



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
PLANNING@CO.COOS.OR.US 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: _____ Receipt #: _____ Amount: _____ Received by: _____

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)

Mailing address:

Phone:

Email:

Township: _____ Range: _____ Section: _____ ¼ Section: _____ 1/16 Section: _____ Tax lots: _____

Tax Account Number(s):

Zone: Select Zone

Tax Account Number(s)

B. Special Districts and Services

Water

Sewage Disposal

School

Fire District

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

Administrative Conditional Use for

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

Flood

Landslide

Liquefaction

Erosion

Wildfires

Airport Surfaces Overlay

Variance to which standard

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 timelines.
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

Property Details:

Account Number: 514500
Map Number: 26S1310BA-00600

Property Owner: LOCKE, KELLY LEE ET AL
63072 FRUITDALE RD
COOS BAY, OR 97420-7240

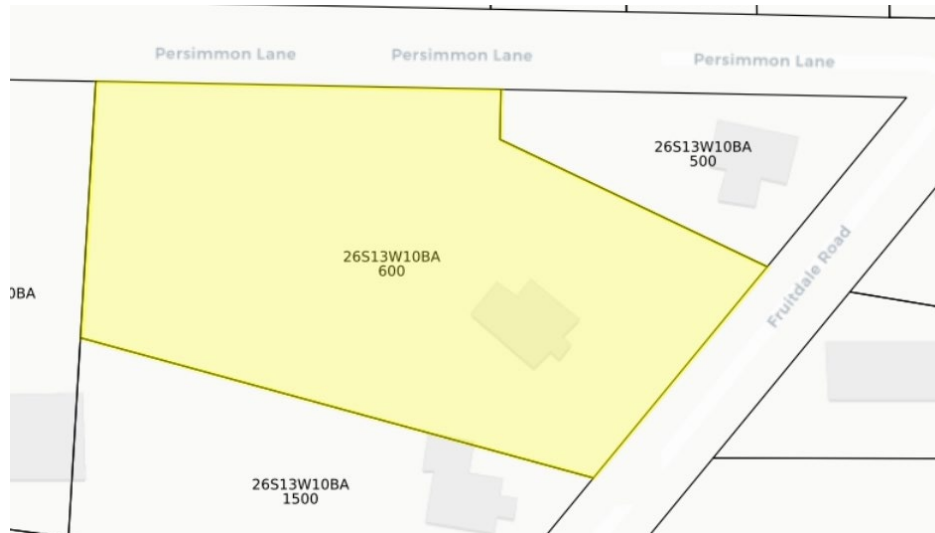
Situs Address: 63072 FRUITDALE RD COOS BAY, OR 97420

Acreage: 1.05 Acres

Zoning: URBAN RESIDENTIAL-2 (UR-2)

Special Development Considerations and overlays: WITHIN URBAN GROWTH BOUNDARY (UGB)

This property is located southwest of the City of Coos Bay, off Fruitdale Road. It spans just over an acre, with tree vegetation on the western portion and the remainder cleared and developed with a single-family dwelling, garage, and other outbuildings.



Lawfully Created Status:

This property was originally a larger property described in deed 273-94 and then deeded out further in 1969, deed reference 69-38954 as 1.05. Therefore, this is a lawfully created unit of land pursuant to Section 6.1.125.1.e by deed prior to applicable planning, zoning or subdivision or partition ordinances that would have prohibited the creation.

Current Project Status:

in January 2022, an application was submitted on behalf of Kelly Locke to the Coos County Community Development Planning Department for an interior remodel and two small additions

to an existing home, including a garage reconstruction. The initial application faced delays due to incomplete documentation but was eventually approved, with the condition that the accessory structure (garage) would not be used for habitation or commercial purposes.

In August 2023, the contractor requested additional modifications, including adding bathrooms, a library, and a gym, raising concerns about the accessory structure's intended use. Although a modified proposal to detach the garage was submitted, it lacked details on its intended use. A zoning compliance letter was issued, reaffirming the condition that the structure remain non-habitable.

