



Coos County Community Development

Mailing Address: 250 N. Baxter, Coquille, Oregon

Building Codes Department – (541) 266-1098 - 1155 S 5th St., Coos Bay OR 97420

Planning Department – (541) 396-7770 – 60 E. Second St., Coquille OR 97423

www.co.coos.or.us

TDD (800) 735-2900

DATE: December 16, 2022
TO: File HBCU-22-001
FROM: Jill Rolfe, Community Development Director
RE: Response to testimony

On December 1, 2022 Sean T. Malone, Attorney at Law provided written testimony and argument on behalf of Oregon Coast Alliance. In that document Mr. Malone raises and issue with the Staff’s statement that the lots/parcels were created pursuant to Section 6.1.125.1.e. Below is the relevant criteria and tax lot book pages that pertain to the units of land in question. The deeds are on record as well as prior land use approvals if necessary.

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 intervening 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.

The deeds were in the tax lot book and deeds were part of the record but staff did fail to attach them. These were also reviewed in during prior applications and determined to be lawfully created. Here are the images:

Account Numbers 1240300 & 1240390 Property could be deeded and sold prior to 1986 to be lawfully created. There were subsequent property line adjustments were approved by staff that correspond to changes in the deed.

OF DESCRIPTIONS OF REAL PROPERTIES	54-03 54.01		29	15	24	100			
	CODE AREA NUMBER	TMP	RGE	SEC	1/4	1/16	PARCEL NUMBER	TYPE	NO
		MAP NUMBER			NUMBER			SPEC INT	
	TAX LOT NUMBER								
OLD ACCT. NO. <u>12403</u>		FORMERLY PART OF _____							
OLD TAX LOT NO. <u>12403.90</u>									
Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING					
		VOL	PAGE						
54.01ac 133.24 AC									
part lying in Code 54.01 <u>54.02</u> 133.24 AC <u>133.24 AC</u>									
remainder in Code 54.02 <u>54.01</u> 5.00 AC <u>5.00 AC</u>									
		* UNRECORDED CONTRACT COOK, FRANCES & RAYMOND		RICHART, CHRISTIAN					
		* HAS COOK, FRANCES TO COOK, RAYMOND		68-4-27609					
REDMON, CHARLES J. & THELMA J.	7-3-79	69-4	535	Redmond		160.00			
Exc: U.S. Hwy 101 0.91Ac						159.09			
Redmon, Charles J. & Thelma J., Trustees of the Charles J. & Thelma J. Redmon Joint Revocable Living Trust	8-21-92	92-12-	0211						
REF ONLY: Death cert. Redmon, Charles J. Redmon, Thelma J., Trustee of the Charles J. & Thelma J. Redmon Joint Revocable Living Trust dated 7-14-92	3-11-93	93-03	0366	Redmon Trust to Fugate					
1/2 Fugate, Barbara MC	06-24-93	93-06	0940						
Redmon, Thelma J., Trustee of Charles J. & Thelma J. Redmon Joint Revocable Living Trust dated 7-14-92	6-29-93	93-06	1183	Re. referred to correct legal descrip. 10 93-06 0940					
1/2 FUGATE, BARBARA MC	7-19-93	93-07	0493						
WD RICHART TO COOK REF ONLY: (SARIS files unrecorded contract)	7-19-93	93-07	0494						
WD COOK TO Redmond REF ONLY: (SARIS files 69-41535)	7-19-93	93-07	0494						
Split code acreage correction	1-31-94								
EXCEPT PARCEL 101 w/39.09Ac	12-6-95	95-10	0097			120.00			
EXCEPT PARCEL 102 w/46.00Ac	12-6-95	95-10-	0097			80.00			
Fugate, Barbara Deed	8-6-03	2003	11441	Redmon Trust to Fugate PLA					
EXCEPT PARCEL 103 w/15.49Ac	8-14-03	2003-	7392			64.51			
FUGATE, JOHN R. & FUGATE, BARBARA SAs	8-14-03	2003-	10693						
BANDON BIOTA, LLC WD	8-14-03	2003-	10695						
Deed - Redmon Trust to Fugate R.P. (only) - no longer exist	9-8-03	2003	11822						
ALSO PARCEL 105 w/ 75.73Ac PLA FUGATE FARMS TO BANDON BIOTA REF ONLY TO CLARIFY LEGAL DESCRIPTION	4-20-10	2007-	11974	Comments 2007-11974		138.24			
	6-3-10	2010-	4923						
150-303-049 (5-77)									

OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES	CANCELLED									
	54.01	59	15	24		105				
	CODE AREA NUMBER	TWP	RGE	SEC	1/4	1/16	PARCEL NUMBER	TYPE	NO	
	MAP NUMBER					TAX LOT NUMBER		SPEC INT		
ACCT. NO. <u>CLW 1241601.00.4</u> TAX LOT NO. <u>1241601.00</u>	FORMERLY PART OF <u>102</u>									
Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING						
		VOL	PAGE							
<u>BANDON BIOTA LLC</u>	<u>4-28-10</u>	<u>PLA 2007</u>	<u>11974</u>	<u>73.73</u>						
CANCELLED AND COMBINED WITH <u>100</u>	<u>4-28-10</u>	<u>PLA 2007</u>	<u>11974</u>							

Account Number 1241601 – Created in 1979 through sales contract, sold unit of land in 1980 and combined with additional lawfully created parcels in 1996.

