



Coos County  
Planning Department  
Lawfully Established Parcel  
Determination Application

Official Use Only

Fee 600  
Receipt No. 209905  
Check No./Cash 2521  
Date 5/10/19  
Received By C. Orr  
File No.

D-19-002

The following application must be completed in full. An application **will not** be processed for a land use request without this information. The County will use these answers in its analysis of the merits of the application. Please submit readable deeds. A signed consent form will be required if the applicant and owner are not the same.

**A. PLEASE PRINT OR TYPE (please attach additional sheets, if necessary):**

Owner(s): Mary Jo Jansgaard Telephone: 541-259-3332  
Address: 69627 WILDWOOD RD  
City: NORTH BEND Zip Code: 97459  
Email: \_\_\_\_\_

Applicant(s): RICHARD L. JANSGAARD Telephone: 541-297-6130  
Address: 69627 WILDWOOD RD  
City: NORTH BEND Zip Code: 97459  
Email: DICK JANSGAARD@GMAIL.COM ALLOWER ONLY

**B. PROPERTY INFORMATION:**

Township: 24S Section: 2-BD  
Range: 13W Tax Lot: 2400  
Tax Account: 157302 Zoning District: RR-2

**C. SUBMISSION REQUIREMENTS:**

- Completed application form with appropriate fee
- A copy of the current deed of record
- A copy of each deed being used as evidence to support the application
- A detailed map indicating the relation of the existing property boundary to the discrete parcel boundaries

**D. AUTHORIZATION: All areas must be initialed by all owners/applicant prior to the Planning Department accepting any application.**

x REJ  
x MGG

I hereby attest that I am authorized to make the application for an administrative review 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.

x REJ  
x MGG

**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 has adopted a schedule of fees which reflects 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 responsible 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.

x REJ  
x MGG

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.

x REJ  
x MGG

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.

x REJ  
x MGG

As the applicant(s) I/we acknowledge, pursuant to CCZLDO Section 6.1.150, a deed describing any recognized lawfully created parcels must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

**E. SIGNATURES:**

x *Paul Janson*  
Applicant(s) Original Signature

x *Mary Jo Jansgaard*  
Applicant(s) Original Signature

x 5-9-2019  
Date

x 5-9-19  
Date

\_\_\_\_\_  
Applicant(s) Original Signature

\_\_\_\_\_  
Applicant(s) Original Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CCZLDO	§ 6.1.125	LAWFULLY CREATED LOTS OR PARCELS:
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**SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

1. The unit of land was created by an approved and recorded partition or subdivision;
2. A unit of land determined to be a legal lot or parcel through a prior county approval of a land use decision;
3. The unit of land is recognized as a legal lot as the result of court decisions or LUBA final opinion; or
4. The unit of land was created by deed instrument or land sales contract recorded prior to December 6, 1962, which was the date of the first official Coos County Subdivision Ordinance. After 1962 there was a legal process adopted by Coos County for land divisions.
5. The unit of land that was created by a lien foreclosure, foreclosure of a recorded contract of the sale of real property or the creation of cemetery lots;
6. The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
7. The unit of land was created as a result of a dedication of a public road (held in fee simple) prior to 1990 may divide property in the following cases:
  - a. Between December 6, 1962 and January 1, 1989 (date the ordinance stopped acknowledging roads divide property) there were land division provisions adopted by Coos County. Staff will apply the provisions that were in place at that time the property was deeded to determine if the dedicated public road (held in fee simple) allowed for the road to divide the property; or
  - b. If a public dedicated road was held in fee simple prior to December 6, 1962 and the property was bisected by a public dedicated road held in fee simple then the properties were lawfully divided and will be recognized as lawfully created parcels; or
8. The unit of land was created by a legal description in deeds or other instruments conveying real property prior to 1986. A deed may describe property as separate parcels but must have a beginning and ending point for each description within that deed.

CCZLDO	§ 6.1.150	APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS
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**SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

If a parcel or lot cannot be shown to exist pursuant to LDO Section 6.1.125 Subsections 1 through 5 above then an application and notice is required. In the case of Subsections 4 through 8 an applicant shall submit evidence to show that the parcel(s) or lot(s) were lawfully created. A map showing the lawfully created parcel(s) or lot(s) shall be submitted with the application.

Staff will review the application based on the criteria in LDO Section 6.1.125; however, the applicant may provide case law to review if there is another applicable circumstance not provided in Section 6.1.125. If County Counsel is required to review information to determine legal status of a parcel or lot additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created lot or parcel exists it shall be separated out on its own deed prior to any reconfiguration such as property line adjustment. A copy of that deed needs to be provided to the Planning Department to show the process has been completed. If there are more than two discrete parcels found in rural area then a road may be required to provide access. The applicable road standards in Chapter VII will apply.

MULKINS & RAMBO, LLC

P.O. BOX 809 NORTH BEND, OR 97459 Ph. (541)751-8900 Fax (541)751-9000

May 9, 2019

Jill Rolfe  
Coos County Planning Department  
250 N Baxter  
Coquille, OR 97423

Re: Jamsgard Discrete Parcel Application

Dear Jill:

Thank you for your assistance on the Jamsgard's dilemma. We all know what the answer should be, but how do we get there.

An acreage determination using the Assessment Record shows that an area has been allotted to Wildwood Road, formerly Old Coast Highway 101. This evidence indicates the road has been in fee ownership along with the property description. Calculation are shown below.

