



# 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-21-027

Date Received: 3/31/21 Receipt #: 224368 Received by: JMB

This application shall be filled out electronically. If you need assistance please contact staff.

If the fee is not included the application will not be processed.

(If payment is received on line a file number is required prior to submittal)

## LAND INFORMATION

A. Land Owner(s) Bradley Lake, LLC (Bruce Bearer)

Mailing address: 1707 Port Margate, Newport Beach, CA 92660

Phone: 949-644-8736

Email: bbearer@mac.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
29S	15W	13	Select	Select	00402
Select	Select	Select	Select	Select	

Tax Account Number(s): 1239506

Zone: Select Zone Please Select

Tax Account Number(s) \_\_\_\_\_

Please Select

B. Applicant(s) Same as Owner

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

C. Consultant or Agent: Troy Rambo

Mailing Address P.O. Box 809, North Bend, OR 97459

Phone #: 541-751-8900

Email: mandrllc@frontier.com

### Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

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

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

### Special Districts and Services

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

Sewage Disposal Type: On-Site Septic

School District: Bandon

Fire District: Bandon RFPD

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

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.

Tracy Rambo 3/29/2021  
PER ATTACHED CONSENT

**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: 0 Warbler Road

Type of Access: Private Easement - Provide Easement      Name of Access: Warbler Road

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-

## Mulkins and Rambo

3438 Broadway St.

North Bend <sup>OR</sup> CA 97459

(541) 751-8900

mandrllc@frontier.com

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### CONSENT FOR REPRESENTATION

I, Bruce Bearer of 1707 Port Margate Pl, Newport, CA 92660 give permission to Troy Rambo, Mulkins and Rambo to conduct public records research, execute applications and process Template Dwelling approvals, Lot Line Adjustments and other miscellaneous interaction with Coos County, regarding the properties owned by me personally and those owned by entities which I manage listed below, located in Coos County, Oregon.

- Fahy Lake, LLC
- Bradley Lake, LLC
- Highway 101 Farm, LLC
- Bruce C. Bearer, Owner

Please contact Mulkins and Rambo directly on all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

This consent automatically expires nine (9) months from date below, without requirement of notice.

Contact information for Troy Rambo is:

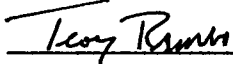
OFFICE  
Cell: 541-751-8900

E-mail: mandrllc@frontier.com

Mailing address: PO Box 809, North Bend, OR 97459

DATED: 3/29/2021

By: Troy Rambo

  
\_\_\_\_\_

By: Bruce Bearer

  
\_\_\_\_\_

March 29, 2021

Coos County Planning Dept.

Subject Properties - T.L. 402 - 29S 15W 13

Reconsideration of ACU -11-13

Applicant/Owner:

Bradley Lake LLC/Bruce Bearer  
1707 Port Margate  
Newport Beach, CA 92660

RE: Forest Dwelling (Template Dwelling) criteria and applicant's findings

Coos County Zoning and Land Development Ordinance (CCZLDO)

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

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

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

Use	TR	Subject to
<b>Dwellings authorized by ORS 215.705 to 215.755; and (e) Other dwellings under prescribed conditions.</b>		

<b>(9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -</b>
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(II) Template Dwelling - 215.750 Alternative forestland dwellings; criteria.

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
  - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
  - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
  - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
    - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
  - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
  - (b) Unless it complies with the requirements of ORS 215.730.
  - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
  - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6) (a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:

- (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
  - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

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

- **The attached Soil Classification letter shows the property is capable of producing more than 85 cubic feet per acre per year of wood fiber and is required to meet Section 4.6.110(9)(B)(II)(1)(c).**
- **There are no parcels located within the Urban Growth Boundary.**
- **The subject property does not have a dwelling located and there are no deed or comprehensive plan restrictions that would prohibit siting a new dwelling as long as it complies with the Forest Template Dwelling criteria. The tract in this case is of tax lot 402 in Township 29S Range 15W Section 13 and consist of 7.86 acres.**
- **The template was configured based on the criteria. The template used is a 160-acre square. The centered on the center of the subject tract and meets or exceeds the required 11 units of land required and within those properties there are a minimum of three dwellings sited on or before January 1, 1993. There are a minimum of 24 parcels within the 160 acre square ranging from 1.02 acres to 83.00 acres of which are zoned F and EFU. Nine of these parcels have pre – 1993 dwellings. By allowing the siting of a dwelling on this site, the parcel would conform to what already exists within the area.**

<p><b>9(C) ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES.</b></p>
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- (1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:
- (a) If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
  - (b) the dwelling meets the following requirements:
    - (A) The dwelling has a fire retardant roof.
    - (B) The dwelling will not be sited on a slope of greater than 40 percent.

