



Coos County Planning Department
Land Use Application

Official Use Only

FEE: _____
Receipt No. _____
Check No./Cash _____
Date _____
Received By _____
File No. _____

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

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

Name: Aaron Powell Telephone: (509)443-4542
Address: 4219 E. Rowan Ave.
City: Spokane State: WA Zip Code: 99217

B. Owner:

Name: ORC Properties LLC Telephone: (541)266-0875
Address: PO Box 1350
City: Coos Bay State: OR Zip Code: 97420

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:

Township 25 S Range 13 W Section 35 DB Tax Lot 300
Tax Account 395700 Lot Size 12.26 Acres Zoning District CBEMP 38-UD

ORC Properties LLC

*Conditional Use Permit Application for
Log Storage Area*

*Located in Quarter Section DB of Section 35,
Township 25 South, Range 13 West W.M.,
Coos County, Oregon*

Table of Contents

APPLICATION

EXHIBITS

Exhibit A – Written Narrative

Exhibit 1 – Map of Property

Exhibit 2 – Parcel Map

Exhibit 3 – Consent Letter

Exhibit 4 – Current Deed of Record

PREPARED FOR:

ORC Properties LLC.
63776 Mullen Rd
Coos Bay, OR 97420

PREPARED BY:

Aaron Powell
Baird Hanson LLP
4219 E Rowan Ave.
Spokane, WA 99217

E. Information (please check off as you complete)

- ✓ 1. Existing Use Not used
- ✓ 2. Site Address N/A
- ✓ 3. Access Road Mullen St.
- ✓ 4. Is the Property on Farm/Forest Tax Deferral No
- ✓ 5. Current Land Use (timber, farming, residential, etc.) No current use
- ✓ 6. Major Topography Features (streams, ditches, slopes, etc.) Largely flat lying, gently sloping hills outside of proposed log storage area. Small stream running north south near the center of the property, but located outside of the proposed log storage 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. The owner owns a parcel of land north of the proposed log storage, but is separated by a railroad easement. The parcel is located in Township 25 S, Range 13 W, Section 35, Tax Lot 300.
- ✓ 8. Identify any homes or development that exists on properties identified in #7. The parcel identified in #7 hosts Oregon Resources Corporation's mineral separation plant and its ancillary facilities such as an office, maintenance building, laboratory and stormwater treatment plant.
- ✓ 9. A copy of the current deed of record. See Exhibit 4
- ✓ 10. Covenants or deed restrictions on the property, if unknown contact title company. See attached deed for a list of deed restrictions. See attached letter from Teck Resources stating that the handling of raw logs does not constitute an agricultural product.
- ✓ 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) See attached Parcel Map. (Exhibit 2)

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: See Exhibit A

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.

AP

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.

AP

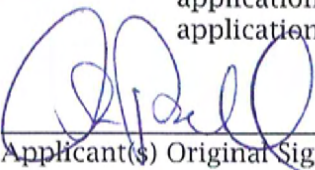
ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for 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 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 choose to revoke this permit or send this debt to a collection agency at your expense.

AP

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.

AP

As applicant(s) I/we acknowledge that it 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

1.0 Background

1.1 Site Description and Vicinity

The property that is the subject of this Conditional Use Permit Application (this Application) is located in the Bunkerhill area, at the site previously owned by Teck Cominco America, Inc. The property is located in Township 25 South, Range 13 West, Section 35, Quarter Section DB, tax lot 300. A map of the property is attached hereto as Exhibit 1.

Coalbank Slough borders the property to the west. The community of Bunkerhill borders the property to the south. The community of Bunkerhill hosts a mixture of residential and commercial uses within the vicinity of the property. The lands lying to the east are owned by Georgia Pacific and are the site of an industrial and port facility which stores, processes and ships timber products. The property is bordered by a railroad right-of-way to the north, which separates this property from another Oregon Resources Corporation (ORC) property which hosts ORC's mineral processing facility.

The property was historically used for the storing and sorting of logs by Al Pierce Lumber Company.

1.2 Proposal for Log Storage

This Application requests that the County approve a conditional use permit to allow for log storage within the property. A map depicting the proposed use of the property is attached hereto as Exhibit 2.

The proposed log storage area will be leased to Lynn Herbert Sawmills LLC (Tenant). The tenant anticipates up to four unloading events per year. After an unloading event logs will remain within the proposed log storage area for no more than 45 days before transshipment to other facilities by the Tenant.

