



**Coos County
Planning Department
Lawfully Established Parcel
Determination Application**

Official Use Only

Fee \$210.00 30%
Receipt No. 209949
Check No./Cash Check # 1977
Date 6/6/19
Received By JR
File No. D-19-003

additional fee will be mailed

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): STEEL CREEK-LAIRD RANCH
AND TREE FARM, LLC Telephone: 253-222-8389
Address: 15902 FAIROAKS DRIVE SOUTH
City: SPANAWAY, WA Zip Code: 98387
Email: _____

Applicant(s): MURRAY CLARNO, Telephone: 253-222-8389
MANAGING PARTNER
Address: 15902 FAIROAKS DRIVE SOUTH
City: SPANAWAY, WA Zip Code: 98387
Email: _____

B. PROPERTY INFORMATION:

Township: 28S Section: 12
Range: 11 W Tax Lot: 300
Tax Account: 820500 Zoning District: F/EFU

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

One
MPC REC
S.D.C. B

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.

One
MPC REC
S.D.C. B

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.

One
MPC REC
S.D.C. B

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.

One
MPC REC
S.D.C. B

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.

Peggy J. Couch
* Applicant(s) Original Signature
5.9.2019
Date

Harry D. Clarno
* Applicant(s) Original Signature
5-10-2019
Date

Roby Clarno
* Applicant(s) Original Signature
5-10-2019
Date
Melinda Clarno
* Applicant(s) Original Signature
5-10-2019
Date

Mary L. Clarno
* Applicant(s) Original Signature
5-10-19
Date

CCZLDO

§ 6.1.125

LAWFULLY CREATED LOTS OR PARCELS:

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 though 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

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 thorough 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.

DISCRETE PARCELS

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 12 T28S R11W W.M.
COOS COUNTY

28S 11W 12

1" = 400'

CANCELLED NO.

- 1501
- 2802
- 2900
- 1401
- 2100
- 702
- 2500
- 1502
- 2200
- 2201
- 2202
- 1503
- 2700

