



# NOTICE OF LAND USE DECISION

**You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.**

Coos County Planning  
60 E. Second  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
[planning@co.coos.or.us](mailto: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. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, March 10, 2022**  
File No: ACU-21-075

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

Applicant(s): Jason Smith, Etal  
65611 East Bay Road  
North Bend, OR 97459

Staff Planner: Chris MacWhorter, Planning Staff

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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 **Friday, March 25, 2022**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.6 Resource Zoning District, Section 4.6.100 Forest and Forest Mixed Use, Use Table 1 in Section 4.6.110.63 Template Dwelling (Alternative forestland dwellings ORS 215.750) to Section 4.6.120 Review Standards (9)(B)(II), (9)(C). 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. Properties that are 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. **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.***

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### Subject Property Information

Account Number: 322704  
Map Number: 25S1312C0-00102

Property Owner: JASON SMITH  
32300 NE OLD PARRETT MOUNTAIN RD  
NEWBERG, OR 97132

Situs Address: No Situs Address

Acreage: 2.03 Acres +/-

Zoning: FOREST (F)

Special Development Considerations and Overlays: None

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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. **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.**

The application, staff report and any conditions can 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: \_\_\_\_\_  
Chris MacWhorter, Planning Staff

Date: **Wednesday, March 09, 2022** .

**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 following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received

Exhibit E: 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. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
  - a. 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. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
  - b. CCZLDO Section 4.6.130(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.
  - c. Section 4.6.140(2) Setbacks: All Development, 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. This should be shown on the plot plan.
  - d. Section 4.6.140(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.
  - e. Section 4.6.140(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. If there are no wetlands, streams, lakes or rives then this is not applicable.
  - f. Section 4.6.140(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. If it is not possible to be annexed into a fire district or contract for fire protection, then the Planning Director will allow the alternative forms to be used. This means that proof that the property owners (or representative) has install two (2) 2500-gallon water storage tanks for fire protection with a maintained road access to the tanks for fire-fighting equipment.

- g. Section 4.6.140(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  $\frac{3}{4}$  inch garden hose to reach the perimeter of the primary fuel-free (30 feet) 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.
- h. Section 4.6.140(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 (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) 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 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 one is addressed in the staff report based on down slope. This can be shown on a plot plan.
- i. Section 4.6.140(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. If they are not available yet then this will be a condition of approval on the ZCL.
- j. Section 4.6.140(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).
- k. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
- l. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
- m. Section 4.6.140 (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. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991.



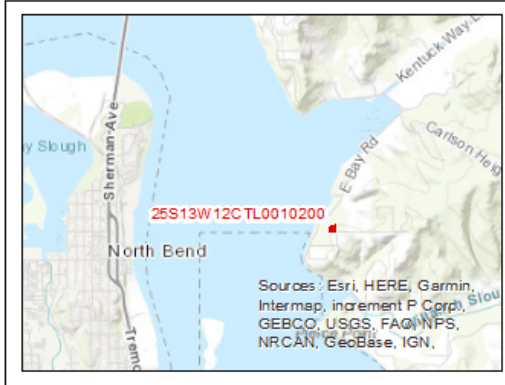
- n. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
- o. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee 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 shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

**EXHIBIT "B"**  
**Vicinity Map**

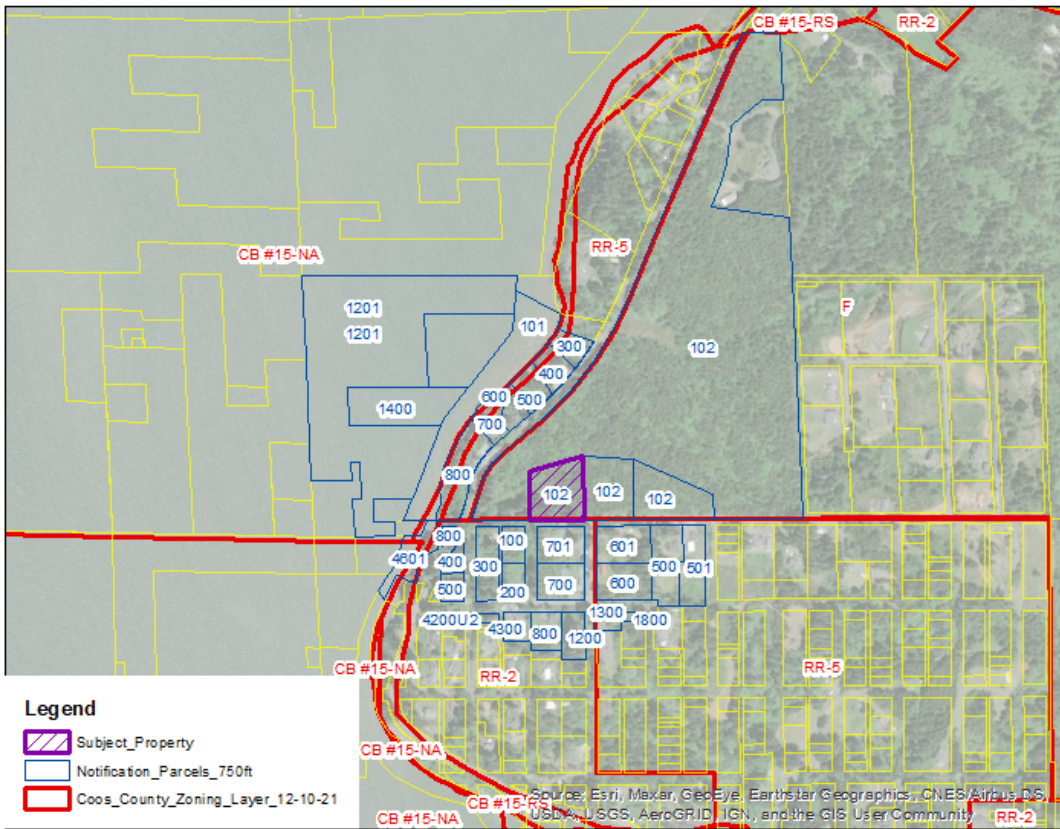


**COOS COUNTY PLANNING DEPARTMENT**

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-21-075  
Applicant/Owner: Jason Smith, Etal  
Date: February 22, 2022  
Location: Township 25S Range 13W Section 12C TL Portion of 102  
Proposal: Administrative Conditional Use



# Template Map



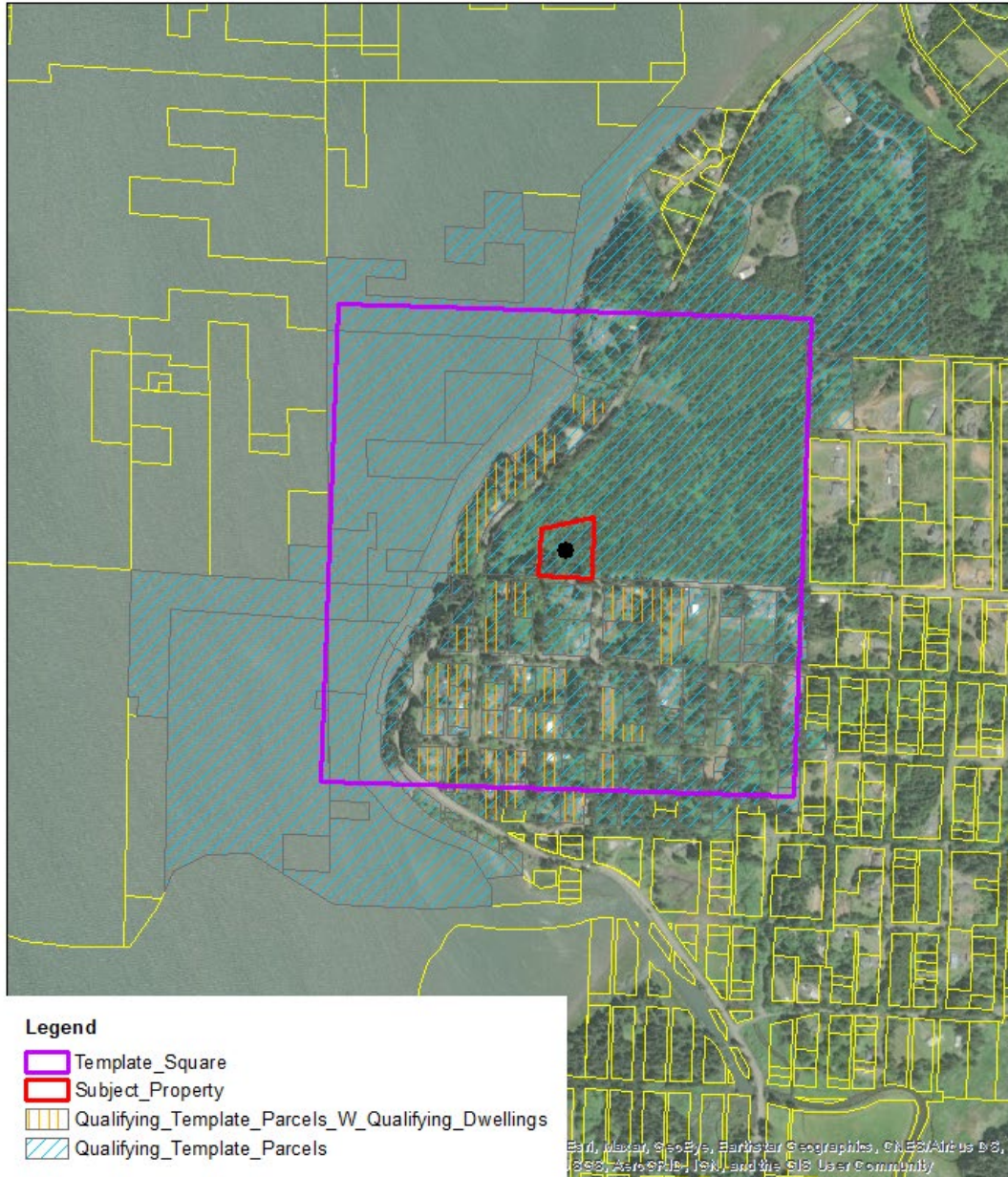
## COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



**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. BACKGROUND/PROPERTY HISTORY:**

On June 4, 2009, a property line adjustment (PLA-09-012) was authorized.

On October 11, 2021, a property line adjustment (PLA-21-015) was authorized.

