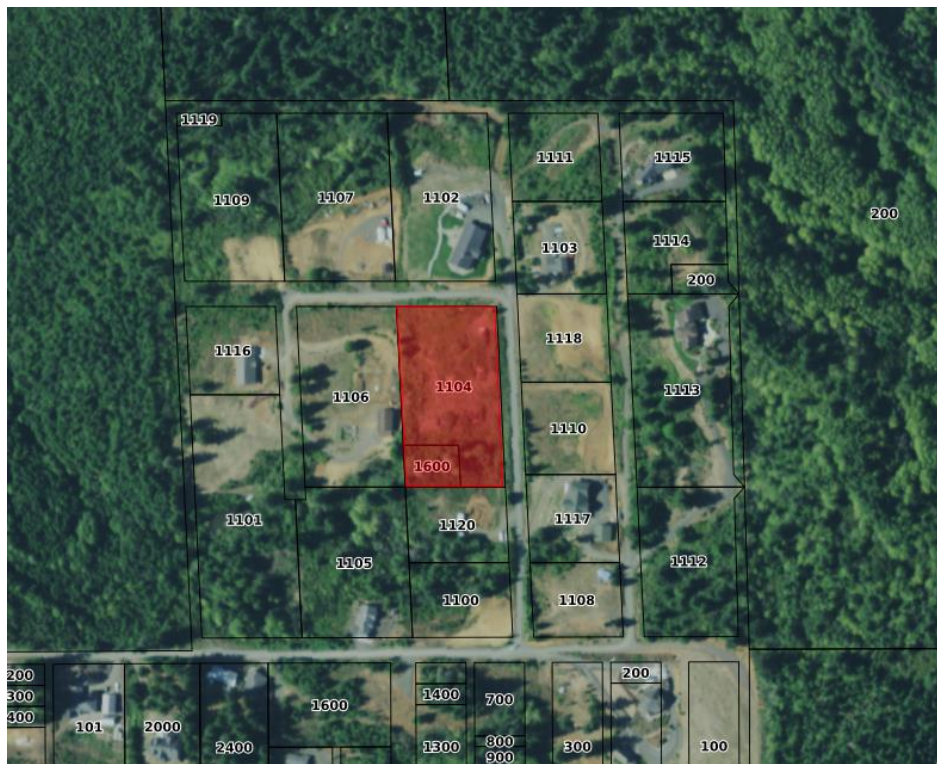
D. SITE DESCRIPTION AND SURROUNDING USES:

The parcel is located in the center of the Portlawn Addition to North Bend subdivision. This subdivision was platted in 1906. While the application's plot identified Vine Road and Pittock Lane as easements. These roads are publicly dedicated right-of-ways. The applicants' plot plan identifies that the proposed dwelling will be located off of Vine road.

There are other historic platted subdivisions to the south of the Portlawn Addition to North Bend that are zoned Rural Residential-5. West, north, and east of the Portlawn Addition to North Bend subdivision are large (20-100 acre) treed parcels that are zoned for Forest with Mixed Use Overlay.

The property is mostly cleared with a few scattered trees on the southern portion. The proposed dwelling is located away from this vegetated area. The location of the proposed dwelling, according to the applicants, has a 12% slope.





Screenshot: Not to Scale

E. COMMENTS:

- a. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none was received.
- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property required request for comments from the local tribes prior to the release of the decision. Their comments can be found in Exhibit “D”.
- d. **LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.a, through an approved or pre-ordinance plat.

III. STAFF FINDINGS AND CONCLUSIONS:

- **SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval of a Template Dwelling in the Forest Mixed Use Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § 4.6.110.3.b Template Dwelling, §4.6.130 Additional Criteria for All Administrative and Hearings Body Application Review, § 4.6.140 Development and Siting Criteria and Article 4.11 Special Development Considerations and Overlay. This proposal is not subject to review under Natural Hazards

- **KEY DEFINITIONS:**

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

- **TEMPLATE DWELLING CRITERIA AND FOREST SITING STANDARDS**

Forest Template Dwelling Supplemental Application:

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

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

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

(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;

(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

- (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.*
- (2) (Reserved)*
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.*
- (4) A proposed dwelling under this section is not allowed:*
- (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.*
- (b) Unless it complies with the requirements of ORS 215.730.*
- (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.*
- (d) If the tract on which the dwelling will be sited includes a dwelling.*
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*
- (6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:*
- (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or*
- (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.*
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.*
- [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]*

Response to SECTION 4.6.110(9)(B)(II): According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 54E Templeton silt loam. The volume of wood fiber per year for 54E is 186 cubic feet per acre per year for Douglas-fir species.



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

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

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

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

Permeability of this Templeton soil is moderate. Available water capacity is about 8.0 to 17.5 inches. Effective rooting depth is 40 to 60 inches. Runoff is rapid, and the hazard of water erosion is high.

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

This unit is suited to the production of Sitka spruce. Among the other species that grow on this unit are western hemlock, Douglas fir, Port Orford cedar, western redcedar, and red alder. The understory vegetation is mainly salal, evergreen huckleberry, Pacific rhododendron, western swordfern, and Oregon oxalis.

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

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

Proper design of road drainage systems and care in the placement of culverts help to control erosion. Cuts and fills are subject to erosion unless treated. Seeding, mulching, benching, and compacting the soil can reduce erosion. Unsurfaced roads and skid trails are slippery when wet or moist, and they may be impassable during rainy periods. Logging roads require suitable surfacing for year-round use. Rock for road construction is not readily available in this unit. Steep yarding paths, skid trails, and firebreaks are subject to rilling and gullying unless they are provided with adequate water bars or are protected by plant cover, or both. Road location and maintenance costs are greater in the more steeply sloping areas. Material cast to the side when building roads can damage vegetation. It is also a potential source of sedimentation. End hauling of waste material minimizes damage to the vegetation downslope and reduces the potential for sedimentation. Sitka spruce, a shallow rooted species, is subject to windthrow.

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

This map unit is in capability subclass V1e.

This subject property is made up of lots 1 through 26, inclusive, Block 8 of Portlawn Addition to North Bend, together with portions of vacated Leadbetter Avenue, Race Street, alleyway that would inure by reason of the vacation hereof. There are no other dwellings or deed restrictions on the property that would prohibit a dwelling being sited. The property is not within the Urban

Growth boundary. The parcel is less than 60 acres in size. The property does touch a road created before 1993 or perennial stream. That road allows a rectangle to be used for the template test. There will need to be 11 parcels with 3 dwellings that were created before Jan. 1, 1993. Staff processed a research request for a template test on November 17, 2020. Staff found that 59 parcels with 9 dwellings were all or part within the rectangle. Therefore, staff is able to determine the application request complies with the requirement of this section.

9(C) Additional Criteria for all dwellings allowed in the forest and Forest Mixed Use Zones.

- i. A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
 - (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.**

Response to SECTION 4.6.110(9)(C)(1)(a): The property is less than 10 acres in size; therefore, the criteria does not require a stocking survey.

- i. the dwelling meets the following requirements:
 - a. The dwelling has a fire retardant roof.**

Response to SECTION 4.6.110(9)(C)(1)(b)(A): The applicants states that the dwelling will have a fire retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.

- b. The dwelling will not be sited on a slope of greater than 40 percent.*

Response to SECTION 4.6.110(9)(C)(1)(b)(B): The applicants states that the dwelling site is approximately 12%, and therefore will not be sited on a slope of greater than 40 percent. Staff concurs with the topography map that the subject property is not greater than 40 percent. Therefore, this criterion has been addressed.

- c. Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

Response to SECTION 4.6.110(9)(C)(1)(b)(C): The applicants state that the water supply will be from a well and not a Class II stream. Therefore, this has been addressed.

- d. The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*

Response to SECTION 4.6.110(9)(C)(1)(b)(D): The property is located within the North Bay RFPD. Therefore, this criterion has been addressed.

- e. If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

Response to SECTION 4.6.110(9)(C)(1)(b)(E): This is not applicable see prior finding.

- f. If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

Response to SECTION 4.6.110(9)(C)(1)(b)(F): The applicants state that they will install spark arresters on any chimney. This will be a condition of approval. Therefore, the criterion has been addressed.

- g. The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

Response to SECTION 4.6.110(9)(C)(1)(b)(G): The application states that the owner will provide and maintain the primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned and or controlled by the owner consistent with the requirements of Section 4.6.140.9 and 4.6.140.10.10. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.

- ii. (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*

(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

Response to SECTION 4.6.110(9)(C)(2)(a) & (b): No alternative forms of fire protection were requested. No water supply was shown to exist that would meet the criteria and require a road access. Therefore, this has been addressed.

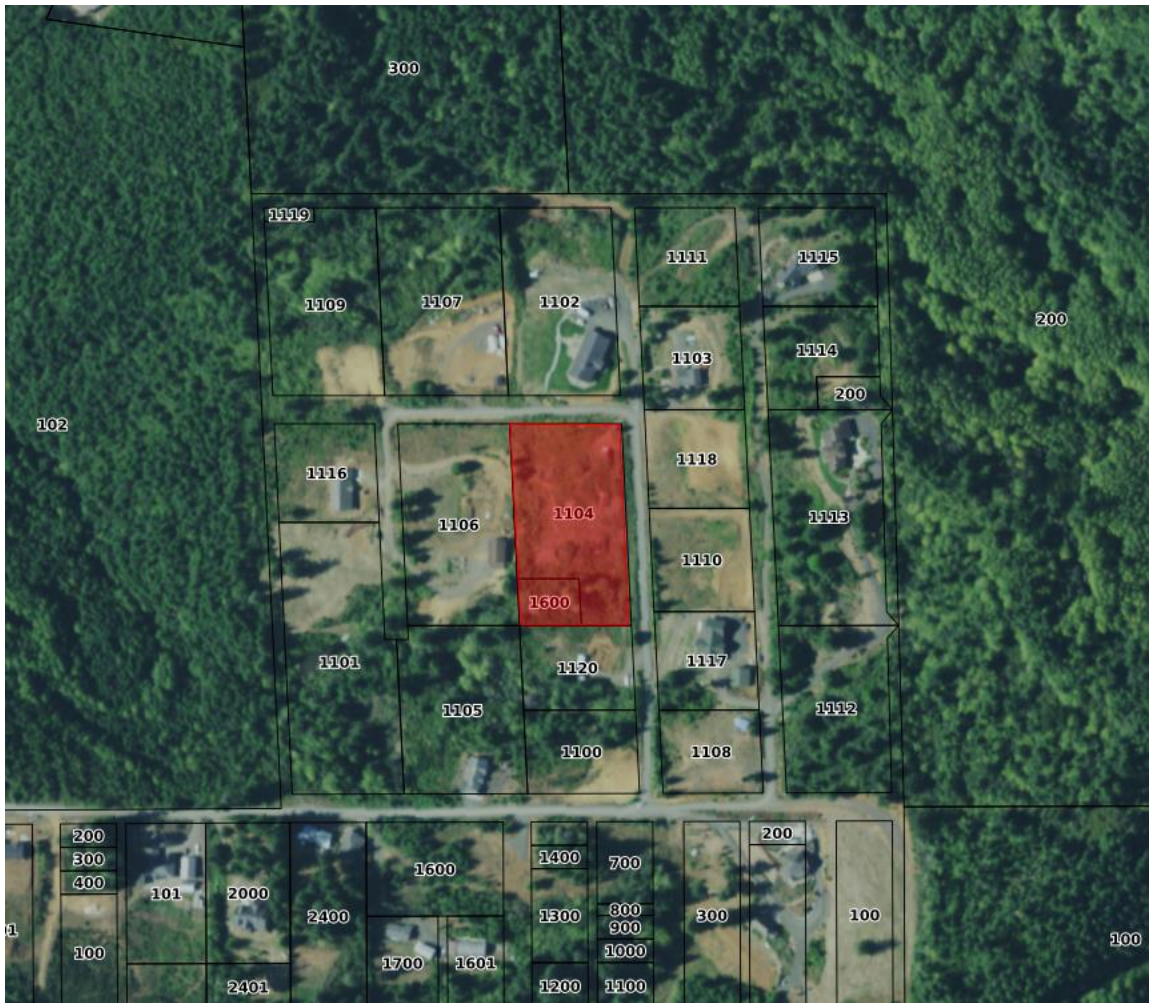
SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL new and REPLACEMENT dwellings and structures in forest