- (C) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
- (D) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
- (E) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- (F) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (G) The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

**Response to SECTION 4.6.110(9)(C)(1)**

- The property is under 10 acres therefore a stocking survey is not required. The subject property is currently growing trees.
  - The dwelling will have a fire retardant roof.
  - The property has steep slopes along the Eastern portion of the property Lake. The proposed home site is relatively flat.
  - The property is located within the Bandon Rural Fire Protection District.
  - The water source for this property will be from well and not a Class II steam. As a condition of approval the applicant will receive a sign off from Oregon Water Resources to verify the water source. Under ORS 537.545 (b) & (d) - no permit is required.
  - If the proposed dwelling has a chimney, a spark arrester will be installed.
  - The owner will provide and maintain a primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner consist with the requirements of Section 4.6.140.9 and 4.6.140.10.
- (2) (a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.
- (b) If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]

**Response to SECTION 4.6.110(9)(C)(2)**

- The property is within a fire district.
- There is no additional water supply.

**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<sup>[1]</sup> or adjoining forest or agricultural lands;
  - (b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  - (d) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
  - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
  - (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines

that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

- (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

#### **Response to SECTION 4.6.130**

- **The property owner is creating a new home site. The home site will be located in the Northern portion of the subject property on a relatively flat bench . The site will be cleared to the extent to meet the required fire break setbacks. Give all of these factors this seems to be area to site the dwelling ensuring the least impact to the nearby or adjoining forest or agricultural lands. Utilizing the proposed site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized. The fuel free setbacks will ensure risks associated with wildfire are minimized.**
- **The applicant acknowledges and will provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules prior to obtaining a zoning compliance letter to constructed the dwelling. Under ORS 537.545 (b) & (d) - no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.**
- **The access will be private driveway off of Warbler Road. Warbler Road is a privately maintained road.**
- **The subject property will meet the minimum stocking 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

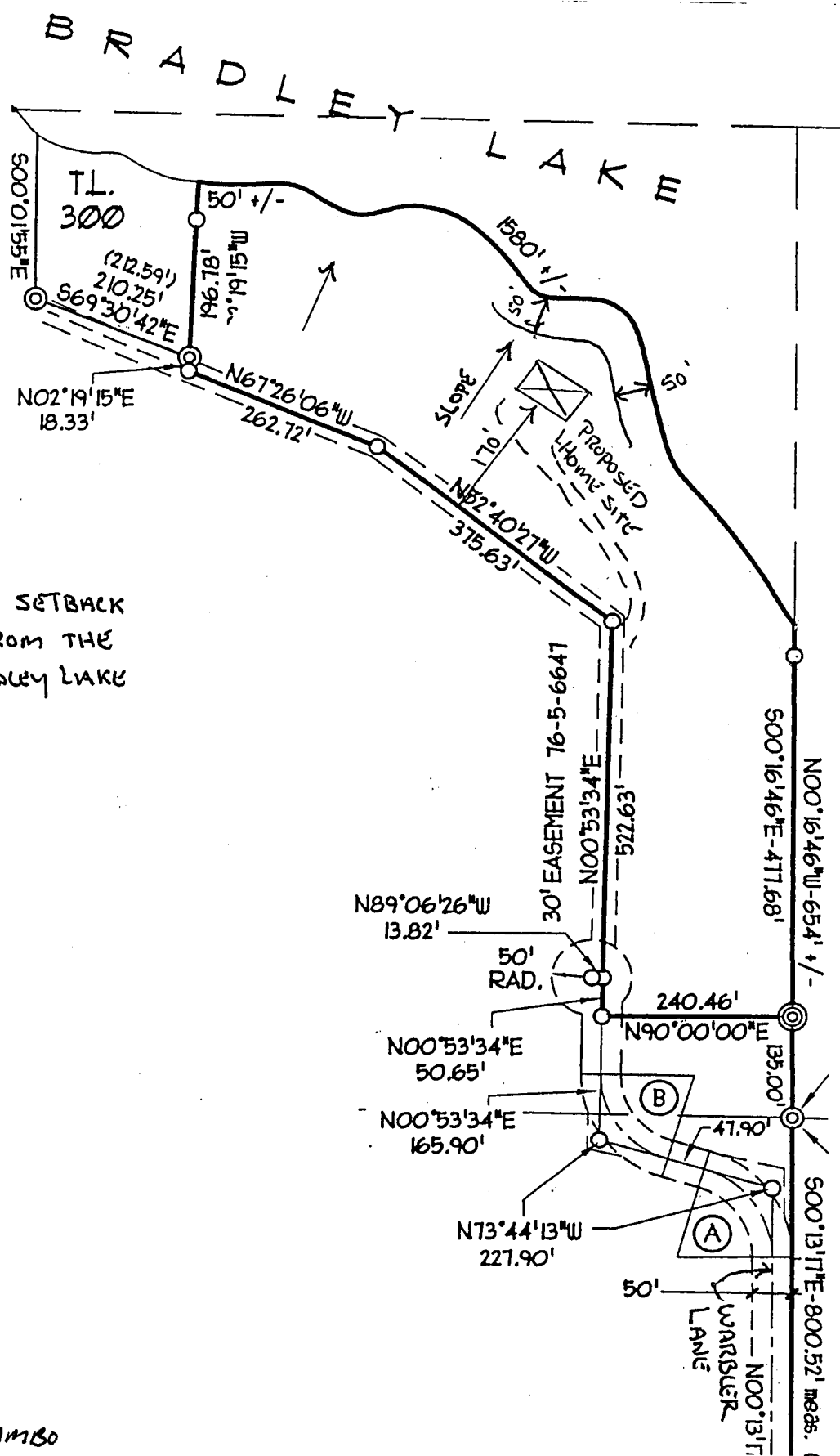
- 11. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- 12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- 13. The dwelling shall not be sited on a slope of greater than 40 percent.

14. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
15. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
16. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
17. Access to new dwellings shall meet road and driveway standards in Chapter VII.

**Response to SECTION 4.6.140**

- **The property is a legal non-conforming unit of land and no land division is proposed.**
- **The applicant will exceed the road setback.**
- **There is no proposed fence at this time.**
- **A driveway/access/parking permit will be requested at the time of the application approval.**
- **The applicant has acknowledged and will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter.**
- **The riparian vegetation will not be disturbed during the development of the site.**
- **The property is located within the Bandon Rural Fire Protection District.**
- **The property owner will provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.**
- **The slope on the proposed home site is between 5% to 10% and does not require additional primary safety zone. The applicant will meet the primary setback of 30 feet.**
- **The proposed dwelling use non-combustible or fire resistant roofing materials.**
- **There is no other water supply exceeding 4,000 gallons.**
- **The dwelling will not be sited on a slope of greater than 40 percent.**
- **The new dwelling will not have a chimney and in the event one is installed it will install a spark arrester.**
- **The property is within a RFPD. The access and driveway will be the minimum standards of Chapter VII which meets the requirement to allow emergency vehicles to enter the property.**

BRADLEY LAKE LLC - PLOT PLAN  
 T.L. 402 - 29-15-13



SCALE 1" = 200'

NOTE: SEPTIC SYSTEM WILL BE SETBACK A MINIMUM OF 100 FT. FROM THE HIGH WATER LINE OF BRADLEY LAKE

PREPARED BY: TROY RYANBO



After recording return to:  
Bradley Lake LLC  
1707 Port Margate  
Newport Beach, CA 92660

Until a change is requested all tax statements  
shall be sent to the following address:  
Bradley Lake LLC  
1707 Port Margate  
Newport Beach, CA 92660

File No.: 7132-1580229 (VRR)  
Date: June 18, 2010

THIS SPACE RESERVED FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Alice M. Boak, surviving Trustee of The Rupert G. Boak and Alice M. Boak Family Trust under agreement dated February 26, 1997, as to a 59.24% interest; David Boak, as to 40.76% interest, Grantor, conveys and warrants to Bradley Lake LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**LEGAL DESCRIPTION:** Real property in the County of Coos, State of Oregon, described as follows:

**PARCEL 2 OF FINAL LAND PARTITION PLAT 2007 #26, RECORDED AUGUST 03, 2007 AS MICROFILM NO. 2007-10354, RECORDS OF COOS COUNTY, OREGON.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$115,000.00**. (Here comply with requirements of ORS 93.030)

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, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 23 day of June, 2010.

David R Boak  
David Boak

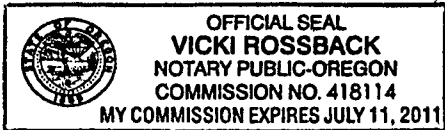
The Rupert G. Boak and Alice M. Boak Family Trust

Alice M. Boak  
Alice M. Boak, Surviving Trustee

STATE OF Oregon )  
)ss.  
County of Coos )

This instrument was acknowledged before me on this 23 day of June, 2010 by Alice M. Boak as Surviving Trustee of The Rupert G. Boak and Alice M. Boak Family Trust, on behalf of the Trust.

