Thursday, August 28, 2014

Type of Application: HEARINGS BODY CONDITIONAL USE APPLICAITON

File Number: HBCU-14-05

Subject Properties Map Number: Township: 28S  Range: 12W  Sections: 10/11/12
Tax Lots: 200/200, 201/400

The proposed site will be located on Township: 28S  Range: 12W  Section: 10  Tax Lot: 200

APPLICANT / PROPERTY OWNER: David K. Rolfe

Property Location (Address or Description): 58694 Lee Valley Rd., Coquille, OR 97423

Special Districts/Agencies:
- Coos Forest Protective Association
- DOGAMI
- Coos County Assessor
- Coos County Roadmaster

### APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§4.9.350(D)</th>
<th>Hearings Body Conditional Uses (Exclusive Farm Use Zone)</th>
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</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>§4.9.400</td>
<td>Review Criteria for Conditional Uses (Exclusive Farm Use Zone)</td>
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</tbody>
</table>

### 1. BASIC FINDINGS:

A. **Lawfully Created Parcel:** The subject property consists of four tax lots described as Township 28S, Range 12W, Section 10 Tax Lot 200 and Township 28S, Range 12W, Section 11 Tax Lot 201, described on deed number 81-11444 and Township 28S, Range 12W, Section 11 Tax Lot 200 and Township 28S, Range 12W, Section 12 Tax Lot 400, which are described on deed number 81-11446. This is consistent with the Coos County Zoning and Land Development Ordinance (CCZLDO) § 6.1.125(8).

B. **Zoning:** Exclusive Farm Use (EFU)

The purpose of the "EFU" district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215; to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.
C. **Site Description:** The subject property contains 579.90 acres and consists of some timber with the majority of the property being used for agricultural uses with the exception of the dwelling that is located on tax lot 400. Tax lot 200 in section 10 is made up of 30E-Honeygrove silty clay loan with 30 to 50 percent slopes. This soil has a mean annual precipitation of 60 to 85 inches and is a natural well drained soil. This property is located northeast of the city of Myrtle Point off of Lee Valley Road.

D. **Surrounding Land Uses:** The surrounding properties to the north, east and southeast are zoned Exclusive Farm Use (EFU) and the properties to the west and southwest are zoned Forest (F). The property southwest of tax lot 200 has an existing aggregate mining operation, referred to as the Hervey Pit, which was previously a county pit but is now in private ownership.

E. **Prior Land Use Development Request:** This application is a reauthorization of application number HBCU-95-11, where Mr. Rolfe had submitted an application requesting permission for mining, crushing and stockpiling of aggregate resources. The Planning Commission approved the request; however, Mr. Rolfe was unable to implement the permit and it expired. Due to the recent demand in the market he is requesting that the Planning Commission reauthorize the requested use.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§4.9.350(D)</th>
<th>Hearings Body Conditional Uses (Exclusive Farm Use Zone)</th>
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</table>

SECTION 4.9.350. **Hearings Body Conditional Uses.** The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

D. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.

**FINDING:** The proposal is for mining and processing of aggregate over 5,000 cubic yards. The original application was approved on January 4, 1996 through application number HBCU-95-11 and has since expired. The purpose of this application is to reauthorize mining and processing of aggregate on the subject property. If approved the property owners will comply with the standards established by the Department of Geology and Mineral Industries (DOGAMI).

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§4.9.400</th>
<th>Review Criteria for Conditional Uses (Exclusive Farm Use Zone)</th>
</tr>
</thead>
</table>

**SECTION 4.9.400.** Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350. A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met. 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 lands devoted to farm or forest use.

**FINDING:** The applicant is proposing to use approximately 10 of the 579.90 acres for mining and processing of aggregate. The proposed mining operation will be located within the interior of the subject property as shown on the applicant’s map. The area where the rock is to be mined is already exposed ground that will not grow vegetation that would be able to be utilized for livestock. The roads to access the mining area are already in existence and have been for several years. The applicant has used another area on the subject property to remove aggregate to create and maintain roads, parking and feeding areas on the property, this site is exempt from the DOGAMI permitting process. The primary use of this property will remain resource. This would not be a significant change in any accept farm or forest practices on this property or the surrounding lands.

There is another large mining operation located on a neighboring property that has existed for many years. This mining operation has existed without any known complaints of significant increase in cost of accepted farm or forest practices. The addition of this mining operation will be minimal to the surrounding property owners due to the size of the operation and the location of the proposed site.
III. COMMENTS FROM OTHER AGENCIES

On August 20, 2014 the Planning Department received comments from John Rowe, the Coos County Roadmaster, he stated that the entrance to the property is wide, having a good vision triangle and meets the standards of CCZLDO Section 7.1.450 Mining Access and Section 7.1.525 Vision Clearance Triangle. He stated that 30” x 30” “Trucks Entering Roadway” signs meeting the standards of the 2009 Manual on Uniform Traffic Control Devices (MUTCD) need to be placed in advance of the access point when trucks are hauling aggregate out of the proposed quarry.

IV. CONDITIONS OF APPROVAL

1. 30” x 30” signs meeting the standards if the 2009 MUTCD need to placed in advance of the access point when trucks are hauling aggregate out of the property.
2. Must comply with DOGAMI requirements.

Amy Dibble
Amy Dibble, Planning Specialist

Attachment: Applicant’s submittal
Roadmaster’s comments

Ec: Dave Perry, DLCD
August 20, 2014

Amy Dibble
Planning Specialist

Re: HBCU-14-05 Request to Reauthorize HBCU-95-11 Aggregate Mining & Crushing
   T28S, R12W, Sections 10 & 11 Tax Lots 200, 201, 400
   Applicant: David Rolfe

Comments

I visited the site on August 19, 2014. The access to the proposed quarry is located at MP 8.1 on Lee Valley Road. The entrance is wide, having a good vision triangle and meets the standards of CCZLDO Section 7.1.450 Mining Access and Section 7.1.525 Vision Clearance Triangle. 30” x 30” “Trucks Entering Roadway” signs meeting the standards of the 2009 MUTCD need to placed in advance of the access point when trucks are hauling aggregate out of the proposed quarry.

