



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770**

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

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

Date Received: 11/30/23 Receipt #: 243941 Amount: 2061.⁵⁰ Received by: C. Carr

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

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) Gretchen Nichols and Brett Miller

Mailing address: 2670 Broadway Ave B, #95 North Bend, OR 97459

Phone: 541-977-1433

Email: gonefirefighting@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>25S</u> <input type="checkbox"/>	<u>13W</u> <input type="checkbox"/>	<u>12</u> <input type="checkbox"/>	<u>D</u> <input type="checkbox"/>	<u>C</u> <input type="checkbox"/>	<u>#25S1312-DC-00200</u>
<u>25S</u> <input type="checkbox"/>	<u>13W</u> <input type="checkbox"/>	<u>12</u> <input type="checkbox"/>	<u>D</u> <input type="checkbox"/>	<u>C</u> <input type="checkbox"/>	<u>#25S1312-DC-01114</u>

Tax Account Number(s):	<u>4368100</u>	Zone: Select Zone	<u>Forest (F)</u> <input type="checkbox"/>
Tax Account Number(s):	<u>4356414</u>		<u>Forest (F)</u> <input type="checkbox"/>

B. Special Districts and Services

Water On-Site (Well or Spring)	<input checked="" type="checkbox"/>	Sewage Disposal On-Site Septic	<input checked="" type="checkbox"/>
School Coos Bay		Fire District North Bend RFPD	<input checked="" type="checkbox"/>

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for Forest template dwelling
- Hearings Body Conditional Use for _____
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 - Flood
 - Landslide
 - Liquefaction
 - Erosion
 - Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links:

[Map Information](#) Or [Account Information](#)

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

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

- I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. Project summary and details including timelines.
 2. 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. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:
- Owner's name, address, and phone number, map and Tax lot number
 - North Arrow and Scale - using standard engineering scale.
 - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
 - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. DEED: A copy of the current deed, including the legal description, of the subject property.
- IV. CERTIFICATION: 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 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. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 0 Chestnut St. North Bend Or

Type of Access: Public Road Name of Access: Chestnut St

Is this property in the Urban Growth Boundary? No

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

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

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

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

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance [\(CCZLDO\) Article 7](#).

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well



Sewage Disposal Type: On-site septic



Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Health Division to make an appointment.

Additional Comments:

Forest (template) Dwelling

25S1312-DC-00200

25S1312-DC-01114

Coos County planning dept.
60 East 2nd st. Coquille Or, 97423

RE: Administrative conditional use review, forest template dwelling

Gretchen Nichols and Brett Miller
2670 Broadway Ave B, #95 North Bend, OR 97459

November 29th, 2023

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 properties described above. Evidence has been submitted below, addressing the required criteria pursuant to the Coos County zoning in land development ordinance. (CCZLDO)

The subject property consists of a 1.2-acre parcel with direct access from Chestnut Road, a public dedicated right away, inside the Portlawn residential subdivision of North Bend. The subdivision was platted originally back to 1906 as part of the Portlawn addition. The proposed dwelling will be situated in the center of the property close to the vacated Pittock Lane. The northern portion of the property slopes gradually to the north however the proposed development area was chosen based upon the fact that the area is relatively flat. The vegetation on the property consists of young intermingled coastal shrubs and vegetation and no marketable wood fiber.

The adjacent properties to the north, south, and west are all established single-family dwellings that have been in place since 2006. Portable water will be drilled well source that is exempt from permitting through the Oregon Department of Water Resources. Sanitary sewer will be from an on-site septic system that has feasibility done. The forest template dwelling application has already been done and approved but was completed in 2005 by the previous owner who had installed a driveway, and building pad but did not build any dwelling.

Application Criteria and Evidence

- (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 "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- (2)
- (a) Capable of producing zero 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 and 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 and continue to exist on the other lots or parcels.
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

Applicant response

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

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

Applicant response

3 or more dwellings were found and a minimum of 59 parcels existed on Jan 1, 1993 using the 160-acre rectangle overlay.

(d) As used in this section, “center of the subject tract” means the mathematical centroid of the tract.

- (2) The following review standards apply to “template” dwellings approved under this rule:
- (a) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under this rule.

Application response

None of the parcels used to satisfy the required criteria are located within an urban growth boundary.