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

**D. 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.*

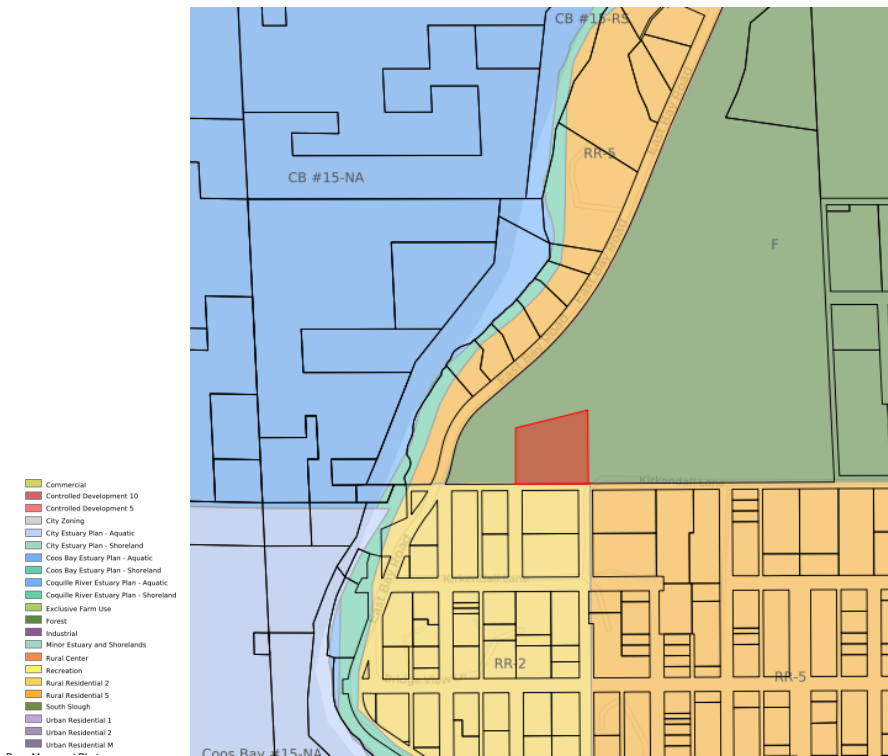
**E. SITE DESCRIPTION AND SURROUNDING USES:**

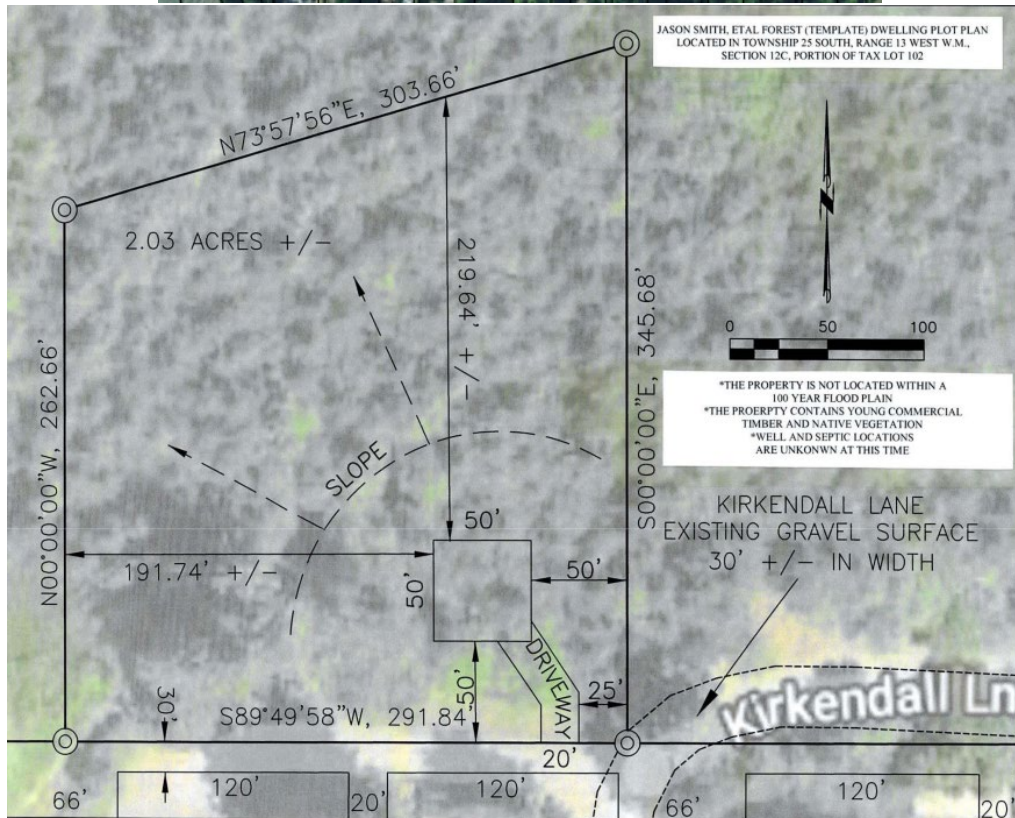
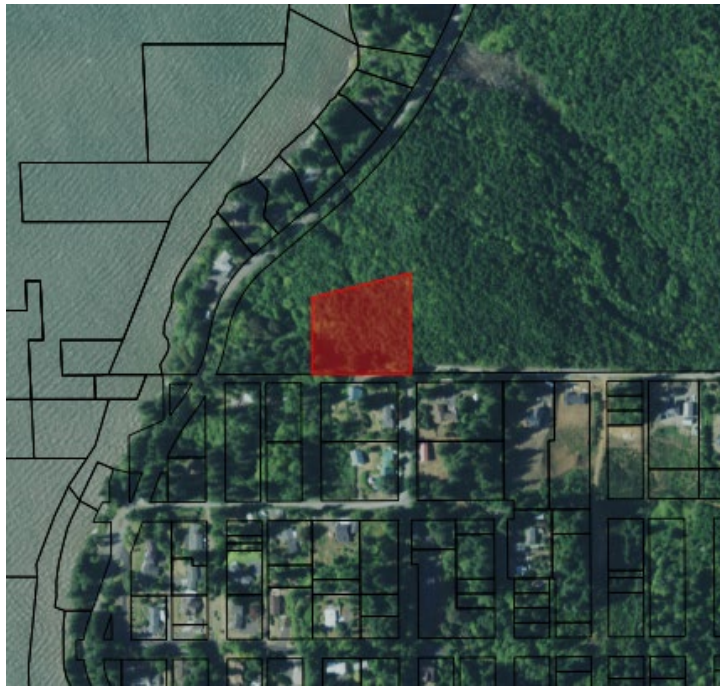
The parcel is located in the west of the Portlawn Addition to North Bend subdivision and north of the City of Coos Bay subdivision. Based on the applicant’s plot plan, the proposed driveway will access of Kirkendall Lane. These roads are publicly dedicated right-of-ways. The applicants' plot plan identifies that the proposed dwelling will be located off of Kirkendall Lane.

There are requests for two additional forest template dwellings located directly east of the subject property. North of subject property is large 50-acre treed parcel that is zoned for Forest with Mixed Use Overlay.

The property is completely covered in forest vegetation. The proposed dwelling is located in the southeast corner.







Maps are not to scale

**F. COMMENTS:**

- a. **PUBLIC AGENCY:** This property required request for comments from Oregon Department of State Lands prior to the release of the decision. DSL offer the following comments *"the proposed lot in the southwest corner of the larger tax lot 102, as shown*

*in the submitted site plan. This location will not impact wetlands or other waters of the state”.*

- 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 did not require any request for comments prior to the release of the decision and none were received.

Comments can be found in Exhibit D.

## **II. GENERAL PROPERTY COMPLIANCE:**

### **A. 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.*

**FINDING:** Staff has reviewed the property history and the county finds to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

### **B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

*1. The unit of land was created:*

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING:** The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision (PLA-09-012 & PLA-21-015).

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval of a Template Dwelling (*Single Family Dwelling* in the Forest Mixed Use Zone) in the Forest Mixed Use Zone pursuant. The application did not specify any additional development requests; therefore, no other development proposals were reviewed.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.100 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. Table 1 of CCZLDO Section 4.6.110.63 defines the relevant criteria for Template Dwellings (Alternative forestland dwellings ORS 215.750) subject to an ACU, Section 4.6.120 Review Standards (9)(B)(II), (9)(C). 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. Properties that are 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. This proposal is not subject to review under Natural Hazards Section 4.11.

**B. 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.*

**C. 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.

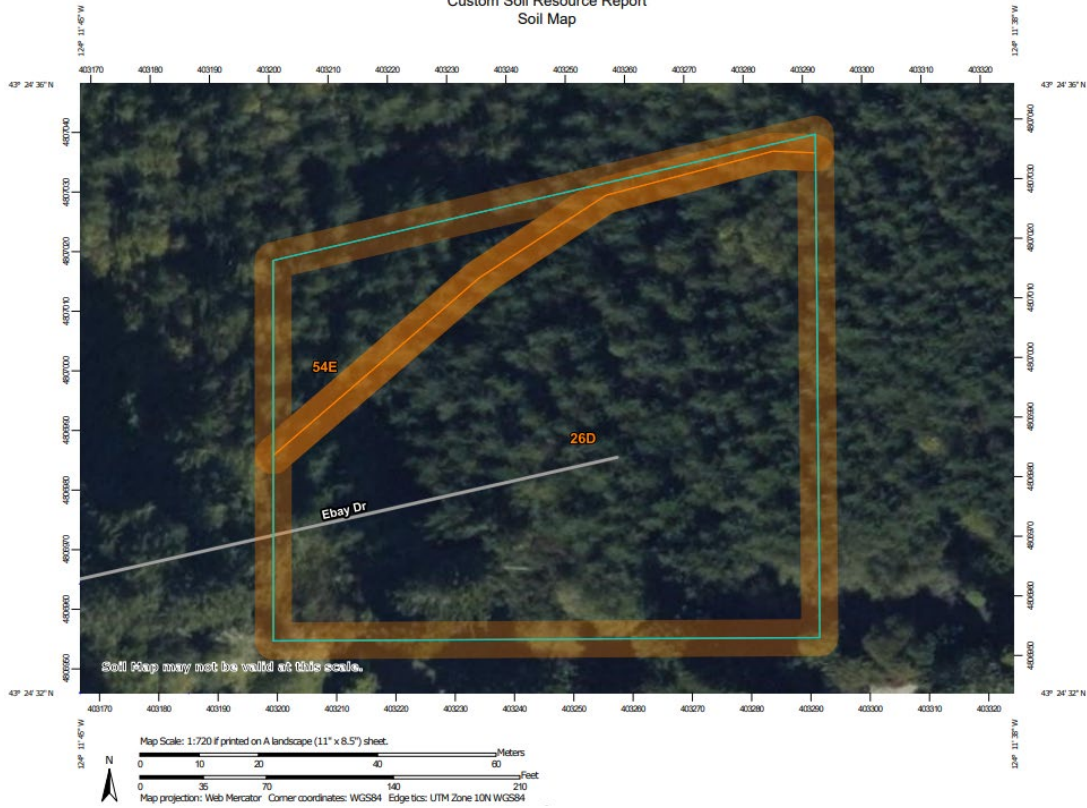
SECTION 4.6.110 (OAR 660-006-0025) Uses Authorized in Forest Zones (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations 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.

