



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: 6/22/23 Receipt #: 137784878 Amount: \$1600.00 Received by: L.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) Emily and Jason Fadely

Mailing address: 718 Sonoma Dr Helena MT 59601

Phone: 4352588678

Email: elisonbee1@gmail.com

Township: 26S Range: 13W Section: 2 ¼ Section: A 1/16 Section: A Tax lots: 1600

Select Select Select Select Select

Tax Account Number(s): 4564500 Zone: Select Zone Urban Residential-2 (UR-2)

Tax Account Number(s) _____ Please Select

B. Special Districts and Services

Water Coos Bay - North Bend Water Board Sewage Disposal Bunker Hill Sanitation
School Coos Bay Fire District Millington RFPD

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

- Administrative Conditional Use for non-conforming use verification
- 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 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: 93795/93797 Bay Park Ln

Type of Access: Public Road Name of Access: 2nd st, Bay Park Ln

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: Coos Bay-North Bend Water Board Sewage Disposal Type: Bunker Hill Sanitation

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: _____

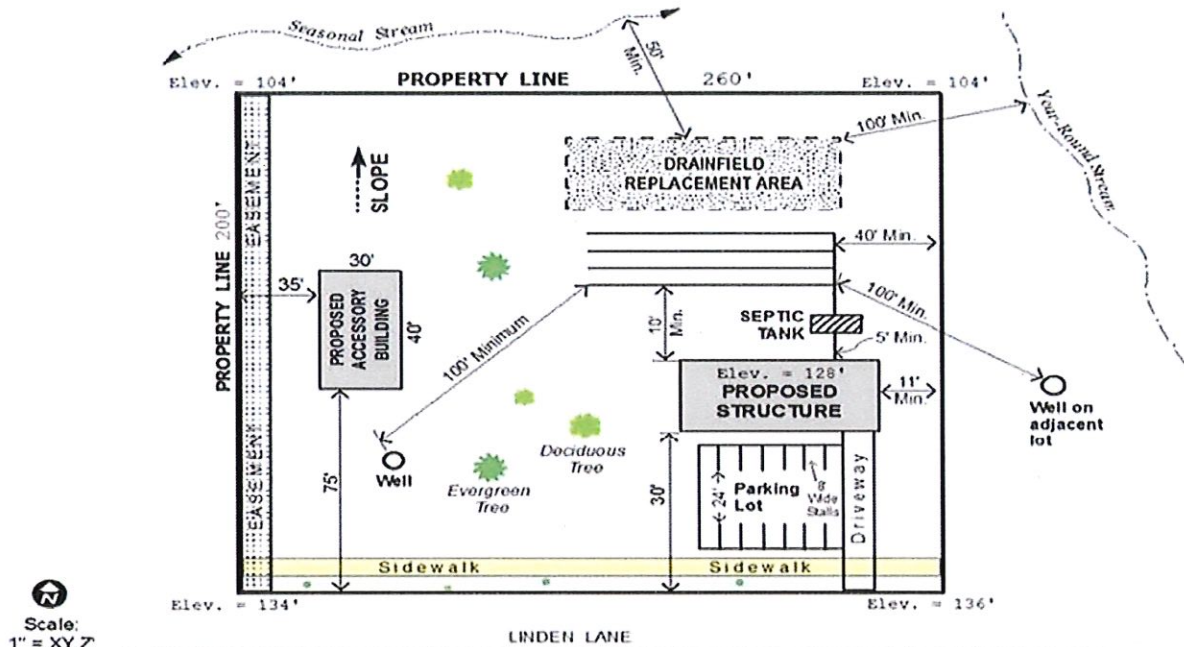
Staff Signature: _____

- 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 Health Division to make an appointment.

