

File Number : ACU-23-067

V-23-006
goes with ACU-23-031



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PHONE: 541-396-7770**

If the fee is not included the application will not be processed

(If payment is received on line a file number is required prior to submittal)

Date Received: 12/6/2023 Receipt #: 243945 Amount: \$960 Received by: J.D.M

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) Mark Weiss 3646 Jamaica Blvd S, Lake Havasu City, AZ 86406

Mailing address: Applicant: Sheri McGrath P.O. Box 1548, Bandon, OR 97411

Phone: c/o Applicant 541-982-9531 Email: c/o Applicant cooscurry@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>289</u>	<u>14W</u>	<u>05</u>			<u>1300</u>
Select	Select	Select	Select	Select	

Tax Account Number(s):	<u>942301</u>	Zone: Select Zone	<u>Rural Residential-2 (RR-2)</u>
Tax Account Number(s):			<u>Please Select</u>

B. Special Districts and Services

Water On-Site (Well or Spring)	Sewage Disposal On-Site Septic
School Bandon	Fire District Bandon RFPD

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for CSB and Guest House
- Hearings Body Conditional Use for _____
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards

<input type="checkbox"/> Flood	<input type="checkbox"/> Landslide	<input type="checkbox"/> Liquefaction	<input type="checkbox"/> Erosion	<input type="checkbox"/> Wildfires
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- Airport Surfaces Overlay
- Variance to which standard 4.3.200(22)(27,d,iii) 500sf requirement

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links: Map Information Or Account Information

D. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
 - 1. Project summary and details including time limes.
 - 2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:
 - Owner's name, address, and phone number, map and Tax lot number
 - North Arrow and Scale - using standard engineering scale.
 - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
 - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. DEED: A copy of the current deed, including the legal description, of the subject property.
- IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

Mark Weiss

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 88627 Weiss Estates Lane, Bandon, OR 97411

Type of Access: Private Easement - Provide Easement Name of Access: Weiss Estates Lane

Is this property in the Urban Growth Boundary? No
Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Sheri McGrath, Inc
Coos Curry Consulting
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Mark Weiss of 3646 Jamaica Blvd S, Lake Havasu City, AZ 86406 give permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the property located on Coos County Tax Assessor's Map 28-14-05 TL 1300. The tax account for this property is 942301. The site address is 88627 Weiss Estates Ln, Bandon, OR 97411.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:


Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires eighteen months from the date below, without requirement of notice.

DATED: APRIL 23, 2023

COOS CURRY CONSULTING


By: SHERI MCGRATH

CLIENT 
By: MARK WEISS

RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075
Coos Bay, OR 97420

Coos County, Oregon **2022-03926**
\$96.00 Pgs=3 04/28/2022 10:29 AM
eRecorded by: TICOR TITLE COQUILLE - 105 E. 2ND
ST. OR 97423
Diris D. Murphy, Coos County Clerk

GRANTOR'S NAME:
Carl W. Carmichael and Karen D. Carmichael

GRANTEE'S NAME:
Weiss Property Investments, LLC, an Arizona limited liability company

AFTER RECORDING RETURN TO:
Order No.: 360622039698-TT
Weiss Property Investments, LLC, an Arizona limited liability company
3646 Jamaica Boulevard S
Lake Havasu City, AZ 86406

SEND TAX STATEMENTS TO:
Weiss Property Investments, LLC, an Arizona limited liability company
3646 Jamaica Boulevard S
Lake Havasu City, AZ 86406

APN: 942301
Map: 28-14-05-00-01300
88627 Weiss Estates Lane, Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Carl W. Carmichael and Karen D. Carmichael, as tenants by the entirety, Grantor, conveys and warrants to **Weiss Property Investments, LLC, an Arizona limited liability company**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at the Southwest corner of the East half of the East half of the Northwest quarter of the Southeast quarter of Section 5, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence East 626.10 feet; thence North 208.7 feet; thence West 626.10 feet; thence South 208.7 feet, to the point of beginning.

EXCEPTING THEREFROM the following described parcel: Beginning at a point South 89° 26' 14" East 10 feet from a 5/8 inch iron bar marking the Northeast corner of Lot 11, Block 1, WEISS ESTATES, Coos County, Oregon, said point of beginning being on the North line of Lot 12 of said Block 1; thence North 30° 30' West to the center of Fahy Lake; thence Westerly on the center line of Fahy Lake to the point where the said center line intersects an extension North of the West line of Lot 11; thence South 01° 3' 45" East along said extended West line to the Northwest corner of Lot 11; thence South 89° 26' 14" East along the North lines of Lot 11 and 12, 121.99 feet, more or less, to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$435,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 4-28-2022

Carl W. Carmichael
Carl W. Carmichael

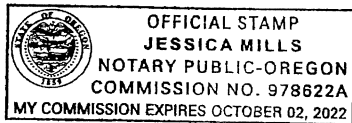
Karen D. Carmichael
Karen D. Carmichael

State of Oregon
County of Washington

This instrument was acknowledged before me on 4/25/22 by Carl W. Carmichael and Karen D. Carmichael.

Jessica Mills
Notary Public - State of Oregon

My Commission Expires: 10/2/22



Unofficial Copy

EXHIBIT "A"
Exceptions

Subject to:

1. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Fahy Lake.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Fahy Lake.

2. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Fahy Lake.
2. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
3. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Coos Curry Electric Cooperative, Inc.
Recording Date: May 14, 1979
Recording No: 79-02-7175

4. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement

Recording Date: October 5, 1982
Recording No.: 82-04-0891 and 82-04-0893

5. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Warranty Deed

Recording Date: November 8, 1982
Recording No.: 82-04-002541

Unofficial
Copy

Coos County
2023 Real Property Assessment Report
 Account 942301
 NOT OFFICIAL VALUE

Map 28S1405-00-01300
 Code - Tax ID 5403 - 942301

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing WEISS PROPERTY INVESTMENTS LLC
 3646 JAMAICA BLVD S
 LAKE HAVASU CITY AZ 86406-4136

Deed Reference # 2022-3926
 Sales Date/Price 04-25-2022 / \$435,000
 Appraiser

Property Class 101 MA SA NH
 RMV Class 101 06 27 RRL

Site	Situs Address	City
10	88627 WEISS ESTATES LN	BANDON

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
5403	Land	373,360		Land	0	
	Impr	85,900		Impr	0	
Code Area Total		459,260	218,790	218,790	0	
Grand Total		459,260	218,790	218,790	0	