1.3 Transportation

Logs will be transported to the site by barge and unloaded by the Tenant using an existing wharf attached to separate property owned by Oregon Resources Corporation (ORC). Logs will be transported by truck over ORC property roughly 0.2 miles to the proposed log storage area. Log trucks will cross a railroad right-of-way which separates ORC's northern properties from the property hosting the proposed log storage area. The Tenant will assume all responsibility for obtaining permission to cross the right-of-way. Logs will be unloaded within the proposed log storage area and stored for no more than 45 days. Logs will be transported from the proposed log storage area by truck to other facilities owned by the Tenant.

1.4 Property Zoning

ORC is submitting an Ordinance Text Amendment application, along with this application, to allow for log storage within the property.

The property is subject to the Coos Bay Estuary Management Plan (CBEMP) overlay and is subject to the 38-Urban Development (38-UD) zoning district. Under the proposed language of the Ordinance Text Amendment, the proposed use within the zoning district is subject to the following CBEMP policies:

Policy Nos. 17, 18, 23, 27 and Special Condition 8 (Policy 16b(I))

The County has the authority to approve the proposed log storage area as an Administrative Conditional Use, provided that the log storage area is in compliance with the above referenced CBEMP policies. As discussed in detail below, the proposed log storage area complies with each of the applicable CBEMP policies and therefore the Applicant respectfully requests that this Application be approved.

2.0 Conditional Use Approval Criteria – Applicable CBEMP Policies

2.1 #16b(I) Rural, Urban, and Unincorporated Communities Use Standards

- I. *Commercial and Industrial uses in Unincorporated Communities and on Rural Lands shall be consistent with OAR 660-022-0030. Commercial and industrial uses shall comply with building square footage requirements set forth in OAR 660-022-0030(10) and (11). New commercial structures authorized outside of a UCB or UGB shall not exceed 3,500 square feet of floor area. New industrial structures located outside of a UCB or UGB shall not exceed 35,000 square feet of floor area, unless:*
 - a. *The industrial use involves the primary processing of raw material(s) produced in the area or from ocean resources; or*
 - b. *The industrial use is located on an abandoned or diminished mill site as defined by statute; or*
 - c. *The industrial use is located in an area where an exception to Goal 14 has been taken; or*
 - d. *As authorized by Goals 3 and/or 4.*

This policy shall be implemented through ordinance measures. Implementation shall occur as identified under specific zoning district standards. (04-04-005PL 9/1/04)

APPLICANT RESPONSE:

Construction is not proposed within this site. Accordingly, Policy #16b(I) contains no criteria for the Applicant to address.

2.2 #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

- i. *Local government shall protect:*
 - a. *"Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and*
 - b. *"Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and*
 - c. *"Coastal headlands"; and*
 - d. *"Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.*
- ii. *This strategy shall be implemented through:*
 - a. *Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and*
 - b. *Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.*
 - c. *Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.*

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

APPLICANT RESPONSE:

Pursuant to the CBEMP Map, the Property does not contain any major marshes, significant wildlife habitat, coastal headlands, or exceptional aesthetic resources. Accordingly, Policy #17 contains no criteria for the Applicant to address.

2.3 #18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

- I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.*
- II. The development proposal, when submitted shall include a Plot Plan, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.*

"Appropriate measures" may include, but shall not be limited to the following:

- a. Retaining the prehistoric and/or historic structure in situ or moving it intact to another site; or*
- b. Paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe(s); or*
- c. Clustering development so as to avoid disturbing the site; or*
- d. Setting the site aside for non-impacting activities, such as storage; or*
- e. If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains at the developer's expense; or*
- f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.*

If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities, which violate the intent of this strategy shall be subject to penalties prescribed in ORS 97.990.

- III. *Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan and shall:*
- a. *Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or*
 - b. *Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site.*
- IV. *Through the "overlay concept" of this policy and the Special Considerations Map, unless an exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.*

This strategy recognizes that protection of cultural, historical and archaeological sites is not only a community's social responsibility, it is also legally required by ORS 97.745. It also recognizes that cultural, historical and archaeological sites are non-renewable cultural resources.

APPLICANT RESPONSE:

No excavation, clearing or construction will take place within the proposed site.

The proposed use is listed as an "appropriate measure" to protect the cultural, historical and archaeological values of the site. This site will be used for storage, which is listed as an example of a non-impacting activity.

2.4 #23 Riparian Vegetation and Streambank Protection

- I. *Local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803.*

Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180 (OR 92-05-009PL).

- ii. *Local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.*

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

APPLICANT RESPONSE:

The proposed activities will maintain a 50 foot setback from any wetland, stream, lake or river. This proposal does not include removal of riparian vegetation and therefore Policy #23 contains no criteria for the Applicant to address.

2.5 #27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan.

This strategy recognizes the potential for property damage that could result from flooding of the estuary.

APPLICANT RESPONSE:

A portion of the proposed log storage area is located within an identified floodplain. A Floodplain Application has been submitted with this Application.

