



**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: 05/24/23 Receipt #: 239959 Amount: 11.00<sup>00</sup> Received by: MB

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)** Kevin R. and Therese M. Kent  
Mailing address: 12222 N Paradise Village Pkwy S #301, Phoenix, AZ 85032  
Phone: 541-981-1150 Email: theresekent@msn.com

Township: 28S  Range: 14W  Section: 20  ¼ Section: B  1/16 Section: B  Tax lots: 1104  
Select      Select      Select      Select      Select

Tax Account Number(s): 99920447 Zone: Select Zone Exclusive Farm Use (EFU)   
Tax Account Number(s): \_\_\_\_\_ Please Select

**B. Special Districts and Services**  
Water On-Site (Well or Spring)  Sewage Disposal On-Site Septic   
School Bandon  Fire District  Bandon RFPD

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

- Administrative Conditional Use for Lot of Record 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](#)



**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: 56020 Spring Creek Rd, Bandon, OR 97411

Type of Access: County Road  Name of Access: Spring Creek Road

Is this property in the Urban Growth Boundary? No   
Is a new road created as part of this request? No

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

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

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

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- 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: Scott Murray (Driveway approved 6/9/2020)

Driveway     Parking     Access     Bonded    Date: \_\_\_\_\_    Receipt # \_\_\_\_\_

File Number: DR- 20-15

**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 Heath Division to make an appointment.

Additional Comments:



SOUTH  
COAST  
CONSULTING  
LLC

P.O. Box 134  
Langlois, OR 97450  
T: (559)708-8899  
E: info@southcoastconsultingllc.com  
W: www.southcoastconsultingllc.com

Land Use Consulting - Permitting Assistance - Feasibility & Project Analysis

Coos County Community Development  
Attn: Planning  
60 E. Second St.  
Coquille, OR 97423

May 17, 2023

RE: Lot of Record Dwelling request at 56020 Spring Creek Road, Bandon, OR 97411  
(28S-14W-20BB/TL 1104; Lot 48 of the Wheeler Subdivision)

Please accept this document as the required Narrative for a Coos County Land Use Application, requesting approval of an Administrative Conditional Use permit to construct a lot of record dwelling on the above named property, located in Bandon, Oregon, Coos County.

The subject property is a one (1) acre subdivision lot, zoned Exclusive Farm Use (EFU).

The current landowners have been in process to develop the subject lot for several years under an approved Measure 49 claim. Coos County Zoning Compliance was issued to the landowners in February of 2021, approving a request to develop the property with a single-family dwelling. The permit was not acted on and could not be extended beyond February 2023 due to the expiration of the property's Measure 49 claim, caused by a temporary transfer of ownership from the original claimant to his son, the current landowner, in 2011.

This application is identical to the previously approved development request. The property owners previously obtained approval from the Department of Environmental Quality (DEQ) for on-site septic, and hold a driveway permit/address from the Coos County Roadmaster for the subject lot.

The applicable criteria for this request are discussed below:

I. Section 4.6.200 – EFU Zoning Table

The Coos County Zoning and Land Development Ordinances (CCZLDO) lists 'one single-family dwelling on a lawfully created lot or parcel' as an allowed residential use in the EFU zone, subject to special standards and approval criteria, contained in subsections (3), (5), and (30):

(3) LOT OF RECORD DWELLING (only one single family dwelling)

(a) A dwelling may be approved on a pre-existing lot or parcel if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (3)(g) of this rule:

(i) Since prior to January 1, 1985; or

(ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(c) and (d) of this rule; and

(F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(b) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(c) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);

(C) A hearings officer of a county determines that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(ii) The dwelling will comply with the provisions of ORS 215.296(1); and

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) A local government shall provide notice of all applications for dwellings allowed under subsection (3)(c) of this rule to the Oregon Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (3)(c)(C) of this rule.

(d) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The tract on which the dwelling will be sited is:

(i) Identified in OAR 660-033-0020(8)(c) or (d);

(ii) Not high-value farmland defined in OAR 660-033-0020(8)(a); and (iii) Twenty-one acres or less in size; and

(C) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(D) The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

(E) The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

(i) "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(ii) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

(e) If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with both Goals 3 and 4 and may qualify as an exclusive farm use zone under ORS chapter 215, a county may apply the standards for siting a dwelling under either section (3) of this rule or OAR 660-006-0027, as appropriate for the predominant use of the tract on January 1, 1993;

(f) A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under section (3) of this rule in any area where the county determines that approval of the dwelling would:

(A) Exceed the facilities and service capabilities of the area;

(B) Materially alter the stability of the overall land use pattern of the area; or

(C) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(g) For purposes of subsection (3)(a) of this rule, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

(h) The county assessor shall be notified that the governing body intends to allow the dwelling.

(i) When a local government approves an application for a single-family dwelling under section (3) of this rule, the application may be transferred by a person who has qualified under section (3) of this rule to any other person after the effective date of the land use decision.

**Applicant's Finding:** The subject lot was created in 1907 through the recorded Wheeler Subdivision in the City of Bandon, Coos County, Oregon. The property has been in ownership of the Kent family since at least 1959 (lots 47, 48, & 49) and 1967 (lot 40), complying with the County's definition of owner, as listed in subsection (3)(g). The current land owner, Kevin Kent, acquired half ownership of the property from his father in 2011 and purchased his father's interests back from his four children, who inherited the lot in 2018. The subject property is currently vacant and has not been previously developed. The subject property is not identified in the Coos County Comprehensive Plan as a habitat of big game. Although the lot is currently assessed by Coos County as High Value Farmland, its small one (1) acre size, varied topography, and the surrounding residential development makes the property unsuitable for farming or additional development beyond one lot of record dwelling.

(5) APPROVAL CRITERIA Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

**Applicant's Finding:** The subject lot is bordered on its north and east sides by residential development on property zoned Rural Residential 2 (RR-2). An unimproved public right-of-way abuts the lot its west, with vacant EFU zoned lots of record to the south. The southern lots are in common ownership and are impacted by Spring Creek. There are currently no farm or forest practices on surrounding lands. As such, approval of this request will not significantly increase the cost of accepted farm or forest practices on surrounding lands which are not currently devoted to farm or forest use.

(30) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under 215.283 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 30.936 or 30.937.

