

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



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: 87837 Two Mile Lane

Type of Access: Public Road Name of Access: Two Mile 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:

DATE: 7-31-24
FROM: Sheri McGrath
SUBJECT: 87837 Two Mile Lane, Bandon, OR 97411

I, Pamela Namenyi of 87837 Two Mile Lane, Bandon, OR 97411, grant permission to Sheri McGrath to represent me on all design, permit and consulting matters concerning my property located on the Coos County Assessor's Map 29-14-18 TL 3601. The tax account for this property is 1216903. The situs address is 87837 Two Mile Lane, Bandon, OR 97411.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other coordination or information related to the subject 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 12 months from the date below, without requirement of notice.

DATED: July 31, 2024

PARAMETRIX, INC.


By: SHERI MCGRATH

CLIENT


By: PAMELA NAMENYI



RECORDING REQUESTED BY:



2365 NW Kline Street, Suite 101
Roseburg, OR 97471

Coos County, Oregon **2021-06301**
\$96.00 Pgs=3 06/07/2021 04:22 PM
eRecorded by: TICOR TITLE COOS BAY
Debbie Heller, CCC, Coos County Clerk

AFTER RECORDING RETURN TO:

Order No.: WT0216126-MB
Pamela E. Namenyi
87837 Two Mile Lane
Bandon, OR 97411

SEND TAX STATEMENTS TO:

Pamela E. Namenyi
87837 Two Mile Lane
Bandon, OR 97411

APN: 1216903
Map: 29S14180003601

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Michael K. Deering and Lori L. Copeland, tenants by the entirety Grantor, conveys and warrants to Pamela E. Namenyi, 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:

Parcel 2 of Final Land Partition Plat 2007 #25, recorded July 19, 2007 as Microfilm No. 2007-9597,
Records Coos
County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$715,000.00) (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: 6-3-21

Michael K. Deering

Michael K. Deering

Lori L. Copeland

Lori L. Copeland

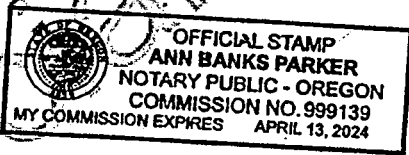
State of Oregon
County of Clatsop

This instrument was acknowledged before me on June 3, 21 by Michael K. Deering and Lori L. Copeland.

Ann Banks Parker

Notary Public - State of Oregon

My Commission Expires: April 13, 2024



Unofficial Copy

EXHIBIT A

Order No.: WT0216126

Parcel 2 of Final Land Partition Plat 2007 #25, recorded July 19, 2007 as Microfilm No. 2007-9597,
Records Coos
County, Oregon.

Unofficial
Copy

Coos County
2023 Real Property Assessment Report
 Account 1216903
 NOT OFFICIAL VALUE

Map 29S1418-00-03601
 Code - Tax ID 5403 - 1216903

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing NAMENYI, PAMELA E
 87837 TWO MILE LN
 BANDON OR 97411-7233

Deed Reference # 2021-6301
 Sales Date/Price 06-03-2021 / \$715,000
 Appraiser ROBERT WILSON

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

Site	Situs Address	City
10	87837 TWO MILE LN	BANDON

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
5403	Land	256,120		Land	0	
	Impr	407,730		Impr	0	
Code Area Total		663,850	330,880	330,880	0	
Grand Total		663,850	330,880	330,880	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	113	1.00 AC	HS	001	181,690
	20	<input checked="" type="checkbox"/>		RR-2	Market	113	1.10 AC	MV	002	74,430
Code Area Total							2.10 AC			256,120

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
5403	1	0	148	One story with attic-Class 4	119	1,148			407,730
Code Area Total						1,148			407,730

Exemptions / Special Assessments / Notations				
Code Area	5403			
Fire Patrol		Amount	Acres	Year
■ FIRE PATROL SRCHG		47.50		2023
■ FIRE PATROL TIMBER		18.75	1.10	2023

Appraisal Maint 2023-OTHER NEW CONSTRUCTION (ADDITIONS OR ALTERATION)