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

- 1. Dwellings and structures shall be sited on the parcel so that:
 - (a) They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**

Response to SECTION 4.6.130(1)(a) and SECTION 4.6.130(1)(b): According to the applicants plot plan, the proposed homesite's attached garage will be located approximately 27 feet from the northern property line, Staff estimated the dwelling will be located approximately 125 feet from the western property line and approximately 300 feet from the southern property line.

¹*For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*



The map above shows the surrounding properties. The subject property is located in the heart of the Portlawn Addition to North Bend subdivision. Staff estimates the subject property is about 500 feet away from any potential timber harvesting forestlands. Around this parcel are developed residential streets, and adjacent parcels have irrigated lawns. Due to these factors, there will be a reduced danger of a fire spreading from the proposed dwelling to adjacent forestlands.

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

Response to SECTION 4.6.130(1)(c) – The applicants are utilizing an existing publicly dedicated street.

(d) *The risks associated with wildfire are minimized.*

Response to SECTION 4.6.130(1)(d) - Construction of the dwelling will take place in the heart of Portlawn Addition to North Bend subdivision. The existing residential streets and residentially developed areas adjacent to the subject property reduce wildfire hazards from the applicant's proposal.

2. *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

Response to SECTION 4.6.130(1)(d) and 4.6.130(2) – The risks associated with wildfire will be minimized by the continual proper maintenance of the fuel free setbacks. Based on the submitted plot plan, the homesite will be located within close proximity to the existing publicly dedicated roads making it easy for fire suppression and adding an additional buffer.

3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
 - a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*

Response to SECTION 4.6.130(3) – The applicants stated that the water source will be from a private well that will be constructed. The applicants are required to submit the well contractor's report. Verification from the Water Resources Department that no water use permit is required for the proposed uses. This approval of this project will be conditional on this.

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

Response to SECTION 4.6.130(4) – The subject property is accessed via Vine Road. Vine Road is a publicly dedicated roadway. This criterion has therefore been addressed.

5. *Approval of a dwelling shall be subject to the following requirements:*
 - (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
 - (b) *The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) *If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) *Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that*

- department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
- (e) *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

Response to SECTION 4.6.130(5) – There are less than 10 acres on the subject property; therefore, a stocking survey is not required. Assessor’s department will be notified this proposed development by the Planning Department.

As a condition of approval, the property owner shall sign and record in the deed of records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. These forms shall be signed in front of a notary and recorded.

Section 4.6.140 Development and Siting Criteria:

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

1. *Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

Response to SECTION 4.6.140.1: This proposal does not include the creation of a new parcel and the current size of the subject property will not affect the proposal. The unit of land was created pursuant to 6.1.125.1.a, through an approved or pre-ordinance plat.

2. *Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*

Response to SECTION 4.6.140.2: The provided plot plan illustrated that all setbacks will be more than satisfied.

3. *Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

Response to SECTION 4.6.140.3: The proposal does not include any fences, hedges, or wall; therefore, this criterion does not apply.

4. *Off-Street Parking and Loading: See Chapter VII.*

Response to SECTION 4.6.140.4: Driveway/Access/Parking Verification Permit application must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.

5. *Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.*

Response to SECTION 4.6.140.5: This criterion was addressed above and will be made a condition of approval.

6. *Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
 - a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*
 - h. *Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

Response to SECTION 4.6.140.6: There are no wetland overlays on the subject property. The subject property does not have any riparian vegetation protection areas.

7. *All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*

Response to SECTION 4.6.140.7: The dwelling will be located within the North Bay Fire Protection District; therefore, this criterion has been satisfied.

8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - j. *The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - k. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - l. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*
 - m. *Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Response to SECTION 4.6.140.8: The applicants shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The applicants did not request to have alternative forms of fire protection considered. Therefore, this criterion is not applicable.

9. *Fire Siting Standards for New Dwellings:*
 - n. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
 - o. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Response to SECTION 4.6.140.9: The applicants state that they will provide and maintain a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building set back. The property owner shall provide

evidence of this prior to issuance of a Zoning Compliance Letter, this will be made a condition of approval. Therefore, this requirement has been addressed.

10. Firebreak:

- p. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- q. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- r. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 – Minimum Primary Safety Zone

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

Response to SECTION 4.6.140.10: The plot plan indicates that the dwelling will be located in an area containing 12% slopes. As a result, the applicants will need to maintain a 30 feet primary fuel-free break. The applicants will also need to maintain a 50 feet secondary fuel-free break. The applicants are only responsible to maintain the fuel-free breaks on land they own or control. These criteria will be made a condition of approval.

- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.

Response to SECTION 4.6.140.11: The applicants state that the roofing materials used will be made of non-combustible or fire resistant roofing materials. As a condition of approval, the property owner shall be required to submit evidence certifying the roofing materials meet this requirement. Therefore, this criterion has been addressed.

- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This

includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

Response to SECTION 4.6.140.12: The property has no water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression. Therefore, this criterion is not applicable.

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

Response to SECTION 4.6.140.13: The plot plan and information from application shows the proposed dwelling and other structures will not be sited on a slope greater than 40%. Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.140.14: As a condition of approval, the property owner shall supply information certifying that all chimneys have a spark arrester by providing a copy of the building plans. Therefore, this criterion has been addressed.

15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.

Response to SECTION 4.6.140.15: The subject property is located within the North Bay Rural Fire Protection District. Therefore, this criterion has been satisfied.

16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.

Response to SECTION 4.6.140.16: At the time of road inspection, prior to receiving a zoning compliance letter, the Roadmaster or his designee will confirm that the standards have been met in order that emergency equipment can be accessed properly. Therefore, this criterion has been addressed.

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

Response to SECTION 4.6.140.17: Road/ Driveway Access Verification Permit shall be signed off by the Road Department prior to receiving a Zoning Clearance Letter for development. Therefore, this criterion has been met.

IV. DECISION:

There is evidence to adequately address the criteria for a Forest Template Dwelling, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

V. EXPIRATION AND EXTENSION OF CONDITIONAL USES:

- *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.*
 - *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:*

- *First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
 - *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.*
 - *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.*
 - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
- *Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
 - *The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
 - *The applicable residential development statute has not been amended following the approval of the permit; and*
 - *An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.*
 - *An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*

This conditional use is for a residential development within a resource zone and is valid for four years for the date of final approval Tuesday, August 19, 2025.

VI. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties:

DLCD
North Bay Rural Fire Protection District

Planning Commission
Board of Commissioner

EXHIBIT "D"
Comments



COQUILLE INDIAN TRIBE

3050 Tremont Ave. North Bend, OR 97459
Telephone: (541) 756-0904 – Fax: (541) 756-0847
www.coquilletribe.org

February 22, 2021

Coos County Planning Department
250 N Baxter
Coquille, OR 97429

Re: ACU-21-010

Project location: T25S, R13W, Section 12, TL 1104&1600

Thank you for the opportunity to comment on the proposal to construct a single family dwelling at the above referenced location. The Coquille Indian Tribe THPO concurs with the anticipatory finding of no historic properties/cultural resources effected. **Extreme caution is recommended.** If any known or suspected cultural resources are encountered during the work, ground-disturbing activities should cease and the landowner or contractor should contact our office immediately.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or private lands. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me at (541) 217-5721 if you have any questions.

Masi (thank you),

Todd Martin
Tribal Historic Preservation Specialist

CRT21075

Michelle Berglund

From: Courtney Krossman [ckrossman@ctclusi.org]
Sent: Wednesday, March 10, 2021 9:32 AM
To: Michelle Berglund
Cc: Planning Department
Subject: RE: Emailing: ACU-21-010 Tribe Comment Request

This Message originated outside your organization.

Good Morning Ms. Berglund,

CTCLUSI has no objections to the proposed work. The proposed work area is in proximity to known cultural resource sites and so may contain as yet unlocated cultural resources. We request that we be contacted immediately if any known or suspected cultural resources are encountered during any phase of the work. Please feel free to reach out if we can be of further assistance.

Courtney Krossman
Cultural Resources Protection Assistant
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
1245 Fulton Avenue
Coos Bay, Or 97420
(Office) 541.888.9577 ext. 7547
(Cell) 541.808.5085

EXHIBIT "E"
Submitted Application



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-21-010

Date Received: <u>2/10/21</u>	Receipt #: <u>224218</u>	Received by: <u>JMB</u>
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 submital)		

LAND INFORMATION

A. Land Owner(s) Edward I Fedoruk & alysa P. Daniels

Mailing address: PO Box 5350, Carefree, AZ 85377

Phone: 480-220-8817 Email: ed@Altbuilding.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>25S</u> <input type="checkbox"/>	<u>13W</u> <input type="checkbox"/>	<u>12</u> <input type="checkbox"/>	<u>D</u> <input type="checkbox"/>	<u>C</u> <input type="checkbox"/>	<u>1600</u>
<u>25S</u> <input type="checkbox"/>	<u>13W</u> <input type="checkbox"/>	<u>12</u> <input type="checkbox"/>	<u>D</u> <input type="checkbox"/>	<u>C</u> <input type="checkbox"/>	<u>1104</u>

Tax Account Number(s): 4375700 Zone: Select Zone Forest Mixed Use (FMU)

Tax Account Number(s): 4356404 Forest Mixed Use (FMU)

B. Applicant(s) Edward Fedoruk

Mailing address: PO Box 5350, Carefree, AZ 85377

Phone: 480-220-8817

C. Consultant or Agent: _____

Mailing Address: _____

Phone #: _____ Email: _____

Type of Application Requested

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

Special Districts and Services

Water Service Type: Select type of Water Service Sewage Disposal Type: Select type of Sewage System

School District: Select School District Fire District: Select Fire District

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.