**Applicant's Finding:** The property owners understand and agree to this condition of approval.

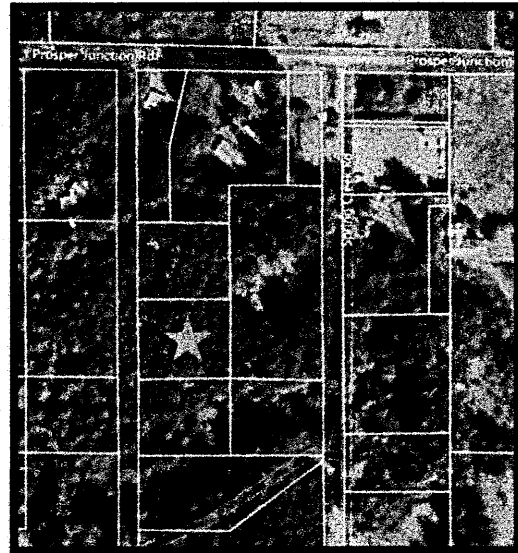
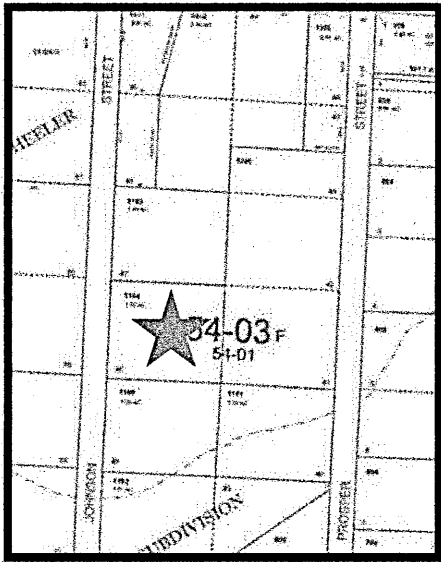
## II. Section 6.1.125 – Lawfully Created Lots or Parcels

"Lawfully established unit of land" means:

1. The unit of land was created:

a. Through an approved or pre-ordinance plat;

**Applicant's Finding:** The subject property was created in 1907 through an approved pre-ordinance plat; the Wheeler Subdivision (OPB3-78) in the City of Bandon, Coos County, Oregon.



### Attachments:

1. 1959 Deed – Paul Kent, Owner
2. 2018 Deed – Kevin Kent, Owner
3. Wheeler Subdivision Map
4. Previously Approved ZCL-21-041
5. Previously Approved Plot Plan
6. Approved Driveway Permit 20-15
7. DEQ Site Evaluation Approval

D E E D

23507

KNOW ALL MEN BY THESE PRESENTS, that we, HENRY C. SIMMONS and PANZA A. SIMMONS, husband and wife, of Bandon, Oregon, in consideration of One Dollar (\$1.00) and love and affection, and in further consideration of past services rendered to us by our daughter Rosetta A. Kent, and in further consideration of the promise and agreement on the part of the said Rosetta A. Kent and her husband, Paul R. Kent, to help, aid and assist us in connection with the cultivation, operation and management of the hereinafter described premises to the fullest extent of their ability to do so, do hereby grant, bargain, sell and convey unto the said ROSETTA A. KENT and her husband, PAUL R. KENT, as tenants by the entirety, and unto their heirs and assigns, the following described real property, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and including all water rights appurtenant to said premises whether they are of record or otherwise, to-wit:

Lots five (5), six (6), eight (8), nine (9), thirteen (13), fourteen (14), thirty-four (34), forty-seven (47), forty-eight (48), forty-nine (49), seventy-nine (79), eighty (80), eighty-five (85), eighty-six (86), eighty-seven (87) and eighty-eight (88), in Wheeler's Subdivision to the City of Bandon, Coos County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Coos County, Oregon;

ALSO: Lot thirty-nine (39) in the said Wheeler's Subdivision, EXCEPTING THEREFROM that portion heretofore sold and conveyed to James A. Will and Luella Will, husband and wife, by deed recorded on May 26, 1959, in volume 271 of Deed Records of Coos County, Oregon, at page 689 thereof;

ALSO: the following described land located in the County of Coos, State of Oregon: The Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of Section twenty (20), Township twenty-eight (28) South, Range fourteen (14) West of the Willamette Meridian, in Coos County, Oregon, containing approximately ten (10) acres, more or less;

ALSO: the Northwest quarter (NW $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of the

Northwest quarter (NW $\frac{1}{4}$ ), and the East half (E $\frac{1}{2}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ), all in Section twenty (20), Township twenty-eight (28) South of Range fourteen (14) West of the Willamette Meridian in Coos County, State of Oregon, containing 7-1/2 acres of land, more or less, SAVE and EXCEPTING THEREFROM a 30-foot strip from the West side and North side of the above-described land to be used for a public highway;

ALSO: the Southwest quarter (SW $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of Section twenty (20), Township twenty-eight (28) South of Range fourteen (14), West of the Willamette Meridian, in Coos County, Oregon, containing 2-1/2 acres, more or less, EXCEPTING a strip off the West side of the above-described land which shall be used as a public road or highway.

TO HAVE AND TO HOLD, the above-described and granted premises unto the said Rosetta A. Kent and Paul R. Kent, their heirs and assigns forever, EXCEPTING AND RESERVING unto ourselves a life estate in said property; it being our intention to reserve unto ourselves, during the term of our natural lives, the right of possession and occupancy of said real property and the rents and profits issuing therefrom, subject to such division of said rents and profits as may be mutually agreed upon between ourselves and the said grantees; provided, in the event of the death of said grantees during our lifetime, the legal title to said real property shall revert to and again vest absolutely in ourselves, our heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11th day of December, 1959.

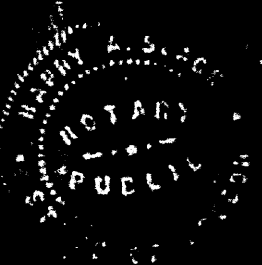
*Henry C. Simmons* (SEAL)  
Henry C. Simmons

*Panza A. Simmons* (SEAL)  
Panza A. Simmons

STATE OF OREGON )  
COUNTY OF COOS ) ss.