Vicki Rossback

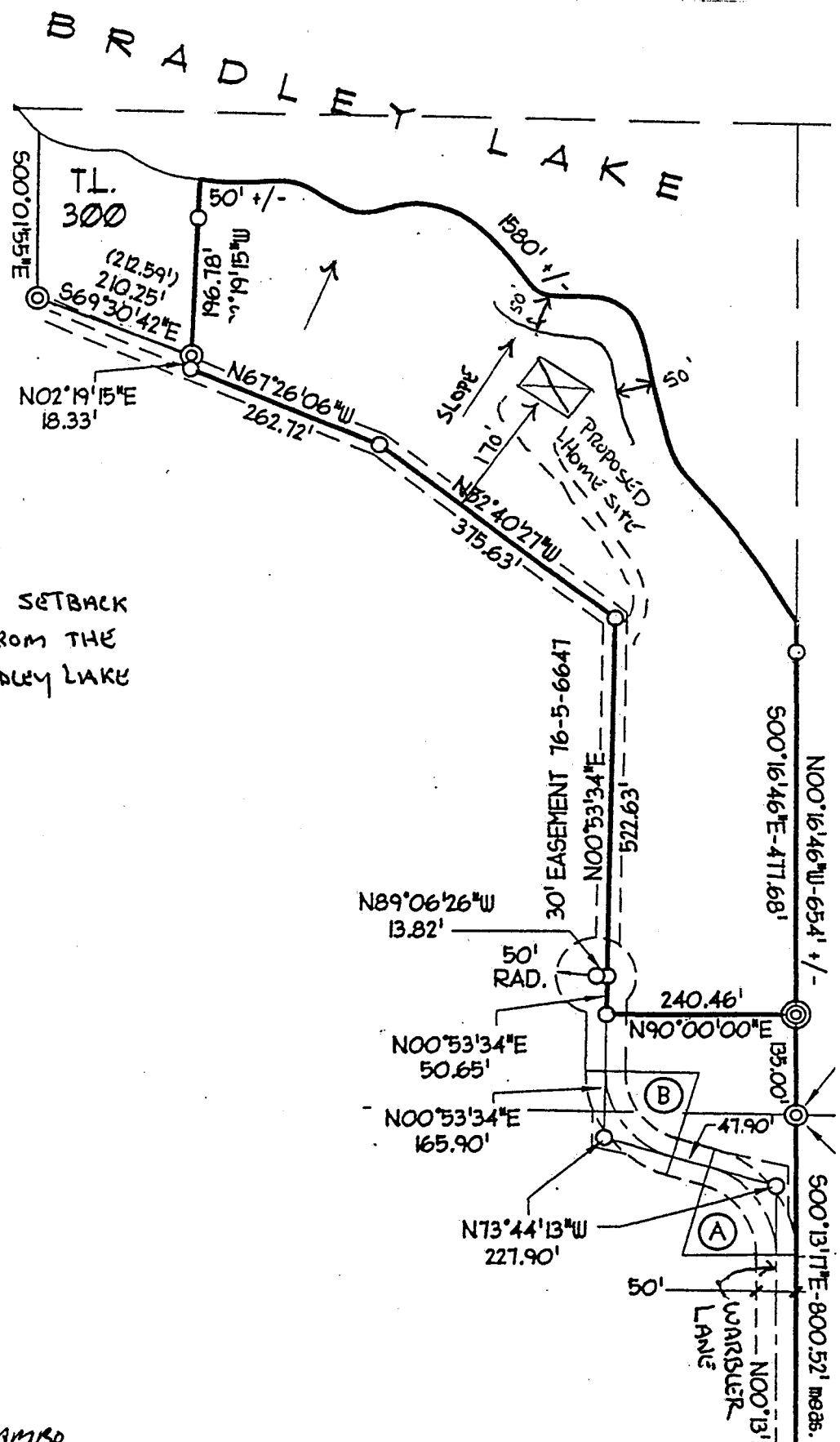
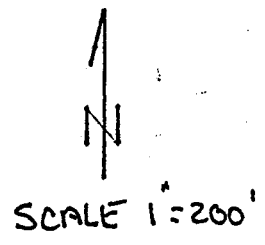