August 28, 2024

GUEST HOUSE FINDINGS

VARIANCE TO GUEST HOUSE SQUARE FOOTAGE AND DISTANCE FINDINGS

PROPERTY LOCATION

87837 Two Mile Ln
Bandon, Oregon 97411
29-14-18 TL 3601
Tax Account 1216903

PROPERTY OWNER/APPLICANT

Pamela Namenyi
87837 Two Mile Lane
Bandon, Oregon 97411

OWNER'S REPRESENTATIVE

Sheri McGrath
Parametrix, Inc
P.O. Box 1548
Bandon, OR 97411
541-982-9531
cooscurry@gmail.com

PROJECT NARRATIVE

The subject property is located within the zip code of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 3601 on the Coos County Tax Assessor's Map 29-14-18 and is located in the Rural Residential 2 zoning district (RR-2). The property is 2.10 acres in size, and the situs address is 87837 Two Mile Lane, Bandon, Oregon 97411. The current owner purchased the property in June 2021 in the current condition. No new development or improvements have been made under the current ownership.

Existing development includes a two-bedroom stick framed home with attached garage and associated improvements including a septic system, a domestic well, and four accessory structures. There are two small sheds that are less than 200sf in size and exempt from permits. There is a shop structure that is approximately 1146sf in size.

One of the structures was constructed as a shop accessory structure that is two stories in size. At some point, a previous owner converted the second floor to habitable space, though the date and intention is unknown. Planning Clearance and Septic Approvals were issued for the installation of a bathroom in 2010 (ZCL-10-29 and OS408829) which indicate a conversion date after that time period. Planning Clearance to build the structure was given in 2008 (ZCL-08-440).

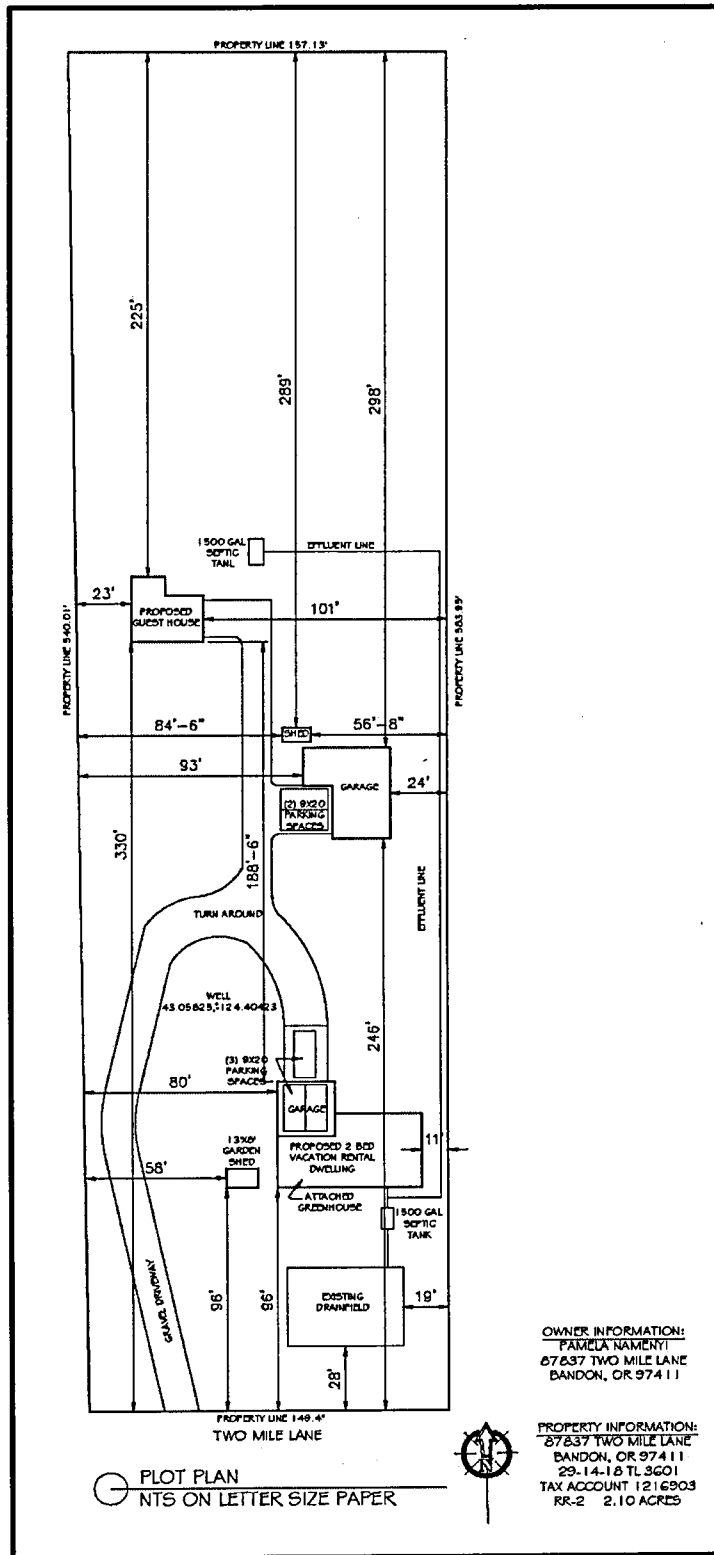
There is an established vegetable garden next to the proposed Garden/Guest House structure which shows the original intent of the space. The property is forested on the North side and the remainder of the property is landscaped with various ornamental vegetation and is fenced. The property is not used for commercial farming or forest practices and is not suitable for these uses due to the size of the site.