BE IT REMEMBERED, that on this 11th day of December, 1959, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within-named HENRY C. SIMMONS and PANZA A. SIMMONS, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



*Henry A. S. [unclear]*  
Notary Public for Oregon  
My Commission expires: May 15, 1962

**RECORDING COVER SHEET (Please Print or Type)**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

**THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE**

**AFTER RECORDING RETURN TO:**

Lisa Summa  
Ticor Title Company of Oregon  
300 W Anderson  
Coos Bay, OR 97420

**1. TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)**

Small Estate Affiant's and Successor's Deed

**2. DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160**

Kelsey Toppenberg, the affiant in the duly filed affidavit concerning the small estate of Paul R. Kent, deceased in Circuit Court for Coos County, Oregon, Case No. 16PB05506 and Kelsey Toppenberg, Patrick Kent, David Kent and Jeffrey Kent, being the only successor in interest to said decedent or all of the successors in interest to said decedent

**3. INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160**

Kevin R. Kent

**4. TRUE AND ACTUAL CONSIDERATION**

ORS 93.030(5) - Amount in dollars or other

\$150,000.00  Other

**5. SEND TAX STATEMENTS TO:**

No Change

**6. SATISFACTION of ORDER or WARRANT**

ORS 204.125(1)(e)

CHECK ONE:  Full  
(If applicable)  Partial

**7. The amount of the monetary obligation imposed by the order or warrant. ORS 205.125 (1)(c)**

\$ 0.00

**8. If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF TICOR TITLE TO CORRECT CORRECT LEGAL DESCRIPTION, PARCELS IV THROUGH IX WERE OMITTED PREVIOUSLY RECORDED AS FEE NUMBER 2016-007517."**

RECORDING REQUESTED BY:



300 W Anderson  
Coos Bay, OR 97420

COOS COUNTY, OREGON **2016-007517**  
\$81.00 08/31/2016 01:58:14 PM  
Terri L.Turi, Coos County Clerk Pgs=8

AFTER RECORDING RETURN TO:

Kevin R. Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032

SEND TAX STATEMENTS TO:

Kevin R. Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032

963900, 963902, 964100 and  
55965 Portland Road, Bandon, OR 97411

AFTER RECORDING  
RETURN TO  
Ticor Title Company  
300 West Anderson Ave. - Box 1075  
Coos Bay, OR 97420-0233

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED**

**Kelsey Toppenberg**, the affiant in the duly filed affidavit concerning the small estate of **Paul R. Kent**, deceased, filed in Circuit Court for Coos County, Oregon, Case No. 16PB05506, and **Kelsey Toppenberg, Patrick Kent, David Kent and Jeffrey Kent**, being the only successor in interest to said decedent or all of the successors in interest to said decedent, Grantor, conveys to **Kevin R. Kent**, Grantee, all the estate, right and interest of the above named Grantor and of the above named decedent at the time of the decedent's death, and all the right, title and interest that the above named estate of the decedent by operation of law or otherwise may have acquired afterwards, and all the right, title and interest that the above named successor or successors acquired through the above named decedent, in and to the following described real property in the County of Coos, State of Oregon:

See Attached Legal Description on Exhibit "A"

The true consideration for this conveyance is One Hundred Fifty Thousand And No/100 Dollars **(\$150,000.00)**.

Tax Account No.(s): 963900, 963902 and 964100

This property is free of encumbrances, EXCEPT:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016-2017.

Tax Identification No.: 963900, 963902 and 964100

7. The Land has been classified as Farm/Forest land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
8. Taxes, including current year, have been assessed with an exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.

Exemption: Veterans  
Tax Account No.: 963902  
Affects: Parcel II

9. Rights of the public to any portion of the Land lying within the area commonly known as

## SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED

(continued)

Recording Date: August 31, 1938  
Recording No: Book 132, Page 218  
Affects: Parcel III

11. A 16 foot wide access road as disclosed on Survey for Paul Kent, etux filed May 22, 1969 as CS 11-53A by Louis B. Prahar, Survey Records, Coos County, Oregon.

Affects: Parcels I & II

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Company  
Purpose: utilities  
Recording Date: March 3, 1970  
Recording No: 70-03-46590  
Affects: Parcel III

13. Decree Declaring Boundary and Injunction, including the terms and provisions thereof;

Purpose: Easement for roadway purposes for access and use of cranberry bogs and lateral support of dikes

Filed: May 13, 1981  
Court: Coos County Circuit Court  
Case No.: 80-1099  
Plaintiff: Ben H. Lester and George A. Lester  
Defendant: Paul R. Kent and Rosetta A. Kent  
Affects: Parcel III

14. Final Order # 06-10-144C DJC# 2006 #40 In the Matter of the Claim for Compensation Under Ballot Measure 37 Submitted by Paul Kent and Rozetta Kent, including the terms and provisions thereof

Recording Date: November 6, 2006  
Recording No.: 2006-14911  
Affects: Parcels I and II

15. Final Order # 06-10-145C DJC# 2006 #39 In the Matter of the Claim for Compensation Under Ballot Measure 37 Submitted by Paul Kent and Rozetta Kent, including the terms and provisions thereof

Recording Date: November 6, 2006  
Recording No.: 2006-14912  
Affects: Parcels III

The true consideration for this conveyance is One Hundred Fifty Thousand And No/100 Dollars (\$150,000.00).

Tax Account No.(s): 963900, 963902 and 964100

**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.**

SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED

(continued)

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

Dated: 8/29/16

[Signature]  
Kelsey Toppenberg, Claiming Successor  
[Signature]  
Kelsey Toppenberg, Heir

\_\_\_\_\_  
Patrick Kent, Heir

\_\_\_\_\_  
David Kent, Heir

\_\_\_\_\_  
Jeffrey Kent, Heir

State of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
as \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
Notary Public - State of \_\_\_\_\_

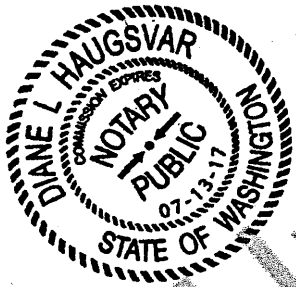
My Commission Expires: \_\_\_\_\_

State of Washington  
County of King

This instrument was acknowledged before me on 08/29/2016 by Kelsey Toppenberg individually and as claiming successor/affiant of the Estate of Paul R. Kent

[Signature]  
Notary Public - State of Washington

My Commission Expires: 07-13-2017



Unofficial Copy



SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED  
(continued)

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

Dated: 08.29.2016

\_\_\_\_\_  
Kelsey Toppenberg, Claiming Successor

\_\_\_\_\_  
Kelsey Toppenberg, Heir

PK  
\_\_\_\_\_  
Patrick Kent, Heir

\_\_\_\_\_  
David Kent, Heir

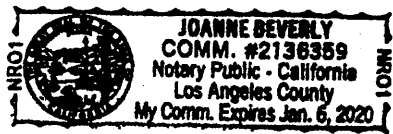
\_\_\_\_\_  
Jeffrey Kent, Heir

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 Los Angeles

This instrument was acknowledged before me on 08/29/16 by  
Patrick Kent

[Signature]  
Notary Public - State of California  
My Commission Expires: 01/06/2020



Unofficial Copy

## ACKNOWLEDGMENT

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 Los Angeles

On August 29, 2016 before me, Joanne Beverly, Notary Public  
(insert name and title of the officer)

personally appeared Patrick Kent  
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.