Additional Comments:

Plot Plan
The grid for the plot plan is found on the next page

SAMPLE PLOT PLAN



ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

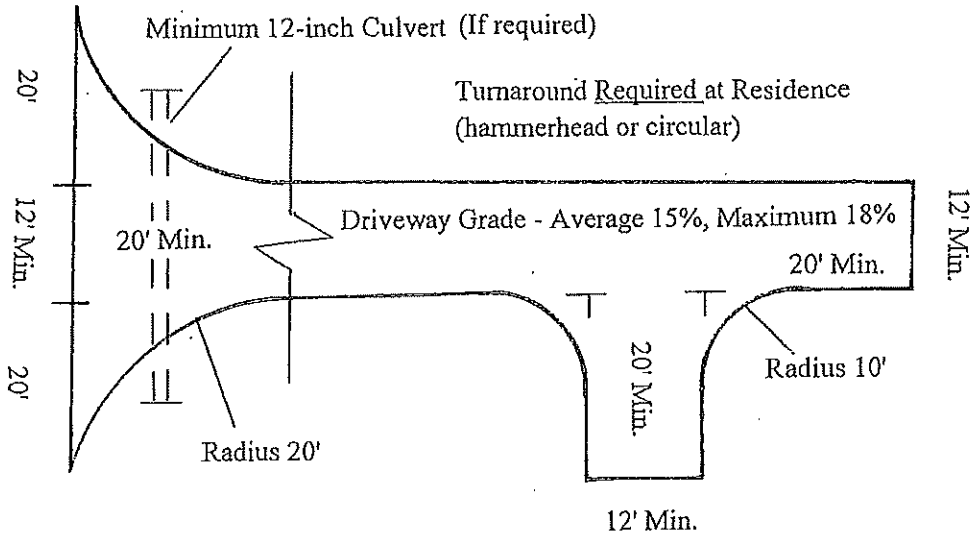
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS
DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



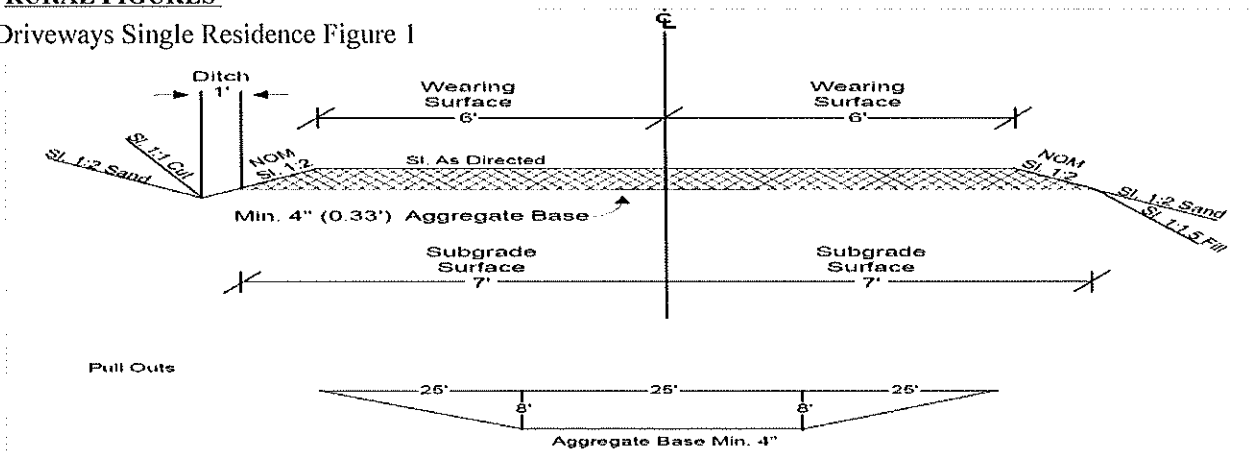
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

RURAL FIGURES

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

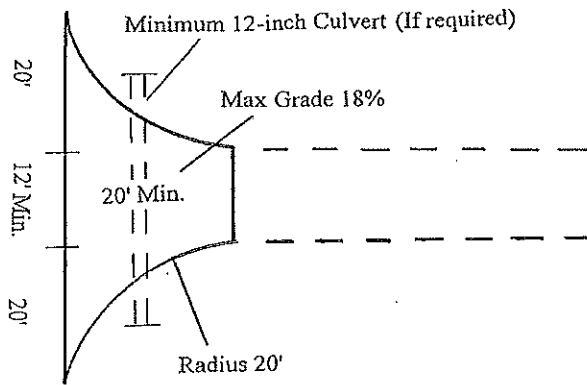
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

Forestry, Mining or Agricultural Access Standard drawing
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35 mph – 150' both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster
The access will be developed from the edge of the developed road.