GENERAL SCOPE OF PROPOSAL

The property owner is requesting after the fact approval for a Guest House. The Guest House is located within an existing Accessory Structure and is approximately 675 square feet in size. The criteria for a Guest House within the Coos County Zoning and Land Development Ordinance (CCZLDO) stipulates that the Guest House must be less than 500 square feet. The property owner is requesting a variance to that criteria standard. The criteria also states that the guest house must be attached to or within 100 feet of the main residence; the property owner wishes to vary that requirement to allow the guest house to be approximately 188 feet from the primary dwelling. Findings are included below to show the intent of the current owner to bring the property into compliance. Below are photographs of the structure at the time of purchase in 2021 and is representative of its current condition as well. The first floor is a workshop area. Separately, there is an entrance to the upstairs unit that contains a staircase and laundry facilities. The garage and dwelling unit are separated by walls and contain separate entrances.



PHOTOGRAPHS FROM 2021 REAL ESTATE LISTING



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: The conversion to a Guest House on the top floor of the Accessory Structure was not permitted, this application is being submitted to bring the property into compliance.

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 property contains an existing stick framed two-bedroom Single Family Dwelling.

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

Applicant's Response: The proposed use can be permitted as an Administrative Conditional Use. The request is an "after the fact" Guest House.

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

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.

4.2.100 There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

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 proposal is consistent with the purpose of the zoning district, which is to provide rural family life.

4.3.200 The Table of Uses reads that a Guest House is permitted in the RR-2 zoning district subject to review criteria 27,d.

Applicant's Response: The Applicant addresses the criteria in the following pages.

The Table of Uses reads that Vacation Rental/Short Term Rental is permitted in the RR-2 zoning district subject to review criteria 87 and that the use takes place within an existing single family dwelling.

Applicant's Response: The Applicant has a second conditional use permit application submitted to the County for a Vacation Rental Dwelling. The owner travels for work and will be occupying the Guest House when in town. The Guest House will not be rented as a short or long term rental.

4.3.210(27,d) A Guest House is subject to the following criteria:

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

Applicant's Response: The subject property contains 2.10 acres; and therefore, meets this requirement.

ii. Only one guest house per lawfully created unit of land.

Applicant's Response: The property owner understands that only one guest house may be permitted.

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 Guest House contains 675 square feet, the property is limited to 500 square feet as the property contains 2.10 acres. A Variance is being requested; the criteria can be found below the Guest House criteria.

- 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 property contains water and sewer and is less than 5 acres in size; therefore, a Variance is required for the square footage of the existing Guest House.

- 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 guest house is a conventionally built structure.

- vi. Cannot be used as a rental unit;

Applicant's Response: The property owner acknowledges that the Guest House may not be used as a rental unit. It will be owner occupied.

- 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 is located approximately 188' away from the main dwelling. A Variance to this criteria is requested and included in this application for concurrent review.

- 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 guest house is served by the same water and sewage system and is hooked to the same utility meter as the main residence. DEQ approved the installation of a bathroom and connection to the existing drainfield in 2011 and labeled it on the permit as a Shop on permit number OS408829.