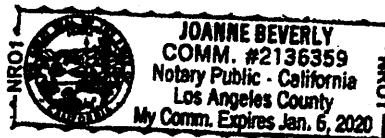
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Unofficial  
Copy

**SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED**  
(continued)

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

Dated: 29 AUGUST 2016

Kelsey Toppenberg, Claiming Successor

Kelsey Toppenberg, Heir

Patrick Kent, Heir

*David Kent*  
David Kent, Heir

Jeffrey Kent, Heir

State of WA  
County of Pierce

This instrument was acknowledged before me on 8-29-2016 by

DAVID KENT

*Rhonda Kay Skansi*  
Notary Public - State of WA

My Commission Expires: 5-9-18



Unofficial  
Copy

**SMALL ESTATE AFFIANT'S AND SUCCESSORS' DEED**  
(continued)

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

Dated: 8/29/16

Kelsey Toppenberg, Claiming Successor

Kelsey Toppenberg, Heir

Patrick Kent, Heir

David Kent, Heir

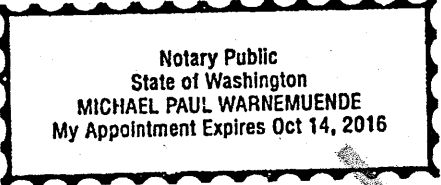
Jeffrey Kent, Heir

State of WA  
County of King

This instrument was acknowledged before me on 8/29/16 by  
Jeffrey Kent

Notary Public - State of WA

My Commission Expires: 10/14/16



Unofficial Copy

**EXHIBIT "A"**  
**Legal Description**

**Parcel I**

The North half of the Southwest quarter of the Northeast quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

**SAVE AND EXCEPT** the following described property:

Beginning at the intersection of the South line of Riverside Addition to Bandon and the East line of a 16.0 foot road, said point being 83.92 feet East from the Southwest corner of said Riverside Addition to Bandon; thence East, along the South line of Riverside Addition to Bandon, 210.0 feet to a point; thence South 160.0 feet to a point; thence West and parallel with the South line of Riverside Addition to Bandon 220.98 feet to a point on the East line of said 160.0 foot road; thence North 3° 55' 35" East along the East line of said road, 160.37 feet to the point of beginning.

**Parcel II**

The following tract of land situated in the North half of the Southwest quarter of the Northeast quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, to-wit:

Beginning at the intersection of the South line of Riverside Addition to Bandon and the East line of a 16.0 foot road, said point being 83.92 feet East from the Southwest corner of said Riverside Addition to Bandon; thence East, along the South line of Riverside Addition to Bandon, 210.0 feet to a point; thence South 160.0 feet to a point; thence West and parallel with the South line of Riverside Addition to Bandon 220.98 feet to a point on the East line of said 160.0 foot road; thence North 3° 55' 35" East along the East line of said road, 160.37 feet to the point of beginning.

**Parcel III**

The North half of the Southeast quarter of the Northwest quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

**SAVE AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:** Beginning at an iron rod post situated on the North line of said Southeast quarter of the Northwest quarter at a point North 88° 50' 18" West 105.00 feet from the Northeast corner of said Southeast quarter of the Northwest quarter and running then South 22° 39' West 28.36 feet to an iron rod post; then North 87° 44' 08" West 292.69 feet to an iron rod post; then North and at 1.90 feet passing through an iron rod post for a total distance 3.00 feet to the centerline of a dike road; then North 88° 00' 34" West 416.89 feet to a point 1.00 feet North of an iron rod post; then North 11.73 feet to the North line of said Southeast quarter of the Northwest quarter; thence South 88° 50' 18" East 720.00 feet to the point of beginning.

**ALSO SAVE AND EXCEPT** a 30-foot strip from the West side and North side of the above described land to be used for public highway.

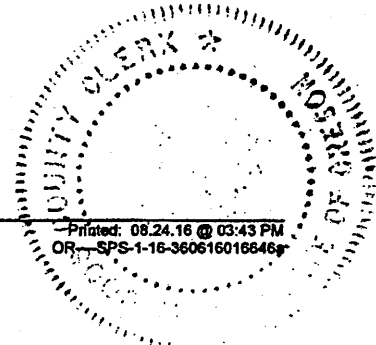
STATE OF OREGON  
COUNTY OF COOS

I hereby certify that instrument #2016-07517, recorded on 8/31/2016, consisting of 8 page(s), has been compared with the original, and is a correct and whole transcript as it appears on record at the County Clerk's office in Coos County, Oregon.

Debbie Heller, CEA, County Clerk

7/24/2018

  
\_\_\_\_\_  
Tammy Dalton - Chief Deputy



## EXHIBIT "B" - CORRECTED LEGAL DESCRIPTION

Order No.: 360616016646a

### Parcel I

The North half of the Southwest quarter of the Northeast quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon

SAVE AND EXCEPT the following described property:

Beginning at the intersection of the South line of Riverside Addition to Bandon and the East line of a 16.0 foot road, said point being 83.92 feet East from the Southwest corner of said Riverside Addition to Bandon; thence East, along the South line of Riverside Addition to Bandon, 210.0 feet to a point; thence South 160.0 feet to a point; thence West and parallel with the South line of Riverside Addition to Bandon 220.98 feet to a point on the East line of said 160.0 foot road; thence North 3° 55' 35" East along the East line of said road, 160.37 feet to the point of beginning.

### Parcel II

The following tract of land situated in the North half of the Southwest quarter of the Northeast quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, to-wit:

Beginning at the intersection of the South line of Riverside Addition to Bandon and the East line of a 16.0 foot road, said point being 83.92 feet East from the Southwest corner of said Riverside Addition to Bandon; thence East, along the South line of Riverside Addition to Bandon, 210.0 feet to a point; thence South 160.0 feet to a point; thence West and parallel with the South line of Riverside Addition to Bandon 220.98 feet to a point on the East line of said 160.0 foot road; thence North 3° 55' 35" East along the East line of said road, 160.37 feet to the point of beginning.

