



Coos County  
Planning Department  
Lawfully Established Parcel  
Determination Application

Official Use Only  
Fee \$600.00  
Receipt No. 212899  
Check No./Cash 1154  
Date 8/19/19  
Received By A. Drabble  
File No.

D-19-005

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): BANDON BLACK MOON PRIMS Telephone: 541-347-6477  
Address: 86814 SYDNAM LANE  
City: BANDON Zip Code: 97911  
Email: MJLOVAS@GMAIL.COM

Applicant(s): MICHAEL LOVAS Telephone: 925-577-0293  
Address: 219 BRANNAN ST UNIT 11D  
City: SAN FRANCISCO, CA Zip Code: 94107  
Email: MJLOVAS@GMAIL.COM

**B. PROPERTY INFORMATION:**

Township: 30 Section: 14  
Range: 15 Tax Lot: 0500  
Tax Account: 1367200 Zoning District: F/EPU

**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.**

*M*

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.

*u*

**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.

*M*

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.

*M*

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.

*M*

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:**

*[Signature]*  
 Applicant(s) Original Signature  
8/15/2019  
 Date

*PRESENT  
 BARRA BALL NOW  
 EXAMS ULL*

*[Signature]*  
 Applicant(s) Original Signature  
8/15/2019  
 Date

*[Signature]*  
 Applicant(s) Original Signature  
8/15/19  
 Date

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

CCZLDO	§ 6.1.125	LAWFULLY CREATED LOTS OR PARCELS:
--------	-----------	-----------------------------------

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

“Lawfully established unit of land” means:

1. The unit of land was created:
  - a. Through an approved or pre-ordinance plat;
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
  - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
  - d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
  - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
  - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.
2. Creation of parcel previously approved but not acted upon (92.178).
  - a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
  - b. A plat implementing the previous land use decision was not recorded; or
  - c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
  - d. An application under this section is not subject to ORS 215.780.
  - e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

CCZLDO	§ 6.1.150	APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS
--------	-----------	--



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

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land 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 unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist, a road may be required to provide access. The applicable road standards in Chapter VII will apply.



Bandon Black Moon Farms

Marijuana Operation  
in Barn

30S15W14 500

Map_No	30S15W14
Parcel_No	500
Account Number	1367200
ACRES	67.63
OWNER1	BANDON BLACK MOON FARMS, LLC
OWNER2	
OWNER3	
SITUSSTR	86814 SYDNAM LN
SITUSCITY	BANDON
SITUSZIP	97411

[Zoom to](#)



RECORDED BY  
FIRST AMERICAN TITLE  
2325225



After recording return to:  
Bandon Black Moon Farms, LLC  
681 Norante Court  
Pleasanton, CA 94566

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Bandon Black Moon Farms, LLC  
681 Norante Court  
Pleasanton, CA 94566

File No.: 7132-2325225 (kad)  
Date: October 01, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

COOS COUNTY, OREGON      **2014-08524**  
**\$56.00**      10/24/2014 03:12:36 PM  
Pgs=3



00015203201400085240030032  
 Terri L. Turl, Coos County Clerk

**STATUTORY WARRANTY DEED**

**Thomas C. Forgatsch and Virginia R. Forgatsch, as Trustees of the Forgatsch Family Revocable Living Trust, dated October 1, 2008, Grantor, conveys and warrants to Bandon Black Moon Farms, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$530,000.00**. (Here comply with requirements of ORS 93.030)

APN: 1367200

Statutory Warranty Deed  
- continued

File No.: 7132-2325225 (kad)

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.

Dated this 21 day of Oct, 2014.

Forgatsch Family Living Trust

Thomas C Forgatsch

Thomas C. Forgatsch, Trustee

Virginia R Forgatsch

Virginia R. Forgatsch, Trustee

NOTARY PUBLIC CERTIFICATION  
Loida Torrano Third Judicial Circuit  
Doc. Description: Statutory Warranty  
Deed

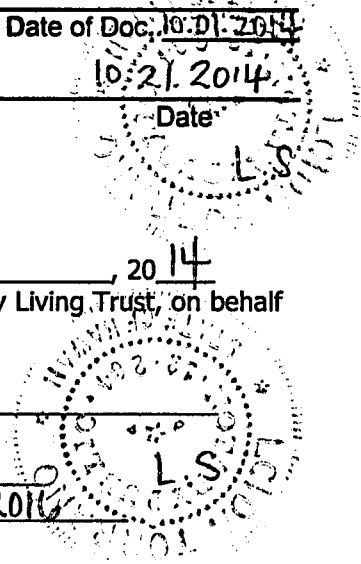
No. of Pages: 3 Date of Doc. 10.21.2014

Loida Torrano  
Notary Signature Date 10.21.2014

STATE OF Hawaii )  
County of Hawaii )ss.  
)

This instrument was acknowledged before me on this 21<sup>st</sup> day of October, 2014 by Thomas C. Forgatsch and Virginia R. Forgatsch as Trustess of Forgatsch Family Living Trust, on behalf of the Trust.

Loida Torrano  
**LOIDA TORRANO**  
Notary Public for Hawaii  
My commission expires: 8.26.2016



**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Coos, State of Oregon, described as follows:

**THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15, WEST OF THE WILLAMETTE MERIDIAN IN COOS COUNTY, OREGON.**

**ALSO, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 30 SOUTH, RANGE 15, WEST OF THE WILLAMETTE MERIDIAN IN COOS COUNTY, OREGON, EXCEPTING THEREFROM THE FOLLOWING:**

**ALSO: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 33 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; THENCE SOUTH 0° 39' 33" WEST ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, 553.00 FEET TO A 3/4 INCH IRON ROD AS SHOWN ON SURVEY 42 A 54, SAID IRON ROD ALSO BEING NORTH 0° 39' 33" EAST, 755.27 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING OF A BOUNDARY LINE AGREEMENT AND QUITCLAIM DEED RECORDED ON MICROFILM REEL NO. 82-5-4200, COOS COUNTY, OREGON RECORDS; THENCE ALONG SAID BOUNDARY LINE AGREEMENT NORTH 89° 18' 32" WEST, 326 FEET TO A 3/4 INCH IRON ROD; THENCE NORTH 2° 52' 38" WEST, 336.73 FEET, MORE OR LESS, TO A 3/4 INCH IRON ROD; THENCE NORTH 89° 18' 32" WEST, 943.28 FEET, MORE OR LESS, TO A 3/4 INCH IRON ROD ON THE NORTH-SOUTH CENTER LINE OF SAID SECTION 14; THENCE NORTH 0° 45' 09" EAST, 241 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14; AND THE TERMINUS OF THE COMMON BOUNDARY; THENCE SOUTH 89° 18' 32" EAST, 1292.71 FEET TO THE POINT OF BEGINNING.**

**ALSO, GRANTING UNTO THE BUYERS THE RIGHT TO USE A PERMANENT RIGHT OF WAY AND EASEMENT FOR POWER LINE PURPOSES AS RESERVED IN MEMORANDUM OF LAND SALE CONTRACT DATED MAY 1, 1978, BETWEEN GLADE M. KREWSON AS SELLER AND NATHAN D. HOLT AND CAROLINE D. HOLT, HUSBAND AND WIFE, RECORDED MAY 3, 1978 AS MICROFILM NO. 78-4-4707, AS BUYERS, AS RECORDED IN RECORDS OF COOS COUNTY, OREGON.**