3.0 Request

For the reasons set forth above, the Applicant hereby requests the approval of this application with reasonable conditions of approval.

4.0 Exhibits

25S 13W 35DB

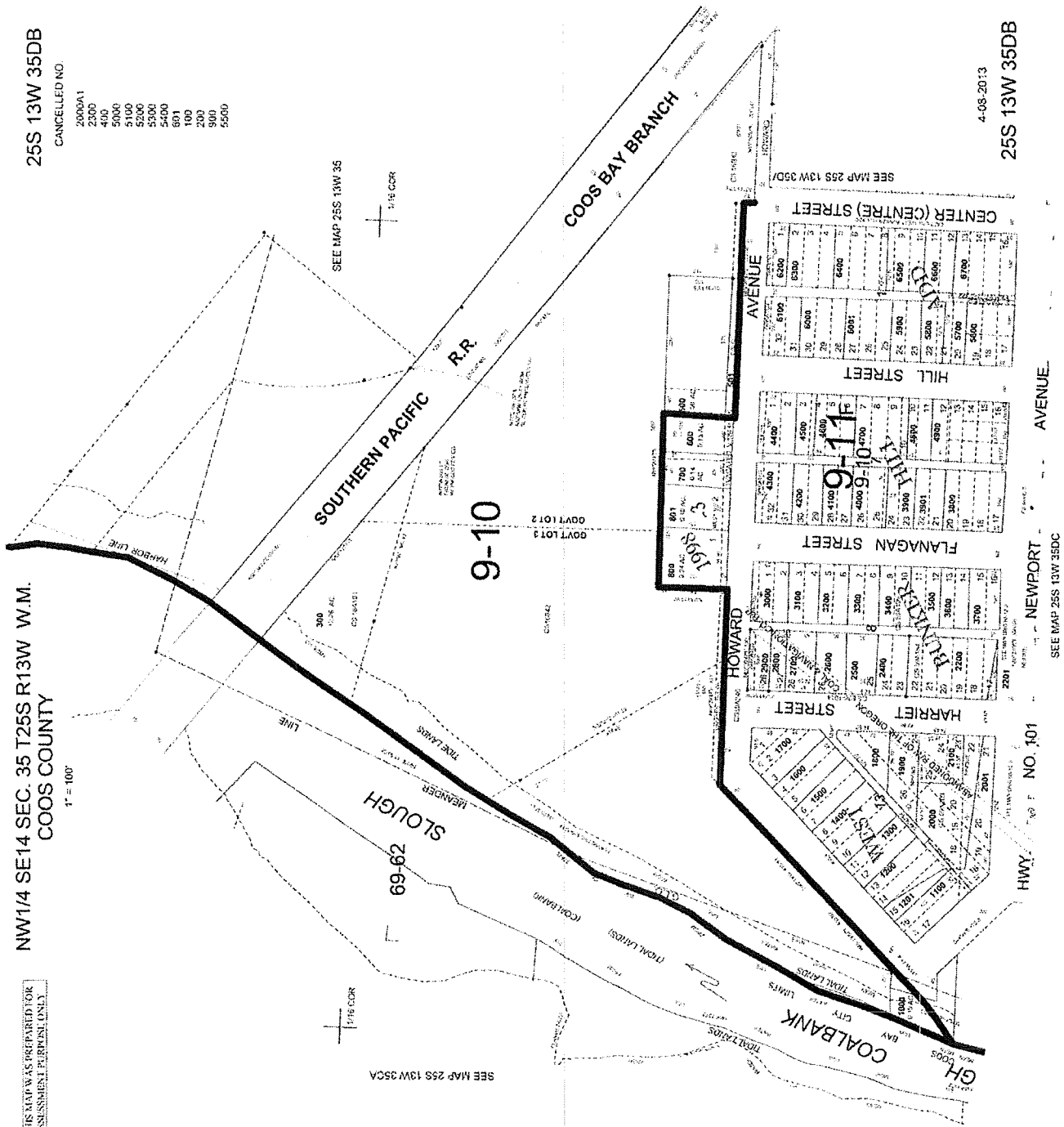
CANCELLED NO.