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)

- SECTION 4.6.120 Review Standards (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.

**FINDING: Soil Information used to determine if the subject property is capable of producing 0-49, 50-85 or 85 cubic feet per year if wood fiber which determines the applicable criteria for the number of parcels.**

Custom Soil Resource Report  
Soil Map



Report—Forestland Productivity

Forestland Productivity—Coos County, Oregon				
Map unit symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site Index	Volume of wood fiber Cu ft/ac/yr	
26D—Geisel silt loam, 12 to 30 percent slopes				
Geisel	Douglas-fir	—	—	Douglas-fir, Western hemlock
	Red alder	—	—	
	Sitka spruce	—	—	
	Western hemlock	—	—	
	Western redcedar	—	—	
54E—Templeton silt loam, 30 to 50 percent slopes				
Templeton	Douglas-fir	125	186.00	Douglas-fir, Sitka spruce, Western hemlock
	Red alder	94	114.00	
	Sitka spruce	169	257.00	
	Western hemlock	161	257.00	
	Western redcedar	—	—	

**26D-Geisel silt loam, 12 to 30 percent slopes.**

*This deep, well drained soil is on side slopes of coastal mountains. It formed in residuum and colluvium derived dominantly from sedimentary rock. The native vegetation is mainly conifers, shrubs, forbs, and hardwoods. Elevation is 20 to 500 feet. The average annual precipitation is 55 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 dark reddish brown silt loam 4 inches thick. The upper 26 inches of the subsoil is dark reddish brown silt loam and silty clay loam, and the lower 24 inches is dark reddish brown silty clay. Weathered siltstone is at a depth of 54 inches.*

*Included in this unit are small areas of Templeton soils. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another.*

*Permeability of this Geisel soil is moderately slow. Available water capacity is about 6.5 to 11.5 inches. Effective rooting depth is 40 to 60 inches. Runoff is medium, and the hazard of water erosion is moderate.*

*This unit is used mainly for timber production, wildlife habitat, and livestock grazing. It is also used for homesite development.*

*This unit is suited to the production of Douglas fir and western hemlock. Among the other species that grow on this unit are western redcedar, red alder, Sitka spruce, and Oregon myrtle. The understory vegetation is mainly salmonberry, rose, trailing blackberry, hairy brackenfern, western swordfern, and northern twinflower.*

*On the basis of a 100-year site curve, the mean site index for Douglas fir is 146. At the culmination of the mean annual increment (CMAI), the production of 60-year-old Douglas fir trees 1.5 inches in diameter or more at breast height is 153 cubic feet per acre per year. On the basis of a 50-year site curve, the mean site index for Douglas fir is 109.*

*The main limitations for the management of timber on this unit are the susceptibility of the surface layer to compaction, the hazard of erosion, and plant competition. Using standard wheeled and tracked equipment when the soil is moist causes rutting and compaction. Puddling can occur when the soil is wet. Using low-pressure ground equipment reduces damage to the soil and helps to maintain productivity. Highlead or other logging systems that fully or partially suspend logs damage the soil less and generally are less costly than tractor systems.*

*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. 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. Unsurfaced roads and skid trails are soft 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.*

*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 Douglas fir and western hemlock seedlings.*

*If this unit is used for livestock grazing, the main limitation is the susceptibility of the surface layer to compaction. Grazing cattle when the soil is moist results in compaction of the surface layer, poor tilth, and excessive runoff. Compaction limits the movement of air and water in the soil and restricts the growth of roots; it can seriously reduce the productivity of the soil. Grazing should be delayed until the soil has drained sufficiently and is firm enough to withstand trampling by livestock.*

*In summer, droughtiness limits the choice of forage plants and limits production. Irrigation generally is impractical because of slope and an inadequate water supply.*

*Fertilizer is needed to ensure optimum growth of grasses and legumes. Grass-legume pastures respond to sulfur, phosphorus, and molybdenum. Using a good fertilization program increases the production of forage in winter. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition and to protect the soil from erosion, Rotation grazing increases the production of forage and helps to control weeds and brush.*

*If this unit is used for homesite development, the main limitations are the moderately slow permeability and slope. Absorption lines should either be placed in the less sloping areas of this unit or in adjoining areas of soils that are not so steep. Septic tank absorption fields may not function properly during rainy periods because of the moderately slow permeability of the subsoil. This limitation can be overcome by increasing the size of the septic tank absorption field. Extensive cutting and filling generally are required to provide nearly level construction sites. Building roads in the less sloping areas of this unit reduces the amount of cutting and filling required. Roads should be provided with surface drainage. Cuts and fills are susceptible to erosion. Revegetating disturbed areas around construction sites as soon as feasible helps to control erosion. In summer, supplemental irrigation is needed for lawn grasses and vegetable gardens.*

*This map unit is in capability subclass IVe.*

*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 Vle.*

According to the Soil Survey of Coos County, NRCS National Soil Information System, the property is made up of 26D-Geisel silt loam and 54E-Templeton silt loam soil type. Based on the plot plan, the dwelling appears to be located in the 26D soil type. The volume of wood fiber per year for 26D is 186 cubic feet per acre per year for Douglas-fir species.

Therefore, 4.6.120 Review Standards (9)(B)(II)(1)(c) applies to the template test.

- SECTION 4.6.120 Review Standards (9)(B) DWELLING ON FOREST AND FOREST MIXED USE ZONES -(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria. Subsections (3) though (7). Subsection (2) has been removed:

- (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]

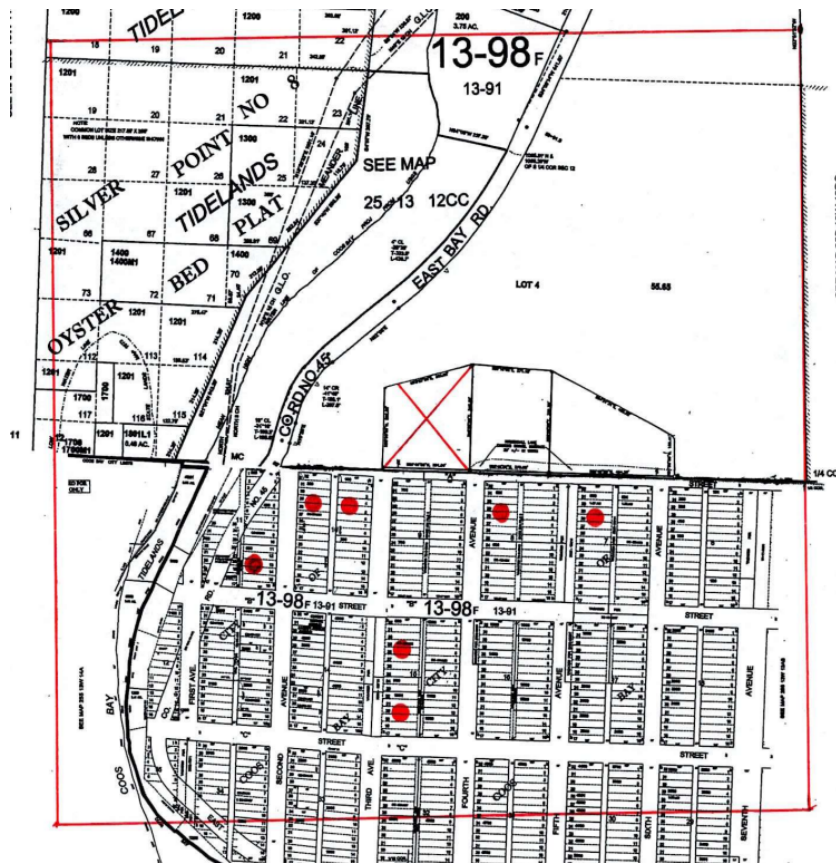
**Finding:** None of the lots or parcels are located within urban growth boundaries; therefore, no urban growth boundary lots or parcels are being used to satisfy the eligibility requirements under subsection (1) of this section. Subsection (2) is not applicable to this review.

The unit of land was created pursuant to 6.1.125.1.b, through a prior land use decision (PLA-09-012 & PLA-21-015). The parcel is less than 60 acres. The property does touch a road created

before 1993 or perennial stream. However, the applicant elected to choose to use a template square. There will need to be 11 parcels with 3 dwellings that were created before January 1, 1993.

The applicant stated *“Attached is evidence in the form of current assessment maps showing in excess of 11 lots (legal parcels) within the City of Coos Bay subdivision that are within or touching the 160 acre template centered on the subject property. Also included is assessment information verifying that a minimum of seven dwellings exist within those legal parcels, that were built prior to January 1, 1993”*.

The applicant supplied the following template map.



Staff used the 160-acre square for the template test. Staff reproduced a similar result, as shown above in the template map, and verified that the subject property meets the template test requirements of 11 parcels with 3 dwellings.

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.*

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.*

**FINDING:** Section 4.6.120(9)(C)(1)(a) requires that if a lot or parcel is more than 10 acres the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements have been met. According to application, the property is 2.03 acres in size; therefore, the criteria does not require a stocking survey.

Section 4.6.120(9)(C)(1)(b)(A) requires the dwelling will have a fire-retardant roof. A copy of the building plans showing the type of roofing material will satisfy this criterion.

Section 4.6.110(9)(C)(1)(b)(B): requires that the dwelling will not be sited on a slope of greater than 40 percent. The applicants state that *“no portion of the dwelling site exceeds a 10% grade, including the area surrounding the dwelling site”*.

Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope of the building development site as 5.07 degrees, which is 8.87% in slope.





Staff concurs with the topography map that the subject property is not greater than 40 percent. Therefore, this criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(C) The applicant stated that the water supply will be from a well. As a condition of approval, a water supply requirement form shall be submitted and signed off by the State Watermaster. Therefore, this has been addressed.

Section 4.6.110(9)(C)(1)(b)(D) requires that a dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection contract. The property is located within the North Bay RFPD. Therefore, this criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(E) is not applicable see prior finding.

Section 4.6.120(9)(C)(1)(b)(F) requires that any chimney constructed will have a spark arrester installed. The applicants have stated “*if the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester*”. This will be a condition of approval. Therefore, the criterion has been addressed.

Section 4.6.110(9)(C)(1)(b)(G): The application states that “*the property owner will construct and maintain a 30 foot primary safety zone*”. The fuel-free break and secondary break will be addressed later in this staff report. This criterion has been addressed.

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]*

**FINDING: 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 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*

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<sup>1</sup>*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.*

- 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.*

**FINDING:** Section 4.6.130(1)(a) and Section 4.6.130(1)(b) require proof of adverse impacts to the subject property and nearby Farm and Forest operations are minimized. The proposed homesite is located approximately in the southeast corner of the subject property, as shown on the applicants plot plan. The proposed homesite is approximately 50 feet from the eastern property line and 50 feet from the southern property line. The house site is located approximately 191.74 feet from the western boundary of the property and 219.64 feet from the northern boundary.



**The above map shows the properties nearby. The subject property is located off Kirkendall Lane, which accesses East Bay Road. Staff must review the proposed use's impact on nearby farm and forest operations. The applicant stated the following information *“The subject property contains 2.03 acres. The proposed Dwelling will be sited in the southeast corner of parcel in close proximity to the county road providing access to the parcel. There will be a 200 foot buffer (north) and a 150 foot buffer (west) from adjacent forest land. The land to the east consist of a 2.10 acre parcel that will likely be utilized for a residential use and the property to the south contains small lot residential uses and is not suitable for commercial forest use. There are no commercial agricultural uses adjacent to or nearby the subject property. The proposed Dwelling will not impact resource uses on nearby or adjoining lands”.***

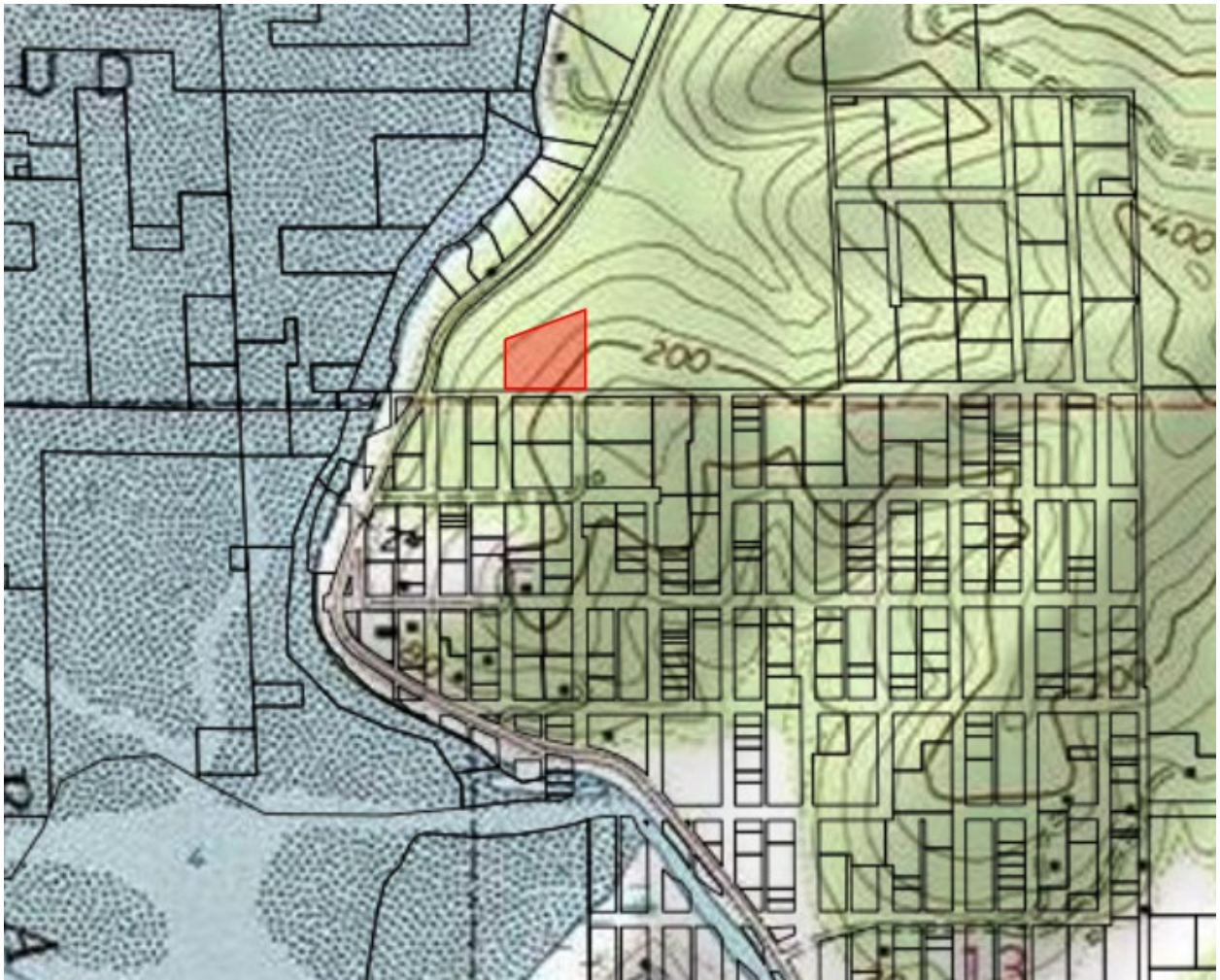
**Based on the map above, Staff estimates the proposed homesite is 220 feet away from the forestlands that may be harvested for commercial timber.**

**When looking for the effects of new forest dwellings on nearby pesticide practices, the parcel size is more important than whether the land is classified as non-industrial or industrial timberlands. Senate Bill 1602 increased the helicopter spray distance buffer from 60 feet to 300 feet of an inhabitable dwelling starting January 1, 2021. The Anderson v. Coos County, 51 Or LUBA 454 (2006) case established an important factor. According to the LUBA case, a reasonable assumption could conclude that herbicides would be applied to land less than 40 acres using ground application methods. Spraying herbicides using ground spraying applications is permitted up to the property line. Herbicide application by aerial spraying is preferred for lands over 40 acres.**

**While there are forestlands suitable for harvest and within 300 ft on the adjacent parcel to the north. Staff finds that it is reasonable to conclude ground-based herbicide treatments would be utilized on these timber stands. The parcel located to the north is surrounded by residential properties on all sides. Staff finds it reasonable to conclude that helicopter spraying will never be the preferred method on this parcel.**

**According to the topographic map below, the adjacent parcels appear to have a slope below 35%, so groundside harvesting methods would be preferred. Groundside timber harvests are typically confined to the harvest unit. The location of the dwelling should not adversely affect commercial timber harvesting on adjacent parcels.**





The applicant stated *“there are no commercial agricultural uses adjacent to or nearby the Subject property”*. Based on reviews of the aerial imagery and zoning maps, Staff finds that this statement is accurate for the subject property. Staff did not find any evidence that there will be agricultural uses on adjacent lands in the future.

Section 4.6.130(1)(c) requires the minimum forest lands be removed for access roads, service corridors and structures. The subject property is 2 acres in size. The plot indicates that the road will proceed a little over one 75 feet. Given the relatively little acreage of the subject property, any development on the subject property will result in lands removed from resource purposes. While zoned Forest, the subject property is essentially Rural Residential-2. There appears to be no reasonable way to minimize lands removed for non-resource development. Therefore, Staff finds this criterion has been addressed.

Section 4.6.130(1)(d) requires that risk associated with wildfires are minimized. The applicant stated that they *“will comply with all statutory fire siting and safety requirements to assure that risks associated with wildfires are minimized”*. Staff still must analyze whether the risks associated with wildfires are minimized. Staff makes these findings based on the subject property’s topography, vegetation fuels, and length of the proposed driveway. While it is not economically feasible to change the large scale topography of the building site. There are a few reasonable choices to favor over other poorer choices. Avoiding ridgeline, chimneys, and funnels are practical recommendations. The applicant indicated the building site will be placed near southeast corner of the subject property. Also avoiding a longer driveway is recommended. Based on the plot plan and attached topographic map, the applicant appears

to be placing the dwelling on a relatively flat site. Staff finds this location will minimize effects of fire risk. The third factor to address is the vegetive fuels on the subject property. Based on the submitted plot plan, the applicant will be required to install a 30 ft primary fuel free break, with a 100 ft secondary fuel break, around all structures on the subject property. As a result of installation of these fuel-free breaks and numerous other factors discussed above, staff believes that the proposed development on adjacent farmlands and forests will be mitigated.

Section 4.6.130(3) requires the applicants to 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). The applicants stated that *“the domestic water source will be from an onsite well that is exempt under Oregon Department of Water resources regulations”*. The applicants are required to submit the well contractor's report. Water Resources Department verification is required that no water use permit is required for the proposed uses. The approval of this project will be conditional on this.

Section 4.6.130(4) requires that if road access to the dwelling is by a road owned and maintained by a private party, ODF or BLM a long-term access use permit or agreement be submitted. The subject property is accessed Kirkendall Lane, which is a public right-of-way. Therefore, this criterion has not been addressed.

Section 4.6.130(5) requires a stocking survey if property is larger than ten (10) acres. There are 2 acres on the subject property; therefore, a stocking survey is not required.

**All The criteria found in SECTION 4.6.130 have been addressed.**

○ *Section 4.6.140 Development and Siting Criteria:*

*This section contains 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.