Jamesgard Property Description:

S1/2 SE1//4 SE1/4 NW1/4 of Sections 2, Township 24 South, Range 13  
West of the Willamette Meridian, Coos County, Oregon, excepting the  
East 265.75 feet (or 4.026 chains).  
Except the Rights of the public to the property within the limits of Old  
Oregon Coast Highway.

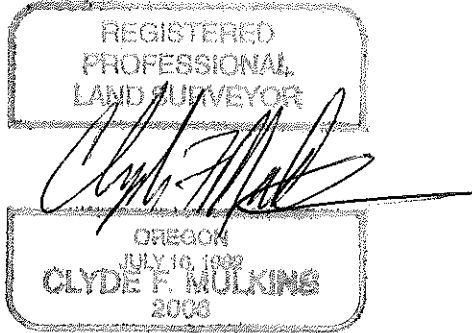
Acreage determination of excepted Old Coast Highway:

S1/2 SE1//4 SE1/4 NW1/4 (aliquot section portion)	5.00 Acres
Tax Lot 2500 & 2501 (exceptions to East)	
(4.026 chains x 5.00 chains) ÷ 10 sq chains/acre =	<2.01 Acres>
<hr/>	
Acreage Tax Lots 1200 & 2400 plus Wildwood Road	2.99 Acres
Tax Lot 2400	2.00 Acres
Tax Lot 1200	0.68 Acres
<hr/>	
Area in Old Coast Highway right of way (Wildwood)	0.31 Acres

It looks like the Assessor's Office has recognized the Old Highway was fee for years. With this evidence Tax Lots 2400 and 1200 are divided by a strip of land owned by the state. The old highway maps, Coos County files T-8, T-41 and T-42 date back to 1931.

If you have any questions please let me know. Thank you!

Sincerely,



RENEWAL 12/31/2020

# DISCRETE PARCELS

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SE1/4 NW1/4 SEC. 2 T.24S. R.13W. W.M.  
COOS COUNTY

24 13 2BD

CANCELLED  
400

1" = 100'



24 13 2BD

**AFTER RECORDING SEND TO:**

Karen L. Costello  
Costello Law Office, PC  
P.O. Box 600  
Coos Bay, OR 97420

COOS COUNTY, OREGON **2018-02973**

\$51.00 03/30/2018 11:24:03 AM

Pgs=2



00075536201800029730020029

DEBBIE HELLER, CEA, COOS COUNTY CLERK

**SEND TAX STATEMENTS TO:**

Mary Jo Jamsgard  
69627 Wildwood Road  
North Bend, OR 97459

**CONSIDERATION:** \$0 - Estate Planning

**BARGAIN AND SALE DEED**

KNOW ALL MEN BY THESE PRESENTS that Mary Jo Jamsgard, hereinafter known as Grantor, does hereby grant, bargain, sell, and convey unto Mary Jo Jamsgard, as Trustee of the Mary Jo Jamsgard Revocable Trust dated March 27, 2018, hereinafter known as the Grantee, her successors and assigns, all of her right, title, and interest in the following real property, with the tenements, hereditaments, and appurtenances, located at 69627 Wildwood Road, North Bend, Oregon, situated in the County of Coos, State of Oregon, more particularly described as:

*The S 1/2 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 2, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon excepting the East 265.75 feet thereof.*

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

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



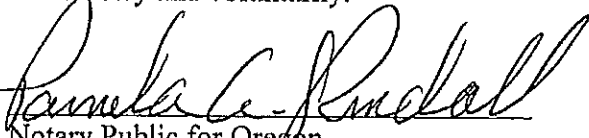
424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009,  
AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

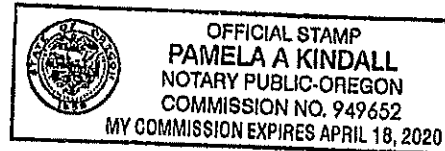
WITNESS my hand and seal this 27<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Mary Jo Jamsgard

STATE OF OREGON        )  
                                  ) ss.  
County of Coos         )

On March 27, 2018, before me personally appeared the above-named Mary Jo Jamsgard, and  
acknowledged that she executed the foregoing instrument freely and voluntarily.

  
\_\_\_\_\_  
Notary Public for Oregon



90 2 1129

MEMORANDUM OF REAL ESTATE CONTRACT

On the 20 day of February, 1990, WADE W. McDOUGALL and HELEN L. McDOUGALL, husband and wife, as Sellers, and RICHARD L. JAMSGARD and MARY JO JAMSGARD, husband and wife, as Buyers, entered into a contract for the sale and purchase respectively of the following real and personal property, situated in the County of Coos, State of Oregon, to-wit:

The S 1/2 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 2, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, excepting the East 265.75 feet thereof.

A 1972 Westwind mobile home, Oregon license number X85727.

SUBJECT TO:

- (1) Rights of the public in streets, roads and highways;
- (2) Easement, including the terms and provisions thereof, for overhead lines, to Central Lincoln Peoples Utility District, by instrument recorded July 25, 1977, bearing Microfilm Reel No. 77-8-14297, Records of Coos County, Oregon.

The true and actual consideration for this real and personal property is \$45,000.00.

Send tax statements to the Buyers at: P.O. Box 27  
North Bend, Oregon 97459

After recording return to:  
Mr. & Mrs. Wade W. McDougall  
P.O. Box 807  
North Bend, Oregon 97459

2530  
2916  
State of Oregon  
County of Coos  
90-2-1129  
I, Mary Ann Wilson, County Clerk, certify the  
within instrument was filed for record at  
3:00 pm Feb 21, 1990  
By [Signature] Deputy  
#pages 27 Fee \$ 10-2-20

Memorandum of Real Estate Contract - 1.