Edward Jelonek Feb-8 2021

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: corner of Vine st & Pittock Ln

Type of Access: Public Road Name of Access: Residential

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-

Feb 8 2021

Ps. 1

To: Coos County Planning
Attached written statement
of Intent.

I called for assistance in completing this application. I was told to complete the criteria form that was emailed to me. I have addressed each item on a point by point basis. It is attached in property description - 2.36 Acres located in East Bay of Coos Bay @ corner of Vine Rd and Pittock Ln. Tax #'s 4375700 and 4356404, slightly sloped @ 12% w/ building area in N.E. corner. Seasonal drainage area at south end of property. It has been logged with some regrowth popping up. A large cedar in N.E. corner - cedars and a few deciduous trees near drainage. SNAW + Blackberry covering most of lot.

I do not intend to grow wood fiber or agriculture product. This is in residential subdivision.

A well will be constructed. A dwelling with garage will be built and a septic field installed. Power will be connected - no natural gas.

It is in North Bay fire district.

I will reside in dwelling. Request is to build this dwelling well, and septic field on property that I have purchased. Details on attached plot plan & sheets.

I will comply w/ Fire suppression
guide lines and provide fuel FREE
Zones and Secondary Fire Breaks
for shall be Fire Resistent.

Building set backs will be followed
Driveway will be constructed to
Roadmaster Specs

The construction and development
of this property will bring added
taxes to Coos County, provide
SOBS to local Tralman, in fill A
lot in an existing neighborhood.
I can only hope for speedy completion
of this application.

Thankyou

Edual Johnson

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

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

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

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

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

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

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

(1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
- (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
- (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

(3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.

(4) A proposed dwelling under this section is not allowed:

- (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
- (b) Unless it complies with the requirements of ORS 215.730.
- (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
- (d) If the tract on which the dwelling will be sited includes a dwelling.

(5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(6) (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
- (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

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

(7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7), (8); 1999 c.59 §58; 2005 c.289 §1]

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

The property HAS PASSED the template inspection. I have no idea ABOUT wood fiber. IT has been logged. IT is in an AREA of homes in a subdivision. I'll sign a waiver if I must. Pay the tax

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

(1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:

- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

Response to SECTION 4.6.110(2)(C)(1)(a)

The LAND IS 2.36 ACRES - UNDER 10 ACRES

(b) the dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

Response to SECTION 4.6.110(2)(C)(1)(b)(A)

The roof shall be Fire Retardant

(B) The dwelling will not be sited on a slope of greater than 40 percent.

Response to SECTION 4.6.110(2)(C)(1)(b)(B)

The dwelling will be on a slope of approx 12% slope

(C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.

Response to SECTION 4.6.110(2)(C)(1)(b)(C)

The water shall be from a well. Contractor will be Artisanal wells

(D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.

Response to SECTION 4.6.110(2)(C)(1)(b)(D)

The dwelling is in Fire district of North Bay Fire District. 67577 E. Bay Road. I spoke with Fire chief -

(E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.

Response to SECTION 4.6.110(2)(C)(1)(b)(E)

North Bay Fire District

(F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.

Response to SECTION 4.6.110(2)(C)(1)(b)(F)

SA
Each chimney will have spark arrester

(G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

Doney

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

Owner SHALL provide AND maintain fuel free break
AND Secondary Break

(2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.

(b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

Response to SECTION 4.6.110(9)(C)(2)(a) & (b) – If you are requesting alternative forms of fire protection because you are outside of a Fire District and or provided with residential fire protection by contract, please provide additional solutions to fire protection. If you are within a fire district you do not need to respond to these criteria.

within fire district

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

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

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

Response to SECTION 4.6.130(1)(a) – Describe how the placement of the dwelling will have the least impact on nearby or adjoining forest or agricultural lands:

The dwelling is placed within subdivision of homes, It is buffered from forest and agriculture lands by other properties

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Response to SECTION 4.6.130(1)(b) – Describe any forest or farming practices that are occurring

on the subject tract. "Tract means land within the same ownership that is contiguous". Describe how the placement of the dwelling will ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

No forest or farming on TRACT.
Dwelling within subdivision

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

Response to SECTION 4.6.130(1)(c) – How much acreage will be removed for site access roads, service corridors, dwelling and other structures. Could less property be removed from forest lands to support the proposed development. Please make sure plot plan matches any of the proposed development. Minimizing may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Access roads are established. Property is with subdivision and buffered by other homes.

(d) The risks associated with wildfire are minimized.

Response to SECTION 4.6.130(1)(d) – Describe how the risks associated with wildfire are minimized. This section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Presently Wild Fire Risks are minimized by property being logged and maintained in future by owner -
30' Fire Break defensible barrier to structure. Extra 50' Fire Break safety zone downslope - Tree tops thinned to 15' spacing - dead low branches removed - 500 Gall Tank on water 3/4 hose @ 50 PSI

(2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

If you would like to provide addition explanation of Section (1) please use this space:

Dwelling is sited in N.E. corner of property 60' from front property line on east side, 27' ft. to north line

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic

water supply means:

- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or
- (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Response to SECTION 4.6.130(3) – Please describe water source if need assistance you may contact Oregon Water Resource Department:

A well will be installed
Applicant shall submit well constructor's report to
county upon completion

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

Response to SECTION 4.6.130(4) – Please explain if the road that is accessing the property is private or public. If it is private, ODF, BLM or US Forest Service a long-term road access use permit or agreement shall be provided with the application or acknowledgment by the applicant that this will be a condition of approval.

The Road Access is Public.

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

Response to SECTION 4.6.130(5) – The Planning Department will request comments from the Assessor's Office regarding restocking. Please acknowledge that you will follow the restocking requirements.

I don't have a tract - I have a lot in a
subdivision neighbor hood.
I will follow the restocking requirements

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

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

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.
2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.

8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:
- a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
9. Fire Siting Standards for New Dwellings:
- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
10. Firebreak:
- a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - b. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - c. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 1 - Minimum Primary Safety Zone

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

12% slope

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

16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.

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

Response to SECTION 4.6.140

Is the property a legal unit of land?

YES

Will the applicant meet the road setback (should be shown on plot plan)?

yes

Will a Fence, Hedge and/or Wall be developed at this time? If so will it comply with the vision triangle?

NO FENCE

Has a driveway/access/parking permit been requested at the time of the application?

no, do I need to?

Has the applicant acknowledge and file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.

I will

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

no

Is the property within a Fire Protection District, if so which one?

North Bay Fire District

The applicant acknowledges that they will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.

Acknowledged

Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report please explain.

Slope = 12% Down slope safety zone 50'

Please acknowledge that the proposed dwelling use non-combustible or fire resistant roofing materials.

Dwelling will have Fire Resistant Roofing

Is there a water supply exceeding 4,000 gallons available to the site within your ownership?


no

The applicant acknowledges dwelling will not be sited on a slope of greater than 40 percent.

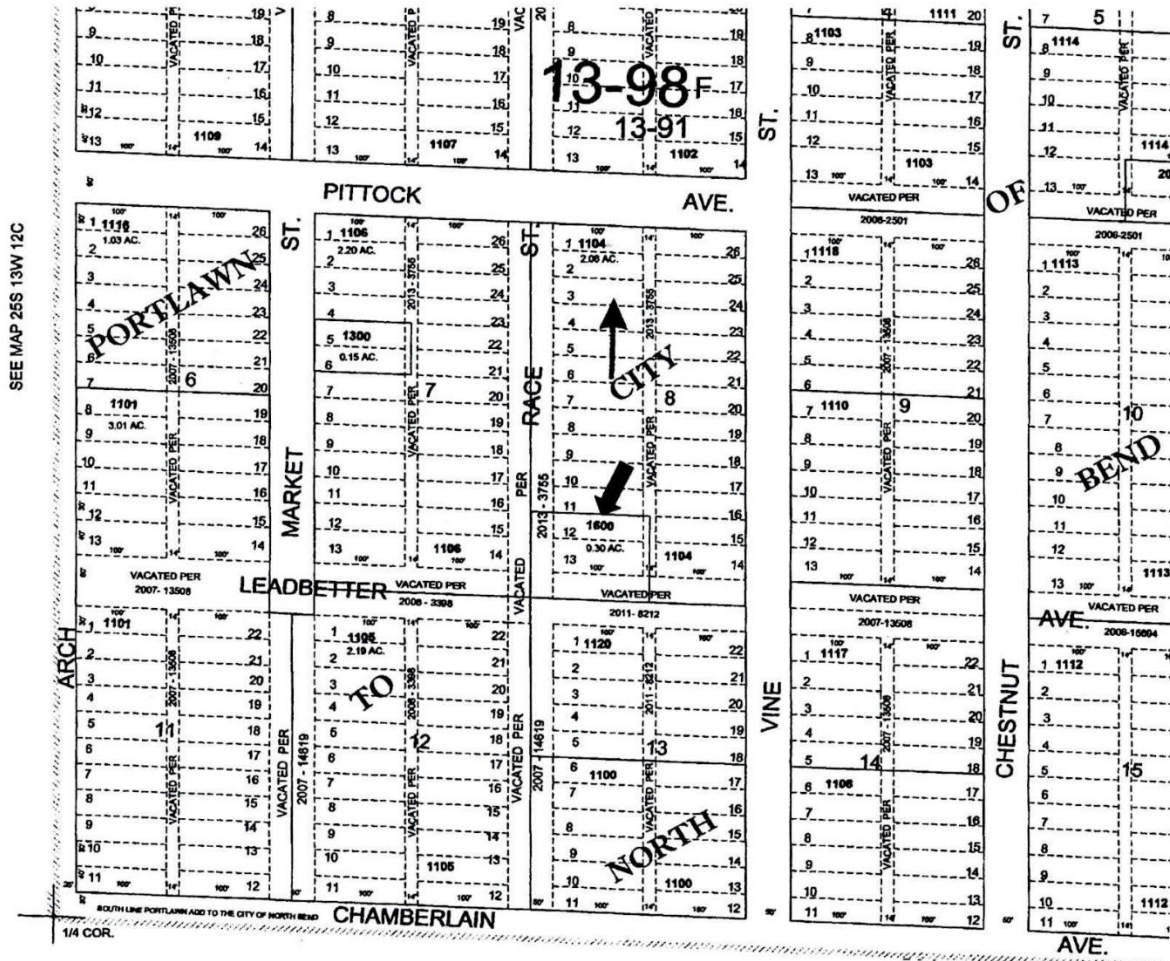
Acknowledged - 12%

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

yes chimney. SPARK arresters will be installed.