**FINDING: Section 4.6.140(1) is only applicable in the creation of new parcels and that is not part of this request; therefore, it is not applicable.**

**Section 4.6.140(2) requires a setback from any road right-of-way. The provided plot plan illustrated that all setbacks for the proposed dwelling will be more than satisfied.**

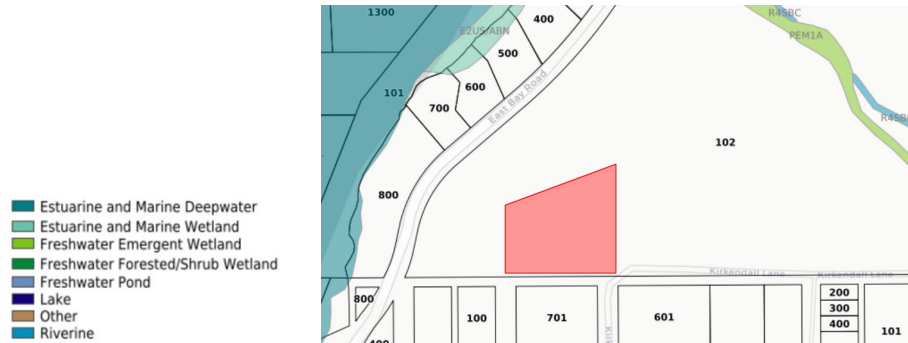
**Section 4.6.140(3) applies to fences, hedges and walls. The proposal does not include any new fences, hedges, or wall. Therefore, this criterion does not apply.**

**Sections 4.6.140(4) 4.6.140(17) require parking, loading, access and road standards be addressed. 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.**



Section 4.6.140(5) requires that the property owners 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. This criterion was addressed above and will be made a condition of approval.

Section 4.6.140(6) requires a setback from any wetland. There are no mapped wetlands or water bodies requiring protection within 50 feet of the proposed development.



Therefore, this criterion is not applicable.

Section 4.6.140(7) and Section 4.6.140(15) requires the dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. The dwelling will be located within the North Bay Fire Protection District; therefore, this criterion has been satisfied.

Section 4.6.140(8) The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicants shall comply with alternative forms of fire protection. The subject property is within the North Bend Rural Fire Protection District. Therefore, this criterion is not applicable.

Section 4.6.140(9) requires water supply of at least 500 gallons with pressure of at least 50 PSI and sufficient ¾ inch hose. The applicants state that *“the property owner at the time of development shall construct and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building Setback”*. 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.

Section 4.6.140(10) determines the primary and secondary fire safety setbacks. Staff utilized the Oregon DOGAMI LiDAR Viewer to get approximate slope of the site area including the fuel-free break zone. The LiDAR viewer estimated the slope as 5.07 degrees, which is 8.87% in slope. The applicants will need to maintain 30 feet of primary fuel-free break to the standards identified above. This criterion will be made a condition of approval.

Section 4.6.140(11) requires the roofing material to be non-combustible or fire resistance. The applicant stated that *“all new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit”*. 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.

Section 4.6.140(12) requires a water supply exceeding 4000 gallons. Reviewing aerial photos, Staff did not find any water sources meeting this criterion on the subject property. Therefore, this criterion has been addressed.

Section 4.6.140(13) requires that a dwelling not be located on a slope of greater than 40%. The plot plan and information from the application shows the proposed dwelling and other structures will not be sited on a slope greater than 40%. Therefore, this criterion has been addressed.

Section 4.6.140(14) states that if a dwelling has a chimney it shall have a spark arrester. 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.

Section 4.6.140(16) requires adequate access for firefighting equipment. The subject property is accessed off of Kirkendall Lane, which is a public right-of-way. The applicant will have to construct a driveway that meets standards necessary to support access for fire-fighting equipment. Therefore, this criterion has been addressed.

Therefore, all criteria in Section 4.6.140 Development and Siting Criteria have been addressed.

#### IV. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Template Dwelling meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

#### V. EXPIRATION:

*Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit is valid for four years.*

A. *Extensions for Residential Development as provided for under ORS 215.213 (3) and (4), 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3) shall be granted as follows:*

- i. First Extension - An extension of a permit for “residential development” as described in Subsection (1) above is valid for two (2) years.*
  - 1. The applicant shall submit an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for time lines for final decisions. Untimely extension requests will not be processed.*
  - 2. Upon the Planning Department receiving the applicable application and fee, staff shall verify that the application was received within the deadline and if so issue an extension.*
  - 3. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.*
- ii. Additional Extensions - A county may approve no more than five additional one-year extensions of a permit if:*
  - 1. The applicant submits an application requesting the additional extension prior to the expiration of a previous extension;*
  - 2. The applicable residential development statute has not been amended following the approval of the permit; and*
  - 3. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which*

*may require that the applicant comply with the amended rule or land use regulation.*

*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 Wednesday, March 25, 2026. **Due to the fact the law changed regarding template dwellings on November 1, 2021 this application will not be eligible for an extension under the current regulations.**

**VII. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special districts, or parties: North Bay Fire Protection District.

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor's Office and the Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

**EXHIBIT "D"**  
**Comments Received**



**Wetland Land Use Notice Response**

Response Page

Department of State Lands (DSL) WN#\*  
WN2021-1195

**Responsible Jurisdiction**

Staff Contact	Jurisdiction Type	Municipality
Michelle Berglund	County	Coos
Local case file #	County	
ACU-21-075	Coos	

**Activity Location**

Township	Range	Section	QQ section	Tax Lot(s)
25S	13W	12	C	102
Street Address				
Address Line 2				
City		State / Province / Region		
Postal / Zip Code		Country		
		Coos		
Latitude	Longitude			
43.409871	-124.194864			

**Wetland/Waterway/Other Water Features**

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property

**Your Activity**

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

**Applicable Oregon Removal-Fill Permit Requirement(s)**

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

## Closing Information



### Additional Comments

The proposed lot is in the southwest corner of the larger tax lot 102, as shown in the submitted site plan. This location will not impact wetlands or other waters of the state.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

11/29/2021

### Response by:

Lynne McAllister

### Response Phone:

503-986-5300





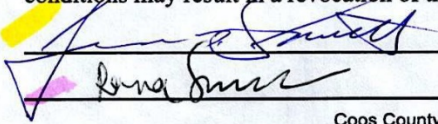
- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County 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.

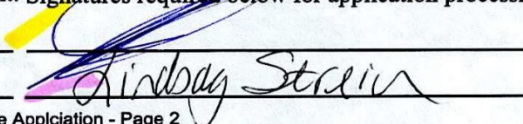
Application Check List: Please make off all steps as you complete them.

- 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. Signatures required below for application processing.

  
\_\_\_\_\_  
Dana Smith

  
\_\_\_\_\_  
Lindsey Strain

Coos County Land Use Application - Page 2



APPLICANT'S EXHIBIT "A"

JASON SMITH, ETAL FOREST (TEMPLATE) DWELLING

LOCATED IN TOWNSHIP 25 SOUTH, RANGE 13 WEST W.M.,  
SECTION 12C, PORTION OF TAX LOT 102

**Application Requirements**

A. STATEMENT OF INTENT:

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

The subject property consists of a 2.03 acre parcel with direct access from Kirkendall Lane, a Public dedicated right-of-way. The northerly portion of the property slopes gradually to the north, however the proposed development area is relatively flat. The vegetation on the property consists of young commercial tree species (Douglas Fir) with intermingled coastal vegetation. The property is currently vacant with no improvements. The land to the north, east and west also contains young reprod, while the land to the south contains small lot residential development within the City of Coos Bay Subdivision Plat. Potable water will be from a drilled well source that is exempt from permitting through the Oregon Department of Water Resources. Sanitary sewer will be from an onsite septic system that has yet to be approved.

B. PLOT PLAN:

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

**Application Criteria and Evidence**

**4.6.120 Review Standards**

(9)(B)(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.

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

*Attached is evidence in the form of current assessment maps showing in excess of 11 lots (legal parcels) within the City of Coos Bay subdivision that are within or touching the 160 acre template centered on the subject property. Also included is assessment information verifying that a minimum of seven dwellings exist within those legal parcels, that were built prior to January 1, 1993.*

(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.

*APPLICANT'S RESPONSE: None of the parcels used to satisfy the required criteria are located within an Urban Growth Boundary.*

(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.

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

(b) Unless it complies with the requirements of ORS 215.730.

*APPLICANT'S RESPONSE: This criterion is redundant and unnecessary as the provisions of ORS 215.730 are specifically addressed under CCZLDO 4.6.130 and 4.6.140 below.*

(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.

*APPLICANT'S RESPONSE: The subject tract consists of one parcel of land. A copy of the current deed of record has been submitted with the application showing that there are no restrictions prohibiting residential development. More specifically, the parcel has not been utilized to qualify a dwelling under the large tract standards and therefore no development restrictions have been imposed pursuant to ORS 215.750(3).*

(d) If the tract on which the dwelling will be sited includes a dwelling.

*APPLICANT'S RESPONSE: There is currently no residential dwelling on the tract (parcel).*

(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.

*APPLICANT'S RESPONSE: A 160 acre square was utilized to qualify the subject parcel.*

(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.

*APPLICANT'S RESPONSE: A 160 acre square was utilized to qualify the subject parcel.*



(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]

*APPLICANT'S RESPONSE: This criterion is not applicable.*

**NOTE:** Section 4.6.120(9)(c) "Additional Criteria for all Dwellings allowed in the Forest and Forest Mixed Use Zones," is addressed at the bottom of this document.

**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;

*APPLICANT'S RESPONSE: The subject property contains 2.03 acres. The proposed Dwelling will be sited in the southeast corner of parcel in close proximity to the county road providing access to the parcel. There will be a 200 foot buffer (north) and a 150 foot buffer (west) from adjacent forest land. The land to the east consist of a 2.10 acre parcel that will likely be utilized for a residential use and the property to the south contains small lot residential uses and is not suitable for commercial forest use. There are no commercial agricultural uses adjacent to or nearby the subject property. The proposed Dwelling will not impact resource uses on nearby or adjoining lands.*

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

*APPLICANT'S RESPONSE: The subject property contains 2.03 acres and is likely not suitable for commercial forest use. With that said, the proposed Dwelling will be sited in the southeast corner of parcel in close proximity to the county road providing access to the parcel. There will be a 200 foot buffer (north) and a 150 foot buffer (west) from adjacent forest land. The dwelling is located in an area that will have minimal impact to resource use of the parcel and there is no reason why commercial timber on the undeveloped portion the parcel could not be harvested.*

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

*APPLICANT'S RESPONSE: The proposed dwelling will be located in close proximity to the county access road and therefore, the amount of land utilized for the dwelling and driveway will be minimal.*

(d) The risks associated with wildfire are minimized.