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	10	<input checked="" type="checkbox"/>		RR-2	Market	100	1.00 AC	HS	001	177,920
	30	<input checked="" type="checkbox"/>		RR-2	Market	100	1.83 AC	MV	002	195,440
Code Area Total							2.83			373,360

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	1	1978	121	One story-Class 2	100	560		85,900	
Code Area Total						560		85,900	

Exemptions / Special Assessments / Notations				
Code Area	5403			
Fire Patrol	Amount	Acres	Year	
■ FIRE PATROL SRCHG	47.50		2023	
■ FIRE PATROL TIMBER	18.75	1.83	2023	

October 28, 2023

CSB FINDINGS

GUEST HOUSE FINDINGS

December 4, 2023

GUEST HOUSE SQUARE FOOTAGE VARIANCE FINDINGS

88627 Weiss Estates Lane
Bandon, OR 97411
28-14-05 TL 1300
Tax Account 942301

PROPERTY OWNER

Weiss Property Investment LLC
Mark Weiss
3646 Jamaica Blvd S
Lake Havasu City, AZ 86406

APPLICANT

Sheri McGrath
Coos Curry Consulting
P.O. Box 1548
Bandon, OR 97411
541-982-9531
cooscurry@gmail.com

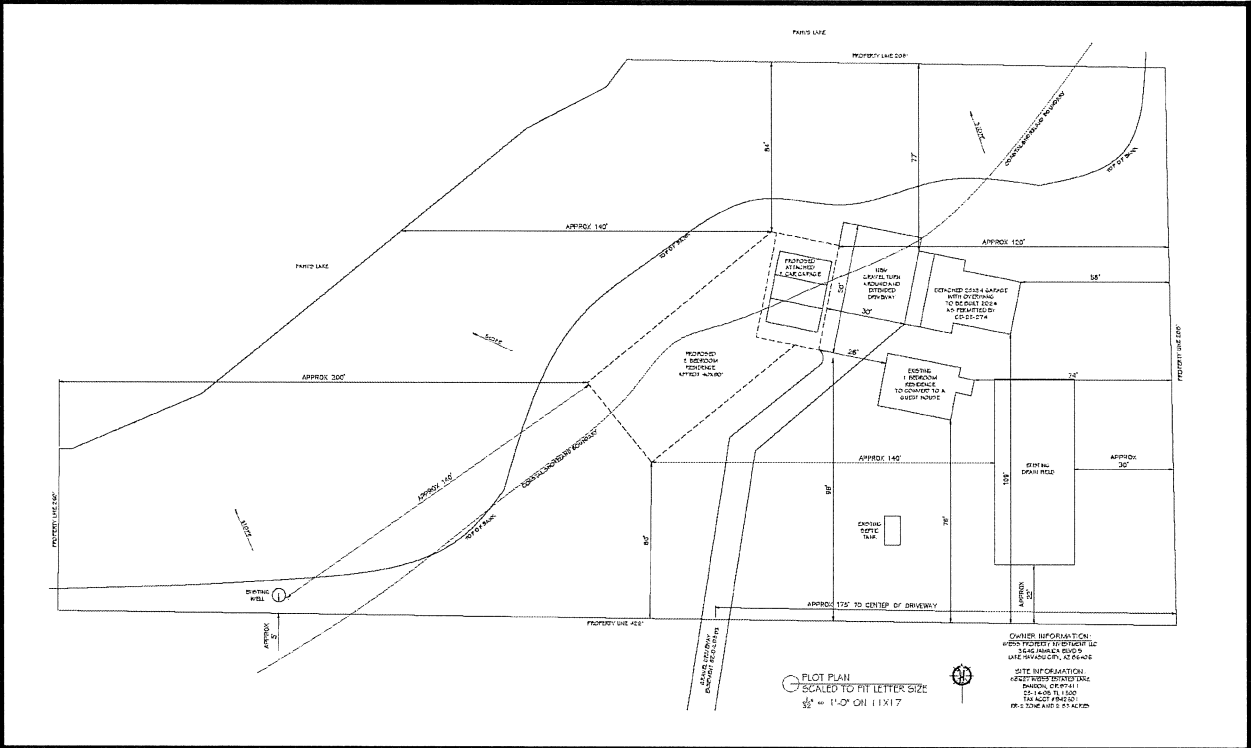
PROJECT NARRATIVE

The subject property is located north of the city limits of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 1300 on the Coos County Tax Assessor's Map 28-14-05 and is located in the Rural Residential 2 (RR-2) zone. The property is 2.83 acres in size, and the situs address is 88627 Weiss Estates Lane.