Thank you,

John Rowe
Roadmaster
Please place a check mark on the appropriate type of review that has been requested.

- Administrative Review
- Final Development Plan (BDR)
- Hearings Body Review
- Variance

An incomplete application will not be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

A. Applicant:

<table>
<thead>
<tr>
<th>Name:</th>
<th>David Rolfe</th>
<th>Telephone No.</th>
<th>541-572-2842</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>58694 Lee Valley Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Coquille</td>
<td>State:</td>
<td>OR</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>97423</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Owner: Same as above

| Name: | | Telephone No. | |
|-------|----------------|---------------||
| Address: | | | |
| City: | | State: | |
| Zip Code: | | | |

C. As applicant, I am (check one): Please provide documentation.

- The owner of the property (shown on deed of record);
- The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached);
- A lessee in possession of the property who has written consent of the owner to make such application (consent form attached);
- The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

D. Description of Property:

<table>
<thead>
<tr>
<th>Townships</th>
<th>28S</th>
<th>Range</th>
<th>12W</th>
<th>Section</th>
<th>10/11</th>
<th>Tax Lot</th>
<th>200/200, 201, 400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account No.</td>
<td>849700, 849100, 849703, 850500</td>
<td>Lot Size:</td>
<td>579.90</td>
<td>Zoning</td>
<td>EFU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Updated 2013
E. Information (please check off as you complete)

☑ 1. Existing Use. Primary Use is farm with some timber operations
☑ 2. Site Address 58694 Lee Valley Road, Coquille OR 97423
☑ 3. Access: Road Private Road to Mining operation via Lee Valley
☑ 4. Is the Property on Farm/Forest Tax Deferral: Farm
☑ 5. Current Land Use (timber, farming, residential, etc.) Tax Lot 400 contains a dwelling, the rest of the property is being utilized for farming primarily with some timber.
☑ 6. Major Topography Features (streams, ditches, slopes, etc.) The upland portion of the property has slopes and few streams as shown on the maps. There have been drains and culverts placed where the roads cross. The area of the proposal is sloped with no wetlands in the immediate area.
☑ 7. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map. They have been listed on page one.
☑ 8. Identify any homes or development that exists on properties identified in #7. There is a dwelling, detached garage and shop on tax lot 400 as shown on the maps. Tax lot 201 contains three barns and some corrals related for farm purposes. There is no other development.
☑ 9. A copy of the current deed of record.
☑ 10. Covenants or deed restrictions on the property, if unknown contact title company.
☑ 11. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½” x 11” paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map)

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and findings (or reasons) regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

Applicable Criteria: Coos County Zoning and Land Development Ordinance (CCZLDO) Section 4.9.350(D) Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. CCZLDO Section 4.9.400 Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350.

Updated 2013
G. **Authorization:**
All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application unless the statement is not applicable. If one of the statements, below is not applicable to your request indicated by writing N/A.

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are response to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

Applicant(s) Original Signature

Applicant(s) Original Signature

Updated 2013
David Rolfe Application request for operations conducted for mining, crushing or stockpiling of aggregate resources subject to ORS 215.298 on property described as Township 28S Range 12W Section 10 Tax Lot 200.

**LAWFULLY CREATED PARCELS:** Mr. Rolfe owns a total of 579.90 acres in four different tax lots as follows: Township 28S Range 12W Section 10 Tax Lot 200 and Township 28S Range 12W Section 11 Tax Lot 200 were created prior to 1986 as shown by deed number 81-11444. Township 28S Range 12W Section 11 Tax Lot 201 and 204 were created prior to 1986 as shown by deed number 81-11446. This is consistent with the Coos County Zoning and Land Development (CCZLDO) § 6.1.125(8).

When referencing the subject property the report is referencing Township 28S Range 12W Section 10 Tax Lot 200 which is the site of the aggregate mining site.

**BACKGROUND:** Mr. Rolfe had requested and received approval from the Planning Commission for mining, crushing and stockpiling of aggregate resources on this site in 1995, however, he was unable to implement this permit and it has expired. Mr. Rolfe has found a market for the aggregate at the proposed site and is requesting that Planning Commission authorize the requested use.

**SUBJECT PROPERTY:** The proposed site is located on tax lot 200 in Township 28S Range 12W Section 10 in the northeastern portion of tax lot 200. There is a developed private access road on the property which is accessed off of Lee Valley Road (County Maintained Road).

The property is zoned Exclusive Farm Use and the purpose of the EFU zoning is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215; to minimize conflicts between agricultural practices and

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1 The original application (HBCU-95-11) and approval is Attachment “B” of this narrative.
non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

The property is surrounded by EFU on the north, east and southeastern portions of the subject property. The properties to the west and the southwestern boarders of the property are zoned Forest. There is an aggregate mining operation on a neighboring property located southwest of tax lot 200. This site was a county pit and is now in private ownership (referred to as the Hervey Pit owned by Jarvis).

Mr. Rolfe has another site where he removes aggregate to maintain the roads, corrals and feeding areas on the property. This site is located in the southeastern portion of tax lot 200. This site is exempt from Oregon Department of Geology and Mineral Industries (DOGAMI) permitting process.

The property is mainly utilized for range land (beef ranch) although some timber has been harvested in the past. The proposed site already is cleared of vegetation and the rock is exposed. The request is to remove no more than ten (10) acre of aggregate from the area. Mr. Rolfe does not anticipate mining over five (5) acres but in order to plan for the future he is asking to be allowed to mine up to ten (10) acres. He has already planned for the site including a settling pond to address any runoff.