### Parcel III

The North half of the Southeast quarter of the Northwest quarter of Section 20, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

SAVE AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT: Beginning at an iron rod post situated on the North line of said Southeast quarter of the Northwest quarter at a point North 88° 50' 18" West 105.00 feet from the Northeast corner of said Southeast quarter of the Northwest quarter and running then South 22° 39' West 28.36 feet to an iron rod post; then North 87° 44' 08" West 292.69 feet to an iron rod post; then North and at 1.90 feet passing through an iron rod post for a total distance 3.00 feet to the centerline of a dike road; then North 88° 00' 34" West 416.89 feet to a point 1.00 feet North of an iron rod post; then North 11.73 feet to the North line of said Southeast quarter of the Northwest quarter; thence South 88° 50' 18" East 720.00 feet to the point of beginning.

ALSO SAVE AND EXCEPT a 30-foot strip from the West side and North side of the above described land to be used for public highway.

**EXHIBIT "B" - CORRECTED LEGAL DESCRIPTION**  
(continued)

Parcel IV

Lots 13 and 14, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

Parcel V

Lots 39, 47, 48, 49 and 50, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

SAVE AND EXCEPT the following described portion thereof: That portion of Lot 39, WHEELER SUBDIVISION, Coos County, Oregon, described as follows: Beginning at a point 14 feet South of the Northeast corner of said Lot 39; thence South to the Southeast corner thereof; thence West to the Southwest corner thereof; thence Northeasterly in a straight line to the point of beginning.

Parcel VI

Lots 8 and 9, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

Parcel VII

Lots 34, 35, 36, 53, 54 and 55, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

Parcel VIII

Lots 85, 86, 87 and 88, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

Parcel IX

Lot 40, WHEELER SUBDIVISION to the City of Bandon, Coos County, Oregon.

Unofficial  
Copy

BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Kevin R. Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032

Grantor's Name and Address husband & wife  
Kevin R & Therese M Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032  
Grantee's Name and Address

After recording, return to (Name and Address):  
Kevin & Therese Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032

Until requested otherwise, send all tax statements to (Name and Address):  
Kevin R. Kent  
12222 N Paradise Village Pkwy S #301  
Phoenix, AZ 85032

Coos County, Oregon 2020-07038  
\$86.00 07/21/2020 01:11 PM  
Pgs=1



00117550202000070380010015

Debble Heller, CCC, Coos County Clerk

QUITCLAIM DEED  
KNOW ALL BY THESE PRESENTS that Kevin R. Kent

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto Kevin R and Therese M. Kent, husband & wife hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Coos County, State of Oregon, described as follows (legal description of property):

LOT 48, Wheeler Subdivision of the City of Bandon  
28 S 14 W 20 BB 1 ACRE

Unofficial Copy

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on July 18, 2020; any signature on behalf of a business or other entity is made with the authority of that entity.

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.

Kevin R. Kent 7/18/2020  
Therese M. Kent 7-18-20



— PLAT OF —  
**— WHEELER —**  
**— SUBDIVISION —**  
 — IN —  
**— COOS CO., OR. —**

Scale: 200 Ft. = 1 inch

Mag. Var. = 20° 42' East

We, Edgar L. Wheeler and Luella Wheeler, his wife, E. N. Smith and Maud G. Smith, his wife, being the owners of the West 1/2 of the North-west 1/4 and the North-west 1/4 of the South-west 1/4 of Section 20, and the North-east 1/4 of the South-east 1/4 of Section 19, all in Township 28 South, Range 14 West, Willamette Meridian, Coos County, Oregon, being desirous of platting the same into lots and streets do hereby declare the annexed plat of said premises to be known as "WHEELER SUB DIVISION" to be the plat thereof and we hereby dedicate to the use of the public all that portion of said premises shown upon said plat as roads, streets or avenues.

The size of lots and the width of roads, streets and avenues are as indicated on said plat in figures denoting feet and fractions thereof.

In Witness Whereof, we have hereunto set our hands and seals this 3rd day of September, A. D. 1907.

W. R. Chapman  
 C. R. Hammond

Edgar L. Wheeler (Seal)  
 Luella Wheeler (Seal)  
 E. N. Smith (Seal)  
 Maud G. Smith (Seal)

State of Oregon ss.  
County of Coos

On this the 3rd day of September, A. D. 1907, personally appeared before me a Notary Public for and in said County and state, the within named Edgar L. Wheeler, Luella Wheeler, his wife, E. N. Smith and Maud G. Smith, his wife, who are personally known to me to be the identical persons who signed the foregoing instrument and they acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and Notarial Seal this day and year last above written.

(Seal) C. R. Hammond  
 Notary Public for Oregon.

Bondán, Oregon, Sept 28  
 I, C. S. McCulloch do hereby certify that I surveyed  
 ing plat and that I find the sizes of the lots to be as sh  
 plat and that all lines are run due North and South on  
 with the variation as shown on the accompanying plat  
 SUBDIVISION in Coos County, Oregon.  
 C. S. McCulloch C

\*a\* Vacated Nov. 24, 1904  
 Vol. 144, Page 374  
 J. M. Beaman  
 County Sur.

Examined and Approved this 3rd day of September, 1907,  
 T. J. Thrift, Assessor.

Approved September 4, 1907  
 John F. Hall, County Judge.  
 Lloyd Spires Commissioner  
 E. A. Anderson "

State of Oregon ss.  
County of Coos.

I hereby certify that the within instrument  
 was filed for record Sept. 4, 1907,  
 at 1 o'clock and 30 minutes P. M.  
 and recorded Sept 4, 1907.