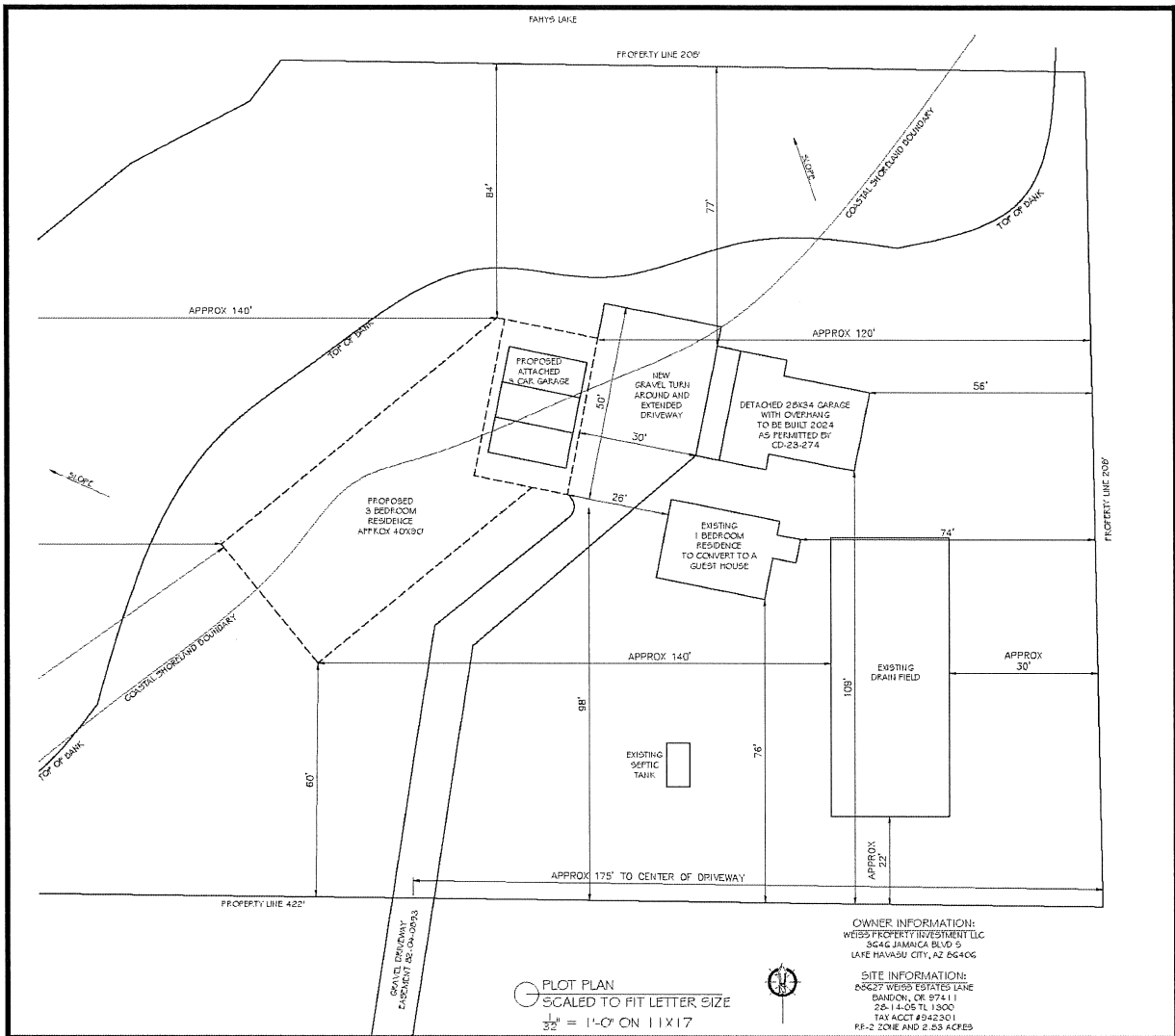
Existing development includes a septic system, well, detached garage, and a one bedroom stick built home that was built in 1982. The property at one time had a medical hardship dwelling and a shop which have both been removed. The plot plan from CU-82-18 is attached and shows the existing home, garage, well and septic. The property is not used for farming or forest practices and is not suitable for these uses due to the size of the site. Vegetation consists of a variety of tree types, scrubs and grasses.

The property owner is requesting clearance to replace their one bedroom home with a three bedroom single family dwelling. The existing one bedroom home is proposed to be converted to a Guest House when construction is completed. Due to the site size and proximity to Fahys Lake, the new residence will be located partially within the Coastal Shoreland Boundary as

shown on the County maps. Findings are included below to show compliance with the CSB overlay and replacement dwelling. The existing residence is 560sf in size which exceeds the maximum Guest House size of 500sf. A Variance is required for the additional 60sf, and Findings are included below.



PLOT PLAN



ENLARGED PLOT PLAN

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions.

Applicant's Response: Existing development was originally permitted in 1978. There was a conditional use permit for a hardship dwelling in 1982. The mobile home was removed by a previous owner, and existing development consists of a detached garage and one bedroom stick framed home. The septic system and well are in good working order. There is a hand dug well.

2.1.200

Single Family Dwelling is defined as, "a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited."

Applicant's Response: The existing dwelling is a one bedroom stick framed home. The proposed replacement dwelling will be a three bedroom stick framed home.

Conditional Use is "applied to a use which may be permitted by the issuance of a conditional use permit."

Applicant's Response: A portion of the building site is located within the Coastal Shoreland Boundary which requires a Conditional Use and Site Plan review.

The proposed conversion to a Guest House after the replacement dwelling is built is considered permitted as an Administrative Conditional Use; however, the 500sf maximum criteria can not be met given the size of the home being 516sf. A Variance is requested to waive the additional square footage.

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Applicant's Response: The enclosed information and findings are provided as evidence that compliance with the county, state and licensing offices can be met and upheld. Evidence includes a parking and plot plan, proof of an onsite septic system and other information deemed relevant for this review.

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
SUBSURFACE SEWAGE SYSTEM
CERTIFICATE OF SATISFACTORY COMPLETION

Property Owner BLACK, CHARLES & LOIS Permit Number 2778-266
 T. 28 R. 14 Sec. 05 Tax Lot/Acct. No. 9423-1 Date of Final Insp. 5-7-79
 Loc./Road Seven Devils Rd Approved By Steven D. Scheer, R.S.
 Installer Ohlson's Excavating - Jim Newton Title Senior Field Sanitarian
 Disposal Trenches: 534 Square Ft. 227 Lineal Ft.
 Tank Size: 1500 Gallons. System Designed to Serve 450 gallon sewage flow

Plot Plan:

Serial Sept =
18-30 inches
in depth.
pump installed 5-7-79

DEC/WG-403 1/78

PROOF OF AN ON SITE SEPTIC SYSTEM

Replacement dwelling is defined as, “alteration, restoration or replacement of a lawfully established dwelling that: (i) has intact exterior walls and roof structure; (ii) has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (iii) has interior wiring for interior lights; (iv) has a heating system; and (v) in the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.”

Applicant’s Response: The existing one bedroom home meets the criteria listed in the definition. Single Family Dwellings are permitted outright in the RR-2 zone and be built with or without meeting the definition above.

Zoning District is defined as, “a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.”

Applicant’s Response: The property is zoned RR-2 and the proposed use is consistent with the purpose of the zone for residential uses including a guest house.

4.2.100 The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

Applicant’s Response: The proposed use is for a Replacement Dwelling and Guest House. The proposal is consistent with the RR-2 zoning district in regard to residential use as well as compatible with the residential neighborhood in which the property is located.