OFFICIAL RECORDS OF DESCRIPTIONS OF * REAL PROPERTIES	54.01		29	15	25	1000			
	CODE AREA NUMBER	TWP	RGE	SEC	1/4	1/16	PARCEL NUMBER	TYPE	NO
		MAP NUMBER						SPEC INT	
	TAX LOT NUMBER								
OLD ACCT. NO. 12416.01	FORMERLY PART OF _____								
OLD TAX LOT NO. _____									
Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING					
		VOL	PAGE						
RILEY R. L. & RUTH R. 9% CAVIORETTO, FRANCES D.	7-5-79	Contract on File		86.36					
CAVIORETTO, FRANCES D.	7-11-80	80-3-263							
Except Parcel 1001 76.36	7-11-80	80-3-265		10.00					
Brooks, DAVE H. & Hill, JAMES S.	2-24-83	83-1 7047							
Brookhill Farms of Oregon ^{in partnership} WD	11-27-95	95-11 0430							
Also Parcel 1001 w/76.36 AC.	12-17-96	per owner's REQUEST		86.36					
Also Parcel 1100 w/7.20 AC	12-17-96	per owner's REQUEST		93.56					
Hill, James J. (and 1/2 int) & Brooks, David H. + Jeannette D. (1/2) Btl	6-15-00	1998 58721							
Brooks, David H. + Brooks, Jeannette D., 71% David H. Brooks + Jeannette D. Brooks Trust 5-2-92	6-15-00	1998 58838 BS 1998 58842 BS		Hill to Brooks Brooks to Trust					
Puhl, Ronald D. & Mary Anne, Trustees of the Ronald + Mary Anne Puhl Trust 12-1-95 WD	5-21-04	2004 6652							
Bardoni Biota, LLC WD	6-1-10	2010 4708							

Account Number 1241602 – Sales agreement allowed in 1979 to lawfully create unit of land.

OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES	54.01 29 15 25 1200							
	CODE AREA NUMBER	TWP	RGE	SEC	1/4 1/16	PARCEL NUMBER	TYPE	NO
		MAP NUMBER				TAX LOT NUMBER		SPEC
	OLD ACCT. NO. 12416.02		FORMERLY PART OF _____					
OLD TAX LOT NO. _____		DATE OF ENTRY ON THIS CARD		DEED RECORD		ACRES REMAINING		
Name and Tax Lot Information				VOL	PAGE			
RILEY, R. L. & RUTH R, % CAURETTO, FRANCES D.		7-5-79		Contract on file		40.00		
CAURETTO, FRANCES D.		7-11-80		80-3-263				
MEYER, LOWELL E		7-11-80		80-3-266				
Brook Hill Farms of Oregon; Brooks, Dave H. & Jeanette D.; & Hill, James J.		WD 6-14-91		91-06-0396				
A Partnership Brookhill Farms of Oregon		WD 11-27-95		95-11-0430				
Hill, James J. (und 1/2 int) & Brooks, David H. & Jeanette D. (1/2) Bus		6-15-00		1998 58727				
Brooks, David H. & Brooks, Jeanette D., Trust David H. Brooks & Jeanette D. Brooks Trust 5-1-92		6-15-00		1998 58828 105		WD to Brooks		
Puhl, Ronald D. & Mary Ann, Trustees & the Ronald & Mary Ann Puhl Trust 12-1-95		WD 5-21-04		2004 6652		Brooks to Trust		
Banded Birds, LLC		WD 6-1-10		2010 4708				

Account Number 1241700 – Created with Sales Contract and then Property Line adjustment approved in 2003 from Planning Department records creating tax lot 901.

OFFICIAL RECORDS
OF DESCRIPTIONS
OF
REAL PROPERTIES

54.01	29	15	25			900		
CODE AREA NUMBER	TWP	RGE	SEC	1/4	1/16	PARCEL NUMBER	TYPE	NO
	MAP NUMBER					NUMBER	SPEC INT	
	TAX LOT NUMBER							

OLD ACCT. NO. 12417.00
OLD TAX LOT NO. _____

FORMERLY PART OF _____

Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
		VOL	PAGE	
BROWN, VIVIAN M.	7-5-79	171	21	40.00
EXCEPT PARCEL 901 w/ 9.11 AC	5-29-03	2003 PLA	6462	30.89
BANDON BIOTA, LLC	5-29-03	2003-	6464	