- 20000A1
- 23000
- 400
- 50000
- 51000
- 52000
- 53000
- 54000
- 600
- 100
- 200
- 300
- 900
- 55000

NW1/4 SE14 SEC. 35 T25S R13W W.M.
COOS COUNTY

1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



SEE MAP 25S 13W 35



1/16 COR

9-10

GOVT LOT 1

GOVT LOT 2

SEE MAP 25S 13W 35CA



1/16 COR

4-08-2013

25S 13W 35DB

NEWPORT AVENUE

HWY. NO. 101

SEE MAP 25S 13W 35DC

SEE MAP 25S 13W 35D/

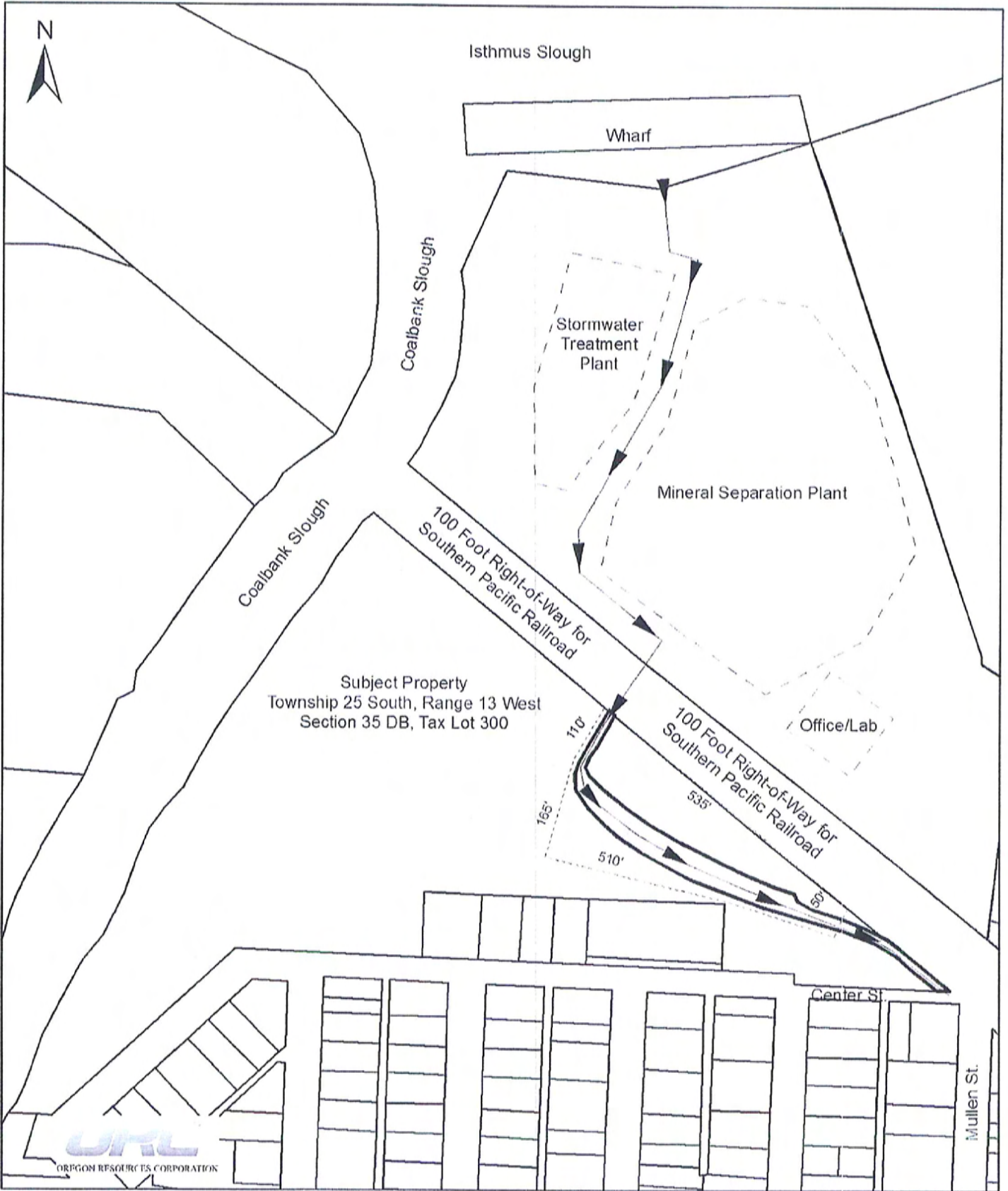
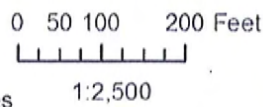






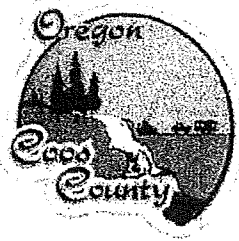
Exhibit "2"

Parcel Map
Existing and Proposed Uses



Legend

-  Proposed Truck Route (~0.36 Miles)
-  Proposed Log Storage Area (subject to change)
-  Gravel Road (Additional Gravel Proposed)
-  Property Boundaries



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423
(541) 396-7770
FAX (541) 396-1022 / TDD (800) 735-2900

Jill Rolfe Planning Director

CONSENT

On this 25th day of JUNE, 2014,

I, ORC PROPERTIES LLC
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 25S, Range 13W,

Section 35 D13, Tax Lot 300, Deed Reference 2008-12377

hereby grant permission to AARON POWELL so that a(n)
(Print Name)

LAND USE application can be submitted to the Coos
(Print Application Type)

County Planning Department.