- (b) Except as provided by subsection (c) of this section, if the tract under section (1) of this rule

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-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

Applicant response

A 160-acre rectangle was utilized to qualify the subject of the parcel

- (c) If the:
 - (A) Tract 60 acres or larger described under section (1) of this rule abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (i) Be located within a 160-acre rectangle that is one mile long and one-quarter 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
 - (ii) 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) 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.
 - (d) Notwithstanding subsection (6)(a) of this rule, 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 sections (3) and (4) of this rule or subsections (b) or (c) 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.

¹ The statutory definition of “public road” at ORS 368.001(5) is not applicable to approval of a forest template dwelling required by ORS 215.750(5) to be located on a tract that abuts a “road.” Interpretation of a local code requirement that such dwellings be located on a “public road” is controlled by local legislative intent rather than by statute. *Petersen v. Yamhill County*, 33 Or LUBA 584 (1997). The road may be public or private as long as it has been existence and continued to be in existence since January 1, 1993 and meets the following local definition: A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as the use it serves; (b) a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

- (3) A proposed “template” dwelling under this rule is allowed only if:
 - (a) It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, and other provisions of law;
 - (b) It complies with the requirements of OAR 660-006-0029 and 660-006-0035;
 - (c) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under section (5) of this rule for the other lots or parcels

that make up
the tract are met;

- (d) The tract on which the dwelling will be sited does not include a dwelling.

Applicant response

There are no dwellings or structures existing on the subject parcel

- (e) The lot or parcel on which the dwelling will be sited was lawfully established.

Applicant response

Yes it was lawfully established

- (f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192.

Applicant response

Property line adjustments included the vacated Pittock ave and Alley and eastern boundary in block 5 in 2005

- (g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
- (h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

Applicant response

The Portlawn subdivision currently has at least 13 dwellings in the 60-acre development tract of which dwellings were established in at least 2005

- (4) Subsection (1)(d) and (3)(e) through (4) of Section (II) TEMPLATE DWELLING applies:

(a) On and after November 1, 2021 in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington, and Yamhill Counties with following limited exception:

(A) (i)

(ii)

Prior to November 1, 2023, the county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if;
No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and

The lot or parcel qualifies, notwithstanding subsection (3)(h), for a dwelling under section (1) of this rule.

Applicant response

The Portlawn subdivision currently has at least 13 dwellings in the 60-acre development tract of which dwellings were established in at least 2005

(5) When the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Coos County Clerk. The covenants, conditions and restrictions in the deed restriction:

- (a) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

Applicant response

The Portlawn subdivision Covenants, conditions, and restrictions have been attached

- (b) Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
- (c) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.

The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

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

Questions to Answer:

1. Has your property been involved in a property line adjustment?

Property line adjustments included the vacated Pittock ave and Alley and eastern boundary in block 5 in 2005

2. Was your property part of a tract on January 1, 2019? Tract means same ownership as an abutting property.

No

3. Was your property part of a tract on January 1, 2021?

No

4. Did you own abutting property as of January 1, 2021 that contained another dwelling or dwelling authorization? Please list all properties within your ownership that were abutting.

No

5. Do you have a current template map completed?
- Which template did you apply and why? (See Section I & II)

The subject property consists of lots 8 through 19 inclusive, Block 5 Portlawn Addition to North Bend, together with portions of vacated Pittock Lane, alleyway, and vacated land east of the property. There are no other dwellings or restrictions on property prohibiting a dwelling. The 160-acre rectangle template was applied; not in an urban growth boundary, less than 60 acres, touches a road that was before 1993 therefore a rectangle was used.

- How many lots and/or parcels were all or part within the template prior to January 1, 1993? Please list all properties

The applicant 20 plus parcels in the rectangle. Listed below are 13 of those parcels. 323703, 7560400, 7533200, 7533100, 320700, 4375700, 4356401, 4356409, 4356407, 4356402, 4356401, 4356416, 4356406

- How many dwellings are located within lots and parcels described above that were sited prior to January 1, 1993? Please list all properties that contain the qualifying dwellings.

The applicant found 5 qualified dwellings. 7533600, 7533500, 7533400, 7533300, 7533100

d. Are there any covenants, conditions and restrictions on this property and if so do they specifically prohibit a dwelling? Please provide the restrictions if apply.
Additional evidence and responses to address the criteria?