The site is flat with a steep rock wall. The access road has already been developed in this area.

SOIL INFORMATION:
The site is mainly made up of 30E—Honeygrove silty clay loam with 30 to 50 percent slopes. This soil has a mean annual precipitation of 60 to 85 inches and is a natural well drained soil. The soil is not susceptible to ponding. The soil is not classified as prime farmland has a land capability of 6e for non-irrigated lands. This is not considered high-value soil pursuant to the CCZLDO §2.1.200.

SPECIAL DEVELOPMENT CONSIDERATIONS:
Tax lot 200 has no special development considerations. There are a few creeks that run on the property but not in the immediate vicinity of the proposed site. As shown on the wetland map there are no wetlands on the in the area of this proposed site (Attachment: “A”).

CRITERIA:
Coos County Zoning and Land Development Ordinance
SECTION 4.9.350 Hearings Body Conditional Uses. The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

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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 lands devoted to farm or forest use.

Response: The proposed operation will be located within the interior boundary of Mr. Rolfe’s 579.90 acre agricultural operation. The roads have already been in place for several years. The applicant has used another area on this property to remove aggregate to create and maintain roads, parking and feeding areas. The primary use of this property will remain resource with a focus on agriculture.

The area where the rock will be mined is already, as shown on the aerial photo, exposed ground that will not grow productive vegetation used in raw or processed feed for the cattle.

The proposal is to remove up to 10 acres which is less than 1% of the total acreage involved in farming and forest practices. This is not a significant change in any accepted farm or forest practices on the subject property or surrounding properties.

This will give the neighboring property owners a chance to take advantage of a nearby rock source for timber and agricultural use. This property is bordered by large timber and farm operations and this proposed use will not affect the neighboring property ability to manage their resources in any way. The proposed site provides for a natural boundary from other properties.

There is another large mining operation on a neighboring property that has existed for many years without any known complaints of significant increase in cost of accepted farm or forest practices.

Mr. Rolfe is a contract road builder for a local timber company and he could utilize his own product in some of his jobs which would help to expand his small business.

This request is allowed as long as the applicant can show that there will be no significant impacts to farm or forest practice on surrounding properties. There will be no impacts to accepted farming or forest practices because the operation will be minimal occupying less than 1% of 579.90 acres. The addition of this operation will not be noticeable to surrounding property owners because of its location and size of ownerships in the area. Therefore, based on the fact that Mr. Rolfe request meets the criteria, he is requesting that the Planning Commission authorize this use.
Attachment “A”
Attachment “B”
January 11, 1996

NOTICE OF HEARINGS BODY DECISION

RE:    Conditional Use Application to allow mining over 5000 cubic yards in the Exclusive Farm Use (EFU) zone.

File No.:    HBCU-95-11
Location:    T.28, R.12, S.10/11, TL#200/201

Dave Rolfe
HC 83 Box 2400
Coquille, OR 97423

Dear Mr. Rolfe:

On January 4, 1996, the Hearings Body unanimously approved your application for mining over 5000 cubic yards.

The decision was based on the evidence in the staff report and includes the following requirements:

REQUIREMENTS

1. The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" by acting upon this permit, agrees to notify the "buyer" or "grantee" of the terms and conditions of the permit.

2. All conditional uses remain valid for a period of two (2) years from date of final action. Any conditional use not established or vested within two (2) years from this date may be eligible for an extension period of up to 12 months.

The Hearings Body decision is final unless it is appealed in writing to the Board of Commissioners within 15 days of the date the final action was reduced to writing and mailed. This means that appeals filed after January 26, 1996, are not timely and will not be considered. Any notice of appeal

Attachment "B"
pursuant to Section 5.8.200 of the Coos County Zoning and Land Development Ordinance shall include the appeal fee ($500) and state:

i. how the Hearings Body erred in this decision; and

ii. the issues the petitioner seeks to have reviewed; and

iii. the facts establishing the petitioner has "standing to appeal" pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance.

You must obtain a zoning compliance letter from the Planning Department in order to obtain any required development permits from the State Building Codes Agency or the Department of Environmental Quality. If you wish to obtain a compliance letter prior to the termination of the appeal period, you will be required to sign a "Waiver of Vested Rights" form.

If you have any questions pertaining to this decision, please feel free to contact the Department at (541) 396-3121 or 756-2020, extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT

Patty Evernden, Planning Director

PE/jn

cc: Planning Commission
    David Perry, DLCD
    Marvin Sacket, Roadmaster
    Richard Angstrom, OCAPA
    Peter Wampler, DOGAMI
    File
COOS COUNTY PLANNING COMMISSION
MINUTES OF MEETING
JANUARY 4, 1996
COOS COUNTY ANNEX CONFERENCE ROOM
COQUILLE, OREGON 97423

COMMISSION MEMBERS PRESENT
Jolly Hibbits, Chairman
John Shank, Vice-Chairman
Jerry Phillips
Edgar Capps
Heidi Sause
Monte Lund
George Gant

COMMISSION MEMBERS ABSENT
Fred Marineau
Frances Ellen McKenzie

PLANNING STAFF PRESENT
Patty Evernden, Planning Director
Judy Norris, Secretary

Chairman Hibbits called the meeting to order at 7:00 p.m.

ITEM #1 CITIZEN PARTICIPATION

Chairman Hibbits opened the meeting for public comments concerning county zoning and planning matters.

No one in attendance had any comments to offer.

ITEM #2 APPROVAL OF MINUTES

Commissioner Gant moved (Commissioner Shank second) to approve the December 7, 1995, Hearings Body minutes. The motion passed unanimously.

ITEM #3 PUBLIC HEARINGS

Chairman Hibbits opened the public hearing to consider land use applications and asked staff if proper public notice had been given regarding the applications to be presented.