Certificate of Satisfactory Completion

Installation of this onsite wastewater treatment system has been determined to comply with the applicable requirements in Oregon Administrative Rules Chapter 340, Divisions 071 and 073 and the conditions of Permit OS408829 as follows:

PROPERTY INFORMATION

Property Owner: Michael K Deering And Lori Township 29S, Range 14W, Section 18
Copeland
Property Location: 87837 Two Mile Lane Shop/Barn, Tax Lot 3601
Bandon
Facility Type: Commercial Coos County
Add bathrooms to barn & shop. County Reference #12169.03
County Worksheet #10-29

SPECIFICATIONS AND REQUIREMENTS

System type: Standard

Design Flow: 450 gals/day
Minimum Septic Tank Size: 1500 gals

DEQ PERMIT FOR BATHROOM IN SHOP

- 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: The State of Oregon does not allow Accessory Dwelling Units to be further than 100' from the main residence. A Variance cannot be granted for ADUs; however, the Board of Commissioners determined that a Variance can be granted for a Guest House separation. This explains why an ADU is not being 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 property owner agrees to record a deed covenant with the County Clerk's Office stating that the guest house shall not be rented.

- 4.3.220 Additional conditional use review standards for uses, development and activities listed in table 4.3.200. The following criteria only apply to conditional uses 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 Guest House is compatible with the surrounding development which is exclusively dedicated to residential uses. The zoning purpose of Rural Residential is to provide residential housing; therefore, this request is compatible.

4.3.225 All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

- (1) Agricultural and Forest Covenant -

Applicant's Response: The property is not located within or adjacent to a Farm or Forest zone; therefore, a covenant is not required.

- (2) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.

Applicant's Response: The existing fence is at a suitable height to meet the Vision Clearance provisions.

- (3) Limitation on uses of manufactured dwellings/structures -

Applicant's Response: There are no manufactured dwellings or structures on the property and no commercial uses exist; therefore, this criteria is not applicable.

- (4) New lots or parcels -

Applicant's Response: No new lots or parcels are being created; therefore, this criteria is not applicable.

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

Applicant's Response: The property exceeds the minimum requirements for parking and emergency vehicle turn around on the site.

(6) Riparian -

Applicant's Response: There are no waterways on the site; therefore, this criteria is not applicable.

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 2.10 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 CCZLDO.

(c) Building Height – No additional Requirements.

Applicant's Response: The Guest House is located within the second story of the existing structure and a small first floor entry area. No new development is proposed at this time.

(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: A Guest House is a listed use within the Ordinance.

5.0.350 Conditions of Approval

1. Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.

2. An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.

3. At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review

authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.

Applicant's Response: The applicant understands that conditions of approval will be placed on the permit. It is understood that failure to comply may result in a permit revocation.

5.0.400 Consolidated Applications

1. Applications for more than one land use decision on the same property may be submitted together for concurrent review. If the applications involve different review processes, they will be heard or decided under the higher review procedure. For example, combined applications involving an administrative review and hearings body reviews, will be subject to a public hearing.

2. Applications that are paired with a Plan Amendment and/or Rezone application shall be contingent upon final approval of the amendment by the Board of Commissioners. If the Board denies the amendment, then any other application submitted concurrently and dependent upon it shall also be denied.

Applicant's Response: The applicant is applying for a consolidated review of the Guest House use and a Variance to the Guest House criteria for the size of the structure and distance from the main dwelling. A separate application has been submitted for a proposed Vacation Rental Dwelling and is not consolidated with the Guest House and Variance.

5.2.100 Conditional uses are discretionary reviews that involve judgment or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable. The amount of discretion and the potential impact of the request vary among different reviews. Some have less discretion or impact, such as the reduction of a garage setback for a house on a hillside. Others may involve more discretion or potential impacts, such as the Discretionary reviews that must provide opportunities for public involvement by either a public hearing or the right to appeal. All conditions that are placed on an application shall be completed at the cost of the applicant. There are different application types that are considered conditional uses but below are the three most common types of conditional use applications.

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 a 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, as well as the distance requirement from the Guest House to the Single Family Dwelling. This Variance request is not within the Coastal Shoreland Boundary.

5.2.700 Development Transferability

Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

Applicant's Response: As a condition of approval, the Applicant will record a Deed Declaration identifying the permit approval number. This will ensure that a future owner will be provided with the permit information prior to purchasing the property. It is the responsibility of that future owner to ensure compliance from the date of purchase forward.

5.3.100 Variances: 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 applicant is applying for a Variance to the maximum square footage of a Guest House, as well as the distance requirement from the Guest House to the Single Family Dwelling. This Variance request is not to a use regulation, minimum lot size or riparian area within the Coastal Shoreland Boundary.