Notary Public for Oregon  
My commission expires: 7/11/11





BRADLEY LAKE LLC - PLOT PLAN  
 T.L. 402 - 29-15-13



NOTE: SEPTIC SYSTEM WILL BE SETBACK A MINIMUM OF 100 FT. FROM THE HIGH WATER LINE OF BRADLEY LAKE

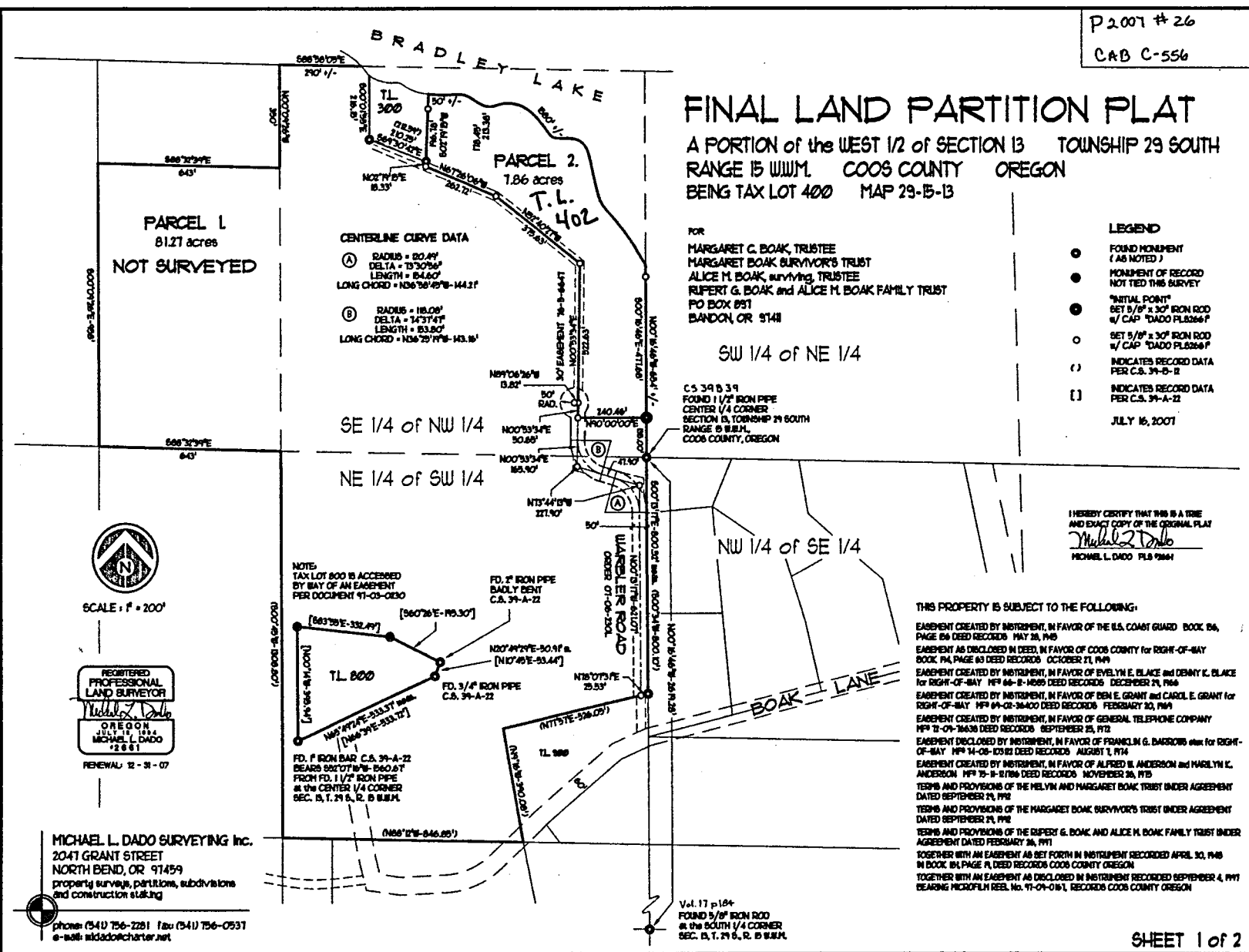
PREPARED BY: TROY RAMBO

# FINAL LAND PARTITION PLAT

A PORTION of the WEST 1/2 of SECTION 13  
TOWNSHIP 29 SOUTH  
RANGE 15 W.W.M. COOS COUNTY OREGON  
BEING TAX LOT 400 MAP 29-15-13

FOR  
MARGARET G. BOAK, TRUSTEE  
MARGARET BOAK SURVIVOR'S TRUST  
ALICE H. BOAK, surviving, TRUSTEE  
RUPERT G. BOAK and ALICE H. BOAK FAMILY TRUST  
PO BOX 891  
BANDON, OR 97148

- LEGEND**
- FOUND MONUMENT (AS NOTED)
  - MONUMENT OF RECORD NOT TIED THIS SURVEY
  - "INITIAL POINT" SET 5/8" x 30" IRON ROD w/ CAP "DADO PL8266P"
  - SET 5/8" x 30" IRON ROD w/ CAP "DADO PL8266P"
  - ( ) INDICATES RECORD DATA PER C.S. 34-B-R
  - [ ] INDICATES RECORD DATA PER C.S. 34-A-12
- JULY 16, 2007



SW 1/4 of NE 1/4

C.S. 34-B-34  
FOUND 1 1/2" IRON PIPE  
CENTER 1/4 CORNER  
SECTION 13, TOWNSHIP 29 SOUTH  
RANGE 15 W.W.M.,  
COOS COUNTY, OREGON