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

**3 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.**

(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.

*APPLICANT'S RESPONSE: This criteria has been sufficiently addressed above or within the "Applicant's Response" elsewhere in this application.*

(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
- (d) the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

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

*APPLICANT'S RESPONSE: Access to the subject property is by way of Kirkendall Lane, a public dedicated right-of-way. The access does not cross a road that is owned or maintained by ODF, BLM, or USFS.*

(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.

*APPLICANT'S RESPONSE: The subject property contains an adequate number of commercial tree species to meet current DOF stocking requirements. The property does not contain more than 10 acres and is therefore exempt under this criterion(c). The owner, as a requirement of law, will record a non-remonstrative agreement to farm and forest practices prior to residential development.*

**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.

*APPLICANT'S RESPONSE: There is no partition or subdivision proposed. This is not applicable.*

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.

*APPLICANT'S RESPONSE: The site plan clearly show that the dwelling meets the road setback.*

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

*APPLICANT'S RESPONSE: There are no fences, hedges or walls proposed.*

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

*APPLICANT'S RESPONSE: There are no requirements for off-street parking or loading zones and therefore this criterion is not applicable.*

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.

*APPLICANT'S RESPONSE: As a "Requirement of Approval" to this application, the applicant will be responsible for recording a deed covenant or written contract with the County Clerk, or its equivalent, that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.*

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.

*APPLICANT'S RESPONSE: There are no wetlands, streams, lakes or rivers located within 50 feet of proposed dwelling.*

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.

*APPLICANT'S RESPONSE: The subject property is located within the North Bend Rural Fire Protection District.*



8. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:

a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

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

b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

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

c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

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

d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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

9. Fire Siting Standards for New Dwellings:

a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.

*APPLICANT'S RESPONSE: The property owner at the time of development shall construct and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*

b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's

edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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

10. Firebreak:

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

b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

*APPLICANT'S RESPONSE: The owner at the time of development shall establish and maintain a 30 foot primary firebreak as described in subsection (b) around all structures, including decks.*

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

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

d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

<i>Table 1 – Minimum Primary Safety Zone</i>	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
<b>0%</b>	<b>30</b>	<b>0</b>
<b>10%</b>	<b>30</b>	<b>50</b>
<b>20%</b>	<b>30</b>	<b>75</b>
<b>25%</b>	<b>30</b>	<b>100</b>
<b>40%</b>	<b>30</b>	<b>150</b>



*APPLICANT'S RESPONSE: The locations of the dwelling and surrounding area is relatively flat and at no point exceeds a 10% grade. The property owner will construct and maintain a 30 foot primary safety zone.*

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

*APPLICANT'S RESPONSE: All new and replacement structures will use non-combustible or fire resistant roofing materials approved by the certified official responsible for the building permit.*

12. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).

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

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

*APPLICANT'S RESPONSE: No portion of the dwelling site exceeds a 10% grade, including the area surrounding the dwelling site.*

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

*APPLICANT'S RESPONSE: If the proposed dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

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

*APPLICANT'S RESPONSE: Access to the subject property is directly from Kirkendall Lane, a public dedicated right-of-way. The existing road is capable of supporting firefighting equipment.*

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

*APPLICANT'S RESPONSE: The applicant will be responsible for meeting driveway standards pursuant to Chapter VII CCZLDO.*

**Section 4.6.120(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(5)

(b) The dwelling meets the following requirements:

(A) The dwelling has a fire retardant roof.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(11)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(13)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(3)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(7)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.130(7)

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

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(14)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(10)

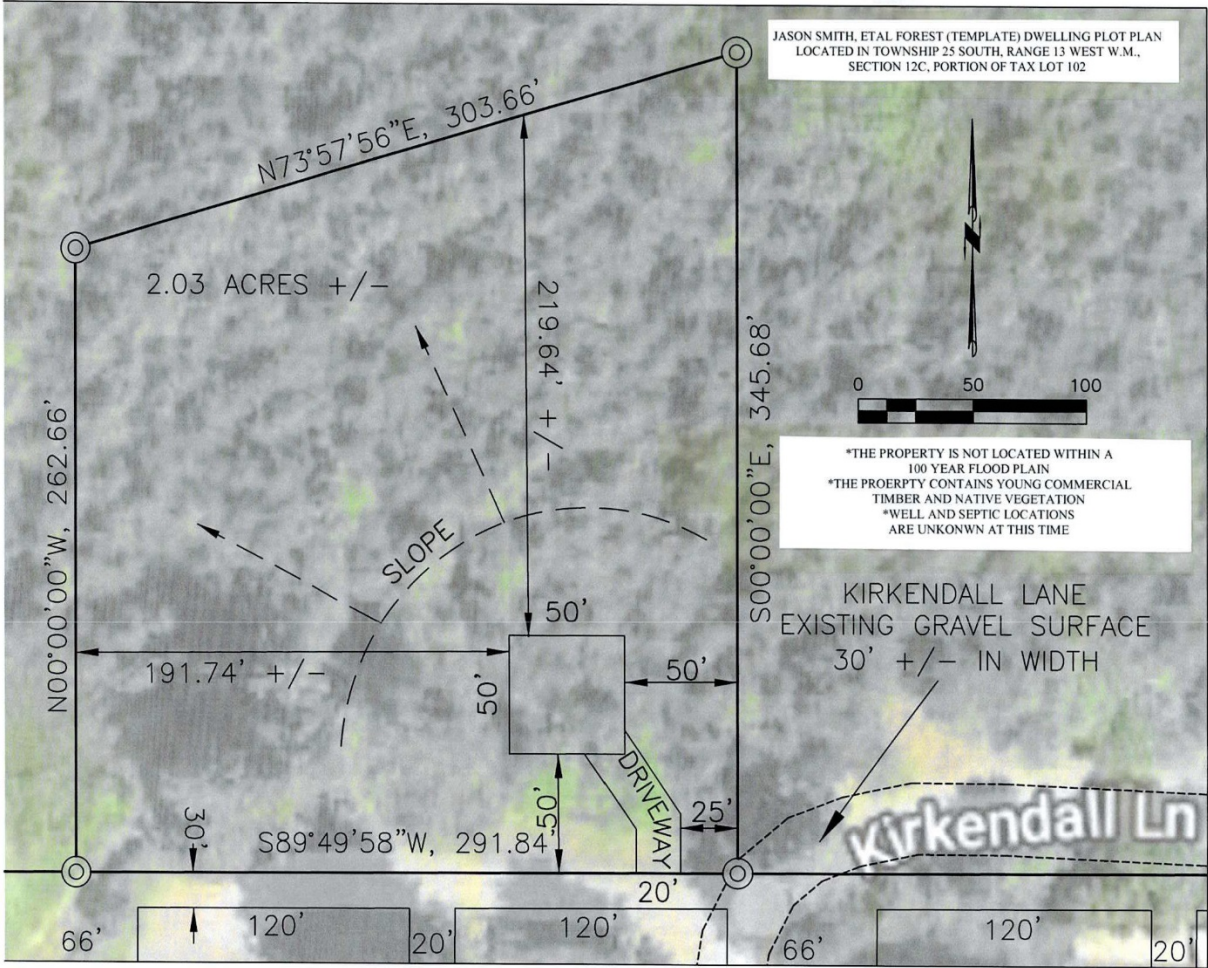
(2)(a) If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling

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.

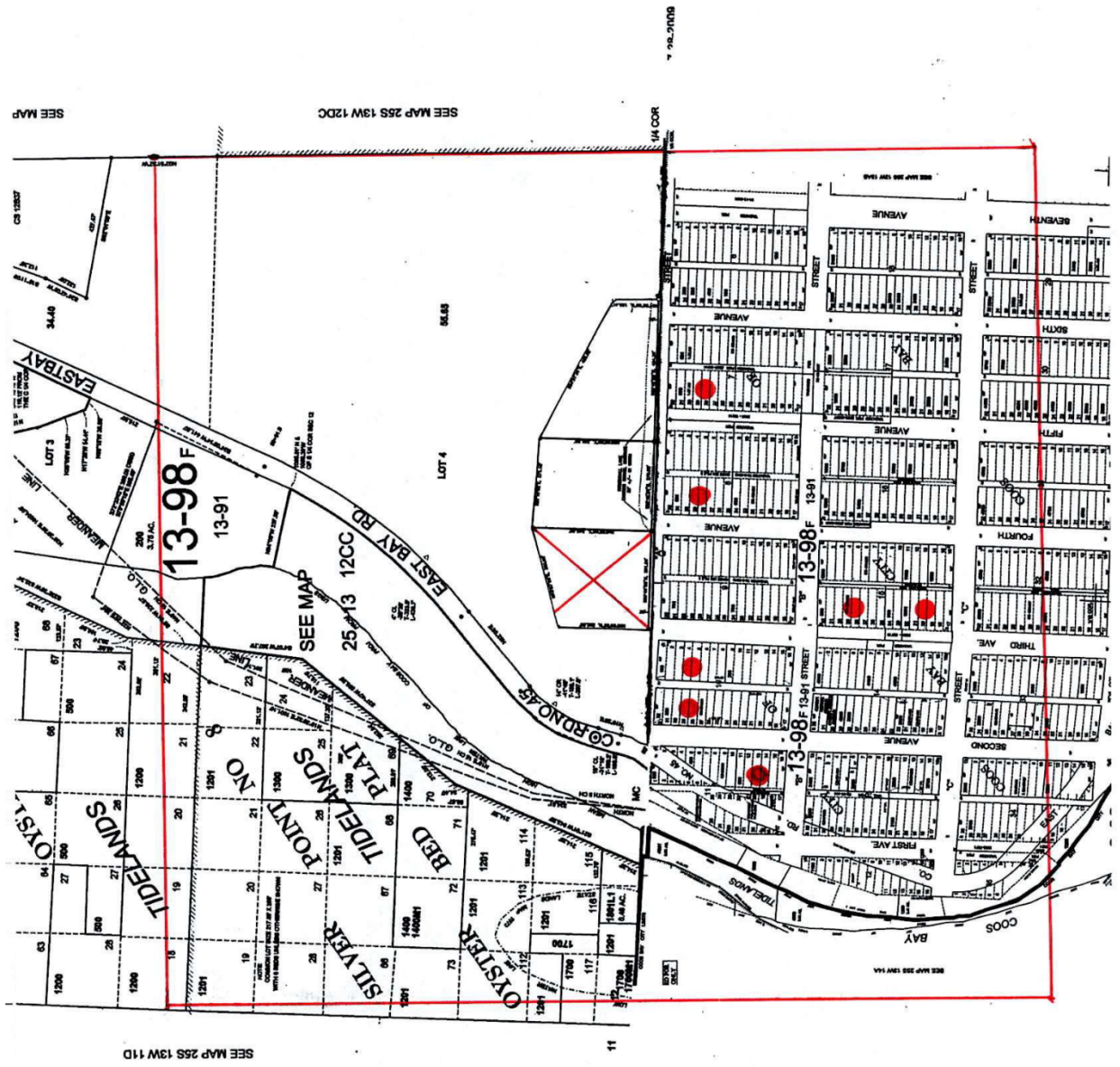
APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(8)

(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.