Owners Signature/s [Signature]

Brianna Hanson

<p>Teck American Incorporated (aka Teck Cominco American Incorporated) Attention: C. Bruce DiLuzio 301 N. Riverpoint Blvd, Suite 300 Spokane, WA 99202 Grantor's Name and Address</p> <p>ORC Properties LLC Attention: Cheryl Wilson P.O. Box 501 Portland, OR 97207 Grantee's Name and Address</p> <p>After recording, return to (Name, Address, Zip):</p> <p>Mark Feichtinger Steel Rives LLP 805 Broadway, Suite 725 Vancouver, WA 98660</p> <p>Until requested otherwise, send all tax statements to: (Name, Address, Zip):</p> <p>ORC Properties LLC Attention: Cheryl Wilson P.O. Box 501 Portland, OR 97207</p>	<p>STATE OF OREGON)) ss. County of _____)</p> <p>SPACE RESERVED FOR RECORDER'S USE</p> <p>I certify that the within instrument was received for record on _____ at _____ o'clock _____ M., and recorded in book/roll/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.</p> <p>Witness my hand and seal of County affixed.</p> <p>_____ NAME TITLE By _____, Deputy 47-94275 AFTER RECORDING RETURN TO Ticor Title Insurance 300 West Anderson Ave - Box 1075 Coos Bay, OR 97420-0233</p>
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QUITCLAIM DEED

Teck American Incorporated (formerly known as Teck Cominco American Incorporated), hereinafter called grantor, for the consideration hereinafter stated, does hereby forever quitclaim unto ORC Properties LLC, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest, if any, in that certain wharf located, in part, on the property described in Exhibit A, together with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Coos County, State of Oregon. This transfer is without warranty or representation of any sort, including without limitation concerning the condition of the wharf or whether it requires any rights or consents as to use. Title is subject to all matters on or off record which affect title, including without limitation those listed on Exhibit B, and is also subject to Deed Restrictions listed on Exhibit C.

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$30,000.00.

All property conveyed hereby, if any, is conveyed in its present condition, AS IS, WHERE IS, including latent defects, without any representations or warranties from Grantor or any agent or representative of Grantor, express or implied.

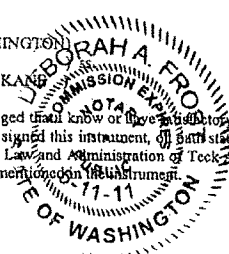
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS 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.

IN WITNESS WHEREOF, the grantor has executed this instrument on December 12, 2008.

TECK AMERICAN INCORPORATED,
a Washington corporation
By: C. Bruce DiLuzio
C. Bruce DiLuzio, Vice President, Law and Administration

STATE OF WASHINGTON
COUNTY OF SPOKANE

I certify acknowledged that I know or have satisfactory evidence that C. Bruce DiLuzio is the person who appeared before me, and said person that he signed this instrument, and that he was authorized to execute the instrument and acknowledged it as the Vice President, Law and Administration of Teck American Incorporated to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: Dec 12, 2008
Name: Deborah A. Frost
Notary Public for the State of Washington
Residing at: Spokane
My Commission expires: 11/11

COOS COUNTY CLERK, OREGON TOTAL \$56.00
FERRI, L. (UR) CLERK, COUNTY CLERK

510058/2/VF/054267-0023
12/16/2008 #2008-12377
03:36PM 1 OF 7

Teck American Incorporated
(aka Teck Cominco American Incorporated)
Attention: C. Bruce DiLuzio
501 N. Riverpoint Blvd, Suite 300
Spokane, WA 99202
Grantor's Name and Address

ORC Properties LLC
Attention: Cheryl Wilson
P.O. Box 501
Portland, OR 97207
Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Mark Feichtinger
Stuel Rives LLP
805 Broadway, Suite 725
Vancouver, WA 98660

Until requested otherwise, send all tax statements to:
(Name, Address, Zip):

ORC Properties LLC
Attention: Cheryl Wilson
P.O. Box 501
Portland, OR 97207

STATE OF OREGON)
) ss.
County of _____)

SPACE
RESERVED
FOR
RECORDER'S
USE

I certify that the within instrument was received for
record on _____ at _____ o'clock
_____ M., and recorded in book/reel/volume No.
_____ on page _____ and/or as
fee/file/instrument/microfilm/reception No.
_____, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy

QUITCLAIM DEED

Teck American Incorporated (formerly known as Teck Cominco American Incorporated), hereinafter called grantor, for the consideration hereinafter stated, does hereby forever quitclaim unto ORC Properties LLC, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest, if any, in that certain wharf located, in part, on the property described in Exhibit A, together with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Coos County, State of Oregon. This transfer is without warranty or representation of any sort, including without limitation concerning the condition of the wharf or whether it requires any rights or consents as to use. Title is subject to all matters on or off record which affect title, including without limitation those listed on Exhibit B, and is also subject to Deed Restrictions listed on Exhibit C.