Commissioner Hibbits asked if there were any conflicts of interest regarding the Haga application. The Commissioners said no.

Patty Evernden stated that proper notice had been given.

The Planning Director stated for the record the hearings procedures pursuant to Section 5.7.300 of the Coos County Zoning and Land Development Ordinance (CCZLDO) and asked those in attendance if they understood their rights.
Staff received no requests for clarification of the procedures.

1. Neil and Dorothy Haga application (AM-95-05/RZ-95-02) Ordinance 95-11-008PL to allow a rezone from Rural Residential-Five (RR-5) to Industrial (IND).

Patty Evernden reviewed the application stating the review criteria as OAR 660-04-018, and Section 5.1.400. She noted an addendum to the Ordinance had been added as Exhibit B which was the applicant's findings.

Chris Hood, Stuntzner Engineering, representative for Dorothy and Neil Haga stated the rezone was to make the zone compatible with the historic use on the property.

Mr. Hood reviewed important issues in the findings and the fact that the industrial use has been established on the property since 1965.

He noted that over the years there had been several different uses and additions to the property such as a portable sawmill, a watchman-caretaker dwelling, addition to shop, an additional building and a mobile added as an office.

Pacific Power and Light has shown the billing class as industrial and commercial from the time power was supplied to the property.

Mr. Hood believes the applicable criteria has been met.

Doris Nehoda submitted her written testimony into evidence as Exhibit 1 and believes the rezone is inappropriate since the use has been allowed in the Rural Residential zone as a grandfathered use and a rezone could open the area for more industrial uses.

Questions were asked of Mrs. Nehoda regarding what changes she has noticed in the Haga property over the years, how long she has lived there, and what her concerns are.

She stated she remembered seeing several log trucks a day entering from the highway but she can only see the property from the top of her drive. Since Mr. Haga logged the property she is concerned with the watershed and whether her water will be affected.

Dorothy Hootman, representing herself and the League of Women Voters has no problem with what Mr. Haga has done and his grandfathered use. She is concerned with moving an industrial zone into a Rural Residential area. Mrs. Hootman recommended allowing Mr. Haga to bring up to
date the grandfathered use to the existing development but maintain the Rural Residential-Five zone.

Commissioner Hibbits asked Mrs. Hootman what she meant by "Bring up to date".

Mrs. Hootman stated any expansion allowed from the time of grandfathering in 1975 to date. Then if Mr. Haga wanted to expand or change the use he would need to apply for a conditional use for an expansion of the existing grandfathered use.

Elena Flaherty, adjacent neighbor, stated she hadn't noticed any expansion and had no idea it was a business until he logged the property. She is concerned with her water supply drying up or having her water contaminated.

Commissioner Shank asked what she thought would change if the property was rezoned. She stated she did not want to live next to an Industrial zone; she wanted the zone to stay Rural Residential.

Duane Haught owns the property next door to Mr. Haga and stated he has been renting the dwelling on his parcel for $800 a month which does not indicate the neighborhood is undesirable for residential living.

Mr. Haught stated the work on Mr. Haga's property is over the hill from the neighbors and is not in view. He is in favor of the rezone.

Mr. Fairchild questioned Mrs. Hootman's comment regarding allowing the expanded uses on Haga's property as a right since in the Haught hearings she gave differing testimony.

John Eckles, adjacent neighbor, stated he heard very little noise from the Haga property and has his well on the same side of the hill as the Haga property and has had no problem with his water.

Commissioner Gant asked how long he had lived there and he stated he was the second dwelling in the area and thought he moved there in approximately 1964.

John Plott owns property just southwest and his manufactured home is right below Mr. Haga's property. He has not heard much noise from the Haga property and believes the noise the neighbors are discussing is from a mill farther up the road. He has no objections to the rezone. Mr. Plott also noted he has had no problem with water.

Chris Hood, Stuntzner Engineering, stated compatibility
was not an issue and the logging seemed to be more of an issue than the existing industrial use. He believes the industrial use is irrevocably committed.

Commissioner Shank asked if the entire property would be usable for the industrial use. Mr. Hood stated there was a ravine between the Flaherty property and the Haga property which would not be usable.

The Planning Director stated compatibility was an issue under OAR 660 04 018 (2)(b)(c) but compatibility was with resource land not rural residential. This property would not impact any resource land so the criteria is not applicable.

Commissioner Hibbits asked if a qualified rezone could be implemented so any change in use would have to come before the Planning Director as a conditional use.

Mrs. Evernden stated the Planning Commission could recommend a qualified industrial use.

Chair Hibbits closed the public testimony portion of the hearing.

Discussion followed between the Commissioners.

HEARINGS BODY ACTION

Commissioner Gant moved (Commissioner Shank second) to recommend approval of the application AM-95-05/RZ-95-02 Ordinance 95-11-008PL to the Board of Commissioners to rezone the subject property from Rural Residential-Five (RR-5) to Industrial (IND) based on the findings submitted.

The motion passed with Commissioners Capps, Lund, Gant, Shank, Sause, Phillips for and Commissioner Hibbits against.

Patty Evernden stated the application would come before the Board of Commissioners on January 24, 1996 and February 7, 1996 at 1:30 p.m. in the Board of Commissioners Courtroom.

2. State of Oregon South Slough NERR plan amendment (AM-94-07) Draft Ordinance 95-11-010PL policy amendment to allow consideration of wetland restoration research projects in medium-priority mitigation sites.

The Planning Director reviewed the application stating the review criteria as the Statewide Planning Goals. She noted letters in favor of approval have been received and

CORRECTED MINUTES AS PER 2/1 HEARINGS BODY DECISION
distributed copies to the Commissioners from the Department of Land Conservation and Development and the Division of State Lands.