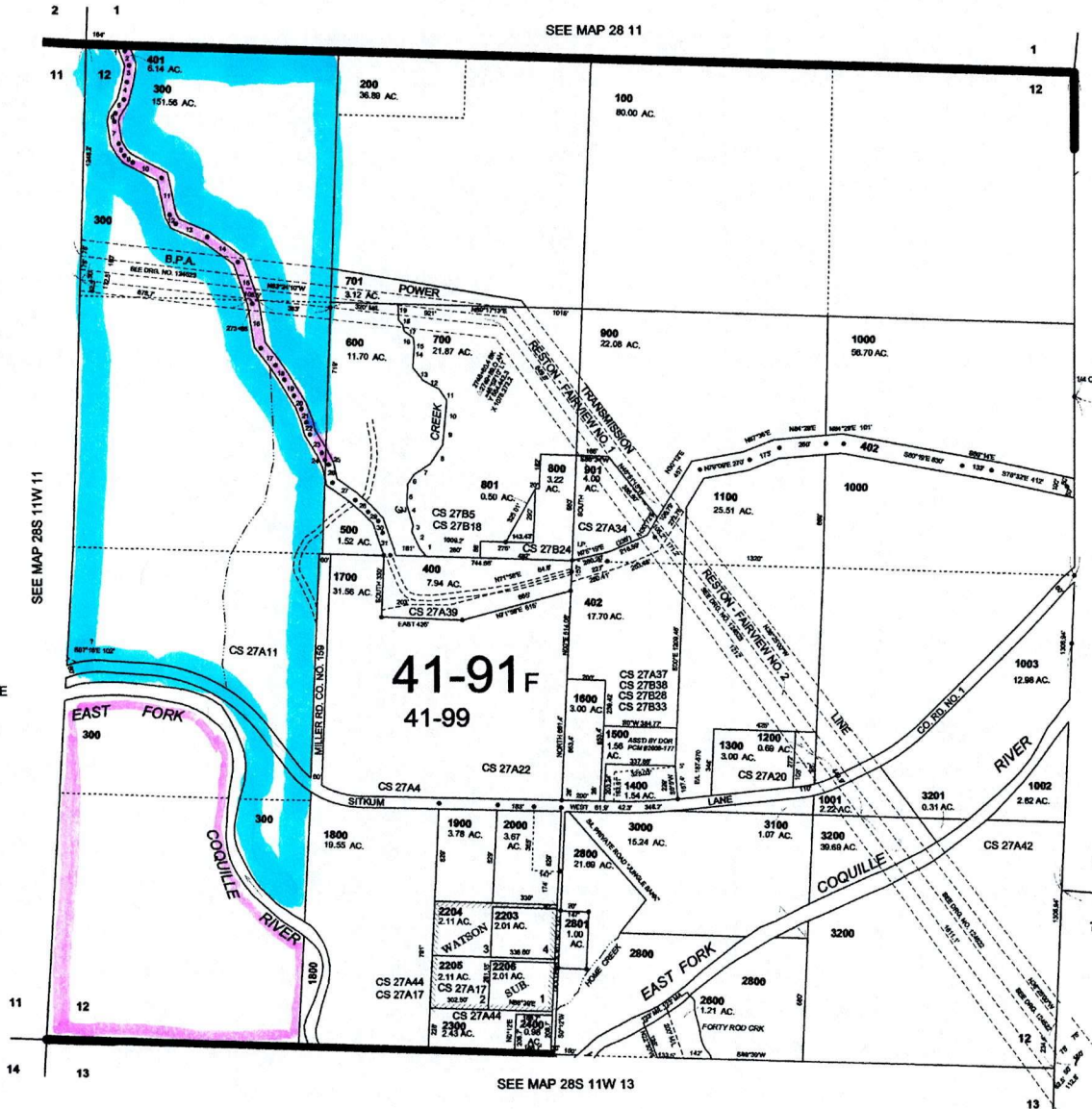
SEE MAP 28 11

PARCEL 401

1. S14°10'E 25'
2. S22°30'E 93'
3. S07°00'W 88'
4. S12°00'W 90'
5. S29°50'W 86'
6. S09°00'W 46'
7. S11°00'E 122'
8. S32°00'E 68'
9. S44°15'3" 55'
10. S65°40'E 200'
11. S14°15' 200'
12. S31°20'E 61'
13. S69°03'E 184'
14. S55°26'E 199'
15. S20°58'E 230'
16. S11°15'3" 230'
17. S40°33'E 124'
18. S36°41'E 88'
19. S33°46'E 100'
20. S34°41'E 70'
21. S23°35'E 84'
22. S18°31'E 88'
23. S34°02'E 125'
24. S27°19'E 47'
25. S27°19'E 19'
26. S15°10'E 101'
27. S56°43'E 146'
28. S61°01'E 97'
29. S45°14'E 75'
30. S20°38'E 72'
31. S21°09'E 109'

**POR. OF TRAVERSE
FOR PARCEL 700**

1. N42°45'W 53.2'
2. N30°00'W 101'
3. N11°00'E 32'
4. N21°15'2" 118'
5. N02°15'W 110'
6. N29°00'E 60'
7. N52°00'E 102'
8. N28°30'E 116'
9. N01°00'E 113'
10. N00°30'E 122'
11. N39°00'W 71'
12. N66°00'W 96'
13. N43°00'W 86'
14. N01°00'W 111'
15. N10°45'W 45'
16. N57°30'W 59'
17. N17°00'W 38'
18. N45°30'W 33'
19. N06°00'W 76'