APPLICANTS RESPONSE: This criterion is addressed above at Section 4.6.140(8)







SEE MAP 25S 13W 11D

SEE MAP 25S 13W 12DC

SEE MAP 25S 13W 14A



**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:40:19 pm

<b>Account #</b>	3571800	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BA00500	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3571800	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	WILLIAMS, JUSTIN ET AL	<b>Deed Reference #</b>	2018-7078
<b>Agent</b>		<b>Sales Date/Price</b>	07-20-2018 / \$427,500.00
<b>In Care Of</b>		<b>Appraiser</b>	JIM HARTER
<b>Mailing Address</b>	94076 KIRKENDALL LN NORTH BEND, OR 97459-8206		

<b>Prop Class</b>	101	<b>MA</b>	SA	<b>NH</b>	<b>Unit</b>
<b>RMV Class</b>	101	02	11	RRL	31014-2

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 94076 KIRKENDALL LN	NORTH BEND

Code Area	RMV	MAV	Value Summary		MSAV	RMV Exception	CPR %
			AV	SAV			
1398 Land	161,410					0	62.3
Impr.	536,720					46,880	
<b>Code Area Total</b>	<b>698,130</b>	<b>393,380</b>	<b>393,380</b>	<b>0</b>	<b>0</b>	<b>46,880</b>	
<b>Grand Total</b>	<b>698,130</b>	<b>393,380</b>	<b>393,380</b>	<b>0</b>	<b>0</b>	<b>46,880</b>	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
1398	10		<input checked="" type="checkbox"/>	RR-5	Market	112	A	1.57	HS	002	161,410
<b>Grand Total</b>								<b>1.57</b>			<b>161,410</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
1398	2	1992	141	One story-Class 4	112	864	135,860	
1398	1	1992	153	Two story-Class 5	112	2,523	400,860	
<b>Grand Total</b>							<b>3,387</b>	<b>536,720</b>

Code Area	Type	Exemptions/Special Assessments/Potential Liability				
1398		<b>FIRE PATROL:</b>				
		■ FIRE PATROL SURCHARGE	Amount	47.50	Year	2021
		■ FIRE PATROL TIMBER	Amount	18.75 Acres	1.89	Year 2021

**Appr Maint:** 2022 - OTHER NEW CONSTRUCTION (ADDITIONS OR ALTERATION)  
**Comments:**

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:26:53 pm

<b>Account #</b>	3575000	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BA00601	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3575000	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	OJEDA, PHILLIP M JR & MCKENNA E	<b>Deed Reference #</b>	2019-12048
<b>Agent</b>		<b>Sales Date/Price</b>	12-30-2019 / \$352,500.00
<b>In Care Of</b>		<b>Appraiser</b>	JIM HARTER
<b>Mailing Address</b>	94020 KIRKENDALL LN NORTH BEND, OR 97459-8206		
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31015-1

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 94020 KIRKENDALL LN	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398 Land	188,580					Land	0
1398 Impr.	301,110					Impr.	0
<b>Code Area Total</b>	<b>489,690</b>	<b>330,650</b>	<b>330,650</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>489,690</b>	<b>330,650</b>	<b>330,650</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	LUC	Trended RMV
						TD%	LS				
1398	10		<input checked="" type="checkbox"/>	RR-5	Market	112	A	1.19	HS	002	167,620
1398	20		<input checked="" type="checkbox"/>	RR-5	Market	112	A	0.15	MV	001	20,960
<b>Grand Total</b>								<b>1.34</b>			<b>188,580</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%				
1398	3		145	Garage-Class 4	112		0		19,890
1398	1	1979	142	One story with basement-Class 4	112		1,766		281,220
<b>Grand Total</b>								<b>1,766</b>	<b>301,110</b>

Code Area	Type	Exemptions/Special Assessments/Potential Liability					
1398		<b>FIRE PATROL:</b>					
		■ FIRE PATROL SURCHARGE	Amount	47.50	Year	2021	
		■ FIRE PATROL TIMBER	Amount	18.75 Acres	0.34	Year	2021

**Appr Maint:** 2021 - OTHER NEW CONSTRUCTION (ADDITIONS OR ALTERATION)

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:41:58 pm

**Account #** 3597500  
**Map #** 25S1313BA00800  
**Code - Tax #** 1398-3597500

**Tax Status** ASSESSABLE  
**Acct Status** ACTIVE  
**Subtype** NORMAL

**Legal Descr** See Record  
**Mailing Name** JONES, LESA C  
**Agent**  
**In Care Of**  
**Mailing Address** 93960 KIRKENDALL LN  
 NORTH BEND, OR 97459-8239

**Deed Reference #** 2019-11649  
**Sales Date/Price** 12-20-2019 / \$320,000.00  
**Appraiser** JIM HARTER

**Prop Class** 101      **MA SA NH Unit**  
**RMV Class** 101      02 11 RRL 31052-1

Situs Address(s)	Situs City
ID# 10 93960 KIRKENDALL LN	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398 Land	158,390					Land	0
Impr.	243,570					Impr.	0
<b>Code Area Total</b>	<b>401,960</b>	<b>265,420</b>	<b>265,420</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>401,960</b>	<b>265,420</b>	<b>265,420</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
1398	10	<input checked="" type="checkbox"/>		RR-2	Market	112	A	0.75	HS	001	158,390
<b>Grand Total</b>								<b>0.75</b>			<b>158,390</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
1398	1	1973	141	One story-Class 4	112		2,240		243,570	
<b>Grand Total</b>								<b>2,240</b>		<b>243,570</b>



**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:43:01 pm

<b>Account #</b>	3596700	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BA01001	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3596700	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	HOSSLEY, JAMES G. & MARGOT G.		
<b>Agent</b>		<b>Deed Reference #</b>	See Record
<b>In Care Of</b>		<b>Sales Date/Price</b>	See Record
<b>Mailing Address</b>	93975 BRIDGE VIEW LN NORTH BEND, OR 97459-8303	<b>Appraiser</b>	JASON CORBUS
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31050-1

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 93975 BRIDGE VIEW LN	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398	Land Impr.	159,490 262,680				Land Impr.	0 0
<b>Code Area Total</b>	<b>422,170</b>	<b>251,480</b>	<b>251,480</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>422,170</b>	<b>251,480</b>	<b>251,480</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Land Class	LUC	Trended RMV
						TD%	LS			
1398	10	<input checked="" type="checkbox"/>		RR-2	Market	112	A	HS	001	159,490
						<b>Grand Total</b>		0.56		159,490

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%	Sq. Ft.			
1398	1	1968	141	One story-Class 4	112	1,976		262,680	
					<b>Grand Total</b>	<b>1,976</b>		<b>262,680</b>	



**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:33:46 pm

<b>Account #</b>	3581400	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BB00100	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3581400	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	GIMLIN, BARBARA J.	<b>Deed Reference #</b>	See Record
<b>Agent</b>		<b>Sales Date/Price</b>	See Record
<b>In Care Of</b>		<b>Appraiser</b>	JASON CORBUS
<b>Mailing Address</b>	PO BOX 1527 NORTH BEND, OR 97459-0090		
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31019-1

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 65357 EAST BAY RD	NORTH BEND

Code Area	RMV	MAV	Value Summary AV	SAV	MSAV	RMV Exception	CPR %
1398 Land	96,970					Land	0
Impr.	104,250					Impr.	0
<b>Code Area Total</b>	<b>201,220</b>	<b>55,590</b>	<b>55,590</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>201,220</b>	<b>55,590</b>	<b>55,590</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
1398	10	<input checked="" type="checkbox"/>		RR-2	Market	112 A	0.55	MISC	001	96,970
<b>Grand Total</b>							<b>0.55</b>			<b>96,970</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
1398	1	1974	138	One story with attic-Class 3	112	1,248		104,250
<b>Grand Total</b>							<b>1,248</b>	<b>104,250</b>

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:34:46 pm

<b>Account #</b>	3582600	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BB00300	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3582600	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	GIMLIN, BARBARA J.	<b>Deed Reference #</b>	See Record
<b>Agent</b>		<b>Sales Date/Price</b>	See Record
<b>In Care Of</b>		<b>Appraiser</b>	JASON CORBUS
<b>Mailing Address</b>	PO BOX 1527 NORTH BEND, OR 97459-0090		
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31021-1

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 65357 EAST BAY RD	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398	Land Impr.	283,080 411,380				Land Impr.	0 0
<b>Code Area Total</b>	694,460	419,020	419,020	0	0		0
<b>Grand Total</b>	694,460	419,020	419,020	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
1398	10	<input checked="" type="checkbox"/>		RR-2	Market	112	A	0.00	HS	001	283,080
<b>Grand Total</b>								0.00			283,080

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
1398	1	1974	153	Two story-Class 5	112		3,430		411,380	
<b>Grand Total</b>								3,430		411,380

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:35:34 pm

<b>Account #</b>	3585600	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BB00500	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3585600	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	WILCOX, STEVEN A. & NANCY J.	<b>Deed Reference #</b>	See Record
<b>Agent</b>		<b>Sales Date/Price</b>	See Record
<b>In Care Of</b>		<b>Appraiser</b>	JASON CORBUS
<b>Mailing Address</b>	65359 EAST BAY RD NORTH BEND, OR 97459-8223		
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31024-1