TICOR TITLE 

This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, locations of easements, acreage or other matters shown thereon.



RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

GRANTOR'S NAME:

Dale Edward Oester and Gayla Marie Fannin Revocable Trust

GRANTEE'S NAME:

Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001

AFTER RECORDING RETURN TO:

Order No.: 360620032990-KF
Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001
P O Box 5350
Carefree, AZ 85377

SEND TAX STATEMENTS TO:

Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001
P O Box 5350
Carefree, AZ 85377

APN: 4375700
4356404
Map: 25-13-12DC TL 1600
25-13-12DC TL 1104
Lot on Vine Street, North Bend, OR 97459

Coos County, Oregon **2020-11737**
\$101.00 Pgs=4 11/20/2020 03:39 PM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gayla Marie Fannin, Trustee of the Gayla Marie Fannin Revocable Trust and Dale Edward Oester, Grantor, conveys and warrants to Edward I. Fedoruk and Elysa P. Daniels, Trustees of the Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001, 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:

Lots 1 through 26, inclusive, Block 8, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon. TOGETHER WITH those portions of vacated Leadbetter Avenue, Race Street, and alleyway that would inure by reason of the vacation thereof.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$120,000.00). (See ORS 93.030).

Subject to:

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: May 11, 1931
Recording No: Book 114, Page 123

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: January 11, 1932
Recording No: Book 116, Page 111

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: August 1, 1932
Recording No: Book 117, Page 318

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: March 25 1933 Book 118 Page 574

STATUTORY WARRANTY DEED

(continued)

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: June 6, 2005
Recording No: 2005-7956

Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Leadbetter Avenue
Recording Date: October 17, 2011
Recording No: 2011-8212

Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Race Street and Alleyway
Recording Date: April 24, 2013
Recording No: 2013-3755

*Race Street & Alleyway
APRIL 24, 2013
2013-3755*

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.

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STATUTORY WARRANTY DEED
(continued)

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

Dated: Nov. 19, 2020

Dale Edward Oester
Dale Edward Oester

Gayla Marie Fannin Revocable Trust

BY: _____
Gayla Marie Fannin, Trustee

State of Oregon
County of Coos

This instrument was acknowledged before me on December 19, 2020 by Dale Edward Oester

[Signature]
Notary Public - State of Oregon

My Commission Expires: 3-21-23



State of Nevada
County of _____

This instrument was acknowledged before me on December _____, 2020 by Gayla Marie Fannin, Trustee of the Gayla Marie Fannin Revocable Trust

Notary Public - State of _____

My Commission Expires: _____

STATUTORY WARRANTY DEED

(continued)

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

Dated: Nov. 19, 2020

Dale Edward Oester

Gayla Marie Fannin Revocable Trust

BY: Gayla Marie Fannin
Gayla Marie Fannin, Trustee

State of Oregon
County of Coos

This instrument was acknowledged before me on December 19, 2020 by Dale Edward Oester

Notary Public - State of Oregon

My Commission Expires: _____

State of Nevada
County of Washoe

This instrument was acknowledged before me on ^{NOV} December 19, 2020 by Gayla Marie Fannin, Trustee of the
Gayla Marie Fannin Revocable Trust

Cheryl Cathi Shawl
Notary Public State of Nevada

My Commission Expires: 09-18-2023



copy from
prelim title
Report

Order No.: 360620032990

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.
7. Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
 Recording Date: May 11, 1931
 Recording No: Book 114, Page 123
8. Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
 Recording Date: January 11, 1932
 Recording No: Book 116, Page 111
9. Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
 Recording Date: August 1, 1932
 Recording No: Book 117, Page 318
10. Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
 Recording Date: March 25, 1933
 Recording No: Book 118, Page 520

11. 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: June 6, 2005
Recording No: 2005-7956

12. Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Leadbetter Avenue
Recording Date: October 17, 2011
Recording No: 2011-8212

13. Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Race Street and Alleyway
Recording Date: April 24, 2013
Recording No: 2013-3755

14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

15. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a current Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

ADDITIONAL REQUIREMENTS/NOTES:

- A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

- B. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001

45276-

GRANT DEED CORPORATION

THIS INDENTURE, made the 30th day of December, in the year of our Lord Nineteen Hundred and thirty-one between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California, the party of the first part and J. D. Massengill, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged does by these presents grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the Rededication of Idaho Addition to North Bend, County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lots 18, 19 and 20, Block 23, as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and/or assessments for 1931-32 and hereafter coming due. The Grantor hereby reserved a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines, and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized and has hereunto affixed its corporate seal the day and year first above written.

(Corporate Seal)

PHILLIPS AND HAMBROUGH REALTY AND CONSTRUCTION CORPORATION
By H. Grimshaw, Secretary

State of California
County of Los Angeles : ss ON THIS 30th day of December, 1931, before me, Jeannette Monahan, a Notary Public in and for said County, personally appeared H. Grimshaw known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded January 9, 1932, 9:05 A.M.
Robt. R. Watson, County Clerk

Jeannette Monahan
Notary Public in and for said County and State
My commission expires Nov. 4, 1933
(Notarial Seal)

45277-

GRANT DEED CORPORATION

THIS INDENTURE, made the 28th day of December in the year of our Lord Nineteen Hundred and thirty-one between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation with principal place of business in Los Angeles County, California, the party of the first part and Emma Wilson, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said party of

D-116

Dec 11 1931

the second part, the following described lots, parcels or tracts, of land situate, lying and being in the Portlawn Addition to the City of North Bend, County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lots 18 and 19, Block 8, as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and/or assessments for 1931-32 and hereafter coming due. The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires and reserving to the grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized and has herunto affixed its corporate seal the day and year first above written.

(Corporate Seal) PHILLIPS AND HANBAUGH REALTY AND CONSTRUCTION CORPORATION
By H. Grimshaw, Secretary

State of California
County of Los Angeles : ss ON THIS 28th day of December, 1931, before me, Jeannette Monahan, a Notary Public in and for the said County, personally appeared H. Grimshaw, known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded January 11, 1932, 8 A.M.
Robt. R. Watson, County Clerk

Jeannette Monahan
Notary Public in and for said County and State
My commission expires Nov. 4, 1933
(Notarial Seal)

45278-

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That the W. T. Culver Company, a Delaware Corporation, formerly the Stout Lumber Company of Oregon, a corporation, the grantor, in consideration of One Hundred (\$100.00) Dollars and other good and valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does grant, bargain, sell and convey unto Mrs. Bessie A. Haines, her heirs and assigns, all the following described property situated in Douglas County, State of Oregon, to-wit:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section Nineteen (19); Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ -SW $\frac{1}{4}$), and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ -NW $\frac{1}{4}$) of Section Twenty-nine (29); Northeast Quarter (NE $\frac{1}{4}$), Lots Two (2), Three (3), Four (4), Five (5), Six (6), Nine (9), Ten (10) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ -SE $\frac{1}{4}$) of Section Thirty (30); Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and the East Half of the Northeast Quarter (E $\frac{1}{2}$ -NE $\frac{1}{4}$) of Section Thirty-one (31); Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ -NW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ -NW $\frac{1}{4}$) of Section Thirty-two (32); all in Township

The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines, and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage, and any conduits for electric or telephone wires, and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized, and has hereunto affixed its corporate seal the day and year first above written.

(Corporate Seal) PHILLIPS AND HAMBAUGH REALTY AND CONSTRUCTION CORPORATION.
By H. Grimshaw, Secretary.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS. ON THIS 5th day of May, 1931, before me, Jeannette Monahan, a Notary Public in and for the said County, personally appeared H. Grimshaw known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded May 11, 1931. 11 A.M.
Robt. H. Watson, County Clerk.

Jeannette Monahan
Notary Public in and for said County and State.
My Commission Expires Nov. 4, 1933
(Notarial Seal)

43979-

GRANT DEED
CORPORATION

THIS INSTRUMENT, made the 5th day of May in the year of our Lord Nineteen Hundred and thirty-one between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California, the party of the first part, and Mary E. Rigg the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America, does hereby acknowledge, does by these presents, grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the Portlawn Addition to the City of North Bend County of Coos, and State of Oregon, and particularly described as described as follows, to-wit:

All of Lots 14 and 15, of Block B, as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and assessments and installments thereof for 1931-32 and hereafter coming due.

The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas, or sewage, and any conduits for electric or telephone wires, and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized, and has hereunto affixed its corporate seal the day and year first above written.

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{Corporate Seal}

PHILLIPS AND HAMBAUGH REALTY AND CONSTRUCTION CORPORATION
By H. Grimshaw, Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS. ON THIS 5th day of May, 1931, before me, Jeannette Monahan, a Notary Public in and for the said County, personally appeared H. Grimshaw known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Jeannette Monahan
Notary Public in and for said County
and State.
My Commission Expires Nov. 4, 1933
(Notarial Seal)

Recorded May 11, 1931, 11 A.M.
Robt. R. Watson, County Clerk.

43880-

GRANT DEED CORPORATION

THIS INDENTURE, made the 5th day of May in the year of our Lord Nineteen Hundred and thirty-one between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California, the party of the first part; and E. J. Nicholson the party of the second part.

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the Central Addition to the City of North Bend County of Coos, and State of Oregon, and particularly described as follows, to-wit:

All of Lots 13 and 14, Block 10, as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and assessments and installments thereof for 1931-32 and hereafter coming due.

The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage, and any conduits for electric or telephone wires, and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized, and has hereunto affixed its corporate seal the day and year first above written.

PHILLIPS AND HAMBAUGH REALTY AND CONSTRUCTION CORPORATION.
(Corporate Seal) By H. Grimshaw, Secretary.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS. ON THIS 5th day of May, 1931, before me, Jeannette Monahan, a Notary Public in and for the said County, personally appeared H. Grimshaw known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation, the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that

and seal the day and year first above written.

U. S. I. R. Documentary 50 Cent Stamp
Cancelled M & Sophia Pearson 7/25/32

M. Pearson
Sophia Pearson

State of California
County of Los Angeles :ss ON THIS 25th day of July, A. D. 1932 before me, Jeannette Monahan, a Notary Public in and for said County and State, personally appeared M. Pearson & Sophia Pearson, husband & wife, known to me (or proved to me on the oath of ___) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Recorded August 1, 1932, 8 A.M.
Robt. R. Watson, County Clerk

Jeannette Monahan
Notary Public in and for said County and State
My commission expires Nov. 4, 1933
(Notarial seal)

46272-

GRANT DEED CORPORATION

THIS INDENTURE, made the 20th day of July in the year of our Lord Nineteen Hundred and thirty-two between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation with principal place of business in Los Angeles County, California, the party of the first part and Louis Harvey Winchell, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lots 9, 10 and 11 of Block 8 of that certain subdivision known as Portlawn Addition to the City of North Bend as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made. Subject to: All taxes and/or assessments and installments thereof which have become a lien of record against this property subsequent to July 11th, 1930, or which may hereafter become a lien against this property. The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized and has hereunto affixed its corporate seal the day and year first above written.