***There are no covenants or restrictions that prohibit any dwelling on the subject property
There***

SECTION 4.6.130 SITING STANDARDS FOR DWELLING AND STRUCTURES IN FOREST ZONES

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 nearby² or adjoining forest or agricultural lands; ***The subject property is located in a subdivision and there are existing homes on adjoining parcels to the West, South, and North. The homesite will be situated on the existing building pad which is located in the center of the south boundary. The building site will have a buffer of land to the forest on the adjoining east boundary.***

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

There are no forest operations, the tract is a subdivision. The home will be constructed on a flat building pad which is already in place.

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

No forest lands will be used to access the property. The roads are public access and the gravel driveway was already established in 2005 on the property. The property is accessed by East bay rd, to Kirkendall Lane to Chestnut Road.

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

The applicant will comply with all statutory fire siting and safety requirements to ensure that risks associated with wildfires 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.

Response shall explain how or why, providing a yes or no will not satisfy the criteria and will result in an incomplete application:

² 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.

(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.

Water Resource Department Information: <https://www.oregon.gov/owrd/pages/index.aspx>
Response shall include the source of water and how it is permitted:

Applicant response

The domestic water supply will be from an onsite well that is exempt from the Water Resources Department. A well contractor 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 which could include an easement. The road use permit may require the applicant to agree to accept responsibility for road maintenance. Response shall include what road the property is accessing, maintenance agreements and easements that pertain to the road. This information may be included in your deed.

(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.

1. Will sufficient trees be replanted?

It does not appear that restocking trees is required, but the applicant will meet any requirement to restock trees defined by the Planning Director.

2. Is the property more than 10 acres in size? If so, the applicant shall acknowledge a stocking survey will be filed with the County Assessor's Office as a condition of approval.

The property is 1.12 acres and will not require a survey, but one is currently being conducted for building purposes.

3. Upon receiving approval, will the applicant/property owner 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 injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

The applicant will record a deed meeting the requirements of this standard upon receipt of approval for conditional use.

Additional Response Information:

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. Except as provided in subsection 4.6.145 of this ordinance, the following minimum lot or parcel sizes apply for land designated forestland, is 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.

The parcels were lawfully created under the Portlawn subdivision development tract.

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.
3. ***The setbacks will meet the requirements as shown on plot map.***
4. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.

No fences, hedges or walls are proposed.

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

The proposed plan includes off-street parking and a minimum of a two-car garage.

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.

The deed of record will be filed in Coos County to meet the Forest Management Covenant.

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:
 - 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.

- Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
- Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
- 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;
- Riparian vegetation may be removed to site or properly maintain public utilities and road rights-of-way;
- 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
- 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".
- Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- 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.

The property is not situated in a Riparian or vegetation protection zone. There are no streams or wetlands within 50 feet as the property is situated at 390 feet in elevation.

7. All

following standards.

new and replacement dwellings and permanent structures shall, at a minimum, meet the

- The dwelling has a fire retardant roof.

The applicant will use fire-retardant roofing materials to be in compliance with this standard.

- The dwelling will not be sited on a slope of greater than 40 percent. Slope³ will also determine additional firebreak in Section 8 Firebreak.

The dwelling is not proposed to be situated on a slope greater than 40% Slope for the dwelling is flat and the slope below the dwelling is 0.1304 grade or 13% slope.

³ Slope calculations must include the primary and additional fuel-free breaks. Staff will use the slopes from the soil data found in the Soil Survey of Coos County Oregon³ published by United States Department of Agriculture, Soil Conservation Service, in cooperation with Oregon

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.

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

The property is in North Bend Rural Fire Protection District.

- For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage.

i. Water storage shall be

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

The applicant will install spark arresters on any chimney installed in future dwelling.

- 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 and complies with Section 8 Firebreak.

8. Firebreak:

- The property owner shall maintain a primary firebreak 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.
- Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.

The applicant will maintain a garden hose capable of reaching the perimeter of the primary safety zone at all times.

- 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.

The applicant will ensure a primary fuel-free break area of 30 feet around all dwellings and decks. The secondary fuel break will be maintained as necessary and defined by the

planning director.

Agricultural Experiment Station. Staff will accept an on ground study for slope from an Registered Surveyor or other Registered Professional that is able to make calculations based on the profession licensing requirements.

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. The access to the water source shall be marked with signs for fire water sources.

d. Proof that all of these items will be met include poof of the slope to determine additional firebreak setbacks is required.