SEE MAP 28S 11W 11

SEE MAP 28S 10W

SEE MAP 28S 11W 13

08-23-2018

28S 11W 12

MULKINS & RAMBO, LLC

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

June 6, 2019

Jill Rolfe, Director
Coos County Planning Dept.
250 N. Baxter
Coquille, OR 97423

Re: Discrete Parcels of Tax Lot 300, T28S, R11W, Sec 12

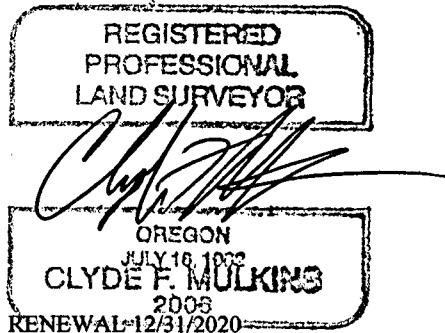
Dear Jill:

The above tax lot is composed of four discrete parcel based on the following:

1. The north half of the property was divided be a 100 foot wide strip of land commonly referred to as the G. P. Reload. This strip was sold from the subject property to Coos Bay Lumber Company in 1950's. This strip of land was re-conveyed back with the subject property by a Bargain and Sale Deed per Micro-film Reel No. 88 9 0457, Coos County Deed Records. This road resulted in the creation of two discrete properties lying to the North and South of the road.
2. Enclosed is a Division of State Land document, dated March 27, 1981, on the Matter of Navigability of the Coos and Coquille Rivers. Navigability defines who owns the bed of the rivers, the state of abutting owners. The document marks the limit of navigability for the East Fork Coquille River at River Mile 13.5 (Dora). This makes the state the owner of the river bed where it crosses Tax Lot 300, below Dora. The Result is making property again to the North and South as discrete.

The referencing documents are enclosed. Thank you!

Sincerely,



WHEN RECORDED RETURN TO:

Foss, Whitty, Littlefield, McDaniel
& Bodkin, LLP
P.O. Box 1120
Coos Bay, OR 97420

MAIL TAX STATEMENTS TO:

STEEL CREEK - LAIRD RANCH AND TREE FARM, LLC

14991 Sitkum Lane
Myrtle Point, OR 97458

CONSIDERATION: No consideration is being given for this deed. This deed is given to transfer the described property to a newly formed limited liability company.

BARGAIN AND SALE DEED

LILA M. SHELTON (formerly known as LILA MAE CLARNO), Grantor, conveys to STEEL CREEK - LAIRD RANCH AND TREE FARM, LLC, Grantee, the following described real property in Coos County, Oregon:

PARCEL A:

West half of West half of Section 12, Township 28 South, Range 11 West of Willamette Meridian, Coos County, Oregon.

PARCEL B:

A strip of land 100 feet in width, being 50 feet on each side of the hereinafter described center line across the West half of the Northwest 1/4 of Section 12, Township 28 South, Range 11 West, Willamette Meridian, in Coos County, Oregon, which center line is more particularly described as follows:

Beginning at a point on the North line of said Section 12, which lies 164 feet East of the Northwest corner of said Section 12, running thence South 14° 10' East a distance of 25 feet; thence South 22° 30' East a distance of 93 feet; thence South 07° 00' West a distance of 88 feet, thence South 12° 00' West a distance of 90 feet; thence South 29° 50' West a distance of 86 feet; thence South 09° 00' West a distance of 46 feet; thence South 11° 00' East a distance of 122 feet; thence South 32° 00' East a distance of 68 feet; thence South 44° 15' East a distance of 55 feet; thence South 65° 40' East a distance of 200 feet; thence South 14° 15' East a distance of 200 feet; thence South 31° 20' East a distance of 61 feet; thence South 69° 03' East a distance of 184 feet; thence South 55° 26' East a distance of 199 feet; thence South 20° 58' East a distance of 230 feet; thence South 11° 16' East a distance of 230 feet; known as Engineer's Station

273+88, thence South 40° 33' East a distance of 124 feet; thence South 36° 41' East a distance of 88 feet; thence South 33° 46' East a distance of 100 feet, thence South 34° 41' East a distance of 70 feet; thence South 23° 35' East a distance of 84 feet; thence South 16° 31' East a distance of 68 feet; thence South 34° 02' East a distance of 125 feet; thence South 27° 19' East a distance of 47 feet to a point on the East line of the Southwest Quarter of the Northwest Quarter of said Section 12 which lies 492.3 feet North of the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 12, containing 6.14 acres more or less.