COOS COUNTY PLANNING DEPARTMENT  
 60 E. Second, Coquille, Oregon 97423  
 Mailing Address: 250 N. Baxter, Coquille, Oregon 97423  
 (541) 396-7770/ TDD (800) 735-2900

**ZCL-21-041**  
**Approval Date: 2/24/2021**  
**Expiration Date: 2/24/2023**

**COOS COUNTY ZONING COMPLIANCE LETTER  
 FOR DEVELOPMENT IN THE EXCLUSIVE FARM USE ZONE**

|                                   |                                    |
|-----------------------------------|------------------------------------|
| <b>APPLICANT :</b>                | Kevin & Therese Kent               |
| <b>APPLICANT ADDRESS:</b>         | 12222 N Paradise Village Pkwy #301 |
| <b>CITY/STATE/ZIP:</b>            | Phoenix, AZ 85032                  |
| <b>PHONE NUMBER OF APPLICANT:</b> | 541-981-1150                       |
| <b>EMAIL:</b>                     | theresekent@msn.com                |

**REQUESTED DEVELOPMENT APPROVED:** Clearance to site a Single Family Dwelling as approved through the Measure 49 claim. Clearance to install a septic system. Must comply with DSL comments.

|                                       |   |
|---------------------------------------|---|
| <b>ACCOUNT#'S</b>                     | 99920447  |
| <b>MAP DESCRIPTION:</b>               | 28S1420BB-01104   |
| <b>TOWNSHIP RANGE SECTION TAX LOT</b> |   |
| <b>PROPERTY OWNER(S)</b>              | KENT, KEVIN R & THERESE M<br>12222 N PARADISE VILLAGE PKWY S #301<br>PHOENIX, AZ 85032-7677 |
| <b>SITUS ADDRESS</b>                  | 56020 SPRING CRK RD BANDON, OR 97411  |
| <b>ACREAGE</b>                        | 1.00  |
| <b>PROPERTY ZONING</b>                | EFU   |
| <b>SPECIAL CONSIDERATIONS</b>         | NATIONAL WETLAND INVENTORY SITE<br>BANDON AREA OF MUTUAL INTEREST<br>NATURAL HAZARD-TSUNAMI |

**SET BACK AND SPECIAL SITING REQUIREMENTS**

**MANDATORY SETBACK REQUIREMENTS**

**50 FT RIPARIAN VEGETATION**—All structures and development shall maintain a 50 FT. Minimum setback from all estuarine wetlands, streams, lakes or rivers.

**35 FT Road Setback** – All Development shall be set back a minimum of 35 ft. from any road right-of-way centerline or a minimum of 5 FT from any road-right-of-way line whichever is the greater distance.

**Minimizing Impacts:** in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling.

**SPECIAL SITING REQUIREMENTS THAT APPLY TO YOUR PROPERTY**

**RESIDENTIAL NEW OR REPLACEMENT DWELLINGS ON LOTS, PARCELS OR TRACTS ABUTTING THE "FOREST" ZONE** Shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within the firebreak 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.

**35 FT Height Restrictions**  **SLOPE** (shall not exceed 40%)

**WILD FIRE REGULATIONS** - Fire Siting Standards for New Dwellings: 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. 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.

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   |

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 the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. The dwelling shall not be sited on a slope of greater than 40 percent.

- Natural Hazards – See Attached Conditions  
 Landslide  Liquefaction/Earthquake  Beaches and Dunes  Flood Hazard  
 Other:

COOS COUNTY HAS REVIEWED THE REQUESTED USE AND DETERMINED THAT ALL APPLICATIONS AND/OR REQUIREMENTS HAVE BEEN COMPLETED FOR THE SPECIFIC REQUESTED USE. THEREFORE, THE USE IS CONSISTENT WITH THE COOS COUNTY COMPREHENSIVE PLAN AND IMPLEMENTING ORDINANCE. THIS COMPLIANCE LETTER AUTHORIZES CLEARANCE FOR THE USE AND ALLOWS THE PROPERTY OWNER/APPLICANT TO OBTAIN THE FOLLOWING AGENCY PERMITS. THIS LETTER MUST BE PRESENTED TO STATE AGENCIES AT THE TIME YOU ARE REQUESTING AN AUTHORIZATIONS OR PERMITS FOR DEVELOPMENT. THERE MAY BE ADDITIONAL CONDITIONS THAT THE APPLICANT IS REQUIRED TO COMPLETE. IF THE APPLICANT FAILS TO COMPLY ENFORCEMENT ACTION MAY BE TAKEN. COOS COUNTY MAY PROVIDE CLEARANCE TO OBTAIN PERMITS FROM OTHER AGENCIES BUT THAT DOES NOT GUARANTEE THAT AGENCY WILL APPROVE YOUR PERMIT.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OR SANITATION DISTRICTS

- SITE EVALUATION ONLY  INSTALL NEW /REPLACE /REPAIR SEPTIC  
 CONNECT TO CHARLESTON SANITATION  CONNECT TO BUNKER HILL SANITATION  
 AS NEEDED FOR MEDICAL HARDSHIP \*  OTHER:

STATE BUILDING CODES AGENCY PERMITS TO ALLOW

- SINGLE FAMILY DWELLING or  MULTI FAMILY DWELLING  New  Repair  Alter  
 MANUFACTURE DWELLING/ MOBILE (NOT MANUFACTURE STRUCTURE)  
 HARDSHIP – TEMPORARY – RV, MOBILE, MANUFACTURE, PARK MODEL \*  
 FARM/AG BUILDING  ACCESSORY STRUCTURE  OTHER AS DEFINED IN NOTES

OTHER AGENCY REQUIREMENTS:

All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments were provided they are attached. There may be additional permits required this section only provides guidance to applicants.

- Wetland delineation or additional requirements- Department of Statelands  
 Coos County Environmental Health Permit  
 Oregon Department of Aviation (FAA Form 7460-1)  
 DEQ Permits for Stormwater discharge or 1200-C applications for projects that disturb 5 acres or more of land  
 State of Oregon Historical Preservation Office  
 Local Indian Tribes  
 Oregon Department of Transportation Permits is required for access off of a state highway.

ACKNOWLEDGEMENT STATEMENT: THE APPLICANT ALREADY AGREED TO THE CONDITIONS IN WHICH THIS COMPLIANCE LETTER AUTHORIZES BY SIGNING THE APPLCIATION THAT REQUESTED THE DEVELOPMENT. THE AUTHORIZATION WAS BASED ON THE INFORMATION ON FILE AT THE TIME OF APPLICATION AND THE INFORMATION PROVIDED BY THE APPLICANT. IF CONDITIONS ARE NOT FOLLOWED THEN THIS ZONING COMPLIANCE LETTER CAN BE REVOKED. IF YOU HAVE QUESTIONS ABOUT ANY OF THE REGULATIONS PLEASE CONTACT STAFF.

COOS COUNTY COMPLIANCE

The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue based on the information available.