Figure 7.1.450

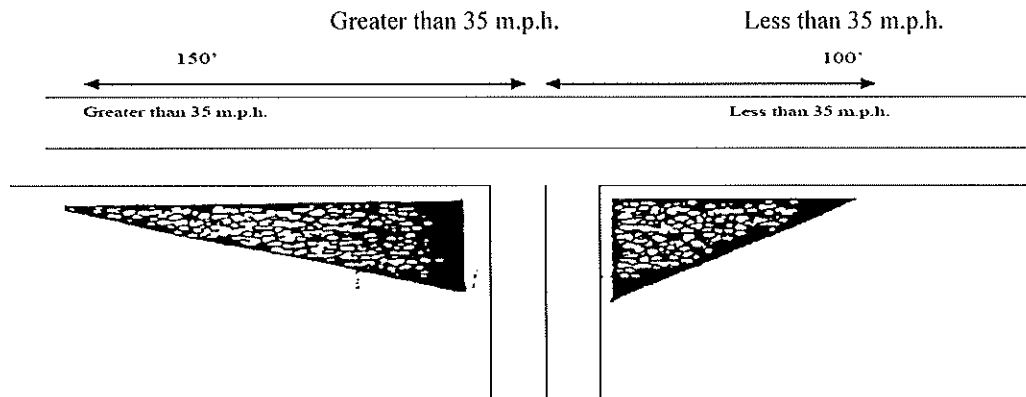


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

VISION CLEARANCE TRIANGLE:

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi- family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
Figures	A	B	C	D	E
Single row of Parking					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
Figures #'s					
	F	G	H	I	J
Two Rows of Parking					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.