4.3.200 The Table of Uses allows a Guest House as an Administrative Conditional Use and Replacement and Single Family Dwellings as Permitted Uses with Compliance Determination. References table items 22, 28, 30.
(d) Guest House - An auxiliary residence shall be constructed on property when the following conditions are met:

(i) The parcel on which the guest house is placed contains two (2) acres;

Applicant’s Response: The subject property is 2.83 acres in size.

(ii) Only one guest house per lawfully created unit of land;

Applicant’s Response: The subject property is considered lawfully created.

(iii) The guest house shall not exceed either 500 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that contains at least two (2) acres in size;

Applicant's Response: The existing dwelling is 560sf in size and is in very good condition considering it's age and location to the water and ocean. The owner would prefer to retain the use of the 20x28 structure as a Guest House, understanding that the cooking stove will be removed to eliminate a second dwelling unit.

(iv) The guest house shall not exceed either 800 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that are served by water and sewer or contains a minimum of (5) acres;

Applicant's Response: The subject property is 2.83 acres in size.

(v) The guest house can be a manufactured structure (park model) or conventional built. Manufactured structures are prohibited in an Urban Residential-1 (UR-1) zone;

Applicant's Response: The existing home is a stick framed structure.

(vi) Cannot be used as a rental unit; (vii) Is attached to or within 100 feet of the main residence but no closer than seven (7) feet;

Applicant's Response: The Guest House will be located within 100' of the new dwelling and more than 7' away with development divided by the driveway. The driveway will be located between the two structures as depicted on the plot plan which provides for access to the garages and turn around. All development is clustered due to the site topography and size.

(viii) Is served by the same domestic water system, sewage system and utility meters as the main residence, unless it is located in an area served by a public sewer system;

Applicant's Response: The proposed uses will be served by the on site septic system and well.

(ix) Guest houses that existed prior to July 1, 2018 may be converted to an accessory dwelling unit if they comply with the standards. This will require a Compliance Determination review.

Applicant's Response: An Accessory Dwelling Unit has not been applied for.

(x) A deed covenant recorded with the county stating that this is a guest house that is not to be rented. If converted to another use the covenant will be removed.

Applicant's Response: The owner will sign a covenant that references the conditional use permit approval and associated conditions.

4.3.220(2,a,i) The following conditional use review standards apply to all uses, activities and development in the RR zoning districts:

i. compatibility: The proposed use, activity or development is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses and not potential or future uses in the surrounding area.

Applicant's Response: The proposed Guest House is compatible with the surrounding development which is exclusively dedicated to residential uses and specifically to Single Family Dwellings. The purpose of the RR-2 district is to provide residential housing and the Ordinance outlines how compatibility is guaranteed by providing minimum setbacks and lot coverage requirements. The proposal meets or exceeds these requirements for compatibility. Additionally, the subject property had two dwelling units for over ten years due to a Hardship Dwelling permit. There were no compatibility issues during that time, and there are no issues expected now.

4.3.225 General siting standards: All new uses, activities and development are subject to the following siting standards:

(5) Parking - Off-street access, parking and loading requirements per Chapter VII apply.

Applicant's Response: The subject site has ample parking and a turn around room. The proposal is for a three car garage and there is also a detached garage. Those spaces contain room for a total of five parking spaces.

(6) Riparian - (a) Riparian vegetation setback within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained.

Applicant's Response: The proposed residence exceeds a 50' setback from the Lake. Tree removal along the top of the bank may be required if root systems are damaged during excavation. The proposed plot plan maintains a minimum of 20' setback from the top of bank to prevent unnecessary vegetation removal and assist with erosion control.

(7) Setbacks: (a) All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.

Applicant's Response: The proposed development exceeds the minimum setback requirements.

4.3.230(2) This section has specific siting standards and criteria set by the zoning district for uses, activities and development:

(a) Minimum Lot/Parcel Size: ii. 2 acres in the RR-2 district

Applicant's Response: The subject property is 2.83 acres in size and is a legally created parcel.

(b) Setbacks – No additional setback requirements.

Applicant's Response: The proposed development exceeds the minimum setbacks established in the Ordinance as addressed previously.

(c) Building Height – No additional Requirements.

Applicant's Response: The proposed development will be a one story home. The existing residence is also one story.

(d) Density or Size limits - i. Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance.

Applicant's Response: The Ordinance has provisions to allow for a Guest House to be sited. A Guest House is not considered a dwelling unit as it does not contain a full kitchen. The existing residence will be converted to a Guest House after the completion of the new home which will be accomplished by removing the cooking stove. The space will be infilled with a countertop or shelving unit.

4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10).

a. Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

i. Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:

f) single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or

Applicant's Response: The existing and proposed development is a Single Family Residence within the RR-2 zoning district which specifically allows dwellings outright.

Statewide Planning Goal 17 states that the point is to "Conserve, protect, where appropriate. The proposed dwelling, and other development, is located 20' from the top of the bank at an elevation of 109'. Fahy's Lake is at an elevation of 73' and is located by horizontal measurement of approximately 90'. The 20' setback provides for a vegetative buffer to eliminate any unnecessary vegetation removal for construction of the foundation. No trees are proposed to be removed at this time.

OAR 660-037-0020 outlines the Policy for shorelands and the reasons to protect and/or develop them. The reasons to protect *certain* shorelands for water-dependant uses are driven by Economic and Environmental reasons. The subject site is irrevocably dedicated to residential development as evidenced by the existing development of a single family dwelling; historical evidence of two residential dwellings; and by the underlying zoning designation of Rural Residential Two (RR-2). The subject site is permitted for any "Coastal Recreation and Water Related Business) as listed on Table 4.3.200 (113).

660-037-0020

Policy

(1) The Land Conservation and Development Commission (LCDDC) recognizes that since the early 1980s, when comprehensive estuary management plans were acknowledged by LCDDC, significant economic changes experienced in coastal communities have affected the demands for shorelands. During this period, most of the shorelands designated for water-dependent development in local estuary plans have remained vacant. As a result of these economic changes, there have been increased pressures to develop the vacant or underdeveloped water-dependent lands for nonwater-dependent uses.