- 5.3.150 Self Inflicted Hardships: 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 Variance is not being requested due to a self inflicted hardship. A portion of an approved Accessory Structure was converted to a Guest House by a previous landowner; however, "willful violation" is defined as an "act done voluntarily with either an intentional disregard of, or plain indifference to, the requirements of regulations." It does not appear that the conversion of the Guest House was out of intentional disregard or plain indifference. Unless the County can prove "willful violation" of a previous property owner, the criteria can be met with this finding.

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

Applicant's Response: A formal request has been made and applied for; therefore, consideration is required.

- 5.3.350 Criteria for Approval of Variances
A variance may be granted by the Planning Director if evidence is submitted to meet the below criteria.

- 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;
 - 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
 - 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: The applicant is requesting a variance to the allowed size of the Guest House. The ordinance specifies that the Guest House is limited to 500 square feet; however, the applicant wishes to vary that requirement to 675 square feet (approximate square footage). The ordinance also requires that the Guest House be located within 100 feet from the primary residence; however, the applicant is requesting a variance to that standard in order to bring the property into full compliance with the CCZLDO. The existing structure was built between 2010- 2011 and the Guest House conversion date is unknown.

The applicant understands that a variance cannot be granted solely because the Accessory Structure was converted to a Guest House without permits. The property owner believes that the strict interpretation and enforcement of the requirements would result in unnecessary hardship and would be inconsistent with the objectives of the ordinance.

The Guest House criteria limit the dwelling size to 500 square feet, which results in the allowance of a one bedroom unit. The existing Guest House contains one bedroom, so the intention of a small space is still met. A condition could be placed on the approval requiring a deed covenant that will not allow the Guest House to contain more than one bedroom.

Additionally, the Guest House is located above an existing Accessory Structure and has a first floor entry that is separated from the shop/garage area. It contains a separate entrance also. The square footage includes the first-floor entry and interior stairway. If the Guest House included only the second floor, the square footage would be closer to 500sf. A Variance to the square footage requirement is considered reasonable given the location on the second floor and that it is located within the existing development.

Using the existing development results in less ground disturbing activities than if the property owners were required to revert the Guest House to non-livable space and build another structure that meets the 500 square foot requirement. Building another structure would be inconsistent with the objectives of the ordinance, the objectives can be found below in italics.

1.1.200 Purpose: It is the purpose of this Ordinance to implement the Coos County Comprehensive Plan by:

1. Promoting the orderly growth of Coos County

Applicant's Response: The size limitation of 500 square feet was most likely added to the ordinance for this purpose statement. A Guest House 500 square

feet and below would allow a one-bedroom dwelling to be sited, the existing Guest House is one bedroom and one bathroom.

2. Protecting and enhancing the environment

Applicant's Response: Requiring that the property owner site a Guest House under 500 square feet and within 100 feet from the primary dwelling would require the existing Guest House to be reverted back to the original use as an Accessory Structure and the construction of a new structure 500 square feet or less to be built within 100 feet of the primary dwelling. This would require further ground disturbing activity on this parcel which does not meet this purpose statement. The property contains a large vegetable garden, established ornamental gardens and wooded areas. Further development on this site would adversely affect the environment by removing wildlife habitat, creating more carbon emissions and visual pollution for the neighboring properties.

3. Conserving and stabilizing the value of property

Applicant's Response: Allowing the Guest House to become fully permitted stabilizes the value of the property.

4. Reducing excessive traffic congestion

Applicants Response: The Guest House uses the same driveway as the existing Single-Family Dwelling. A Guest House is allowed within the zoning district, and therefore was found to meet this purpose statement when the use was adopted.

5. Preventing overcrowding of land by establishing standards for proper density

Applicants Response: The Guest House will allow the same density as intended within the existing criteria for a Guest House. Building a new 500sf Guest House would result in overcrowding on this particular site.

6. Providing adequate open space for light and air

Applicants Response: The Guest House allows adequate open space for light and air to remain on the subject parcel, requiring that a Guest House meet the requirements would result in less open space on the parcel as a new structure would need to be sited.

7. Conserving natural resources

Applicants Response: As stated above, without the variance a new structure would need to be sited and would result in the land having less natural undisturbed space.