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$50,000.00.

All property conveyed hereby, if any, is conveyed in its present condition, AS IS, WHERE IS, including latent defects, without any representations or warranties from Grantor or any agent or representative of Grantor, express or implied.

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. 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.

IN WITNESS WHEREOF, the grantor has executed this instrument on December _____, 2008.

TECK AMERICAN INCORPORATED,
a Washington corporation
By: _____
C. Bruce DiLuzio, Vice President, Law and Administration

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

I certify acknowledged that I know or have satisfactory evidence that C. Bruce DiLuzio is the person who appeared before me, and said person that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President, Law and Administration of Teck American Incorporated to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____
Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission expires: _____

Added for Clarity

5103682/VDF054267-0023

COOS COUNTY CLERK, OREGON TO AL 156,99
TERRI J. TURI, COO. COUNTY CLERK

12/15/2008 = 2008-1057/
09:36PM

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in a portion of Government Lots 2 and 3, together with abutting tidelands, all being within Section 35, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, more specifically described as follows:

Beginning at a 1-1/2 inch axle (formerly a concrete monument), being 407.41 feet North and 908.40 feet West (formerly 407.5 feet North and 908.88 feet West) from the meander corner of the section line of said Section 35 and Section 36, said meander corner as shown on that survey map CS 3-22 by E. H. Kern, dated January, 1930; thence North 19° 52' 00" West 928.61 feet, more or less, to the Mean Low Water line as it exists today, or may move in the future by the natural acts of accretion or erosion, of Isthmus Slough; thence Southwesterly along said Mean Low Water line and continuing Southwesterly along said Mean Low Water line of Coalbank Slough to the Northerly boundary of the Southern Pacific Railroad right of way; thence South 52° 22' East (formerly South 53° 18' East), 1220.4 feet, more or less, along said railroad right of way to a 5/8 inch iron rod on the Westerly boundary of a public road right of way, as shown on said survey map CS 3-22; thence North 8° 52' 28" East 254.18 feet (formerly North 10° 56' East 245 feet) to a concrete monument; thence North 0° 06' 27" East 117.80 feet (formerly due North) to the point of beginning.

ALSO: Beginning at a 5/8 inch iron rod at the intersection of the South boundary of the Southern Pacific Railroad right of way and the former centerline of Howard Avenue in Bunker Hill Addition to Marshfield, Amended Plat, said Coos County, from which the Northeast corner of said Plat of Bunker Hill Addition bears North 89° 11' 48" East 975.14 feet (record 975 feet); thence North 52° 22' West (formerly North 53° 18' West) 1232.00 feet, more or less, along said railroad right of way to said Mean Low Water line of Coalbank Slough; thence Southwesterly along said Mean Low Water line to the North boundary of that right of way and its Westerly extension as platted to Coalbank Slough per the Plat of West Bunker Hill Addition to Marshfield, Amended Plat, said Coos County; thence East 25 feet, more or less, along said North boundary to a 5/8 inch iron rod on the Northwesterly boundary of said Howard Avenue 60 feet perpendicular to the Southwest corner of Block 13, said Plat of West Bunker Hill; thence North 45° 19' 57" East 433.80 feet (record North 45° 14' East 433.80 feet) along said Howard Avenue to a 5/8 inch iron rod; thence North 89° 20' 47" East 311.00 feet (formerly East 318 feet, more or less), continuing along said North boundary of Howard Avenue to a 3/4 inch iron pipe; thence North 0° 39' 13" West (formerly North), 69.00 feet to a 5/8 inch iron rod; thence continuing North 0° 39' 13" West 31.00 feet; thence North 89° 20' 47" East (formerly East) 500.00 feet to a 5/8 inch iron rod; thence South 0° 39' 13" East (formerly South) 100.00 feet to a 5/8 inch iron rod on the North boundary of said Howard Street; thence North 89° 20' 47" East 127.84 feet (formerly East 130 feet, more or less) along said Howard Street to a 5/8 inch iron rod at the Northeast corner of said Plat of West Bunker Hill; thence South 0° 49' 07" East (record South) 30.00 feet along the centerline of Center Street to a 5/8 inch iron rod; thence North 89° 10' 53" East 276.60 feet (record East, formerly 270.0 feet, more or less) along the former centerline of Howard Avenue to the point of beginning.