(2) The reasons to protect certain shorelands for water-dependent uses are both economic and environmental. Economically, shoreland sites for water-dependent development are a finite economic resource that usually need protection from prevailing real estate market forces. By its very nature, water-dependent development can occur only in shoreland areas and only in certain shorelands with suitable characteristics relating to water access, land transportation and infrastructure, and surrounding land use compatibility. Once these suitable sites are lost to nonwater-dependent uses, they are very difficult and expensive to recover, if at all. Environmentally, providing "suitable" areas for water-dependent development means less economic and political pressure to accommodate future development in environmentally sensitive areas such as wetlands, marshes, and biologically productive shallow subtidal areas.

(3) As a matter of state policy, it is not desirable to allow these scarce and non-renewable resources of the marine economy to be irretrievably committed to, or otherwise significantly impaired by, nonindustrial or nonwater-dependent types of development which enjoy a far greater range of locational options.

OAR 660-037-0020

ii. A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 3 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.

Applicant's Response: A Site Plan review may or may not be required at this time because no vegetation removal is needed for the construction of the new home. If any living trees will be removed, a Modification to the Conditional Use permit will be applied for. At this time, there is a dead tree that the owner is proposing to keep, and to naturally fall into the Riparian area as nature determines. A plot plan showing existing and proposed development has been provided.

a) Site Review and Approval Criteria.

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.

Applicant's Response: The applicant has provided a plot plan showing existing and proposed development. It is the intention of the owner and applicant to develop the site as specifically depicted on the plans.

Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed "substantial changes" shall be submitted to the Planning Director for approval.

Applicant's Response: There are no substantial changes proposed at this time with exception to the placement of the new three-bedroom residence. No vegetation or major earthwork is needed for construction.

All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

Applicant's Response: A Variance is not required for the new three-bedroom home to be built. The existing residence/proposed Guest House is located outside of the CSB Overlay.

These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:

1. Landscaping

- a. The landscape shall be such to minimize soil erosion and lessen the visual impact;
- b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Applicant's Response: Existing and proposed landscaping is primarily grassed lawn throughout the flat building site. The Riparian slope consists

of a variety of tree species and native bushes. This is consistent with all development along Fahy's Lake.

2. Structures

a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;

b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

Applicant's Response: The existing and proposed development is completely hidden from the Public Right of Ways and other properties. The only time the structures can be viewed is from the Lake and by boat only. The existing and proposed development appears to be consistent with this section.

3. Drives, Parking and Circulation

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.

Applicant's Response: The existing driveway is access off of Weiss Estates Lane. There is only one access point, and all circulation and turn around areas are provided on the subject site. The Road Department has already approved the parking and circulation plan.

4. Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

Applicant's Response: The existing and proposed development directs the roof storm drainage to the upland side of the site with roof gutters that tie underground and outlet away from the slope and away from adjoining properties.

5. Utility Service

- a. Whenever feasible, electric, telephone and other utility lines shall be underground;
- b. Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;
- c. The proposed method of sanitary sewage disposal from all buildings shall be indicated.

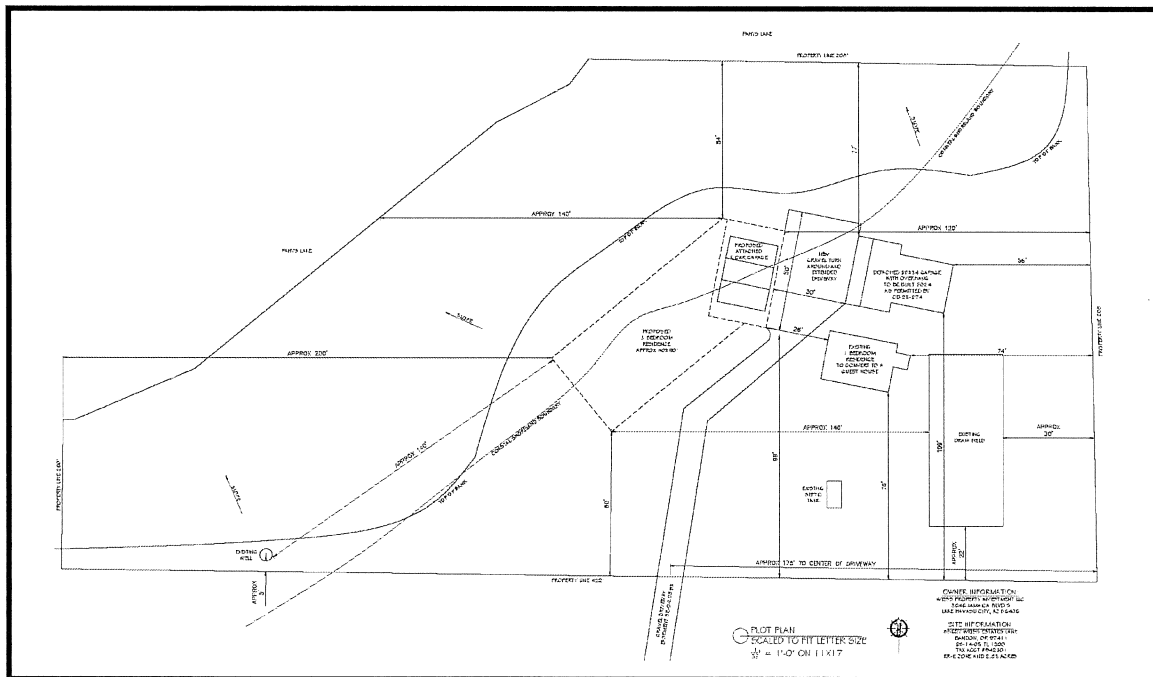
Applicant's Response: The existing and proposed utility lines are located underground. There is an on-site septic system which is permitted, maintained and is being voluntarily upgraded for the proposed use. The existing system is sufficient for a four bedroom home, though the owner has chosen to upgrade the tank size and add additional drain lines.

b) Application Submittal and Review Procedure.

1. Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:

- a. A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;

Applicant's Response: The applicant has submitted a Plot Plan.



PROPOSED PLOT PLAN

b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;

Applicant's Response: Landscaping is not proposed at this time or in the future. No trees or vegetation will be removed from the Riparian area. The building site consists entirely of grass/sod. Excavation for the foundation will require the removal of all vegetation for a depth of 24" to meet the building permit requirements for depth of footing and 12" minimum back fill. No trees are proposed to be planted at this time.

c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;

Applicant's Response: The plot plan shows the areas of proposed development. A set of plans can be submitted as a condition of approval if needed. The proposed development covers less than 4% of the total square footage of the lot, leaving the rest for native/existing vegetation and landscaping.

d. Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;

Applicant's Response: The existing and proposed development will be finished with natural colors, consistent with the neighborhood and environment. The existing structures were recently repainted in a shade of brown with black trim.

e. An application request which shall include:

- 1) Name and address of applicant;
- 2) Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;
- 3) Address and legal description of the property;
- 4) Statement explaining the intended request;
- 5) The required fee; and

6) Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.