Table 1 – Minimum Primary Safety Zone

0% 30 0 10% 30 50 20% 30 75 25% 30 100 40% 30 150

9. 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.

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

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone
-------	-----------------------------	--

RESPONSE TO SECTION 4.6.140

1. Is the property a legal unit of land? Please provide reference to how it was created.

The property is a legal unit of land created as part of the Portlawn subdivision in 19-Aug-2005 according to Coos County planning and assessors records.

2. Will the applicant meet the road setback (shall be shown on plot plan)?

Yes, the home will be situated 109.44 feet east of Chestnut Street as shown on the plot map.

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

No fence, wall or hedge will be developed.

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

There is an existing driveway in place since 2005 that is gravel. No permit is necessary.

5. Has the applicant acknowledged that they will file in the deed record of Coos County, a Forest Management Covenant prior to receiving a zoning compliance letter? (This shall be done after the conditional use is approved, but before a zoning clearance letter is issued. A

Forest Management Covenant cannot be filed if the conditional use has not been approved but a draft may be submitted with the application.)

The applicant will file a Forest management covenant deed of record after conditional use is approved.

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

There are no waterways on or abutting the property.

7. Fire related questions:

- The proposed dwelling shall use non-combustible or fire resistant roofing materials. Describe the materials that will be used.

The applicant will use non-combustible or fire-resistant roofing material for the construction of the dwelling approved by the certified official responsible for the building permit.

- What is the slope of the property on average and where the dwelling will be located?

The property will be situated on a flat building pad that already exists on the property. The slope below the building pad is 0.1304 grade or 13% slope

- What 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?
-

The domestic water supply will be from an onsite well that is exempt under Oregon Department of Water Resources regulations. A contractor's report will be provided on completion of the well. There are no Class II streams available.

- Is the property within a Fire District and if so which Fire District.
 - i. If the property is within a Fire District you shall explain how you have requested to be included in the Fire District with a copy of the request.

The property is located within the North Bend Rural Fire Protection District.

- ii. If the property is outside of a Fire District and cannot be served by a Fire District you are required to provide the contract with a private fire protection company.

Not applicable.

- iii. For dwellings and structures outside of a fire protection district alternative forms of fire protections will apply to the develop including fire sprinkling system, on-site equipment and water storage. Include on the plot plan water storage and access to meet the following standards:
 1. water storage 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.
 - 2.

The applicant will at the time of development comply with alternative fire suppression requirements deemed necessary by the planning director.

3. 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. The access to the water source shall be marked with signs for fire water sources.

There is currently no body of water or stream available for fire suppression purposes.

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

Any chimneys in the future dwelling will have a spark arrester installed.

8. Firebreak Safety:

- The property owner shall maintain a primary firebreak 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. This information shall be included on the plot plan and described how you intend to maintain this firebreak.

The applicant at the time of development shall establish and maintain a 30 ft primary firebreak around all structures including decks.