The above described parcels are as shown per that survey by Stuntzner Engineering & Forestry, dated July 8, 1991 and comprise those parcels described in the following Deeds: Parcels 8 and 9, Book 255, Page 185; Book 262, Page 208; Microfilm Reel No. 84-5-4402; Microfilm Reel No. 85-5-7393 and Microfilm Reel No. 86-4-5078, Deed Records of Coos County, Oregon.

Together with any portion of the vacated Mullen Street, which was vacated by Vacation Order #V-541, recorded September 16, 1994, bearing Microfilm Reel No. 94-09-0564, Records of Coos County, Oregon, which would inure thereto by reason of the vacation thereof.

EXHIBIT B

Non-Exclusive List of Title Exceptions

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records, except those arising by action of Grantor.
6. The premises herein described are within and subject to the statutory powers, including the power of assessment of Bunker Hill Sanitary District.
7. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below high water mark of the Isthmus Slough and Coalbank Slough, arising by virtue of the fact that said portion of the premises lies under navigable waters.
8. Rights of the public in and to that portion lying within streets, roads and highways.
9. Easement, including the terms and provisions thereof,
To: Bunker Hill Sanitary District
Recorded: April 13, 1955
Book: 241 Page: 67, Deed
Records of Coos County, Oregon.
10. Easement, including the terms and provisions thereof,
To: Bunker Hill Sanitary District
Recorded: May 5, 1965
Book: 241 Page: 507, Deed
Records of Coos County, Oregon.
11. Easement, including the terms and provisions thereof,
To: Georgia-Pacific Corporation
Recorded: November 2, 1965
Microfilm Reel No. 65-11-2864,
Records of Coos County, Oregon.
For: Pipe line
12. Easement, including the terms and provisions thereof,
To: Bunker Hill Sanitary District
Recorded: November 16, 1967
Microfilm Reel No. 67-11-23714,
Records of Coos County, Oregon.
For: Sewer line
13. Easement, including the terms and provisions thereof,
To: Bunker Hill Sanitary District
Recorded: January 22, 1968
Microfilm Reel No. 68-01-25154,
Records of Coos County, Oregon.
For: Sewer line

14. Easement, including the terms and provisions thereof.
To: Pacific Power & Light Company
Recorded: August 17, 1971
Microfilm Reel No. 71-08-82270.
Records of Coos County, Oregon.
15. Easement, including the terms and provisions thereof.
To: Bunker Hill Sanitary District
Recorded: July 9, 1974
Microfilm Reel No. 74-07-101793.
Records of Coos County, Oregon.
For: Sewer line
16. Easement, including the terms and provisions thereof.
To: Pacific Power & Light Company
Recorded: December 18, 1974
Microfilm Reel No. 74-12-107996.
Records of Coos County, Oregon.
For: Power line
17. Easement, including the terms and provisions thereof.
To: Bunker Hill Sanitary District
Recorded: June 13, 1976
Microfilm Reel No. 75-00-115132,
Records of Coos County, Oregon.
For: Sewer line
18. Easement, including the terms and provisions thereof.
To: Pacific Power & Light Company

Recorded: October 5, 1982
Microfilm Reel No. 82-4-0965.
Records of Coos County, Oregon.
19. Easement, including the terms and provisions thereof,
To: PacifiCorp dba Pacific Power & Light Company
Recorded: December 9, 1985
Microfilm Reel No. 85-5-6429.
Records of Coos County, Oregon.
For: Stub pole, including guys and other supports
20. Reservations, including the terms and provisions thereof, in Quitclaim Deed
From: Al Peirce Co., a general partnership composed of Hilda V. Peirce and The
Judith Ann Wittlick Trust
To: State of Oregon, acting by and through the Division of State Lands
Recorded: January 21, 1992
Microfilm Reel No. 92-01-1068, Records of Coos County, Oregon and re-recorded
February 11, 1992, bearing Microfilm Reel No. 92-02-0320,
Records of Coos County, Oregon.
21. Easement, including the terms and provisions thereof,
To: PacifiCorp, a corporation doing business as Pacific Power & Light Company
Recorded: August 4, 1993
Microfilm Reel No. 93-08-0121,
Records of Coos County, Oregon.
For: electric transmission or distribution line
22. Reciprocal Right of Way and Road Use Agreement, including the terms and provisions
thereof,
Contained in: instrument
Between: Georgia Pacific West, Inc., an Oregon corporation and Gianbrook Nickel
company, a Washington corporation
Recorded: June 23, 1995
Microfilm Reel No. 95-06-0798, Records of Coos County, Oregon and re-recorded
September 18, 1995, bearing Microfilm Reel No. 95-09-0548,
Records of Coos County, Oregon.