Applicant's Response: The Applicant submitted the correct application forms and fees at the direction of the property owner. Additional information can be provided as needed.

2. Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.

Applicant's Response: The proposed development appears to be "de minimis" defined as "too trivial or minor to merit consideration, especially in law." All development is located on the upland portion of the subject property and avoids all Riparian areas and excludes all tree removal from the request.

5.2.100

Conditional Uses are discretionary reviews that involve judgment or discretion in determining compliance with the ordinance.

2. Administrative Conditional Uses (ACU). An Administrative Conditional use is a use or activity with similar compatibility or special conservation problems. An application for an administrative conditional use requires review by the Planning Director to ensure compliance with approval criteria.

Applicant's Response: The applicant has provided an application for an Administrative Conditional Use Permit for the Coastal Shoreland Boundary and Guest House. It is understood that discretion can be made when approving this use and that additional conditions may be placed on the permit.

3. Variance (V) Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. The authority to grant variances does not extend to use regulations, minimum lot sizes or riparian areas within the Coastal Shoreland Boundary.

Applicant's Response: The applicant has provided an application for Variance to the maximum square footage of a Guest House.

5.3.100 Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use regulations, minimum lot sizes or riparian areas within the Coastal Shoreland Boundary.

Applicant's Response: The proposed development does not require a Variance. The Variance request is specific to the square footage of an existing structure, the current one-bedroom residence. The Applicant is proposing to convert the home to a Guest House after the completion of the new home. The maximum square footage for a Guest House is 500sf, and the existing home is 560sf. The existing home could be converted to an Accessory Structure without question of the square footage. Both conversions require the cooking appliances to be removed. The only difference in the use is the bedroom. A Guest House allows a bedroom and an Accessory Structure does not. The owner prefers to maintain a bedroom for guests, and has applied for a Variance to the square footage requirement.

5.3.150 A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant, current owner(s) or previous owner(s) willful violation. This does not mean that a variance cannot be granted for other reasons.

Applicant's Response: The existing development was lawfully created and a violation does not exist.

5.3.200 The Planning Director shall consider all formal requests for variances for zoning and land development variances.

Applicant's Response: The applicant notified the Planning Director prior to notification about the Variance request. A formal application is provided based on the indication that the square footage requirement could be waived.

5.3.350 Criteria For Approval Of Variances: No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

1. Both findings "a" and "b" below are made:
 - a. One of the following circumstances shall apply:

i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;

Applicant's Response: The applicant has provided evidence of a 560sf one-bedroom home that was built around 1978. The strict or literal interpretation of CCZLDO 4.3.200(22,27,d) for Guest House square footage requirements creates an unnecessary and unintended hardship for the owner. The subject dwelling can be converted to an Accessory Structure without limitations on square footage. The only definable difference between a Guest House and Accessory Structure is the presence of a bedroom. Both are considered accessory to the main residential use. Both are required to have the kitchen cooking appliances and 220 outlet removed. Neither can be rented or used by anyone other than the owner. The only stipulation is the square footage for a Guest House is restricted to 500sf.

4.3.200(27,d) reads, " An auxiliary residence shall be constructed on property when the following conditions are met." In this instance, new development is not required for the Guest House. This is a conversion of an existing structure that has been kept in excellent condition.

The inclusion of a bed for the owner to use occasionally does not create an inconsistent use within the RR-2 zone, and the square footage appears to be consistent with the intention of the ordinance- smaller in proportion to the main living space. CCZLDO reads that the Guest House be 500sf or 75% of the total living space of the main residence, whichever is smaller. In most cases, 500sf is smaller. The existing 560sf is significantly smaller than 75% and closer to 18% of the total proposed square footage of the Replacement Dwelling.

ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

Applicant's Response: The existing dwelling was built in 1978 and pre-exists all residential development in the vicinity. Other developments in the same zoning district have the right to construct a new Guest House; however, the subject site is prohibited in converting and using an existing structure. A hardship is created when the kitchen is remodeled; however, a larger hardship would exist if the County insists on demolishing the existing structure in order to rebuild at 500sf.

iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;

Applicant's Response: It is the opinion of the Applicant that a strict or literal interpretation and enforcement of the 500sf maximum square footage would deprive the owner of continuing the use of their investment into the existing development.

b. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

Applicant's Response: The subject site contained two dwelling units for ten years, permitted as a Hardship Dwelling. There were no complaints during that date span; therefore, the Variance will not be detrimental to the public health, safety or welfare. The development is completely screened from the Road and all other development.

2. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

Applicant's Response: The subject site contained two dwelling units for ten years, permitted as a Hardship Dwelling. There were no complaints during that date span; therefore, the Variance will not be detrimental to the public health, safety or welfare. The development is completely screened from the Road and all other development.

3. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made: "the variance will not create a hazard to air navigation".

Applicant's Response: A variance to the Airport Surfaces Floating Zone is not being applied for.

4. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.227.