Craig Cornu, South Slough Steward, stated he had with him Steve Rumrill of South Slough and John Craig of the Corps of Engineers.

Mr. Cornu noted the first paragraph of the justification states what the proposal is. He submitted information on his research into mitigation sites and how many have been used in the County as Exhibit 1.

He showed maps with various mitigation sites (Exhibit 2).

Mr. Cornu noted since 1983 there were 18 mitigation projects in the Coos Bay Estuary and only 3 were protected mitigation sites, one of which is Barview Wayside and it was used three times.

John Craig, Corps of Engineers stated when the Corps looks at mitigation sites they are not concerned with who owns the property or if the sites are protected. Even if they are protected mitigation sites they could be jurisdictional wetlands.

Mrs. Evernden stated any research project would be subject to a conditional use application and a letter of approval from the Division of State Lands.

Steve Rumrill stated he runs the research programs and the funding comes from Fish and Wildlife Service.

The Chair closed the public testimony portion of the hearing.

Commissioner Sause stated she had strong feelings on this amendment and since her family name was referenced in Mr. Cornu's report she would step down if anyone objected.

No one objected.

Commissioner Sause stated she believes the conclusions were opinions, not findings of fact. She does not think this research will necessarily streamline the process.

Commissioner Gant was for the project but did not know why a mitigation bank couldn't be set up.

Chair Hibbits opened the public testimony to allow discussion regarding the mitigation bank.

John Craig stated it would be hard to set up a mitigation
bank for the South Slough project because it would be difficult to identify the pluses and would be hard to put a value on.

He believes this research is valuable. Permits have been denied because there was not enough information.

Chair Hibbits closed the public testimony for a second time.

Mrs. Evernden stated the amendment would require review by the Planning Director with the right of appeal.

Commissioner Gant asked for clarification regarding the criteria for approval on page 2 of Exhibit B. Did the Ordinance state the criteria needed to be met was ii. a, b, c or d or did it mean a, b, c, or a, b, d.

Mrs. Evernden stated it meant a, b, c, or a, b, d.

Also noted was a typographical error on page 2 Exhibit B ii. c. expeditions should read expeditious.

HEARINGS BODY ACTION

Commissioner Phillips moved (Commissioner Lund second) to recommend to the Board of Commissioners approval of Draft Ordinance 95-11-010PL (AM-95-07). The motion passed with Commissioners Lund, Hibbits, Shank, Phillips, Sause, and Gant for and Commissioner Capps against.

The Planning Director noted the hearing scheduled for Friday, January 5, 1996 at 9:30 p.m. is being continued to Monday, January 8, 1996 at 2:00 p.m. in the Board of Commissioner Conference Room downstairs in the Courthouse. The second hearing is January 24, 1996 at 2:30 p.m. in the Board of Commissioner's Courtroom.

3. David Rolfe application (HBCU-95-11) to allow mining of over 5000 cubic yards in the Exclusive Farm Use zone.

Mrs. Evernden reviewed the Rolfe application stating the review criteria was 4.9.350(d) of the CCZLDO.

David Rolfe stated he has an existing rock pit on his property but would like to open another pit approximately 400 yards from the existing pit.

No one else wished to testify; therefore, Chair Hibbits closed the public testimony portion of the hearing.

HEARINGS BODY ACTION

CORRECTED MINUTES AS PER 2/1 HEARINGS BODY DECISION
Commissioner Shank moved (Commissioner Gant second) to approve application HBCU-95-11 to allow mining of over 5000 cubic yards in an Exclusive Farm Use (EFU) zone based on the staff report.

The motion passed unanimously.

**ITEM #4 OTHER BUSINESS**

a. The Planning Director introduced Matt Laird, Planner.

b. Mrs. Evernden noted 101 Auto Wreckers has dual appeals to LUBA of the remand decision and a rezone on the property has been submitted by Mr. Fairchild.

c. Mary Stephens was allowed a template dwelling on her property near Bandon.

d. Port of Bandon has withdrawn its variance and rezone and is looking at its options.

e. Mr. McPeek has appealed to the Court of Appeals and is trying to get Judge Downer's decision reversed.

f. Earl Johnson revocation of the ZCL may be coming up in February.

g. Ridle/Chu has been remanded for approximately a year and we have sent out a letter requesting them to withdraw their application or to schedule a hearing date.

h. Mrs. Evernden stated the County is in the discussion stage regarding SB1156 Regional Problem Solving.

i. The Vierck application was denied.

**ITEM #5 PC COMMENTS**

**ITEM #6 ADJOURN**

Meeting adjourned at 10:15 p.m.

Minutes submitted by:

Judy Norris, Secretary
TO: Coos County Planning Commission
FROM: Coos County Planning Department
DATE: December 15, 1995
SUBJECT: Conditional Use to Allow Mining and a Quarry in the Exclusive Farm Use (EFU) zone.

APPLICANT AND OWNER: David K. Rolfe
HC83 Box 2400
Coquille, OR 97423

FILE NUMBER: HBCU-95-11

PROPERTY LOCATION: T.28, R.12, S.10/11 TL#200/201
PARCEL SIZE: 333.06 acres
ZONE: Exclusive Farm Use (EFU)

BUILDINGS AND STRUCTURES: None existing

PRESENT USE OF PROPERTY: Cattle Grazing and Rock Pit

SURROUNDING PROPERTIES:
North: Exclusive Farm Use (EFU)
South: Forest (F)
East: Exclusive Farm Use (EFU)
West: Forest (F)

ACCESS: Provided by Norway Lee Fairview County Road
REQUEST SUMMARY

The applicant is requesting approval to allow mining and a quarry on a portion of 333.06 acres (see Attachment "A"). An existing quarry (known by the applicant as ranch pit) is on the subject property but is not associated with this request.