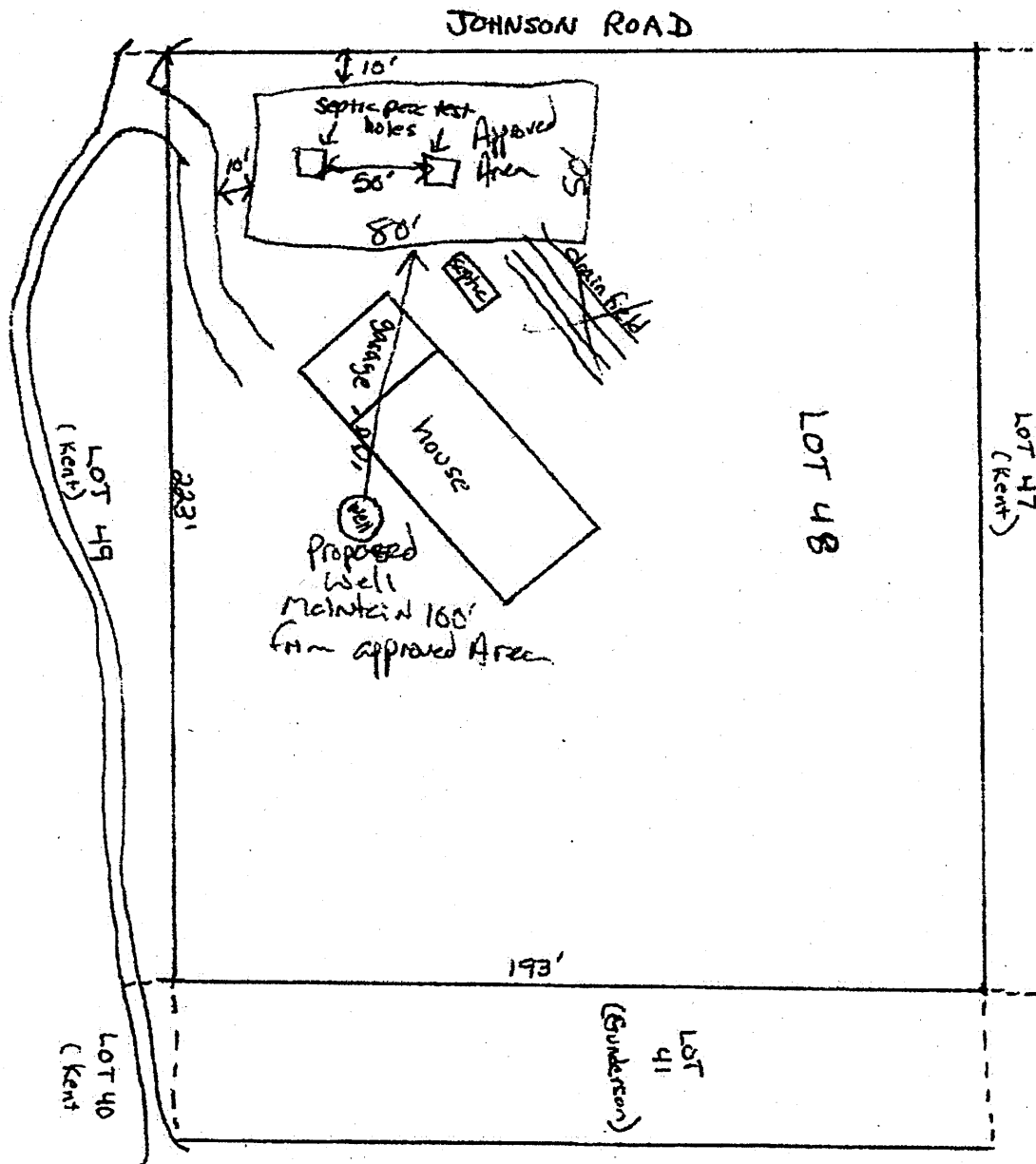
AUTHORIZED SIGNATURE: *Euptal Orr*  
 Title: Planner I Date: 2/25/2021

- Scan  Assessor's office  logged on Helion  DEQ  Building Codes

RECEIVED  
APR 19 2021  
COOS BAY OFFICE

KEVIN + MELISSA KENT  
55965 Portland Rd  
Bandon, OR 97411  
541-961-1150

285 NW 200B # LOT 48, Wheeler Subdivision  
1 ACRE



SPRING CREEK ROAD

03/09/2020

# PERMIT (Right of Way)

No: 20-15

## BEFORE THE ROADMASTER OF COOS COUNTY

This permit is issued to Kevin Kent C/O Larry Cox 541-297-4078  
for the placement and/or construction of the following facility Brush Cutting in the right of Way upon the \_\_\_\_\_  
Spring Creek County Road No. N/A, at the following location \_\_\_\_\_

Install Driveway to Coos County Specifications on tax Lot 1100 and 1101  
All work shall be in strict conformity with all terms of this permit, with any exhibits attached hereto, and with Article Four, Division One of the Coos County Code and ORS 374.305 to 374.340.

TS 28 R 14 S 20BB TL 1101

### GENERAL PROVISIONS

Permit Holder shall be solely responsible for any and all damages of or destruction to any road, road structure, utility, cable, pipe, waterline, ditch or culvert arising out of or incident to this permit. Permit Holder shall repair or reimburse the County or Utility for any and all costs of repair, restoring or replacing damaged or destroyed property.

Permit Holder shall indemnify, hold harmless, and defend Coos County, its elected officials, officers and employees from any liability, claim, damage, loss and/or expense, including, but not limited to, reasonable attorneys fees, arising out of or resulting from the performance of or failure to perform the obligations of this Permit by Permit Holder, its employees, agents and subcontractors.

Permit Holder shall supply all materials and labor at own expense.

Permit Holder shall provide adequate warning and traffic control in a manner to insure public safety and cause minimum inconvenience.

A minimum of two-lane traffic will be maintained at all times and control of traffic will be in accordance with the current provisions in the Manual on Uniform Traffic Control Devices for Streets and Highways.

This permit authorizes no work other than that specifically mentioned.