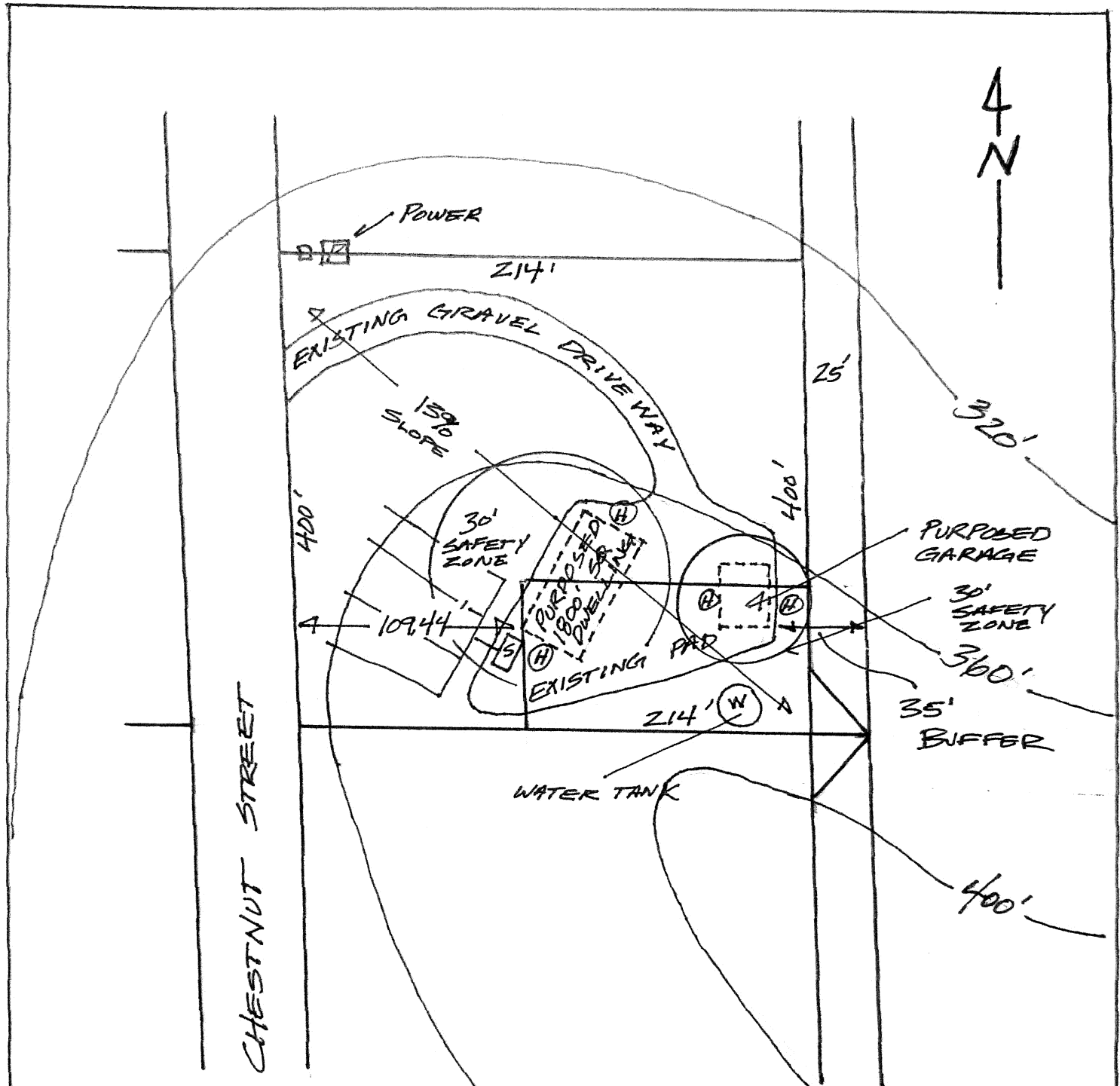
- On the plot plan provide a diagram of where the garden hose will be located and describe the length that will allow it to reach the perimeter of the primary safety zone shall be available at all times.

The applicant shall maintain a garden hose capable of reaching the perimeter zone at all times.

- Additional Primary Safety Zone Down Slope will be required based on the slope of the property. What is the slope of the property? If the slope differs from the soil report explain and provide evidence to show how the slope was determined. If additional safety zones are required based on the slope table you will need to show them on the plot plan.

The slope below the building site is 0.1304 grade or 13% slope

Additional evidence and responses to address the criteria?



- ☐: SEPTIC
- Ⓜ: HOSE BIBS
- Ⓢ: WATER TANK
- ☐: UNDERGROUND POWER

FOREST TEMPLATE DWELLING PLOT MAP NOT TO SCALE 11-29-23
 PARCELS 25S1312-DC-01114, 25S1312-DC-0200 - COOS COUNTY OR.
 0 CHESTNUT STREET IN FORTLAWN SUBDIVISION, NORTH BEND
 TOPOGRAPHIC ELEVATION PROFILE @ 40' INTERVALS
 PREPARED BY BRETT MILLER AND GRETCHEN NICHOLS
 2670 BROADWAY AVE. B # 95 NORTH BEND OR 97459

RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075
Coos Bay, OR 97420

Coos County, Oregon **2023-08071**
\$91.00 Pgs=2 11/21/2023 12:00 PM
eRecorded by: TICOR TITLE COOS BAY
Julie A. Brecke, Coos County Clerk

GRANTOR'S NAME:
Kyle Zender

GRANTEE'S NAME:
Gretchen Nichols and Brett Miller

AFTER RECORDING RETURN TO:
Order No.: 360623043549-VR
Gretchen Nichols and Brett Miller, not as tenants in common,
but with the rights of survivorship
2670 Broadway Ave. B #95
North Bend, OR 97459