REVIEW CRITERIA AND FINDINGS OF FACT

A decision to allow the use must be supported by findings which address the following review criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO).

EXCLUSIVE FARM USE CRITERIA

SECTION 4.9.350 (D)

Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

ORS 215.298(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.

FINDING: The applicant’s findings state the intent is to mine in excess of 5000 cubic yards of aggregate. A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan pursuant to ORS 215.298(2). Appendix 1 Volume 1 5.5 Mineral & Aggregate Resources (5) of the CCZLDO states in part:

"Coos County shall consider any other aggregate sites inventoried by this plan pursuant to ORS 215.298(2) as '1B' resources in accordance with OAR 660-16-000(5)(b)".

Coos County Ordinance 92-08-013PL amended the Coos County Comprehensive Plan and the Coos County Zoning and Land Development Ordinance (CCZLDO) to include lands identified as Exclusive Farm Use as inventoried '1B' aggregate sites, in accordance with OAR 660-16-000(5)(b).

The Department finds, therefore, that the criteria is met because the project is at an aggregate resources location inventoried by the acknowledged Coos County Comprehensive Plan.
SECTION 4.9.400 (A)(B)

A use authorized by Section 4.9.350 may be allowed provided the following requirements are met. 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 lands devoted to farm or forest use.

FINDING: Existing aggregate mining operations have existed adjacent to the proposed mining site for many years (Coos County Hervey Pit). No evidence suggests any adverse impacts have been created for adjacent forest and farm operations.

The applicant indicates (applicant's findings, Attachment "C"), and the Department finds, that approval of the proposed mining and quarry would not alter or affect the surrounding lands. An operating rock quarry (known by applicant as ranch pit) has been in existence on the subject property for many years, however is not connected to this proposed project. Documentation from DOGAMI indicates the Hervey Pit sited adjacent to the subject property on Tax Lot 400 has existed since before 1972. 1986 aerial photos indicate the ranch pit was in existence prior to May, 1986. The Department finds that these criteria are satisfied, based upon the air photos, which show that the aggregate mining would be compatible with surrounding farm and forest uses. Attached as Attachment "B" is DOGAMI's report of on-site inspection of the proposed pit.

However, as compatibility is an issue, additional testimony and evidence will be heard and considered.

STAFF ANALYSIS

Staff believes that the proposed mining and quarry meet the criteria set forth above. The quarry will not significantly increase a change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, nor will the proposed mining and quarry significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. No evidence available to date suggests otherwise.
As a note, the project will be required to meet all of the Department of Geology and Mineral Industries (DOGAMI) surface mining and site reclamation requirements.

CONCLUSION/RECOMMENDATION

Based upon the applicant's submitted findings and the existing mining and quarries in the area, the Department believes the applicant has satisfied the review criteria and recommends approval of the request subject to the condition set forth below:

SUGGESTED CONDITION OF APPROVAL

The permit shall run with the land and may be transferred to a new landowner when the property is conveyed. However, the "seller" or "grantor" by acting upon this permit, agrees to notify the "buyer" or "grantee" of the terms and conditions of the permit.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Theda L. Kerns, Planner

PE/TLK/mv

Attachments: Attachment "A" - Site Map  
Attachment "B" - DOGAMI's Report  
Attachment "C" - Applicants's Findings

c: Dave Perry, DLCD  
Larry Wallace, County Assessor's Office  
Coos Soil/Water Conservation District  
Marvin Sackett, County Roadmaster  
Richard Angstrom, OCAPA  
Peter Wampler, DOGAMI  
File
State of Oregon  
Department of Geology and Mineral Industries  

1536 Queen Ave. SE  
Albany, Oregon 97321  
Phone (503) 967-2039  

REPORT OF ON-SITE INSPECTION  

<table>
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<tr>
<th>Name</th>
<th>ID No.</th>
<th>Site:</th>
<th>County</th>
<th>Section and Township, Range</th>
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<tr>
<td>David Rolfe</td>
<td>06-0077</td>
<td>Rolfe Ranch</td>
<td>Coos</td>
<td>10 and 11, 288, 12W</td>
</tr>
</tbody>
</table>

Interim Reclaimed Acres 0  
Concurrent Reclaimed Acres 0  

Date Of Inspection: September 28, 1995  

I was accompanied on this initial inspection by David Rolfe, applicant.  

Site Description  

The site is approximately 11 miles northeast of Myrtle Point. Access is gained via Highway 42 north out of Myrtle Point to Norway-Lee Valley Road to a gravel road approximately ½ mile north of the Hervey Bridge. Two copies of an updated site plan map are enclosed for your review. Please sign one copy and return it in the enclosed self-addressed envelope as soon as possible. The other copy is for your records.  

An area of roughly one half an acre has been cleared in preparation for mining. Less than 5,000 cubic yards has been produced on this site to date; therefore, the current work was done under a Total Exemption status. The area has been stripped, but no material has been removed. The site is located in fairly steep topography which has been previously cleared for grazing of sheep and cows.  

Vegetation consists of grasses with significant patches of alder which are pioneering into the drainages and spreading outward onto the ridges. The material to be mined consists of a strongly weathered marine volcanic rock with well developed spheroidal weathering near the surface. The rock is overlain by overburden ranging in depth from zero to five feet in some areas. The soil cover in this area is quite poor and what soil is present is very rocky and clay-rich.  

C: Coos County Planning Department  
DEQ – Coos Bay  

Encls.  

Inspected by Peter J. Wampler  
Reclamationist  
Mined Land Reclamation  

Attachment "B"  
1 of 2
**Mining Procedures**

The mining will take place as a side hill cut with overburden being pushed toward the south. The nearest property line is located approximately 200-300 feet to the north. There is an ephemeral drainage located on the northeast side of the site. There is no well developed channel in the drainage and, according to Mr. Rolfe, water flows in this drainage only during extremely wet storm events. The access road has been placed across this creek with a culvert to allow water to flow through.