8. Encouraging the most appropriate use of land

Applicants Response: The use is allowed, and therefore, meets this purpose statement.

9. Preventing water and air pollution

Applicants Response: Air pollution would be a factor if a new structure is required to be built. Building materials create dust, off gassing and noise pollution. The proposed Variance removes all air pollution. Water pollution is not relevant in either instance.

10. Facilitating fire and police protection

Applicants Response: This is not specifically applicable to this request.

11. Providing for community facilities

Applicants Response: This is not specifically applicable to this request.

12. Promoting and protecting the public health, safety, convenience and general welfare

Applicants Response: This is not specifically applicable to this request.

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.

Applicants Response: There will be no change to the property. To date, Coos County Planning Staff has not received a single complaint pertaining to the Guest House. The Variance will not be detrimental to the public nor materially injurious to surrounding properties and improvements.

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

Applicant's Response: The driveway and parking plan will be inspected and approved by the Road Department. The site exceeds the minimum requirements for a fire turn around and parking.

SECTION 18 T29S R14W W.M.
COOS COUNTY

29S 14W 18

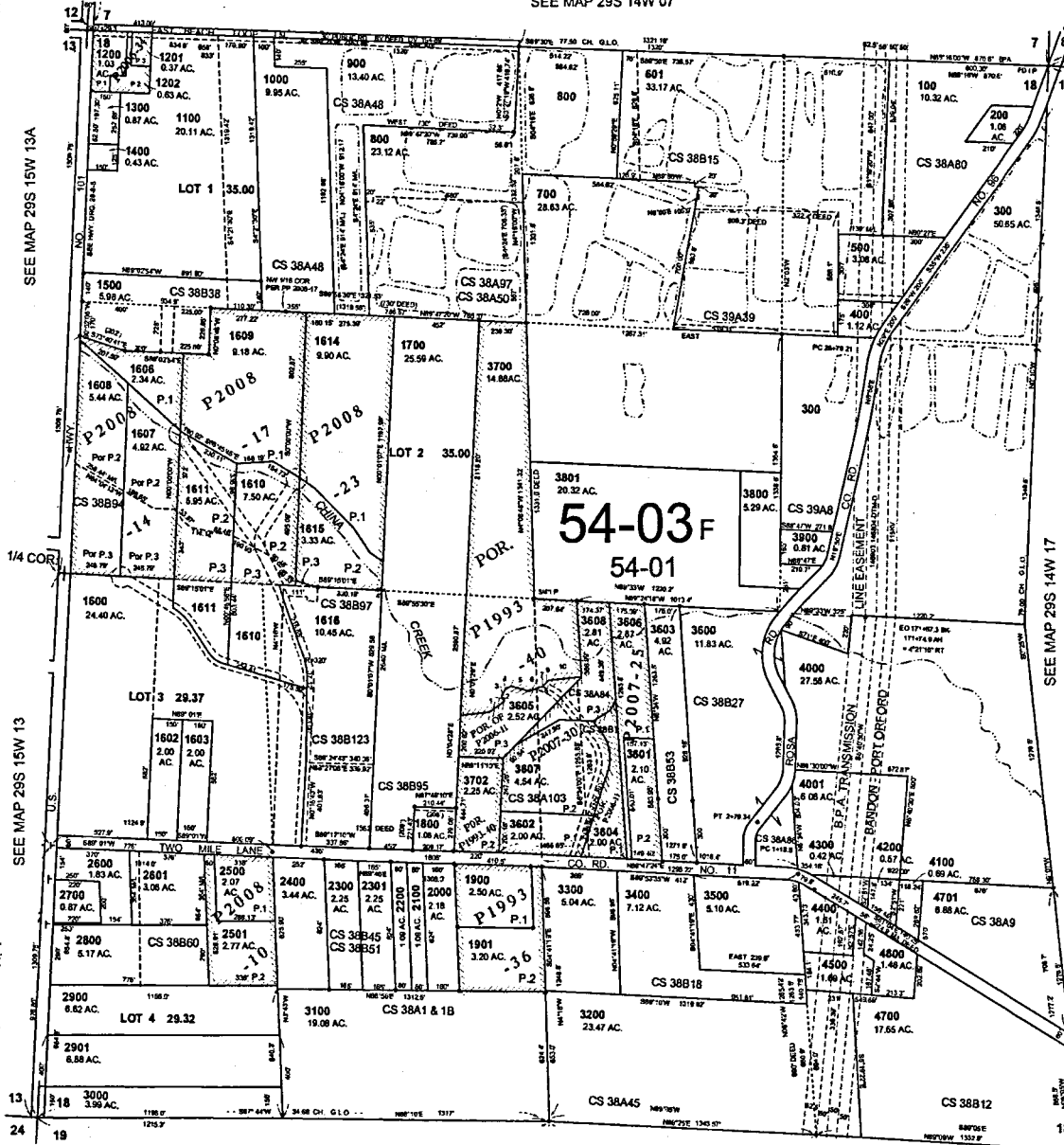
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 400'