(Corporate seal) PHILLIPS AND HANBAUGH REALTY AND CONSTRUCTION CORPORATION
By G. W. Ames, President
By C. B. Arnold, Secretary
U. S. I. R. Documentary 50 Cent Stamp
Cancelled P & H R & C Corpn. 7/20/32

State of California
County of Los Angeles :ss ON THIS 20th day of July, 1932, before me, Jeannette Monahan, a

Notary Public in and for the said County, personally appeared G. W. Ames, known to me to be the President and C. B. Arnold known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded August 1, 1932, 8 A.M.
Robt. R. Watson, County Clerk

Jeannette Monahan
Notary Public in and for said County and State
My commission expires Nov. 4, 1933
(Notarial Seal)

46273- GRANT DEED CORPORATION

THIS INSTRUMENT, made the 20th day of July in the year of our Lord Nineteen Hundred and thirty-two between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California, the party of the first part and Anna E. De Rosie and Archie De Rosie, as joint tenants with the right of survivorship, the parties of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said parties of the second part, the following described lots, parcels or tracts of land situate, lying and being in the County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lot 2 of Block 11 of that certain subdivision known as Charleston Industrial Tract as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, in Vol. 6 of Town Plats at Page 20 to which reference is hereby made. Subject to: All taxes and/or assessments and installments thereof which have become a lien of record against this property subsequent to November 13th, 1930, or which may hereafter become a lien against this property. The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized and has hereunto affixed its corporate seal the day and year first above written.

(Corporate Seal) PHILLIPS AND HAMBAUGH REALTY AND CONSTRUCTION CORPORATION
By G. W. Ames, President
By C. B. Arnold, Secretary
U. S. I. R. Documentary 50 Cent Stamp
Cancelled P & H R & C Corp'n 7/27/32

State of California
County of Los Angeles :as ON THIS 20th day of July, 1932, before me, Jeannette Monahan, a Notary Public in and for the said County, personally appeared G. W. Ames known to me to be the President and C. B. Arnold known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

D-1177

47475-

GRANT DEED CORPORATION

THIS INDENTURE, made the 21st day of March in the year of our Lord Nineteen Hundred and Thirty-three between Phillips and Hambaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California the party of the first part and Nellie E. Bartlett, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00 etc) gold coin of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lots 23, 24, 25 and 26 of Block 3 of that certain subdivision known as City of Coos Bay as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and/or assessments and installments thereof for 1933-34 and thereafter coming due.

The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires, and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporatename to be subscribed hereto by its proper officers thereunto duly authorized and has hereunto affixed its corporate seal the day and year first above written.

(Corporate Seal) PHILLIPS AND HAMBAUGH REALTY AND CONSTRUCTION CORPORATION
By G. W. Ames, President
By H. Grimshaw, Secretary

U.S.I.R. Documentary Fifty Cent Stamp
Cancelled P & H R & C Corpn 3-21-33

State of California : ss ON THIS 21st day of March, 1933, before me, Jeannette Monahan,
County of Los Angeles a Notary Public in and for the said County, personally appeared G. W. Ames known to me to be the President, and H. Grimshaw known to me to be the Secretary of Phillips and Hambaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded March 25, 1933, 10:30 A.M. Jeannette Monahan
L. W. Oddy, County Clerk Notary Public in and for said County and State
(Notarial seal) My commission expires Nov. 4, 1933

47476-

GRANT DEED CORPORATION

THIS INDENTURE, made the 24th day of February in the year of our Lord Nineteen Hundred and thirty-three between Phillips and Hambaugh Realty and Construction corporation, a California Corporation, with principal place of business in Los Angeles County, California the party of the first part and H. L. Kenyon, the party of the second part,

WITNESSETH: That said party of the first part, for and in consideration of the

M403049

sum of Not Over One Hundred and no/100 (\$100.00) Dollars gold coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the County of Coos and State of Oregon and particularly described as follows, to-wit:

All of Lots 20 and 21 of Block 8 of that certain subdivision known as Parklawn Addition to the City of North Bend as the same is shown and delineated upon the official map or plat thereof on file and of record in the office of the County Clerk of the County of Coos, State of Oregon, to which reference is hereby made.

SUBJECT TO: All taxes and/or assessments and installments thereof which have become a lien of record against this property subsequent to May 27th, 1930, or which may hereafter become a lien against this property.

The Grantor hereby reserves a right of way, with the right of entry upon, over, under, along, across and through the said land for the purpose of erecting, constructing, operating, repairing and maintaining pole lines with cross arms for the transmission of electrical energy; and for telephone lines; and/or for laying, repairing, operating, and renewing any pipe line or lines for water, gas or sewage and any conduits for electric or telephone wires and reserving to the Grantor herein the sole right to convey the rights hereby reserved.

IN WITNESS WHEREOF, the above mentioned corporation has caused this deed to be duly executed and its corporate name to be subscribed hereto by its proper officers thereunto duly authorized and has hereunto affixed its corporate seal the day and year first above written.

(Corporate Seal) PHILLIPS AND HANBAUGH REALTY AND CONSTRUCTION CORPORATION
By G. W. Ames, President
By H. Grimshaw, Secretary

State of California
County of Los Angeles :ss ON THIS 24th day of February, 1933, before me, Jeannette Monahan a Notary Public in and for the said County, personally appeared G. W. Ames known to me to be the President, and H. Grimshaw known to me to be the Secretary of Phillips and Hanbaugh Realty and Construction Corporation, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Recorded March 25, 1933, 10:30 A.M.
L. W. Oddy, County Clerk

Jeannette Monahan
Notary Public in and for said County and State
My commission expires Nov. 4, 1933
(Notarial seal)

D-118

47477-

GRANT DEED CORPORATION

THIS INDENTURE, made the 24th day of February in the year of our Lord Nineteen Hundred and thirty-three between Phillips and Hanbaugh Realty and Construction Corporation, a California Corporation, with principal place of business in Los Angeles County, California, the party of the first part and Anna C. Buckalew, Guardian of Alvin H. Buckalew, Jr., a Minor, the parties of the second part,

WITNESSETH: That said party of the first part for and in consideration of the sum of not over One Hundred and no/100 (\$100.00) Dollars, gold coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant unto the said party of the second part, the following described lots, parcels or tracts of land situate, lying and being in the County of Coos and State of Oregon and particularly described as follows, to-wit:

BOARD OF COMMISSIONERS

COUNTY OF COOS

STATE OF OREGON

In the Matter of the Vacation of a)	ORDER GRANTING
Portion of Leadbetter Avenue, the alley)	VACATION WITHOUT
in Block 13, and a portion of Race)	HEARING
Street, Plat of Portlawn Addition City)	11-08-077PL
of North Bend, Coos county, Oregon)	

NOW BEFORE THE Board of Commissioners sitting for the transaction of County business on the 30th day of August, 2011, is the matter of the vacation of a portion of Leadbetter Avenue, the alley in Block 13, and a portion of Race Street, Plat of Portlawn Addition City of North Bend, Coos County, Oregon where as described on page 3 of this document and further shown on the map attached hereto, labeled Exhibit "A", and incorporated herein by reference;

AND IT APPEARING to the Board that a petition was submitted and filed on July 11, 2011 (Case #VAC-11-03) by Monte Ellis Johnson and Anne Elaine Benten;

AND IT FURTHER APPEARING to the Board that pursuant to ORS 368.346(1) the Coos County Roadmaster has submitted a report regarding the vacation and a copy of that report is attached hereto as Exhibit "B" and incorporated herein by this reference;

AND IT FURTHER APPEARING to the Board that after reviewing the reports of the Planning and Road Departments and other materials on file and considering the information presented at a meeting of the Board on the 30th day of August, 2011, the Board finds that the property proposed to be vacated is useless as part of the general road system and no property will be deprived of the right of access;

*Monte Johnson & Anne Benten
3410 Juniperwood PLACE
Clioquin, OR 97624*

After Recording, return to:

1

10/17/2011 10:34:46AM
PAGE 1 OF 5
2011 8212

COOS COUNTY CLERK, OREGON
TERRI L. TURL, CCC, COUNTY CLERK
TOTAL \$61.00



10/17/2011 10:24:46AM
PAGE 2 OF 5
2011 8212

COOS COUNTY CLERK, OREGON
TERRI L. TURRI, CCC, COUNTY CLERK
TOTAL \$61.00

1 AND IT FURTHER APPEARING to the Board that one hundred (100%)
2 percent of the abutting property owners have submitted written
3 consent to this vacation;

4 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 5 (1) A portion of Leadbetter Avenue, the alley in Block 13, and
- 6 a portion of Race Street, Plat of Portlawn Addition City
- 7 of North Bend, Coos County, Oregon is hereby vacated and
- 8 shall vest to the abutting property owners as shown on
- 9 page 3.
- 10 (2) All fees and costs associated with this vacation process
- 11 shall be paid by the petitioner.
- 12 (3) This Order shall be recorded with the Coos County Clerk
- 13 and copies filed with the County Surveyor and County
- 14 Assessor as provided in ORS 368.356.

15 Dated this 30th of August, 2011.

BOARD OF COMMISSIONERS

Robert B. Nye
Chair

Robert
Commissioner

Fred R. Menzies
Commissioner

23 Approved as to form:
24 *Anthony P. Altze*
25 Office of Legal Counsel

26
27
28 After Recording, return to:

2

Description
Vacation 11-03

All of the alley running North and South through Block 13, Plat of Portlawn Addition to the City of North Bend;

All of that portion of Leadbetter Avenue lying between the North line of Block 13 and the South line of Block 8, Plat of Portlawn Addition to the City of North Bend;

Beginning at the centerline centerline intersection of Leadbetter Avenue and Race Street in the Plat of Portlawn Addition the City of North Bend: thence Easterly along the centerline of Leadbetter Avenue for a distance of 25 feet more or less to an imaginary line extending from the Northwest corner of Block 13 to the Southwest corner of Block 8; thence Southerly along said line for a distance of 30 feet more or less to the Northwest corner of Block 13; thence Westerly along the North line of that portion of Race Street as vacated per 2007-14619 for a distance of 25 feet more or less to the centerline of Race Street; thence Northerly along said centerline for a distance of 30 feet more or less back to the point of beginning said parcel containing 750 square feet of land more or less.