Later in the building process, it was discovered that the proposed structure's use did not align with the land use authorization. This discrepancy between the approved plans and the actual construction has led to a permit hold, with ongoing internal discussions to resolve the issue. A meeting with the property owner was held on September 11, 2024, to discuss the structure's intent and how to proceed. The suggestion from the meeting was to connect the two structures to comply with the definition of an Accessory Use/Structure. However, the contractor analyzed the construction and found this may not be a viable solution. Therefore, the applicant has decided to pursue the guest house with a variance for the habitable square footage and the acreage limitation

Guest House Criteria Justification

1. Parcel Size Requirement:

- **Requirement:** The parcel must be two acres.
- **Justification:** The property is over one acre but does not meet the two-acre size limit. A variance is being requested based on the fact that the dwelling density will still comply. Additionally, this guest house serves as an accessory use for a growing family, making use of existing structures, minimizing environmental impact, and reducing the need for additional land development.

2. Square Footage Exceeded:

- **Requirement:** Guest house size should not exceed 800 square feet or 75% of the total square footage of the primary dwelling (in this case, the guest house is capped at 800 square feet as the dwelling is 1,855 square feet).
- **Justification:** The proposed guest house exceeds the limit by 200 square feet due to the structural and safety requirements of the existing accessory structure. This variance can be justified on the grounds that the habitable space is primarily in the upper area (840 sq ft) due to its layout, and the lower portion area used as a utility space, weight room and bathroom, which does not significantly impact the guest house's functional living area which will be primarily upstairs. The upstairs square footage is just over the limit at 840. Therefore, a variance is minimal and should be granted.

3. No Rental Use:

- **Requirement:** The guest house cannot be rented.
- **Justification:** The property owner fully intends to comply with this rule. The guest house will be used exclusively for family purposes and not as a rental unit. The deed covenant will also be recorded to confirm this.

4. Distance from Main Residence:

- **Requirement:** The guest house must be attached or within 100 feet of the main residence and no closer than seven feet.
 - **Justification:** The proposed structure meets these criteria, with the guest house being within the allowable distance and complying with setback requirements.
5. **Utilities:**
- **Requirement:** The guest house must share the same domestic water, sewage system, and utility meters as the main residence unless served by a public sewer.
 - **Justification:** The guest house will be connected to the same utilities as the primary dwelling, fulfilling this condition.

Variance Criteria Justification

1. Finding "a" Circumstances:

- **Literal enforcement creates hardship:** A strict interpretation of the size requirements would create unnecessary hardship, as the guest house is already designed within an existing accessory structure, making it difficult to reduce its size further without compromising the structural integrity or usefulness of the space.
- **Exceptional circumstances:** Give the existing infrastructure and current structure's layout and design limits the possibility of reducing the habitable square footage, and this limitation is not common to other properties in the area. The following improvements are already in place:
 - **Water, Sewer, and Power:** The property is already served by established water, sewer, and power systems, which are integrated into the existing structure. This setup reduces the environmental impact and development costs that would otherwise be necessary for creating new connections for a guest house.
 - **Driveway:** The current driveway provides adequate access to both the primary residence and the guest house, avoiding any need for additional construction or alteration to the property. Utilizing the existing structure near the primary dwelling ensures that access remains convenient and compliant with county regulations.
 - **Use of Existing Structure:** The guest house will make use of an existing accessory structure, preserving the integrity of the property and avoiding unnecessary new construction. Modifying this structure to meet guest house standards represents an efficient and sustainable use of resources.
- **Similar privileges for other owners:** Granting this variance would align with privileges that may have been granted to similar properties in the Urban Growth Boundary zone, where accessory structures are common and encouraged for residential family use.

2. Finding "b" Public Health, Safety, and Welfare:

- **Not detrimental:** The guest house does not pose any threat to public health, safety, or welfare. It is well within proximity to the primary residence and will not cause any material injury to neighboring properties. The property is large enough to accommodate the additional living space without overcrowding or significantly altering the character of the neighborhood.

3. No Negative Impact on Nearby Properties:

- **No material injury:** The variance will not negatively impact nearby properties. The guest house is designed in a way that maintains the rural residential character of the area, and its size, while slightly larger than allowed, is still much smaller than the primary dwelling.

By focusing on these points and emphasizing how the guest house will fit into the existing landscape without creating any undue burden or impact on the surrounding community, you should be able to make a strong case for the variance request.

REPORT INFO:
 KEURT LOCKS
 6507 FURNACE RD.
 QUAS BAY, OR, 97143
 26-13-108A TLEED
 TAX ACCT 514500 1.05 ACRES