I HEREBY CERTIFY THAT THIS IS A TRUE  
AND EXACT COPY OF THE ORIGINAL PLAT  
*Michael L. Dado*  
MICHAEL L. DADO PLS 9044

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

EASEMENT CREATED BY INSTRUMENT, IN FAVOR OF THE U.S. COAST GUARD BOOK 86, PAGE 86 DEED RECORDS MAY 28, 1949

EASEMENT AS DISCLOSED IN DEED, IN FAVOR OF COOS COUNTY FOR RIGHT-OF-WAY BOOK 194, PAGE 80 DEED RECORDS OCTOBER 27, 1949

EASEMENT CREATED BY INSTRUMENT, IN FAVOR OF EVELYN E. BLAKE and DENNY K. BLAKE for RIGHT-OF-WAY MP 68-B-14069 DEED RECORDS DECEMBER 24, 1948

EASEMENT CREATED BY INSTRUMENT, IN FAVOR OF BEN E. GRANT and CAROL E. GRANT for RIGHT-OF-WAY MP 64-02-34400 DEED RECORDS FEBRUARY 30, 1949

EASEMENT CREATED BY INSTRUMENT, IN FAVOR OF GENERAL TELEPHONE COMPANY MP 12-04-34438 DEED RECORDS SEPTEMBER 25, 1912

EASEMENT DISCLOSED BY INSTRUMENT, IN FAVOR OF FRANKLIN G. BARROWS and for RIGHT-OF-WAY MP 14-08-10382 DEED RECORDS AUGUST 1, 1914

EASEMENT CREATED BY INSTRUMENT, IN FAVOR OF ALFRED H. ANDERSON and HAZEL M. L. ANDERSON MP 19-11-17886 DEED RECORDS NOVEMBER 26, 1915

TERMS AND PROVISIONS OF THE MELVIN and MARGARET BOAK TRUST UNDER AGREEMENT DATED SEPTEMBER 24, 1912

TERMS AND PROVISIONS OF THE MARGARET BOAK SURVIVOR'S TRUST UNDER AGREEMENT DATED SEPTEMBER 24, 1912

TERMS AND PROVISIONS OF THE RUPERT G. BOAK and ALICE H. BOAK FAMILY TRUST UNDER AGREEMENT DATED FEBRUARY 26, 1911

TOGETHER WITH AN EASEMENT AS SET FORTH IN INSTRUMENT RECORDED APRIL 30, 1948 IN BOOK 184, PAGE 14, DEED RECORDS COOS COUNTY OREGON

TOGETHER WITH AN EASEMENT AS DISCLOSED IN INSTRUMENT RECORDED SEPTEMBER 4, 1911 BEARING MICROFILM REEL No. 11-01-011, RECORDS COOS COUNTY OREGON



SCALE: 1" = 200'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Michael L. Dado*  
OREGON  
JULY 19, 1984  
MICHAEL L. DADO  
12681  
RENEWAL: 12 - 31 - 07

MICHAEL L. DADO SURVEYING Inc.  
2041 GRANT STREET  
NORTH BEND, OR 97459  
property surveys, partitions, subdivisions  
and construction staking

phone: (541) 756-2281 fax: (541) 756-0531  
e-mail: mldado@charter.net

V.L. 17 p 164  
FOUND 5/8" IRON ROD  
at the SOUTH 1/4 CORNER  
SEC. 13, T. 29 S., R. 15 W.W.M.

P 2007 #26  
CaB C-556

# FINAL LAND PARTITION PLAT

A PORTION of the WEST 1/2 of SECTION 13 TOWNSHIP 29 SOUTH  
RANGE 15 W.W.M. COOS COUNTY OREGON  
BEING TAX LOT 400 MAP 29-15-13

DESCRIPTION:  
THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

SAVE AND EXCEPT: THAT PROPERTY CONVEYED TO MELVIN BOAK, BY DEED RECORDED MAY 21, 1994 IN BOOK 265, PAGE 251, DEED RECORDS COOS COUNTY, OREGON.

SAVE AND EXCEPT: THAT PROPERTY CONVEYED TO RUPERT G. BOAK AND ALICE M. BOAK, HUSBAND AND WIFE, BY DEED RECORDED APRIL 6, 1994 IN BOOK 270, PAGE 171, DEED RECORDS COOS COUNTY, OREGON.

SAVE AND EXCEPT: THAT PROPERTY CONVEYED TO BEN E. GRANT AND CAROL E. GRANT, BY DEED RECORDED FEBRUARY 20, 1994 BEARING MICROFILM REEL NO. 89-09-36400, RECORDS COOS COUNTY, OREGON.