Jason & Emily Fadely

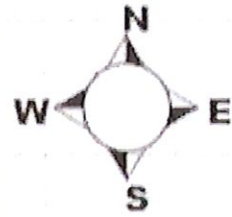
93795 & 93797 Bay Park Lane

Coos Bay, OR 97420

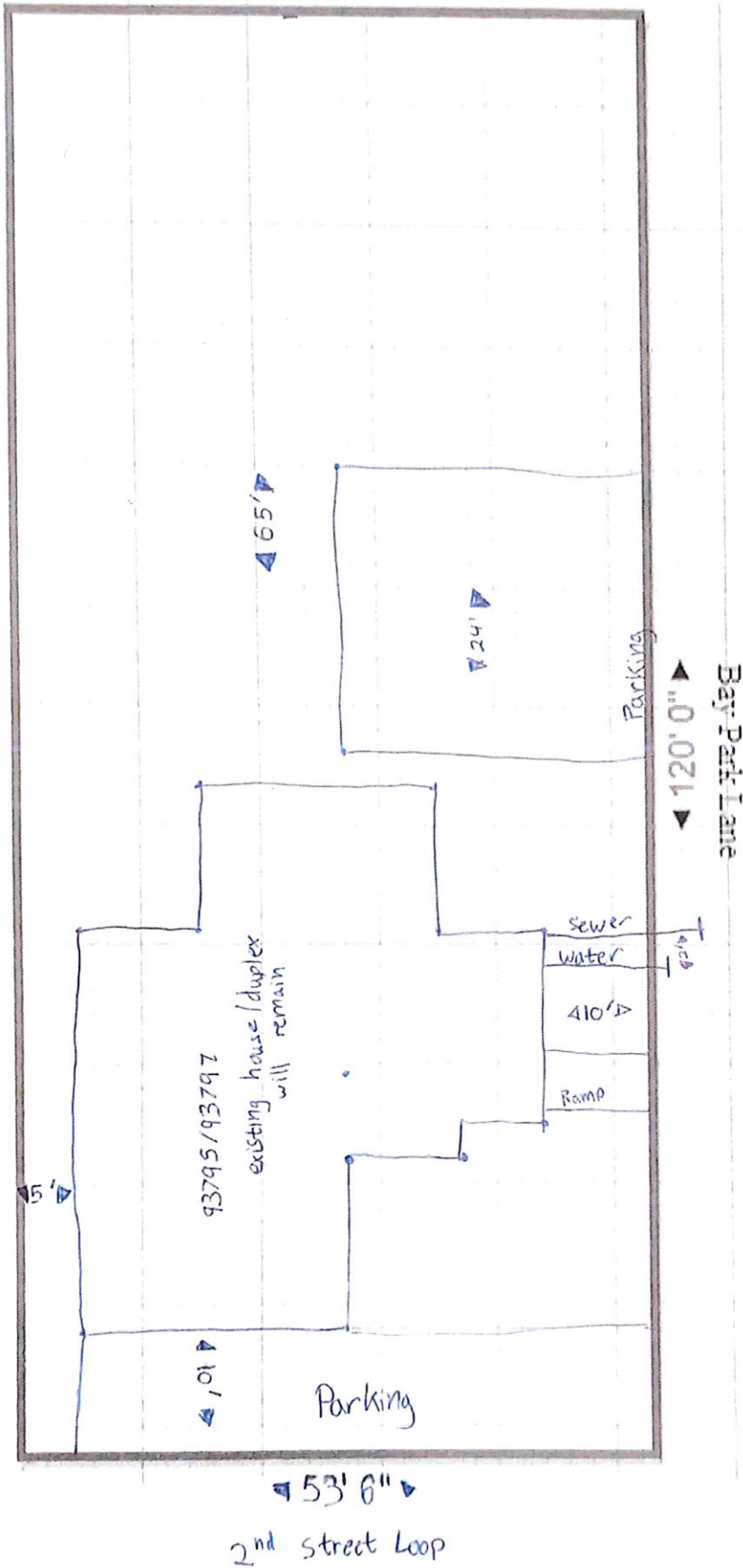
435-258-8678

Account Number 4564500

Tax Lot: 26S-13W-02AA-1600



each \square is 2' x 2'



DISTRICT: URBAN RESIDENTIAL

DESIGNATION: UR-2

SECTION 4.2.550. Purpose. The purpose of the UR-2 Districts is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the UR-2 District.

The UR-2 District shall only be used within Urban Growth Boundaries.

SECTION 4.2.555. Permitted Uses. The following uses and their accessory structures and uses are permitted outright in the UR-2 District:

- (1) Conventional single-family dwelling
- (2) Mobile home
- (3) Two family duplex
- (4) Home occupation
- (5) Farm use pursuant to ORS 215.203
- (6) Farm use pursuant to ORS 215.203, but not for profit
- (7) Floating home
- (8) Low intensity recreation
- (9) Utility facility including:
 - a) water plant/pump station
 - b) sewer plant/pump station
 - c) communication facility
 - d) utility service lines
- (10) Fire station
- (11) Minor partition per Article 6.1 and 6.3.
- (12) Major partition per Article 6.1 and 6.5.
- (13) Subdivision per Article 6.1 and 6.5.

SECTION 4.2.560. Conditional Uses. The following uses and their accessory structures and uses may be permitted in the UR-2

District. Subject to the provisions of a Conditional Use Permit (ARTICLE 5.2):

- (1) Mobile home park
- (2) Residential Planned Unit Development per Article 6.6.
- (3) Commercial activity in conjunction with farm use
- (4) Operations conducted for the exploration of geothermal resources as defined by ORS 522.005, aggregate and other mineral resources or other subsurface resources.
- (5) Operations conducted for the mining of geothermal resources as defined by ORS 522.005, aggregate and other mineral resources or other subsurface resources. Mining is restricted to subsurface activity only, except aggregate mining may include surface and subsurface activities.
- (6) Personal use airport or heliport
- (7) Aero club
- (8) High intensity recreation
- (9) Golf course
- (10) Utility facility including:
 - a) a facility for the purpose of generating power for public sale
 - b) a facility not for the purpose of generating power for public sale
 - c) air and water navigation aid
- (11) Schools
- (12) House of worship
- (13) Community center, grange or lodge hall
- (14) Modification of historic structures
- (15) Medical, rest home
- (16) Medical, convalescent home

SECTION 4.2.565. Special Temporary Uses. The following uses and their accessory structures and uses may be temporarily permitted in the UR-2 District by the Planning Director, whose decision may be reviewed by the Hearings Body:

- (1) Family hardship dwelling
- (2) Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
- (3) Circuses and carnivals, provided that such have suitable on site capacity for vehicular parking and sanitation facilities, for a temporary period, not to exceed ten (10) days.

SECTION 4.2.570. Expressly Prohibited Uses. The following uses and their accessory structures and uses are expressly prohibited in the UR-2 District:

- (1) Multi family dwellings except in approved PUD's
- (2) Veterinary clinic/kennel
- (3) Commercial uses other than home occupations

SECTION 4.2.575. Development And Lot Standards.