The nearest stream, which has consistent flow, is Schoolhouse Creek, which is located approximately 3,000 feet to the southeast. The site will be worked predominantly in the dry summer months which should minimize the storm water generated on the site. The site is not visible from any of the neighboring properties or the Norway-Lee Valley Road and no significant impacts to the neighbors are anticipated.

Mining is to take place using a D-8 cat. Blasting will probably be necessary in some areas. There are no plans at this time to do any processing on site. Only pit run material will be produced.

The bond for the initial acre of disturbance on the site will be set at $3,500. The bond must be provided prior to permit issuance. I recommend granting this permit with the following conditions; the Permittee shall:

1. stockpile overburden outside of the ephemeral drainage located adjacent to the site.
2. seed and mulch unvegetated overburden that is to be left over the winter.

Attachment "B"

2 of 2
The Mined Land Reclamation office of the Department of Geology and Mineral Industries has received the attached application for a surface mining permit.

Please comment and return this form by January 18, 1996. If you have no comments, it is not necessary to return. It is also not necessary to return the attached documents.

{} We have no objection to the proposed project.
{} We have no objection to the proposed project subject to the modifications listed below.
{} We recommend that the conditions listed below be added to the permit. Include reasons for conditions.

Other comments listed below. Permit pending - see below,
{} Please send a copy of the Operating Permit and future Inspection Reports.

A conditional use to allow mining & a quarry in the Exclusive Farm Use (EFU) zone has been set for a public hearing before the Coos County Planning Commission on January 4, 1996 at 7 PM.

BY: [Signature] Planner
PHONE: (541) 356-3131

Please print or type name/Title

[Handwritten notes]
I own the property all around the site and use the property for grazing cows. There are 3 or 4 other pits in the same area within 1/4 mile one of them is the county heavy pit so it will not change the use of the land at all. It won't increase the cost of farm or forest practices at all in fact it will probably decrease it because of the available rock will be cheaper because of less rock price and less trucking cost.

Attachment "C"
File Number: HBCU 95-11
Applicant: Dave Rolfe
             HC 83 Box 2400
             Coquille, Or. 97423
Location: Township 28, Range 12, Section 10 / 11
         Tax Lot #200/#201
Proposal: Mining over 5,000 cubic yards
COOS COUNTY PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

ACU inside UGB
ACU outside UGB

The following application must be completed in full. An application will not be accepted for a conditional use request without this information.

The County will use these answers in its analysis of the merits of the application.

PLEASE PRINT OR TYPE

A. APPLICANT:

Name DAVE ROLFE Telephone 572-2342
Address HC 83 A400 Coquille OR

As applicant, I am (check one):

X the owner of the property;

the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;

a lessee in possession of the property who has the written consent of the owner to make such applications;

the agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

If other than the owner, please give the owners name and address:

________________________________________________________________________

________________________________________________________________________

FORM 10/84
B. DESCRIPTION OF PROPERTY:

Township 28  Range 12  Section 1011  Tax Lot 200/20/20

Lot Size 13.940 ACRES  Zoning District EFU

existing Use CATTLE GRAZING AND ROCK PIT

C. STATE THE SPECIFIC USE REQUESTED:

EXPAND ROCK PIT TO OVER 5,000 SQ. Y

D. JUSTIFICATION:

Pursuant to the Zoning and Land Development Ordinance, this application may be approved only if it is found to comply with the "Review Standards and Special Conditions" applicable to the proposed use.

Therefore, please attach a page or pages with your "findings" (or reasons) regarding how your application and proposed use comply with the following "Review Standards and Special Conditions" from Chapter IV of the Ordinance:

E. REQUIRED SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATION:

(1) A legal description of the subject property (deed);

(2) Covenants or deed restrictions on property, if any;

(3) A general location map of the property and a detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures, each on 8 1/2 x 11" paper;

(4) If applicant is not the owner, documentation of consent of the owner including:

a. a description of the property
b. date of consent
c. signature of owner
d. party to whom consent is given
e. notarization of consent

12/13/95 after discussion w/Mr. Rolfe removing TL 200 5/11 from application.  He is establishing a new pit in NE corner of TL 200 and expanding the existing pit. He gave his consent to change application.
E. AUTHORIZATION:

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based on false statements or misrepresentations.

[Signature of applicant]

Received by: [Handwritten]
Date: 11-20-95

Fee Received

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<th>ACU Fee ($300)</th>
<th>HB Fee ($400)</th>
<th>Multiple Request</th>
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<td>[ ] Cash</td>
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<td>[ ] Check</td>
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<td></td>
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</tr>
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ACU - 3

This page revised 1/95
jn
DEED

RACHEL R. CHANEY (formerly Rachel E. Rolfe), Grantor, conveys to DAVID K. ROLFE, Grantee, the following described real property in Coos County, Oregon:

The NW¼ NE¼, NE¼ NW¼ and the SW¼ NE¼ of Section 10, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon. ALSO the NW¼ NW¼, SW¼ NW¼ and the SE¼ NW¼ of Section 11, said Township and Range. ALSO that portion of the NE¼ NW¼, NW¼ NE¼ and the SW¼ NE¼ lying westerly of the following described line: Beginning at a point on the North line of Section 11, said Township and Range, which is East 2,076.69 feet of the Northwest corner of said Section 11, thence South 32° 57' 24" E 243,24 feet, more or less, to a 5/8" iron rod; thence continuing South 32° 57' 24" E 2,944.20 feet to an iron rod; thence continuing South 32° 57' 24" E 5.36 feet, more or less, to the South line of the SW¼ SE¼ of said Section 11.

ALSO the Southeast one quarter of the Northeast one quarter of Section 10, Township 28 South, Range 12 West of the Willamette Meridian in Coos County, Oregon.