SEND TAX STATEMENTS TO:
Gretchen Nichols and Brett Miller
2670 Broadway Ave. B #95
North Bend, OR 97459

APN/Parcel ID(s): 4356414
Tax/Map ID(s): 25S1312-DC-01114
0 Chestnut Road, North Bend, OR 97459

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Kyle Zender, Grantor, conveys and warrants to Gretchen Nichols and Brett Miller, not as tenants in common, but with the rights of survivorship, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Lots 8 through 13, inclusive, and Lots 15 through 19, inclusive, Block 5, PORTLAWN ADDITION TO THE CITY OF NORTH BEND, Coos County, Oregon. TOGETHER WITH that portion of vacated alley and vacated Pittock Avenue fronting and abutting thereon, that would inure thereto by operation of law.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$175,000.00). (See ORS 93.030).

Subject to:

1. Any irregularities, reservations or other matters in the proceedings occasioning the abandonment or vacation of streets, roads or alleys.
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, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 6, 2005
Recording No: 2005-7956


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

STATUTORY WARRANTY DEED

(continued)


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

Dated: 11/17/23

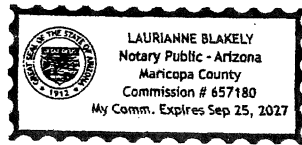

Kyle Zender

State of Arizona
County of Maricopa

This instrument was acknowledged before me on 11/17/2023 by Kyle Zender.


Notary Public - State of ~~Oregon~~ Arizona

My Commission Expires: 09-25-2027



RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075
Coos Bay, OR 97420

Coos County, Oregon	2023-08074	
\$96.00	Pgs=3	11/21/2023 01:18 PM
eRecorded by: TICOR TITLE COOS BAY		
Julie A. Brecke, Coos County Clerk		

GRANTOR'S NAME:
Sherman J. Bennett

GRANTEE'S NAME:
Gretchen Nichols

AFTER RECORDING RETURN TO:
Order No.: 360623043558-VR
Gretchen Nichols
2670 Broadway Avenue B #95
North Bend, OR 97459

SEND TAX STATEMENTS TO:
Gretchen Nichols
2670 Broadway Avenue B #95
North Bend, OR 97459

APN/Parcel ID(s): 4368100
Tax/Map ID(s): 25-13-12-DC-00200
0 Chestnut Road, North Bend, OR 97459

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Sherman J. Bennett, Grantor, conveys and warrants to Gretchen Nichols, 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 14, Block 5, PORTLAWN ADDITION TO NORTH BEND, Coos County, Oregon.

TOGETHER WITH that portion of vacated Pittock Avenue and alley that would inure thereto by Vacation recorded on February 24, 2006 as Instrument No. 2006-2501, Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00). (See ORS 93.030).

Subject to:

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

Recording Date: June 6, 2005
Recording No: 2005-7956

3. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Vacation,

Recording Date: February 24, 2006
Recording No: 2006-2501

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

STATUTORY WARRANTY DEED

(continued)

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

Dated: 11/17/2023

Sherman J. Bennett
Sherman J. Bennett

State of _____
County of _____

This instrument was acknowledged before me on _____ by Sherman J. Bennett.

Please see attachment
Notary Public - State of California

My Commission Expires: June 12, 2025

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Alameda)

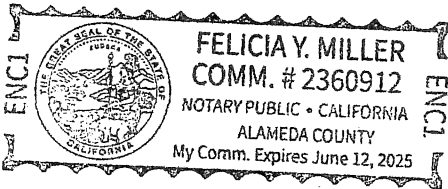
On November 17, 2023 before me, Felicia Y. Miller, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Sherman J. Bennett
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

**NOTICE
REGARDING
CERTAIN DISCRIMINATORY RESTRICTIONS, IF APPLICABLE**

Omitted from the attached document is any covenant or restriction that is based upon, but not necessarily limited to, race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal law, except to the extent that such covenant or restriction is permitted by applicable law.

Oregon Version 20150707

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

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

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

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

DEFINITIONS

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

PURPOSE AND BINDING EFFECT

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

HOME OWNERS ASSOCIATION

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

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

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

ARCHITECTURAL RESTRICTIONS

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

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

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

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

EASEMENTS

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

USE RESTRICTIONS

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

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

2. Structure Type and Size.

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

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

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

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

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

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

g. All buildings shall have gutters and downspouts.