### SPECIAL PROVISIONS

- Permit Holder shall compact backfill material to 95% of original density and maintain finish conformation same as original for 90 days after completion of construction replacing any rock and/or asphalt to its original depth.
- Permit Holder shall supply the county with a performance bond or cash in the amount of \_\_\_\_\_ to be refunded 90 days after completion of the project if at that time an inspection is made and all measures in this permit are found to have been complied with.
- Permit Holder shall install a minimum of 12" culvert located as directed by county.
- Permit Holder shall not fell trees within the traveled portion of the roadway and shall clear the right-of-way of any slash or debris caused from the felling of said trees.
- This permit is issued pursuant to ORS 368.942 and is for the explicit purpose of allowing the construction and maintenance of a tourism sign within the county right-of-way. This sign shall in no way impede vision or cause an unsafe traffic condition. Permit is revocable for non-maintenance of sign or signs for which permit holder is responsible.
- Permit Holder shall construct driveway to meet at right angles with county road and shall construct driveway to be at same level as county road for a distance of 20 feet more or less.
- This permit is revocable at any time when area is determined to be needed for road purposes.
- Permit Holder or his contractor shall notify the Coos County Road Dept., at 541-396-7660, forty-eight (48) hours prior to commencing work and after completing work covered by this permit.
- All construction operations will be performed off limits of the highway travel way and shoulders.
- Additional Special Provisions noted or attached.

**Driveway Standard Drawing**

I accept and agree to the conditions herein:

Larry Cox  
Permittee

3-9-20  
Date

This permit shall be void unless the work herein contemplated shall have been completed before: April 30, 2020

Scott Murray  
Scott Murray

Access Foreman

03/09/2020

Date

ISSUED BY AGENT OF BOARD OF COMMISSIONERS

Roadmaster

Date

*Approved  
6-9-20 see  
(email)*

Lot  
48



# Residential Septic Site Evaluation Approval

**246-21-000343-EVAL**

DEQ Coos Bay Office  
381 North 2nd Street  
Coos Bay, OR 97420  
541-269-2721  
Fax: 541-269-7984  
OnsiteCoosBay@deq.state.or.us  
Website: oregon.gov/deq

Date issued: 10/11/21  
Application status: Site Evaluated / Approved  
Work description: install septic for single family dwelling

**Applicant:** KENT, KEVIN R.; ET AL  
**Address:** 12222 N Paradise Village Pkwy S #301  
PHOENIX AZ 85032  
**Phone:** 5419811150  
**Email:** theresekent@msn.com

|   |  |
|---|--|
| <b>Owner:</b> KENT, KEVIN R & THERESE M   | <b>Property address:</b> 56020 Spring Creek Rd, Bandon, OR |
| <b>Address:</b> 12222 N PARADISE VILLAGE<br>PARKWAY S #301<br>PHOENIX AZ 85032-7677 | 97411  |

**Parcel:** 28S14W20BB1104 - Primary

|                         |                              |
|-------------------------|------------------------------|
| <b>Lot size:</b> 1 acre | <b>Water supply:</b> Well    |
| <b>Zoning:</b> N/A      | <b>City/County/IJGB:</b> N/A |
|                         | <b>County:</b> Coos          |

**Directions to Property:** Prosper Junction Rd to Spring Creek Rd. Lot 48 is at the top of the roadway

**Proposed use of structure:** single family dwelling  
**Category of construction:** Single Family Dwelling

**General Specifications**

|                                |           |                                  |          |
|--------------------------------|-----------|----------------------------------|----------|
| <b>Max peak design flow:</b>   | 450 gpd.  | <b>Proposed gallons per day:</b> | 375 gpd. |
| <b>Min septic tank volume:</b> | 1000 gal. | <b>Min dosing tank volume:</b>   | 500 gal. |
| <b>Media depth:</b>            | 12 in.    |                                  |          |

**System Specifications**

|                                  |   |   |
|----------------------------------|---|---|
| <b>System type:</b>              | <i>Initial System</i>                   | <i>Replacement Area</i>                 |
| <b>ATT description:</b>          | Alternative Treatment Technology (ATTs) | Alternative Treatment Technology (ATTs) |
| <b>System distribution type:</b> | TBD                                     | TBD                                     |
| <b>Distribution method:</b>      | Equal                                   | Equal                                   |
|                                  | Pressurized                             | Pressurized                             |

**Trench Specifications**

|                            |                       |                         |
|----------------------------|-----------------------|-------------------------|
| <b>Trench linear feet:</b> | <i>Initial System</i> | <i>Replacement Area</i> |
| <b>Max depth:</b>          | 135 linear ft.        | 135 linear ft.          |
| <b>Min depth:</b>          | 24 in.                | 24 in.                  |
|                            | 18 in.                | 18 in.                  |

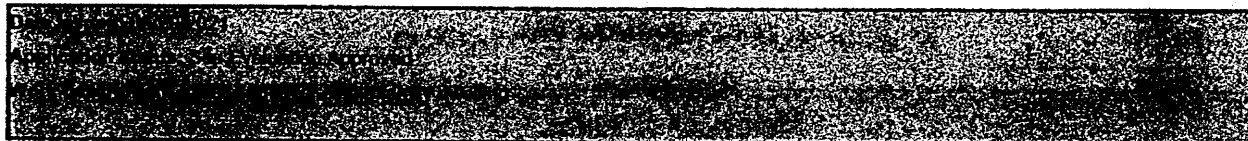
**System Performance**

|                          |                       |                         |
|--------------------------|-----------------------|-------------------------|
| <b>Groundwater type:</b> | <i>Initial System</i> | <i>Replacement Area</i> |
| <b>Drainfield type:</b>  | Temporary             | Temporary               |
|                          | Pressure Distribution | Pressure Distribution   |

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

Septic Site Evaluation 246-21-000343-EVAL



|                              |                       |                       |
|------------------------------|-----------------------|-----------------------|
| Drainfield sizing:           | 45 linear ft/150 gal. | 45 linear ft/150 gal. |
| Pump to drainfield required: | Yes                   | Yes                   |

THIS IS NOT YOUR PERMIT. A Construction/Installation permit is required before you construct your system. Please contact this office when you are ready to apply for a construction/installation permit. We cannot sign off on any Building Codes forms until we issue your permit.

This site approval runs with the land and will automatically benefit subsequent owners. This site approval is valid until the approved system is constructed under a DEQ construction permit or unless the site is altered without approval from this office. Alterations/excavations/lot line adjustments made to the site, or placement of wells or utilities, etc., may invalidate this approval.

If you disagree with the decision of this report, you may apply for a site evaluation report review. The application for a site evaluation report review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140 Table 9A. A senior DEQ staff person will be assigned the site evaluation report review application.

You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

Greg Alton

Regional Onsite Wastewater  
Specialist

9/29/21

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