Coos County Assessor's Tax Account Numbers: 8205.00, 8205.90 and 8202.03

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 29 day of February, 2000.

Lila M. Shelton
LILA M. SHELTON

STATE OF OREGON)

) ss.
County of Coos)

This instrument was acknowledged before me on 2/29, 2000 by LILA M. SHELTON.



Darlene L. Andrews
Notary Public for Oregon



Until a change is requested, all tax statements shall be sent to the following address:

88 9 0457

Lila M. Shelton
H. C. 26, Baiting
Myrtle Point, Or. 97458

BARGAIN AND SALE DEED

REX TIMBER INC., an Oregon corporation, ("Grantor") does hereby grant, bargain, sell and convey to LILA M. SHELTON, ("Grantee"), all of the following real property described on the attached Exhibit A and by this reference made a part hereof.

SUBJECT TO:

- a. all matters of record;
- b. any visible or apparent roadways, easements and rights-of-way over or across the real property which do not appear of record;
- c. the lien of any real property taxes or other assessments not yet due and payable;

The true and actual consideration for this transfer is approximately TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00).

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.

State of Oregon
 County of Coos 88-9-0457
 I, Mary Ann Wilson, County Clerk, certify the
 within instrument was filed for record at
 Sept 8 10:40 Am 88
 By D. Anderson Deputy
 #pages - 3 - Fee \$ 15.25

8 1988
9 0457

SEP - 8 1988

12-28-11

3/6
out of 8

IN WITNESS WHEREOF, Grantor above named has caused these presents to be executed by its duly authorized officers and its corporate seal to be hereunto affixed this 11th day of August 1988.

REX TIMBER INC.



By: L. Mobley *LM*
Its: Vice President
By: William Craig
Its: Assistant Secretary

STATE OF OREGON)
County of Multnomah) ss.

On this 11th day of August, 1988, before me the undersigned, a Notary Public in and for said County and State, personally appeared Dewey Mobley and William Craig, known to me to be the Vice President and Assistant Secretary, respectively, of Rex Timber Inc., the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.



Cathy A. White
NOTARY PUBLIC
My Commission Expires: 7-31-90

0000 0

EXHIBIT A

A Strip of land 100 feet in width, being 50 feet on each side of the hereinafter described center line across the W 1/2 of the NW 1/4 of Section 12, Township 28 South, Range 11 West, Willamette Meridian, in Cook County, Oregon, which center line is more particularly described as follows:

Beginning at a point on the North line of said Section 12, which lies 164 feet East of the NW corner of said Section 12, running thence South 14 10' East a distance of 25 feet; thence South 22 30' East a distance of 93 feet; thence South 07 00' West a distance of 88 feet, thence South 12 00' West a distance of 90 feet, thence South 29 50' West a distance of 86 feet, thence South 09 00' West a distance of 46 feet; thence South 11 00' East a distance of 122 feet; thence South 32 00' East a distance of 68 feet; thence South 44 15' East a distance of 55 feet; thence South 65 40' East a distance of 200 feet; thence South 14 15' East a distance of 200 feet; thence South 31 20' East a distance of 61 feet; thence South 69 03' East a distance of 184 feet; thence South 55 26' East a distance of 199 feet; thence South 20 58' East a distance of 230 feet; thence South 11 15' East a distance of 230 feet; known as Engineer's Station 273+88, thence South 40 33' East a distance of 124 feet; then South 36 41' East a distance of 88 feet; thence South 33 46' East a distance of 100 feet, thence South 34 41' East a distance of 70 feet; thence South 23 35' East a distance of 84 feet; thence South 16 31' East a distance of 68 feet; thence South 34 02' East a distance of 125 feet; thence South 27 19' East a distance of 47 feet to a point on the East line of the SW 1/4 of the NW 1/4 of said Section 12 which lies 492.3 feet North of the Southeast corner of the SE 1/4 of the NW 1/4 of said Section 12, containing 6.14 acres more or less.