Total area of proposed vacation is 0.42 acres of land more or less

The above described property being a portion of the SW¼ of the SE¼ of Section 12, Township 25 South, Range 13 WWM, Coos County, Oregon, also being a portion of the Plat of Portlawn Addition to the City of North Bend as is on file and of record in the office of the Clerk of Coos County, Oregon.

DATED THIS 30th day of August, 2011.

BOARD OF COMMISSIONERS

Robert "Bob" Main
Chair

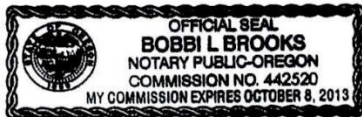
Absent
Commissioner

Fred R. Messerle
Commissioner

STATE OF OREGON)
) ss.
COUNTY OF COOS)

This instrument was acknowledged before me this 30th day of August, 2011, by Robert "Bob" Main
Fred K. Messerle as Commissioners of Coos County.

Bobbi L. Brooks
Notary Public for Oregon
My Commission Expires: 10/08/13



10/17/2011 10:34:46AM
PAGE 3 OF 5
2011 8212

COOS COUNTY CLERK, OREGON
TERRI L. TURNER, CCC, COUNTY CLERK
TOTAL \$51.00

2011 8212

SW1/4 SE1/4 SEC. 12 T.25S. R.13W. W.M.
 COOS COUNTY

25S 13W 12DC

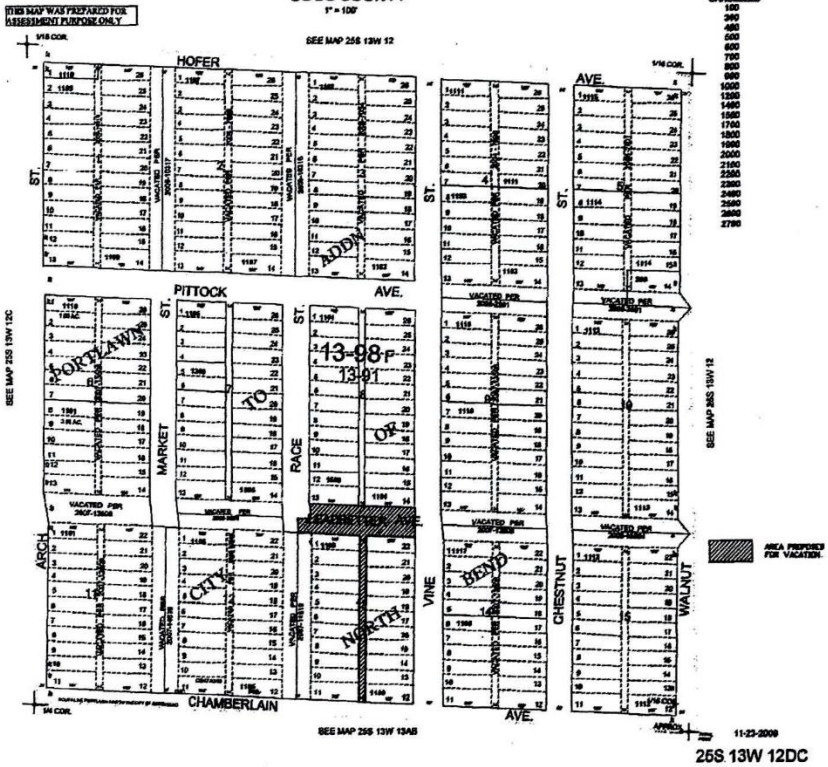


EXHIBIT "A"



COOS COUNTY ROAD DEPARTMENT

1281 W. Central Street, Coquille, Oregon 97423

(541) 396-3121 Ext.377

FAX (541) 396-4011 / TDD (800) 735-2900

JOHN ROWE
Roadmaster

August 4, 2011

Patty Evernden
Planning Director

Re: Vacation VAC-11-03, Portlawn Addition to the City of North Bend
T25S, R13W, Section 12
Applicants: Monte Ellis Johnson and Anne Elaine Benton

This land is undeveloped, brushy and located in a canyon. Leadbetter Ave. is already vacated between Market Street and Race Street and between Vine Street and Chestnut Street. I do not foresee any future street development to the south of Leadbetter Ave. The property can be accessed from Vine Street or Race Street.

The petitioners want to use the land for residential purposes, building sites and septic drain fields.

The proposed vacation of a portion of Leadbetter Ave. and alley between Race Street and Vine Street is in the public interest because of the new property tax income it will create.

Thank you,

John Rowe
Roadmaster

10/17/2011 10:34:46AM
PAGE 5 OF 5
2011 8212

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCC, COUNTY CLERK
TOTAL \$61.00



Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973
E-mail: shinnick@co.coos.or.us

EXHIBIT B

ACU-21-010

BOARD OF COMMISSIONERS, COUNTY OF COOS, STATE OF OREGON

IN THE MATTER OF THE VACATION OF A PORTION OF) ORDER
RACE STREET, LOCAL FILE NO. VAC-13-01) 13-02-025PL

NOW BEFORE the Board of Commissioners sitting for the transaction of County business on the 19th day of March, 2013 is the matter of the vacation of a portion of Race Street, described as follows and as further shown on the map attached hereto, labeled Exhibit "A" and incorporated herein by reference:

In the SW 1/4 of the SE 1/4 of Section 12, Township 25 South, Range 13 W.W.M. Coos County, Oregon In the Plat of Portlawn Addition to the City of North Bend

Vacation Parcel 1: That portion of Race Street extending from the South right-of-way line of Pittock Avenue, (a line extending from the Northeast corner of Block 7 to the Northwest corner of Block 8) to the North line of Leadbetter Avenue, (a line extending from the Southeast corner of Block 7 to the Southwest corner of Block 8), said portion of Race Street being a rectangle 50.00 feet wide and 400.00 feet long, containing 0.46 acres of land more or less. Also and including that portion of Leadbetter Avenue described as follows: beginning at the Southeast corner of Block 7; thence South for a distance of 60.00 feet to the Northeast corner of Block 12; thence East toward the Northwest corner of Block 13 for a distance of 25.00 feet to a point on the centerline of Race Street; thence North along said centerline for a distance of 30.00 feet to the centerline intersection of Race Street and Leadbetter Avenue; thence East along the centerline of Leadbetter Avenue for a distance of 25.00 feet to a point which would be on the West line of Block 8 extended; thence North along said extended West line for a distance of 30.00 feet to the Southwest corner of said Block 8; thence West for a distance of 50.00 feet to the point of beginning. Said parcel containing 0.05 acres of land more or less. Note: The above described parcel of land is meant to encompass that portion of Race Street and Leadbetter Avenue beginning on the aforementioned South right-of-way line of Pittock Avenue and ending on the boundaries of Street Vacations 2007-14619, 2008-3398 and 2011-8212.

Vacation Parcel 2: The alley running North/South through Block 7, extending from the South right-of-way line of Pittock Avenue, (a line extending from the Northeast corner of Lot 1, Block 7 to the Northwest corner of Lot 26, Block 7) to the North line of Leadbetter Avenue, (a line extending from the Southeast corner of Lot 1, Block 7 to the Southwest corner of Lot 26, Block 7), said alley being a rectangle 14.00 feet wide and 400.00 feet long, containing 0.13 acres of land more or less.

Vacation Parcel 3: The alley running North/South through Block 8, extending from the South right-of-way line of Pittock Avenue, (a line extending from the Northeast corner of Lot 1, Block 8 to the Northwest corner of Lot 26, Block 8) to the North line of Leadbetter Avenue, (a line extending from the Southeast corner of Lot 1, Block 8 to the Southwest corner of Lot 26, Block 8), said alley being a rectangle 14.00 feet wide and 400.00 feet long, containing 0.13 acres of land more or less.

AND IT APPEARING to the Board that Everett Bachman Living Trust; Gayla M. & Dale E. Oester; Nathan D. & Amy E. Peterson; and Monte Ellis Johnson & Anne Elaine Benten submitted a petition for said vacation on January 2, 2013 (Case #VAC-13-01);

AND IT FURTHER APPEARING to the Board that, in accordance with ORS 368.351, 100% of the abutting landowners have submitted written consent to this vacation and the County Roadmaster has submitted a written report finding this vacation to be in the public interest;

AND IT FURTHER APPEARING that the Board, having read said Petition and report from the County Roadmaster, has determined the vacation of the above described portion of Race Street to be in the public interest and consistent with the requirements of Oregon law;

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described portion of Race Street be vacated;

AND IT IS FURTHER ORDERED that the amount of the costs resulting from this approved vacation, not including any recording fees, is \$1,561.00, and the above-described petitioner(s) shall be liable for and is/are hereby directed to pay such sum, after subtracting therefrom any amounts previously paid, and shall additionally be required to pay any and all fees for recording this Order as determined by the County Clerk;

AND IT IS FURTHER ORDERED that this Order and supporting document(s) be recorded with the Coos County Clerk, with copies filed with the County Assessor and County Surveyor.

DATED this 20th day of April, 2013.

Chair Commissioner Commissioner
STATE OF OREGON)
) ss.
COUNTY OF COOS)

This instrument was acknowledged before me this 20th day of April, 2013, by JOHN W SWEET
MELISSA T. CRIBSINS ROBERT "BOB" MAIN as Commissioners of Coos County.



Bobbi L. Brooks
Notary Public for Oregon
My Commission Expires: 10/08/13

AFTER RECORDING, RETURN TO:
Everett Bachman Trust
1708 Mephuson
North Bend, OR 97459

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCC, COUNTY CLERK
TOTAL \$46.00
04/24/2013 09:27:24AM
PAGE 1 OF 2

Supplemental Submittal

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.

Edward Jelonek Feb-8 2021
Myra P. Kelly 3.16.2021

AFTER RECORDING SEND TO: NATHAN B. McCLINTOCK
Corrigall & McClintock
P.O. Box 1178
Coos Bay, OR 97420

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION**

THIS DECLARATION OF Covenants, Conditions and Restrictions for the Portlawn Addition Subdivision is made this ___ day of April, 2005, by Douglas R. Dunham, the developer and owner of property in said subdivision, and John and Sharon Holt, Richard and Mickie Wilson, Ronald Crowder, and Dale and Gayla Oester, property owners in the subdivision, who collectively are the owners of all of the real property within that certain subdivision known as the Portlawn Addition Subdivision in the City of North Bend, County of Coos, State of Oregon.