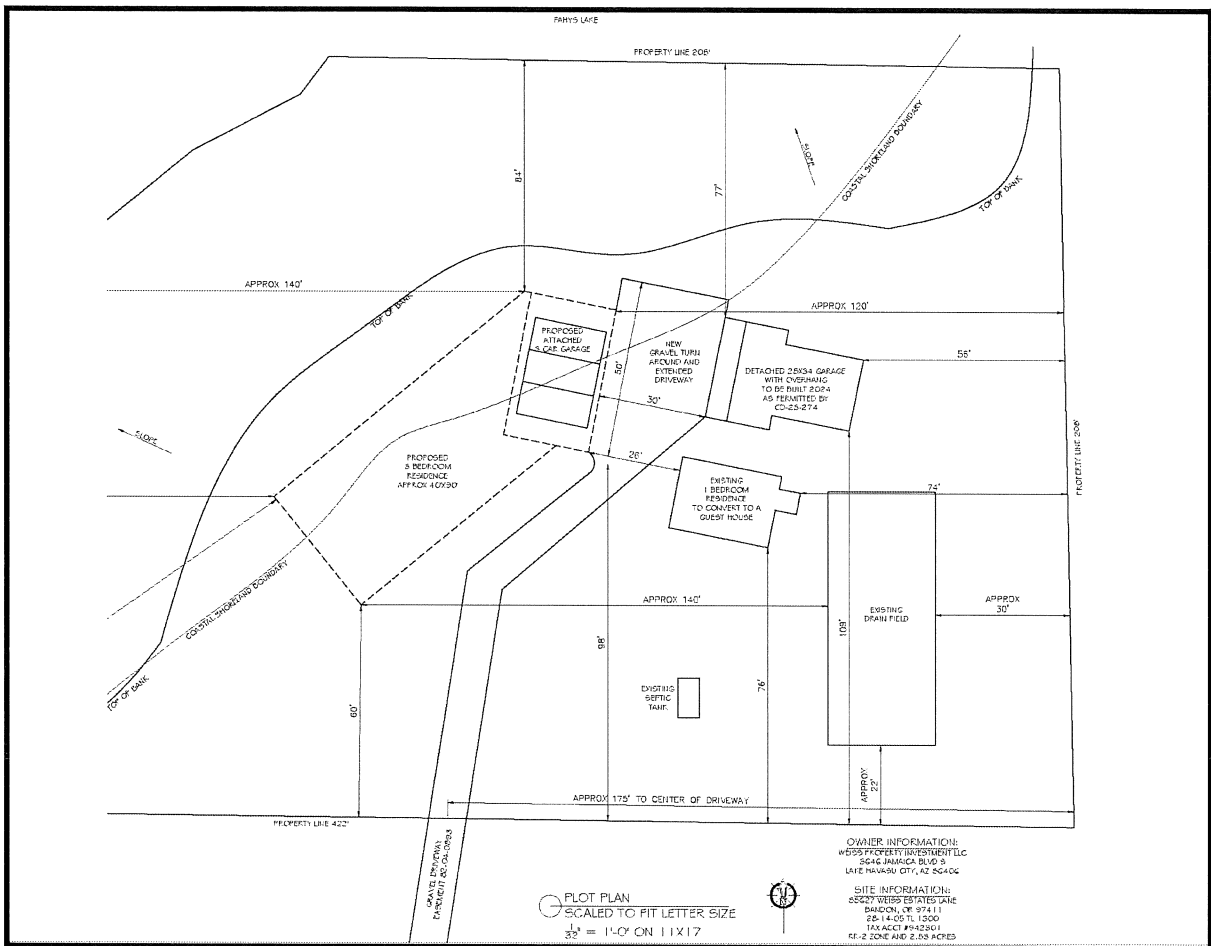
Applicant's Response: This section is not relevant to the request for a Variance to the Guest House square footage.

5. Variance regulations in CCZLDO Article 5.3 shall not apply to Sections 4.11.400 through 4.11.460, Chapter VII and Chapter VIII.

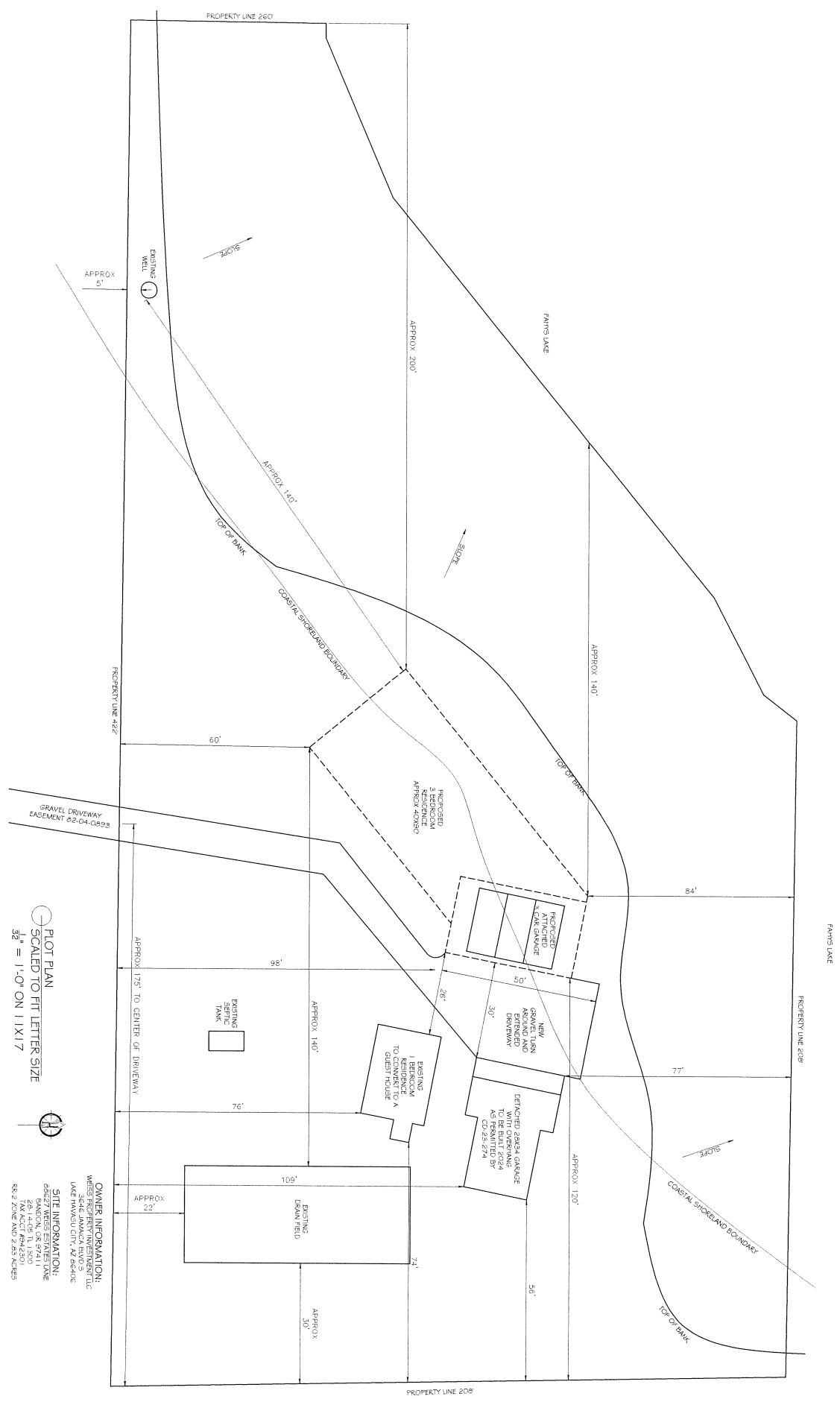
Applicant's Response: This section is not relevant to the request for a Variance to the Guest House square footage.