36
out of
11

BEFORE THE DIVISION OF STATE LANDS
OF THE STATE OF OREGON

In the matter of a determination)
of navigability of streams)
pursuant to ORS 274.031, on its)
own motion.)

NOTICE OF HEARING CONCERNING
THE NAVIGABILITY OF THE COOS AND
COQUILLE RIVERS AND THEIR TRIBUTARIES

To: The owners of record of lands adjacent or contiguous to the following:

<u>WATERCOURSE</u>	<u>UPPER LIMIT</u>	<u>UPPER LIMIT - APPROXIMATE LOCATION</u>
Coos River	All	Coos River
Millicoma	All	Allegany
East Fork	River Mile 14.6	Above Matson Creek
West Fork	River Mile 13.0	Above Allegany
South Fork	River Mile 15.5	Above Dellwood
Coquille River	All	Myrtle Point
Bear Creek	River Mile 3.0	Mouth of Bill Creek
East Fork	River Mile 13.5	Dora
Middle Fork	River Mile 13.0	5 miles above Bridge
Big Creek	River Mile 4.0	4 miles above Bridge
Myrtle Creek	River Mile 9.0	Near Bancroft
North Fork	River Mile 42.0	11 river miles above Laverne Falls
Middle Creek	River Mile 13.0	Near Bancroft
South Fork	River Mile 25.3	Near Powers

and other interested persons.

You are hereby notified that the Division will hold a hearing concerning the issue of navigability of the above streams pursuant to the provisions of ORS 274.031.

This statute requires such a hearing to be included in its investigation and determination of the "issue of navigability". For purposes of the Division's performance of its lawful functions, this means "whether a stream was navigable in fact on February 14, 1859". Under the statute a stream is navigable in fact on that date if it was susceptible of being used in its ordinary condition as a highway for commerce, trade, and travel in the customary modes of trade and travel on water.

(OVER)

1. The hearing will be held at the hours of 2:00 p.m. and 7:00 p.m. on Tuesday, April 21, 1981.
2. The hearing will be conducted in the City of Coquille Community Building, 115 N. Birch, in Coquille, Oregon.
3. The Division of State Lands, as a result of its investigation to date, has prepared a preliminary study on the issue of navigability of these streams. Copies of this study, entitled Coos and Coquille Navigability Studies, have been sent to the following locations and should be available for public inspection:

Coos Bay Library
525 Anderson
Coos Bay

Flora M. Laird Memorial Library
5th & Willow
Myrtle Point

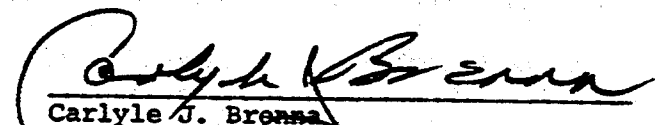
Bandon Library
City Hall
Bandon

Coquille Library
105 N. Birch
Coquille

Additional copies are available for public inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Division of State Lands, 1445 State Street, in Salem, Oregon.

4. Interested persons may present their data, views, or arguments, whether orally or in writing, at the hearing. Written comments are encouraged and may be submitted, no later than May 5, 1981, to the Division of State Lands.
5. Telephone inquiries may be directed to the Division of State Lands at 378-3805, Navigability Unit.

Dated this 27 day of March, 1981.


Carlyle J. Bronna
Acting Director
Division of State Lands

CONCLUSION

From this abundance of data on the navigable use of the Coos and Coquille Rivers, what portions of the beds of the main streams and their tributaries may be claimed by the State?