RECITALS:

WHEREAS, Portlawn Addition is a subdivision located in Coos County, Oregon, the plat of which was recorded as Instrument No. 1999-1025, real property records of Coos County, Oregon;

WHEREAS, Douglas Dunham is the developer of the subdivision and owns property within such subdivision with legal description of:

Lots 1 through 26, inclusive, Block 4; Lots 1 through 13, inclusive, Lots 15 through 26, inclusive, Block 5; Lots 1 through 26, inclusive, Block 6; Lots 1 through 26, inclusive, Block 9; Lots 1 through 22, inclusive, Block 11; Lots 1 through 22, inclusive, Block 14, all in PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

WHEREAS, John and Sharon Holt own property in the subdivision with legal description of:

Lots 1 through 26, inclusive, Block 1, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

WHEREAS, Richard and Mickie Wilson own property in the subdivision with legal description of:

Lots 1 through 26, inclusive, Block 2, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

WHEREAS, Ronald Crowder owns property in the subdivision with legal description of:

Page 1 **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION**

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

06/06/2005 #2005-7956
01:03PM 1 OF 11

Lots 1 through 26, inclusive, Block 3, PORTLAWN ADDITION to North Bend, Coos County, Oregon.

WHEREAS, Dale and Gayla Oester own property in the subdivision with legal description of:

Lots 1 through 26, inclusive, Block 8, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

WHEREAS, Douglas R. Dunham, John and Sharon Holt, Richard and Mickie Wilson, Ronald Crowder, and Dale and Gayla Oester are all of the present owners of all of the real property located within said Portlawn Addition Subdivision, and wish to state the Declarations of Covenants, Conditions and Restrictions for the Portlawn Addition Subdivision.

WHEREAS, it has been the intention of Douglas R. Dunham from the start of the architectural design of Portlawn Addition Subdivision, to build upon the knowledge and experience gained in previous subdivision projects. It is planned that the desired results in this subdivision can be achieved with a sensible level of restrictions resulting in a wide diversity of homes designed to fit individual lots from participating builders and owners. The intent herein is to preserve the quality view corridors for all homeowners in the subdivision. Success will depend to a great extent on the cooperation of builders, designers, and owners. No guarantees of any particular view are made by the developer. It is the intent of the developer, to provide a county gravel road, power to each lot, and each lot surveyed with permanent corner pins.

DEFINITIONS

1. **BUILDABLE AREA** shall mean and refer to that portion of a lot which lies within the minimum set back lines as defined herein.
2. **DECLARANT** as used herein shall refer to Douglas R. Dunham.
3. **LOT** shall mean and refer to any plot of land shown on the recorded plat which subdivides the property.
4. **OWNER** shall mean and refer to the record owner or contract buyer of the fee simple title to any lot which is a part of the property, excluding those having such interest merely for the security of the performance of an obligation. For the purpose of exercising the rights granted by this Declaration, each lot may have only one vote, regardless of the number of persons who may have an ownership interest therein.
5. **PROPERTY** shall mean and refer to Portlawn Addition Subdivision, a subdivision located in Coos County, Oregon, the plat of which was recorded as Instrument No. 1999-1025, real property records of Coos County, Oregon.

Page 2 **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION**

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

06/06/2005 #2005-7956
01:03PM 2 OF 11

PURPOSE AND BINDING EFFECT

The purpose of this Declaration is to enhance and protect the value and desirability of the property for residential use. This Declaration shall run with the property and shall be binding upon and inure to the benefit of all parties having or acquiring any right, title or interest in the property, their heirs, successors in interest and assigns.

HOME OWNERS ASSOCIATION

While it is not the purpose or intent of this Declaration to create or otherwise establish a Home Owners Association, it is contemplated that the owners of the various lots within the subdivision may at some time in the future wish to create a Home Owners Association. In the event such a homeowner's association is created, it shall have the purpose and authority to evaluate violations of this Declaration, evaluation for consistency and harmony of existing or proposed changes on the property, and determination of adherence to the restrictions contained in this Declaration. It may also have as one of its purposes and authority to assess fees among the owners of lots within the subdivision for maintenance and repair of the roadways within the subdivision.

While the Home Owners Association would have authority to enforce the provisions of this Declaration, it is not the duty of the Home Owners Association to enforce any provision(s) of this Declaration, said enforcement having been specifically reserved for the benefit of the Declarant and all other owners of a lot or lots on the property.

The owners of lots within the subdivision may establish a Home Owner's Association upon the affirmative vote of a majority of the owners of lots in the subdivision, with each lot having one vote. Upon an affirmative vote of the owners to create a Home Owners Association, such owners may approve by majority vote the process, procedures, and methods by which the Association shall function and operate.

ARCHITECTURAL RESTRICTIONS

1. General Standards. The purpose of these architectural restrictions is to provide for the reasonable compatibility of design, use of exterior materials and placement of improvements on lots throughout the Portlawn Addition Subdivision in the City of North Bend in order to protect the attractiveness, desirability and market value of all homes constructed therein. All improvements constructed on the property shall adhere to and be consistent with generally accepted residential designs standards within subdivisions containing lots of similar size and value.

2. Site Grading. Placement of improvements which minimizes cut and fill or other alteration of the existing grade of a lot is encouraged. Where retaining walls are constructed, they must, in order to soften their visual impact upon surrounding lots, utilize plant material in the design and construction.

Page 3 **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION**

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

06/06/2005 #2005-7956
01:03PM 3 OF 11

3. Views. No house or structure shall be built to obstruct another property owner's view of waterways or city views. Trees or landscaping that obstruct the view of other property owners' of the bay, the ocean, or the cities of North Bend and Coos Bay shall be limbed, topped or removed as necessary to prevent obstruction of views. Fences shall not exceed five feet in height above grade, provided that such fence is not in a view corridor.

4. Setbacks. Setbacks shall be in compliance with the rules and ordinances of Coos County, Oregon.

EASEMENTS

Easements for the installation and maintenance of utilities, slopes, signs, rights of way, and drainage facilities or for any other purpose are reserved as shown on the recorded plat for Portlawn Addition Subdivision. The owner or occupant of any property burdened by such an easement shall have the right to use the property effected by the easement, for as long as said use does not interfere with the purpose for which the easement is reserved.

USE RESTRICTIONS

1. Land Use. The property may be used for the purpose of constructing and maintaining one single family residence per lot.

The property may not be used for commercial purpose which entails traffic of customers, clients, or other persons dealing with the commercial enterprise being conducted. This restriction is not intended to prohibit commercial activities such as, by way of example, pursuit of the arts such as writing, painting, sculpting or other similar professions or commercial activities, which do not generate traffic to and from the premises associated with the commercial use.

2. Structure Type and Size.

a. No building shall be constructed, placed, altered or permitted to remain on any lot except for one permanent single family residence and a garage. A detached garage is allowed. Residential accessory structures such as a hot tub or spa enclosure, garden sheds, dog houses, R.V. and boat enclosures, and greenhouses are permissible if they are constructed and/or installed in a manner that is consistent with the design and construction of the residential structure on the lot, and not in a manner that would obstruct the views of other owners, as set forth above.

b. No buildings commonly referred to as mobile homes, manufactured homes or similar off-site constructed buildings are permitted, except for the limited purpose of providing a place for the owner to live during construction of the owners home on the lot. Such off-site constructed building shall be removed promptly upon the owner receiving certification that the constructed home on the lot is habitable.

Page 4

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

06/06/2005 #2005-7956
01:03PM 4 OF 11

c. Homes on lots must contain a habitable floor area, exclusive of open porches and garages, of at least 1,800 square feet unless an exception is granted by a majority of the current owners of lots within the subdivision, or the Home Owners Association, if created.

d. All exterior walls shall be double-walled construction with exterior lapping, stucco or masonry. No T-111 siding or like material shall be used for exterior siding.

e. Roofs shall be fire treated wood shakes or shingles, tile or top grade Architectural Composition roofing with at least a 30-year guarantee.

f. The exterior of the dwelling and any other detached structures shall be regularly painted or stained as necessary to present a well-maintained exterior.

g. All buildings shall have gutters and downspouts.

h. No improvements shall be constructed which do not comply with applicable building codes.

3. Parking. Except as provided elsewhere in this paragraph, no lot or street adjacent thereto may be used as a parking space for trucks, equipment, materials or commercial vehicles except during the course of construction of a dwelling thereon. Construction vehicles and equipment shall, when allowed to remain on a lot or adjacent street during construction of a dwelling, not interfere with or restrict the movement or safety of normal vehicular or pedestrian traffic. Except for temporary and occasional situations, commercial vehicles, trailers, motor homes, campers, boats, disabled vehicles, materials, chattels, supplies, fuel or machinery may only be parked and stored within the confines of a garage, fence or other enclosure. Parking anything other than a passenger vehicle on the street for more than 72 hours is prohibited.

4. Trash. No lot shall be used as a dumping ground for waste, trash or garbage. Residential refuse must be kept in sanitary containers which are screened from view and maintained in a sanitary condition.

5. Animals. No livestock or poultry may be raised, bred or kept on any lot. This includes but is not limited to, any animal considered livestock whether or not the particular animal may also be considered a pet. Other household pets are permitted provided, however, that no household pet of any kind shall be allowed to constitute or become a hazard, annoyance or nuisance to other residents of the property. No animal of any kind may be kept, bred or raised on any lot for commercial purposes.

6. Nuisances. No noxious or offensive activity shall be conducted on any lot, nor shall any activity be engaged in on any lot which may be or does become a nuisance or annoyance to any resident of any other lot.

Page 5 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURL, CCC, COUNTY CLERK

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01:03PM 5 OF 11

PROPERTY MAINTENANCE

1. Standard of Maintenance. Each and every lot, once improved, must be maintained in a reasonably neat, orderly and inoffensive manner at all times. All improvements including walks, driveways, exterior building surfaces, exterior paint or stain, and landscaping shall be kept in good repair and maintenance at all times. Any damage caused by fire, storm, earthquake, vandalism or other causes shall be promptly repaired by the owner of the affected lot.

GENERAL PROVISIONS

1. Enforcement. The Declarant, the Home Owners Association, if created, or any owner shall have the right to enforce, by any proceeding at law or in equity, all provisions of this Declaration and any amendments to this Declaration. This right specifically includes the right to seek injunctive relief for prevention of a violation of any provision of this Declaration.

Failure by any party entitled to enforce any of the provisions of this Declaration to do so shall not be deemed a waiver of the right to enforce such provision thereafter. No party, including the Declarant, the Home Owners Association, if created, or any owner shall have a duty to enforce any provision of this Declaration. No party including the Declarant or owner or Home Owner Association shall have any personal liability for acting or failing to act to enforce any provision of this Declaration. This limitation of personal liability shall not limit the right of any party to enforce any provision of this Declaration or to recover any damages which may be suffered as a result of any violation of any provision of this Declaration.