SAVE AND EXCEPT: THAT PROPERTY CONVEYED TO APPLGATE CHRISTIAN FELLOWSHIP, INC., AN OREGON CORPORATION BY DEED RECORDED SEPTEMBER 4, 1991 BEARING MICROFILM REEL NO. 91-09-0161, RECORDS COOS COUNTY, OREGON.

PARCEL 1:  
ALL THAT PORTION OF THE ABOVE DESCRIBED TRACT SAVE AND EXCEPT PARCEL 2 AS DESCRIBED BELOW, SAID PARCEL 1 CONTAINING 6.121 ACRES OF LAND MORE OR LESS.

PARCEL 2:  
BEGINNING AT A 1/2" IRON ROD ON THE CENTER 1/2 SECTION LINE OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON, WHICH BEARS NORTH 00° 16' 46" WEST A DISTANCE OF 109.00 FEET FROM 1" IRON PIPE FOUND AT THE CENTER 1/2 CORNER OF SAID SECTION 13;  
THENCE LEAVING SAID QUARTER SECTION LINE, SOUTH 10° 00' 00" WEST A DISTANCE OF 240.46 FEET TO A 1/2" IRON ROD; THENCE NORTH 00° 39' 34" EAST FOR A DISTANCE OF 522.63 FEET TO A 1/2" IRON ROD; THENCE NORTH 84° 47' 27" WEST A DISTANCE OF 378.83 FEET TO A 1/2" IRON ROD; THENCE NORTH 61° 26' 00" WEST FOR A DISTANCE OF 264.72 FEET TO A 1/2" IRON ROD; THENCE NORTH 00° 14' 18" EAST FOR A DISTANCE OF 166.76 FEET TO A 1/2" IRON ROD; THENCE CONTINUING NORTH 00° 14' 18" EAST FOR A DISTANCE OF 30 FEET MORE OR LESS TO THE HIGH WATER LINE OF BRADLEY LAKE; THENCE FOLLOWING ALONG SAID HIGH WATER LINE IN A SOUTHEASTERLY DIRECTION FOR A DISTANCE OF 180 FEET MORE OR LESS TO A POINT ON THE CENTER 1/2 SECTION LINE OF SAID SECTION 13; THENCE ALONG SAID LINE SOUTH 00° 16' 46" EAST FOR A DISTANCE OF 41 FEET MORE OR LESS TO A 1/2" IRON ROD; THENCE CONTINUING ALONG SAID SECTION LINE, SOUTH 00° 16' 46" EAST FOR A DISTANCE OF 471.68 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 1.96 ACRES OF LAND MORE OR LESS.

### CERTIFICATES

I, KARLAS BEDEL, COUNTY SURVEYOR OF COOS COUNTY, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS FOR ACCURACY AND COMPLETENESS AND THAT ALL MONUMENTS HAVE BEEN SET PURSUANT TO THE C.C.Z. AND L.D.O.

Karlas E. Bedel July 26, 2007  
KARLAS E. BEDEL  
COOS COUNTY SURVEYOR

ALL AD VALOREM TAXES AND ALL SPECIAL ASSESSMENTS, FEES OR OTHER CHARGES REQUIRED BY LAW TO BE PLACED UPON THE TAX ROLL WHICH HAVE BECOME A LIEN UPON THE PARCEL, OR WHICH WILL BECOME A LIEN DURING THE TAX YEAR HAVE BEEN PAID.

Barbara Ford Chief Deputy  
ROBERT BOB MAIN  
COOS COUNTY ASSESSOR 8-01-2007

THIS PLAT IS IN CONFORMITY WITH THE REQUIREMENTS OF THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE.

Jill Barnes (fa)  
PATTY EVERSHED  
COOS COUNTY PLANNING DIRECTOR

I, TERRI TURK, COUNTY CLERK OF COOS COUNTY, OREGON, HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECORDED INTO THE COOS COUNTY RECORDS IN

MICROFILM NO. 2007-10347 CASSETT C,  
PAGE 256, RECORD OF PLATS  
THIS 27<sup>th</sup> DAY OF August, 2007

Jammy Dalton Chief Deputy  
TERRI TURK  
COOS COUNTY CLERK

CONFIRMATION IS REQUIRED FROM THE COUNTY ROADMASTER THAT ALL ROAD AND DRIVEWAY REQUIREMENTS OF THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE HAVE BEEN MET PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE LETTER FOR A DIBELLING. ALL IMPROVEMENTS HAVE BEEN INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF REGULATIONS SET FORTH IN THE COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE.