On the basis of vessel navigation, neither branch of the Coos River supported vessel navigation above the head of tide at Allegany and the State Fish Hatchery, except for a limited use of the South Coos between River Miles 12.5 and 14.5 by small recreational boats. On the Coquille River, steamboats and gasoline launches carrying freight, mail and passengers ascended to River Mile 14.3 on the North Fork, Dora at River Mile 13.5 on the East Fork and to Broadbent at River Mile 10 on the South Fork during the first two decades of this century. The sections of the river which have been opened to vessel navigation, primarily by recreational craft, have been extended by the Port of Coquille River acting under its legislative mandate to River Mile 21.5 on the North Fork, River Mile 4 on the Middle Fork, McKinley at River Mile 8.5 of Middle Creek, and Rowland Prairie or River Mile 24 on the South Fork. Drift boaters use the North Fork below Laverne Falls (RM 31.3), the Middle Fork below Bridge (RM 8), and the South Fork below Powers (RM 30) to the present time.

These reaches were exceeded on some forks of the Coquille by log drives undertaken with regularly recurring natural streamflow during winter months. This went as high as River Mile 42 on the North Fork. Splash dams were early used on that fork to spread logs downstream in advance of the winter freshets to minimize the risk of jams in the river. Navigability of the North Fork to River Mile 42 was recognized in 55 OR 372.

Logs came down Middle Creek from as high as River Mile 13 for two decades. Successful driving of the Middle Fork with natural flows occurred from River Mile 13 in Enchanted Prairie. This fork's tributaries, Big Creek and Myrtle Creek, were driven by unaided streamflow from River Miles 4 and 9 respectively. On the South Fork log driving was undertaken for several years by different logging operators from Rural at River Mile 30. Bear Creek was also driven with ordinary flow by several operators from at least the mouth of Bill Creek (River Mile 3).

The exercise of jurisdiction by the Public Service and Public Utilities Commission has further extended the claim of the State to River Mile 24.8 of the Middle Fork of the Coquille.

These navigable lengths on the Coquille may be compared to the meandered lengths on three of the forks: River Mile 22 on the North Fork, River Mile 7 on the East Fork, and River Mile 30.5 on the South Fork.¹⁷⁸

On the Coos and Millicoma Rivers the main claim to the beds of these streams is on the basis of log drives and the exercise of jurisdiction by the Public Service and Public Utilities Commission. On the East Fork of the Millicoma the head of log driving with unaided streamflow was River Mile 14.6, the tributaries apparently being driven only with the aid of splash dams. This claim to the East Fork was strengthened by the grant of a booming franchise to the Millicoma Boom Company up to River Mile 11.5.

On the West Fork of the Millicoma the highest point at which driving occurred with unaided streamflow would seem to be River Mile 13. Reaches of the river above this point required splash dams in order to transport sawlogs. No booming franchise was issued for this stream.

The South Coos was driven from River Mile 15.5 with unaided streamflow. These drives had the obstacle of the fish hatchery racks to clear at River Mile 12. Although the court granted a franchise on this river on the basis of navigability for all of the river above tidehead except any portion east of Range 9 West of the Willamette Meridian, this was evidently done as a wartime emergency measure, and subsequent driving depended on massive river-bed improvement and the regular use of splash dam assistance.

SUMMARY

<u>Waterway</u>	<u>Boat Miles</u>	<u>Log Drive Miles</u>	<u>Town Near Head</u>
Coos River	All		Coos River
South Fork Coos	0-12	0-15.5	6.5 mi. above Dellwood
Millicoma	All		Allegany
East Fork Millicoma		0-14.6	Above Matson Creek
West Fork Millicoma		0-13	13 RM. above Allegany
Coquille River	All		Myrtle Point
South Fork Coquille	0-24	0-25.3	2 mi. below Powers
Middle Fork Coquille	0-8	0-13	5 mi. above Bridge
Big Creek		0-4	Near Bridge
Myrtle Creek		0-9	Near Bancroft
East Fork Coquille	0-13.5	0-13.5	Dora
North Fork Coquille	0-21.8	0-42	11 mi. above Laverne Falls
Middle Creek	0-7.9	0-13	McKinley
Bear Creek		0-3	Near Bandon