2. Attorney Fees and Costs of Enforcement. Should any suit or other action be commenced to enforce any provision of this Declaration, the prevailing party shall be entitled to recover from the other party such reasonable attorney fees and any other cost, disbursements or expenses reasonably incurred in the prosecution of such enforcement as shall be fixed by the courts in which said suit or action, including any appeal from decisions rendered therein, is tried or heard. Any sum so expended in connection with the enforcement of any provision of this Declaration shall bear interest to the prevailing party from the date incurred at the maximum rate allowed by Oregon law.

3. Severability. Invalidation of any portion of this Declaration by judgment or court order shall in no way affect the validity or enforce ability of any other provision of this Declaration, which shall remain in full force and effect.

4. Duration of Covenants and Amendment. This Declaration shall run with and bind the property in perpetuity. So long as Declarant owns any lot or holds a security interest in any lot, this Declaration may not be altered without the written consent of the Declarant. After such time as the Declarant no longer owns any lot and no longer holds a security interest in any lot, this Declaration may, at any time, be amended or rescinded by an instrument executed by two-thirds of the then owners of the lots and recorded in the Deed Records of Coos County.

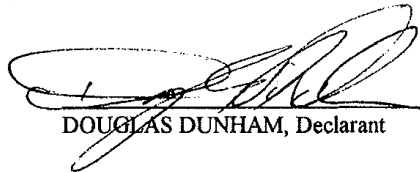
5. Transfer of Declarant's Rights. The Declarant shall have the right to transfer or assign any or all of his or her rights under this Declaration to another person or entity regardless of whether such person or entity owns a lot on the property.

6. Interpretation. If a conflict arises as to the proper interpretation of the Covenants, Conditions and Restrictions of this Declaration, the opinion of the Home Owners Association, if created shall be final in resolving such conflict. If a Home Owners Association has not been created, then the decision of a majority of the owners shall be final in resolving such conflict. Such decision shall not constitute an amendment to this Declaration nor constitute a binding precedent.

7. Participation in Road Maintenance or Improvement District. In the event the property owners abutting the public streets that provide access to property within Portlawn Addition Subdivision form a district for the purpose of taxing real property to raise funds for the maintenance or improvement of said public streets, the parties hereto and their successors and assigns consent to the property within Portlawn Addition Subdivision being included in any such assessment district and specifically waive any right to remonstrate against the formation of such a district and/or the inclusion of the Portlawn Addition Subdivision property within the district, unless at the time the district is proposed to be formed Oregon law prohibits imposition of this condition.

IN WITNESS WHEREOF, the undersigned has caused this Declaration of Covenants, Conditions and Restrictions to be executed on the day and year first written above.

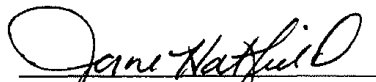
DATED this 19 day of ~~April~~^{May}, 2005.


DOUGLAS DUNHAM, Declarant

STATE OF OREGON,)
) ss.
County of Coos.)

Before me on the 19th day of ~~April~~^{May}, 2005, personally appeared the above-named DOUGLAS DUNHAM and acknowledged the foregoing instrument to be his voluntary act and deed.

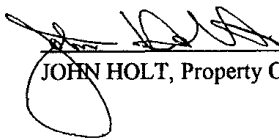



NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/16/09

Page 7 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
 PORTLAWN ADDITION SUBDIVISION

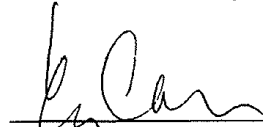
COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

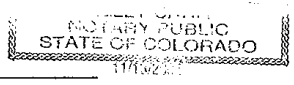
06/06/2005 #2005-7956
01:03PM 7 OF 11

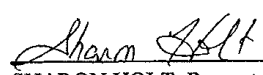

JOHN HOLT, Property Owner

STATE OF ~~OREGON~~ ^{COLORADO})
County of ~~COOS~~ ^{APARAHOE}) ss.

Before me on the 9th day of April, 2005, personally appeared the above-named JOHN HOLT and acknowledged the foregoing instrument to be his voluntary act and deed.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-13-2005





SHARON HOLT, Property Owner

STATE OF ~~OREGON~~ ^{COLORADO})
County of ~~COOS~~ ^{APARAHOE}) ss.

Before me on the 9th day of April, 2005, personally appeared the above-named SHARON HOLT and acknowledged the foregoing instrument to be her voluntary act and deed.


NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-13-2005



Page 8 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PORTLAWN ADDITION SUBDIVISION

COOS COUNTY CLERK, OREGON TOTAL \$76.00 06/06/2005 #2005-7956
TERRI L. TURI, CCC, COUNTY CLERK 01:03PM 8 OF 11

[Handwritten Signature]

RICHARD WILSON, Property Owner

STATE OF OREGON,)
) ss.
County of Coos.)

Before me on the 9 day of ^{May} April, 2005, personally appeared the above-named RICHARD WILSON and acknowledged the foregoing instrument to be his voluntary act and deed.

[Handwritten Signature]

NOTARY PUBLIC FOR OREGON

My Commission Expires: Nov. 14, 2008



[Handwritten Signature]

MICKIE WILSON, Property Owner

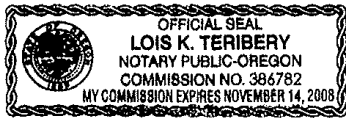
STATE OF OREGON,)
) ss.
County of Coos.)

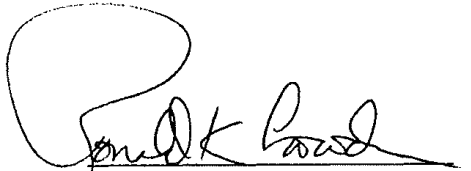
Before me on the 9 day of ^{May} April, 2005, personally appeared the above-named MICKIE WILSON and acknowledged the foregoing instrument to be her voluntary act and deed.

[Handwritten Signature]

NOTARY PUBLIC FOR OREGON

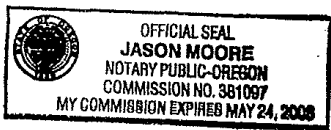
My Commission Expires: Nov. 14, 2008




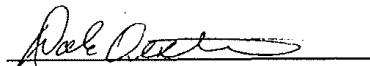

RONALD CROWDER, Property Owner

STATE OF OREGON,)
) ss.
County of Coos.)

Before me on the 5th day of April, 2005, personally appeared the above-named RONALD CROWDER and acknowledged the foregoing instrument to be his voluntary act and deed.

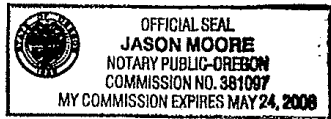




NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/24/2008


DALE E. OESTER, property owner

STATE OF OREGON,)
) ss.
County of Coos.)

Before me on the 5th day of April, 2005, personally appeared the above-named DALE E. OESTER and acknowledged the foregoing instrument to be his voluntary act and deed.

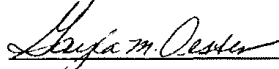



NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/24/2008

Page 10 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
 PORTLAWN ADDITION SUBDIVISION

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

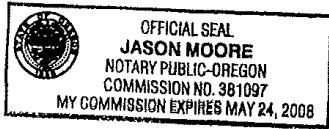
06/06/2005 #2005-7956
01:03PM 10 OF 11




GAYLA M. OESTER, property owner

STATE OF OREGON,)
) ss.
County of Coos.)

Before me on the 5th day of April, 2005, personally appeared the above-named GAYLA M OESTER and acknowledged the foregoing instrument to be her voluntary act and deed.





NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/24/2008

Page 11 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
 PORTLAWN ADDITION SUBDIVISION

COOS COUNTY CLERK, OREGON TOTAL \$76.00
TERRI L. TURI, CCC, COUNTY CLERK

06/06/2005 #2005-7956
01:03PM 11 OF 11

RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

Coos County, Oregon **2020-11737**
\$101.00 Pgs=4 11/20/2020 03:39 PM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

GRANTOR'S NAME:

Dale Edward Oester and Gayla Marie Fannin Revocable Trust

GRANTEE'S NAME:

Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001

AFTER RECORDING RETURN TO:

Order No.: 360620032990-KF
Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001
P O Box 5350
Carefree, AZ 85377

SEND TAX STATEMENTS TO:

Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001
P O Box 5350
Carefree, AZ 85377

APN: 4375700

4356404

Map: 25-13-12DC TL 1600

25-13-12DC TL 1104

Lot on Vine Street, North Bend, OR 97459

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gayla Marie Fannin, Trustee of the Gayla Marie Fannin Revocable Trust and Dale Edward Oester, Grantor, conveys and warrants to Edward I. Fedoruk and Elysa P. Daniels, Trustees of the Edward I. Fedoruk and Elysa P. Daniels Family Trust dated April 16, 2001, 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:

Lots 1 through 26, inclusive, Block 8, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.
TOGETHER WITH those portions of vacated Leadbetter Avenue, Race Street, and alleyway that would inure by reason of the vacation thereof.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$120,000.00). (See ORS 93.030).

Subject to:

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: May 11, 1931
Recording No: Book 114, Page 123

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: January 11, 1932
Recording No: Book 116, Page 111

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: August 1, 1932
Recording No: Book 117, Page 318

Easement(s) and rights incidental thereto as reserved in a document;

Reserved by: Phillips and Hambaugh Realty and Construction Company
Recording Date: March 25, 1933
Recording No: Book 118, Page 520

STATUTORY WARRANTY DEED

(continued)

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: June 6, 2005
Recording No: 2005-7956

Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Leadbetter Avenue
Recording Date: October 17, 2011
Recording No: 2011-8212

Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:

Name: Race Street and Alleyway
Recording Date: April 24, 2013
Recording No: 2013-3755

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: Nov. 19, 2020

Dale Edward Oester
Dale Edward Oester

Gayla Marie Fannin Revocable Trust

BY: _____
Gayla Marie Fannin, Trustee

State of Oregon
County of Coos

This instrument was acknowledged before me on December 19, 2020 by Dale Edward Oester

[Signature]
Notary Public - State of Oregon

My Commission Expires: 3-21-23



State of Nevada
County of _____

This instrument was acknowledged before me on December _____, 2020 by Gayla Marie Fannin, Trustee of the
Gayla Marie Fannin Revocable Trust

Notary Public - State of _____

My Commission Expires: _____

STATUTORY WARRANTY DEED
(continued)

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

Dated: Nov. 19, 2020

Dale Edward Oester

Gayla Marie Fannin Revocable Trust

BY: Gayla Marie Fannin
Gayla Marie Fannin, Trustee

State of Oregon
County of Coos

This instrument was acknowledged before me on December 19, 2020 by Dale Edward Oester

Notary Public - State of Oregon

My Commission Expires: _____

State of Nevada
County of Washoe

This instrument was acknowledged before me on ^{NOV} December 19, 2020 by Gayla Marie Fannin, Trustee of the
Gayla Marie Fannin Revocable Trust

Cheryl Cath Shams
Notary Public State of Nevada

My Commission Expires: 09-18-2023