EXCEPTING therefrom, the South 200 feet of the Southeast one quarter of the Northeast one quarter of Section 10, Township 28 South, Range 12 West of the Willamette Meridian in Coos County, Oregon.

Coos County Assessor's Account Nos. 8497.03 and 8491.00.

The true and actual consideration for this conveyance is $0.00. This deed is given as a gift.

THIS INSTRUMENT WILL 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 APPROVED USES.

Until a change is requested, all tax statements are to be sent to the following address: David K. Rolfe, MC 83 Box 2400, Coquille, OR 97423.

Dated this 1st day of March, 1992.

[Signature]

Rachel R. Chaney

STATE OF OREGON

County of ________ ss.

This instrument was acknowledged before me on March 11, 1992 by Rachel R. Chaney.

[Seal]

ELAINE M. MAUPIN
Notary Public for Oregon
My Commission Expires: 07.13.96

RETURN TO: Foss, Whitty, Littlefield & McDaniel
P.O. Box 1120
Coez Bay, OR 97420

RECORDING # 92030358

I, Mary Ann Wilson, Coos County Clerk, certify the within instrument was filed for record at

10:19 ON 03/10/1992

By M. BRIGHT, Deputy

Fee $ 33.00
BARGAIN AND SALE DEED

RACHEL E. ROLFE and DAVID K. ROLFE, Grantors convey

to DAVID K. ROLFE, Grantee, the following described real

property:

PARCEL I. The NE 1/4 of the NE 1/4 ° of Section
11, Township 28 South, Range 12 West of the
Willamette Meridian, Coos County, Oregon, ex-
cept that portion lying Northeasterly of the
North Fork of the Coquille River.

PARCEL II. That portion of the NW 1/4 of the
NE 1/4, the S 1/2 of the NE 1/4, and the NE
1/4 of the NW 1/4 of Section 11, Township 28
South, Range 12 West of the Willamette Meridian,
Coos County, Oregon, lying Easterly of the
following described line: Beginning at a
point on the North line of Section 11, said
Township and Range, which is East 2076.69
feet of the Northwest corner of said Section
11; thence South 32° 57' 24" East 243.24 feet,
more or less, to a 3/8 inch Iron rod; thence
continuing South 32° 57' 24" East 2944.28
feet to an iron rod; thence continuing South
32° 57' 24" East 5.38 feet, more or less, to
the South line of the SW 1/4 of the SE 1/4
of said Section 11.

PARCEL III. Government Lots 10, 11 and 12,
the SW 1/4 of the NW 1/4 of Section 12,
Township 28 South, Range 12 West of the
Willamette Meridian, Coos County, Oregon.

No consideration is given for this conveyance as
it is given in dissolution of a partnership formerly
existing between the Grantors.

Until further notice, all tax forms shall be sent
to the following address: David K. Rolfe
2400 Fairview Route
Coquille, Oregon 97423

Dated this 2nd day of __________ , 1981.

Bargain and Sale Deed -1.
STATE OF OREGON 
County of Coos 

Personally appeared the above named RACHEL E. ROLFE 
and DAVID K. ROLFE, and acknowledged the foregoing in- 
strument to be their voluntary act and deed. Before me:

Dy. R.

Rotary Public for Oregon
My Commission Expires: 11/30/88

After Recording Return to:
David K. Rolfe
2400 Fairview Rd.
Coquille, Oregon 97423

Bargain and Sale Deed -2.
BARGAIN AND SALE DEED

RACHEL E. ROLFE and DAVID K. ROLFE, grantors, convey to RACHEL E. ROLFE, grantee, the following described real property:

The NW 1/4 NE 1/4, NE 1/4 NE 1/4 and the SW 1/4 NE 1/4 of Section 10, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon. ALSO the NW 1/4 NW 1/4, SW 1/4 NW 1/4 and the SE 1/4 NW 1/4 of Section 11, said Township and Range. ALSO that portion of the NE 1/4 NW 1/4, NW 1/4 NE 1/4 and the SW 1/4 NE 1/4 lying Westerly of the following described line: Beginning at a point on the North line of Section 11, said Township and Range, which is East 2,076.69 feet of the Northwest corner of said Section 11, thence 532° 57' 24" E 243.24 feet, more or less, to a 5/8'' iron rod; thence continuing 532° 57' 24" E 2,944.28 feet to an iron rod; thence continuing 532° 57' 24" E 5.38 feet, more or less, to the South line of the SW 1/4 SE 1/4 of said Section 11.

ALSO the Southeast one quarter of the Northeast one quarter of Section 10, Township 28 South, Range 12 West of the Willamette Meridian in Coos County, Oregon.

EXCEPTING therefrom, the South 260 feet of the Southeast one quarter of the Northeast one quarter of Section 10, Township 28 South, Range 12 West of the Willamette Meridian in Coos County, Oregon.

No consideration is given for this conveyance as it is given in dissolution of a partnership formerly existing between the grantors.

Until further notice, all tax forms shall be sent to the following address: Rachel Rolfe, P. O. Box B, Powers, Oregon 97466.

BARGAIN AND SALE DEED - 1
Dated this 2nd day of ____, 1981.

[Signature]
RACHEL E. ROLFE

[Signature]
DAVID K. ROLFE

Grantors

STATE OF OREGON } ss.
County of Coos } ss.
Feb. 2, 1981

Personally appeared the above named RACHEL E. ROLFE
and DAVID K. ROLFE, and acknowledged the foregoing instrument
to be their voluntary act and deed. Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 11/11/83

AFTER RECORDING RETURN TO:
David K. Rolfe
2400 Fairview Rd.
Coquille, Oregon 97423

RECORDED BY
[Stamp]
Coos County Sheriff

BARGAIN AND SALE DEED - 2