NARRATIVE:  
THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND MONUMENT A LAND PARTITION PLAT AS TENTATIVELY APPROVED BY COOS COUNTY IN APRIL OF 2007. THIS SURVEY WAS BASED FIELD WORK PERFORMED BY THE FOR PARTITION PLATS 2002-10 AND 2006-3. LOTS OF BEARING WAS ASSURED FROM SAID PLATS. BECAUSE PARCEL 1 IS GREATER THAN 10 ACRES IT WAS NOT A REQUIREMENT THAT IT BE MONUMENTED. PARCEL 2 WAS MONUMENTED USING THE EXISTING 30 FOOT EASEMENT (76-5-8647) CENTERLINE AS THE SOUTHWESTERLY BOUNDARY. THE WEST LINE WAS ESTABLISHED FROM MONUMENTS FOUND PER DEED 14-8-10322 THE EAST LINE OF PARCEL 2 WAS AN EXTENSION OF THE LINE BETWEEN THE SOUTH 1/2 CORNER AND THE CENTER 1/2 CORNER OF SECTION 13.  
I, MICHAEL L. DADO, A REGISTERED LAND SURVEYOR CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND AS REPRESENTED, AND HAVE SET A PROPER MONUMENT INDICATING THE INITIAL POINT OF BEGINNING AND HAVE INDICATED THE DIMENSIONS, KIND, AND LOCATIONS OF MONUMENTS IN ACCORDANCE WITH ORS 92-060 (1) AND HAVE ACCURATELY DESCRIBED THE TRACT OF LAND UPON WHICH THE LOTS ARE Laid OUT.



MICHAEL L. DADO SURVEYING Inc.  
2047 GRANT STREET  
NORTH BEND, OR 97149  
property surveys, partitions, subdivisions  
and construction staking  
phone: (541) 756-2261 fax: (541) 756-0537  
e-mail: mldado@charter.net

FOR  
MARGARET C. BOAK, TRUSTEE  
MARGARET BOAK SURVIVOR'S TRUST  
ALICE M. BOAK, SURVIVING TRUSTEE  
RUPERT G. BOAK AND ALICE M. BOAK FAMILY TRUST  
PO BOX 891  
BANDON, OR 97411

I HEREBY CERTIFY THAT THIS IS A TRUE  
AND EXACT COPY OF THE ORIGINAL PLAT  
Michael L. Dado  
MICHAEL L. DADO PLS 19841

### DECLARATION ACCESS

WE, ALICE M. BOAK AND MARGARET C. BOAK, HEREBY DECLARE THAT WE HAVE AUTHORIZED AND CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY TO BE PARTITIONED IN ACCORDANCE WITH ORS CHAPTER 92, AND ALSO HEREBY CREATE THE 50 FOOT WIDE ROAD EASEMENT WITH CUL-DE-SAC (KNOWN AS BARBLER ROAD) AS SHOWN ON THE FACE OF THIS PLAT AND AS A CONDITION OF APPROVAL OF THIS PLAT, WE, THE UNDERSIGNED HEREBY AGREE THAT WE WILL HOLD COOS COUNTY HARMLESS FROM AND INDEMNIFY THE COUNTY FOR ANY LIABILITY FOR DAMAGES WHICH MAY OCCUR TO THE UNDERSIGNED OR THEIR PROPERTY OR TO ANY OTHER PERSONS OR PROPERTY WHATSOEVER AS A RESULT OF THE UNDERSIGNED'S FAILURE TO BUILD, IMPROVE OR MAINTAIN ROADS IN THIS LAND DIVISION. ACCESS TO PARCEL 2 IS VIA THE AFOREMENTIONED 50 FOOT WIDE PRIVATE ROAD EASEMENT, SAID EASEMENT BEING MAINTAINED BY THE APPURTENANT LAND OWNERS SERVED BY THE EASEMENT. SAID EASEMENT IS A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES. SAID ROADWAY SHALL BE PRIVATELY MAINTAINED.

Alice M. Boak  
ALICE M. BOAK

Margaret C. Boak  
MARGARET C. BOAK

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 19<sup>th</sup> DAY OF July, 2007  
Karlas Bedel  
NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES Nov 7, 2008



NO SEWAGE DISPOSAL FACILITY WILL BE PROVIDED TO THE PURCHASER OF ANY LOT OR PARCEL DEPICTED IN THIS LAND DIVISION. NO DOMESTIC WATER SUPPLY FACILITY WILL BE PROVIDED TO THE PURCHASER OF ANY LOT OR PARCEL DEPICTED IN THIS LAND DIVISION, EVEN THOUGH A DOMESTIC WATER SUPPLY SOURCE MAY EXIST.

APPLICABLE SETBACKS: 30 FEET FROM CENTERLINE OF ROAD-RIGHT-OF-WAY OR 5 FEET FROM THE EDGE OF ROAD-RIGHT-OF-WAY, WHICHEVER IS GREATER.

NOTE: THIS IS A LAND PARTITION BASED ON A MEASURE 37 CLAIM WAIVER.