7.5.175 Parking, driveway and access shall comply with Section 7.

Applicant's Response: The driveway, parking and circulation have been reviewed by the Road Department and approved. The site has more room for parking as proven by a site visit and on site measurements with the Road Department.



PARKING PLAN



 **PLOT PLAN**
 SCALED TO FIT LETTER SIZE
 1" = 1'-0" ON 11X17



OWNER INFORMATION:
 WESS PROPERTY INVESTMENTS LLC
 1425 HAWAII DRIVE
 LAIE HAWAII CITY, AZ 86806

SITE INFORMATION:
 4222 WINDMILL DRIVE
 BANDON, OR 97411
 2.6 ACRES
 2014-11-13-001
 R2-ZONE AND 2.65 ACRES

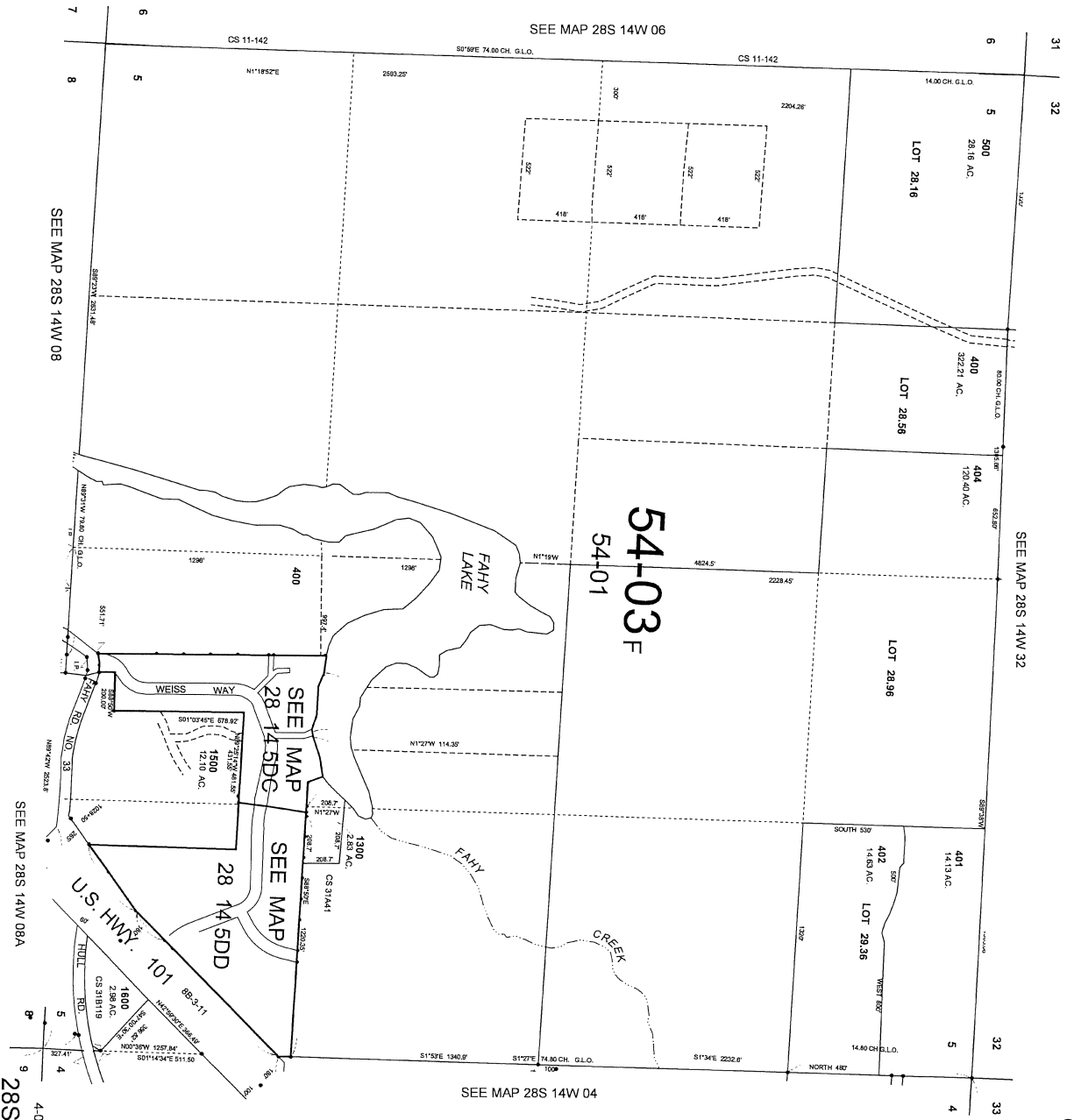
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 5 T28S R14W W.M.
COOS COUNTY
1" = 400'

28S 14W 05
& INDEX

CANCELLED NO.

- 1400
- 1401
- 1501
- 1302
- 1301
- 1502
- 1601
- 100
- 200
- 300
- 600
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 403



4-07-2010
28S 14W 05
& INDEX



Sheri McGrath <cooscurry@gmail.com>

ACU-23-031 Incomplete/Complete/Revise?

Crystal Orr <corr@co.coos.or.us>
To: Sheri McGrath <cooscurry@gmail.com>
Cc: Jill Rolfe <jrolfe@co.coos.or.us>

Tue, Aug 1, 2023 at 11:01 AM

Yes, you will need to pay the \$480 to add the CSB and the \$360 fee to change from vacation rental to guest house.

[Quoted text hidden]

CSB - 480
Guest - 360
Variation - 480
CD - 320

1640
1.05

1722.00