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

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

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

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

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

PROPERTY MAINTENANCE

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

GENERAL PROVISIONS

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

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

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

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

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

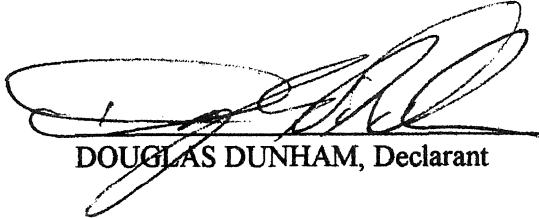
5. Transfer of Declarant's Rights. The Declarant shall have the right to transfer or assign any or all of his or her rights under this Declaration to another person or entity regardless of whether such person or entity owns a lot on the property.

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

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

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

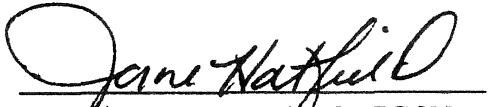
DATED this 19 day of ~~April~~^{May}, 2005.


DOUGLAS DUNHAM, Declarant

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

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



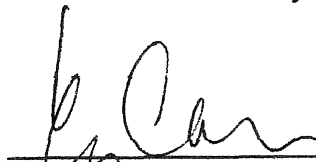

NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/16/09



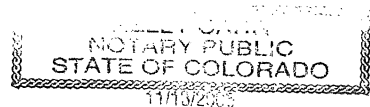
JOHN HOLT, Property Owner

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

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



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






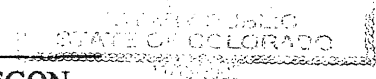
SHARON HOLT, Property Owner

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

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



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



[Handwritten Signature]

RICHARD WILSON, Property Owner

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

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

[Handwritten Signature]

NOTARY PUBLIC FOR OREGON

My Commission Expires: Nov. 14, 2008



[Handwritten Signature]

MICKIE WILSON, Property Owner

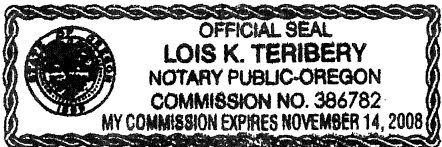
STATE OF OREGON,)
) ss.
County of Coos.)

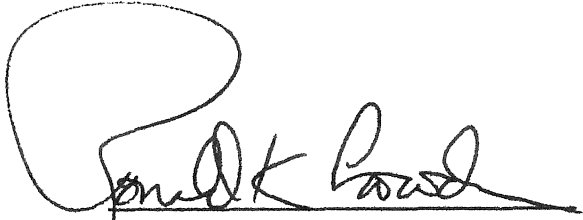
Before me on the 9 day of ~~April~~^{May}, 2005, personally appeared the above-named MICKIE WILSON and acknowledged the foregoing instrument to be her voluntary act and deed.

[Handwritten Signature]

NOTARY PUBLIC FOR OREGON

My Commission Expires: Nov. 14, 2008

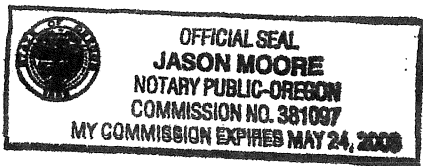




RONALD CROWDER, Property Owner

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

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



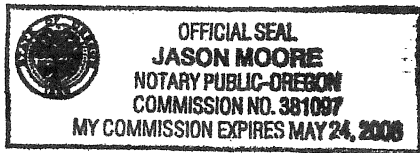


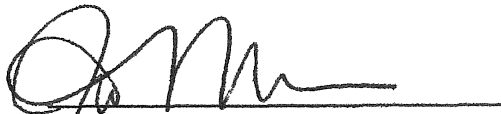
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/24/2008


DALE E. OESTER, property owner

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

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



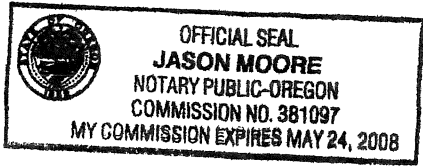


NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/24/2008

Gayla M. Oester
GAYLA M. OESTER, property owner

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

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



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