CANCELLED NO.

- 1600M1
- 600
- 602
- 1101
- 3701
- 1601
- 1102
- 4702
- 3703
- 3802
- 1612
- 1613
- 1701
- 1604
- 1605
- 1617
- 1618
- 1619
- 4003
- 1620
- 1621

SEE MAP 29S 14W 07



TAX LOT 3605

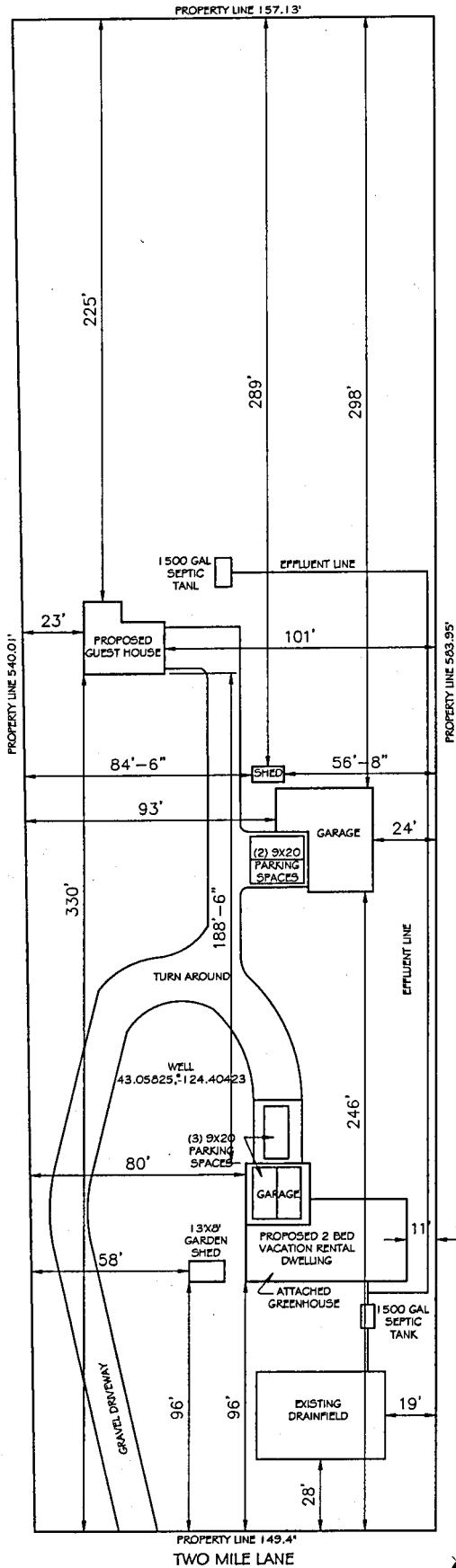
1. S81°05'48"E 144.44'
2. N42°03'59"E 90.36'
3. N36°11'57"W 30.95'
4. N30°13'13"E 45.05'
5. N89°05'56"E 27.87'
6. S77°04'07"E 88.65'
7. N68°01'11"E 72.88'
8. N41°59'27"E 25.15'
9. S89°44'37"W 31.70'
10. N41°59'27"E 16.05'

04-25-2023

29S 14W 18

SEE MAP 29S 14W 19

19 20



OWNER INFORMATION:
 PAMELA NAMENYI
 87837 TWO MILE LANE
 BANDON, OR 97411

PROPERTY INFORMATION:
 87837 TWO MILE LANE
 BANDON, OR 97411
 29-14-18 TL 3601
 TAX ACCOUNT 1216903
 RR-2 2.10 ACRES

○ PLOT PLAN
 NTS ON LETTER SIZE PAPER