The recorded easement does not include words defining or fixing a centerline for the easement and that portion of the easement over the Georgia Pacific parcel may vary in width as a result.

COOS COUNTY CLERK, OREGON TOTAL \$56.00
SERIAL 11075 COUNTY CLERK

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23. Terms and provisions of Railroad Easement Agreement, between Cominco Ltd., a Canadian corporation which took title as Glenbrook Nickel Company and Georgia Pacific West Inc., an Oregon corporation, recorded February 2, 2001, bearing Inst. #2001-1102, Records of Coos County, Oregon.
24. Memorandum and Lease Agreement and Option to Purchase, including the terms and provisions thereof, a memorandum of which was,
 Dated: October 12, 2006
 Recorded: October 18, 2006
 Instrument No.: 2006-14059
 in Coos County, Oregon.
 Lessor: Teck Cominco American Incorporated, a Washington corporation
 Lessee: Oregon Resources Corporation, an Oregon corporation
- NOTE: The Legal description on the Memorandum recorded above omitted the last paragraph of the legal description set forth in this report. If the Memorandum is to remain on the property it should be re-recorded to correct the legal description. This lease will be terminated when this Deed is recorded.
25. An Easement created by Instrument, including the terms and provisions thereof, In favor of: Bunker Hill Sanitary District (BHSD) a municipal corporation
 For: Municipal Easement
 Dated: November 6, 2006
 Recorded: November 14, 2006
 Instrument No.: 2006-15349
 in Coos County, Oregon.
26. An Easement and Equitable Servitudes created by Instrument, including the terms and provisions thereof, In favor of: State of Oregon, acting by and through the Oregon Department of Environmental Quality
 Dated: November 16, 2006
 Recorded: November 28, 2006
 Instrument No.: 2006-15842
 in Coos County, Oregon and re-recorded September 26, 2008, bearing Microfilm Reel No. 2008-10027, Records, Coos County, Oregon.
27. ~~Unrecorded leases and/or tenancies, if any created by Grantor other than a lease to Oregon Resources Corporation which will be terminated when this Deed is recorded.~~ Grantee and/or Oregon Resources Corporation
28. An Easement created by Instrument, including the terms and provisions thereof, In favor of: State of Oregon acting by and through the Oregon Department of Environmental Quality
 Recorded: August 18, 2008
 Instrument No.: 2008-8851
 in Coos County, Oregon.
29. ~~Memorandum~~ Agreement Affecting Title to Real Property Agreement, including the terms and provisions thereof,
 Contained in: Instrument
 Between: Teck Cominco American Incorporated, a Washington corporation and TC American Incorporated, a Washington corporation
 Dated: September 22, 2008
 Recorded: October 2, 2008
 Instrument No.: 2008-10230
 in Coos County, Oregon.

EXHIBIT C
Deed Restrictions

This deed is subject to the following deed restrictions:

The property described in Exhibit A and the wharf located thereon are subject to the following Deed Restrictions which prohibit the use of the property and wharf as follows:

- a. Use of the property and wharf for a period of seven (7) years following the date of this deed for the shipping, handling, storage, and/or production of agricultural products;
- b. Use of the property for residential use and/or subdivision or partitioning for residential sale until such time as the Oregon Department of Environmental Quality has reviewed and approved the environmental condition of the property as being suitable for residential use; and
- c. Use of the property and wharf for a period of seven (7) years following the date of this deed for shipping, processing, storage, and/or handling of ferronickel products.

509125/1/VDF/054267-0023

From: Enos Dave SPOK [<mailto:Dave.Enos@teck.com>]
Sent: Monday, February 10, 2014 11:50 AM
To: Aaron Powell (apowell@bhwlaw.com)
Cc: Beaudoin Lyle SPOK; Godlewski Dave SPOK
Subject: Deed Restrictions

We don't think raw timber in the form of logs is an "agricultural product" or "ferronickel product" as it relates to land use restrictions in the attached. Therefore, modification to the deeds are not necessary for this specific use, in our opinion.

Thank you.

Dave Enos, LHG, RG
Manager, Dormant Properties
Teck American Incorporated
501 N Riverpoint Blvd, Suite 300
Spokane, WA 99202
Direct Phone: +1.509.623.4505
Office: 509.747.6111
Mobile Phone: 509.795.9599
Fax: 509.459.4400
eMail: Dave.Enos@teck.com
www.teck.com