Situs Address(s)	Situs City
ID# 10 65359 EAST BAY RD	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398	147,120					0	
	328,610					0	
<b>Code Area Total</b>	<b>475,730</b>	<b>378,890</b>	<b>378,890</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Grand Total</b>	<b>475,730</b>	<b>378,890</b>	<b>378,890</b>	<b>0</b>	<b>0</b>	<b>0</b>	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	LUC	Trended RMV
						TD%	LS				
1398	10		<input checked="" type="checkbox"/>	RR-2	Market	112	A	0.44	HS	001	147,120
<b>Grand Total</b>								<b>0.44</b>			<b>147,120</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
1398	1	1992	141	One story-Class 4	112	2,200		328,610
<b>Grand Total</b>							<b>2,200</b>	<b>328,610</b>

**COOS County Assessor's Summary Report**  
**Real Property Assessment Report**  
 FOR ASSESSMENT YEAR 2021

October 25, 2021 12:37:54 pm

<b>Account #</b>	3650200	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	25S1313BB02000	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	1398-3650200	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	SUMMIT EQUIPMENT LEASING, LLC	<b>Deed Reference #</b>	2012-5499
<b>Agent</b>		<b>Sales Date/Price</b>	07-06-2012 / \$191,250.00
<b>In Care Of</b>		<b>Appraiser</b>	JASON CORBUS
<b>Mailing Address</b>	93962 BRIDGE VIEW LN NORTH BEND, OR 97459-8303		
<b>Prop Class</b>	101	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	101	02	11
		<b>NH</b>	<b>Unit</b>
		RRL	31144-1

<b>Situs Address(s)</b>	<b>Situs City</b>
ID# 10 93964 BRIDGE VIEW LN	NORTH BEND

Code Area	RMV	MAV	Value Summary			RMV Exception	CPR %
			AV	SAV	MSAV		
1398	Land Impr.	167,620 221,470				Land Impr.	0 0
<b>Code Area Total</b>	<b>389,090</b>	<b>216,610</b>	<b>216,610</b>	<b>0</b>	<b>0</b>		<b>0</b>
<b>Grand Total</b>	<b>389,090</b>	<b>216,610</b>	<b>216,610</b>	<b>0</b>	<b>0</b>		<b>0</b>

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	LUC	Trended RMV
						TD%	LS	Size			
1398	10	<input checked="" type="checkbox"/>		RR-2	Market	112	A	0.00	HS	001	167,620
<b>Grand Total</b>								<b>0.00</b>			<b>167,620</b>

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
1398	1	1970	141	One story-Class 4	112		1,452		221,470	
<b>Grand Total</b>								<b>1,452</b>		<b>221,470</b>



RECORDING REQUESTED BY:  
{GRANTOR'S NAME:  
John L. Holt and Sharon J. Holt

GRANTEE'S NAME:  
Jacob Smith, Jason Smith, Lindsay Smith, and  
Ranee Smith

SEND TAX STATEMENTS TO:  
Jacob Smith, Jason Smith, Lindsay Smith, and  
Ranee Smith  
65611 East Bay Road  
North Bend, OR 97459

AFTER RECORDING RETURN TO:  
Jacob Smith  
65611 East Bay Road  
North Bend, OR 97459

AFTER RECORDING RETURN TO  
FIDELITY NATIONAL TITLE COMPANY

Escrow No: 643709000419-FTCOOS24 *tf*

251312DC 1109  
North Bend, OR 97459

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

John L. Holt and Sharon J. Holt, Grantor, conveys and warrants to

Jacob Smith, Jason Smith, Lindsay Smith, and Ranee Smith, each as to an undivided 1/4 interest,  
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:

Lot 1, Block 1, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

Subject to and excepting:

see attached Exhibit "A"

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. 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.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$5,000.00. (See  
ORS 83.030)

DATED: 5-9-09

  
\_\_\_\_\_  
John L. Holt

  
\_\_\_\_\_  
Sharon J. Holt

State of COLORADO

COUNTY of Denver

This instrument was acknowledged before me on May 9<sup>th</sup>, 2009

COOS COUNTY CLERK, OREGON TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

05/15/2009 #2009-4542  
02:02PM 1 OF 3

by Johal K. Holt & Sharon J. Holt

Saleh S. Ajour  
My commission expires: 6/2/2011

SALEH S. AJOUR  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 06/07/2011

COOS COUNTY CLERK, OREGON TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

05/15/2009 #2009-4542  
02:02PM 2 OF 3

Exhibit "A"

1. Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads, and highways.

2. 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, or source of income, 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

COOS COUNTY CLERK, OREGON      TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

05/15/2009      #2009-4542  
02:02PM      3 OF 3

After recording return to:  
Jason Smith / Jacob Smith  
P.O. Box 298  
Coos Bay, OR 97420

Send tax statements to:  
Jason Smith  
P.O. Box 298  
Coos Bay, OR 97420

#### PROPERTY LINE ADJUSTMENT DEED

JASON SMITH, as an undivided  $\frac{1}{4}$  interest, LINDSAY STREICH (formerly Lindsey Smith), as an undivided  $\frac{1}{4}$  interest, RANEE SMITH, as an undivided  $\frac{1}{4}$  interest, JACOB SMITH, as an undivided  $\frac{1}{4}$  interest, Grantor(s), conveys and warrants to JACOB SMITH, JASON SMITH, LINDSAY STREICH, and RANEE SMITH, each as to an undivided  $\frac{1}{4}$  interest, Grantee(s), free of encumbrances except those of record the following described property:

All that part of Government Lots 3 and 4 of Section 12, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, which lies east of East Bay Road.

EXCEPT that property located in said Government Lot 3 described as, beginning at a  $\frac{5}{8}$  inch iron rod on the east boundary of said Government Lot 3, from which the Center quarter corner of said Section 12 bears N  $2^{\circ} 51' 32''$  W a distance of 364.99 feet; thence S  $89^{\circ} 41' 26''$  W a distance of 117.61 feet to a  $\frac{5}{8}$  inch iron rod; thence S  $49^{\circ} 42' 40''$  W a distance of 210.84 feet to a  $\frac{5}{8}$  inch iron rod; thence S  $6^{\circ} 16' 01''$  W a distance of 210.96 feet to a  $\frac{5}{8}$  inch iron rod; thence S  $18^{\circ} 11' 09''$  W a distance of 112.35 feet to a  $\frac{5}{8}$  inch iron rod; thence S  $24^{\circ} 42' 09''$  W a distance of 132.06 feet to a  $\frac{5}{8}$  inch iron rod; thence S  $82^{\circ} 01' 00''$  E a distance of 427.47 feet to a  $\frac{5}{8}$  inch iron rod on the east boundary of said Government Lot 3; thence N  $2^{\circ} 51' 32''$  W a distance of 633.54 feet to the point of beginning. Said parcel contains 4.28 acres, more or less.

The true and actual consideration for this conveyance stated is other than dollars. ~~0~~  $\$$

Coos County Assessor's Account No. 3227.00, 3227.90 and 43564.09.

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.
2. The description of the adjusted property line is as follows:

Beginning at a point on the west boundary of Arch Street, Plat of Portlawn Addition to the City of North Bend, being West of the northwest corner of Lot 1, Block 1, Plat of Portlawn Addition to the City of North Bend; thence N  $2^{\circ} 52' 58''$  W a distance of 30 feet, more or less, to the Center-South sixteenth corner of Section 12, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence N  $2^{\circ} 51' 32''$  W a distance of 315.84 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $82^{\circ} 01' 00''$  W a distance of 427.47 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $24^{\circ} 42' 09''$  E a distance of 132.06 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $18^{\circ} 11' 09''$  E a distance of 112.35 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $8^{\circ} 16' 01''$  E a distance of 210.96 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $49^{\circ} 42' 40''$  E a distance of 210.84 feet to a  $\frac{5}{8}$  inch iron rod; thence N  $89^{\circ} 41' 26''$  E a distance of 117.61 feet to a  $\frac{5}{8}$  inch iron rod on the east boundary of said Government Lot 3; thence N  $2^{\circ} 51' 32''$  W a distance of 364.99 feet to the Center quarter corner of said Section 12; thence West along the East-West centerline of said Section 12 to the east boundary of East Bay Road; thence southerly along the east boundary of East Bay Road to the south line of said Section 12; thence

COOS COUNTY CLERK, OREGON TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

06/30/2009 #2009-6563  
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East along the said south line to the South quarter corner of said Section 12; thence N 2° 52' 58" W a distance of 1254.54 feet, more or less, to a point on the east boundary of said Arch Street to a point West of the southwest corner of said Lot 1, Block 1.

3. The deed whereby the Grantors acquired title to the transferred property is recorded as the second parcel of land described in Microfilm Reel No. 1998-07-1305, Coos County Deed Records.

4. The deed whereby the Grantees acquired title to the property to which the transferred property is joined is recorded as Instruments No. 2009-4542, Coos County Deed Records.

5. See survey per CS# 12B37 filed with the Coos County Surveyor's Office.

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. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING AND 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.

Dated this 15 day of June, 2009.

COOS COUNTY CLERK, OREGON      TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

06/30/2009      #2009-6563  
01:11PM      2 OF 3

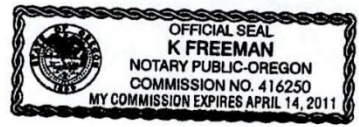
Grantors: Jason Smith  
Jacob Smith

Lindsay Stretch  
Lindsay Stretch  
Ranee Smith  
Ranee Smith

STATE OF OREGON )  
County of Coos ) ss.

June 15, 2009

Personally appeared before me the above named JASON SMITH and JACOB SMITH and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



[Signature]  
Notary Public for Oregon

STATE OF OREGON )  
County of MULTNOMAH ) ss.

June 20, 2009

Personally appeared before me the above named ~~LINDSEY SMITH~~ and acknowledged the foregoing instrument to be her voluntary act and deed. Before me: Brian W Newell

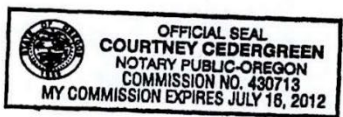


[Signature]  
Notary Public for Oregon

STATE OF OREGON )  
County of Yamhill ) ss.

June 23, 2009

Personally appeared before me the above named RANEE SMITH and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:



[Signature]  
Notary Public for Oregon

COOS COUNTY CLERK, OREGON TOTAL \$36.00  
TERRI L. TURI, CCC, COUNTY CLERK

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