REQUIREMENTS. The requirements pursuant to Table 4.2 shall govern development in the UR-2 District:



P.O. Box 400
Portland, Oregon 97207-0400
1-888-221-7070
fax 1-888-800-2851
pacificpower.net

April 18, 2023

Jason Fadely
Emily Fadely
Jasonfadely@gmail.com

Account # 76904670 001 9

Dear Jason Fadely and Emily Fadely:

According to our records, the electric meter at 93797 Bay Park Lane, Coos Bay, Oregon, was installed on 02/01/1983.

We're always here for you and ready to help. Please visit our website and select "Contact Us" or call us at 1-888-221-7070. A specialist from our customer care team will be happy to assist you.

Thank you for being our customer.

Sincerely,

Pacific Power
www.pacificpower.net

Para más información, llame al 1-888-225-2611 para hablar con un especialista en español.

Our vision is to be the best energy company in serving our customers and supporting our communities while delivering sustainable energy solutions for generations. Find out more at poweringgreatness.com.



Emily Fadely <elisonbee1@gmail.com>

93795 BAY PARK LN

6 messages

Candy Wideman <cwideman@co.coos.or.us>
To: "ELISONBEE1@GMAIL.COM" <ELISONBEE1@gmail.com>

Mon, May 15, 2023 at 4:56 PM

Here is the paperwork you requested on the address and when it showed the two old ones. I looked in the front of the jacket and it shows that we began assessing this property as a duplex in 1988. I hope this helps you.

Sincerely,

Candy Wideman

Candy Wideman

Ratio Data Analyst

541-396-7900

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

93795 BAY PARK LN.pdf

68K

6/8/23, 7:51 PM

Gmail - 93795 BAY PARK LN

Emily Fadely <elisonbee1@gmail.com>
To: Candy Wideman <cwideman@co.coos.or.us>

Wed, May 17, 2023 at 3:22 PM

Thank you so much! Could we also get the most recent map of the property?
[Quoted text hidden]

Candy Wideman <cwideman@co.coos.or.us>
To: Emily Fadely <elisonbee1@gmail.com>

Wed, May 17, 2023 at 3:53 PM

Here you go!

Candy

From: Emily Fadely <elisonbee1@gmail.com>
Sent: Wednesday, May 17, 2023 2:22 PM
To: Candy Wideman <cwideman@co.coos.or.us>
Subject: Re: 93795 BAY PARK LN

This Message originated outside your organization.

[Quoted text hidden]

[Quoted text hidden]

 **93795 Bay Park Ln.pdf**
2918K

Emily Fadely <elisonbee1@gmail.com>
To: Candy Wideman <cwideman@co.coos.or.us>

Wed, May 17, 2023 at 6:55 PM

Sorry, we specifically need the map of the 93795/93797 lot? We need something we can mark up to send to the planning department and they said we could get it from you guys. Sorry for not being more specific the first time!

6/8/23, 7:51 PM

Gmail - 93795 BAY PARK LN

[Quoted text hidden]

Candy Wideman <cwideman@co.coos.or.us>
To: Emily Fadely <elisonbee1@gmail.com>

Thu, May 18, 2023 at 8:58 AM

That is the only thing the Assessor's office has. We do not have individual tax lots. You will need to blow that up to make your lot bigger. Or, you can call the Surveyor's office and get a larger map, but it will still be like the one that I sent only bigger. Sorry.

[Quoted text hidden]

Emily Fadely <elisonbee1@gmail.com>
To: Candy Wideman <cwideman@co.coos.or.us>

Thu, May 18, 2023 at 8:59 AM

Ok, thank you!

[Quoted text hidden]



P.O. Box 400
Portland, Oregon 97207-0400
1-888-221-7070
fax 1-888-800-2851
pacificpower.net

April 19, 2023

Jason Fadely
Emily Fadely
Jasonfadely@gmail.com

Account # 76904670 001 9

Dear Jason Fadely and Emily Fadely:

Our records show the electric service at 93795 Bay Park Ln, Coos Bay, Or, was installed on October 1, 1982.

We're always here for you and ready to help. Please visit our website and select "Contact Us" or call us at 1-888-221-7070. A specialist from our customer care team will be happy to assist you.

Thank you for being our customer.

Sincerely,

Pacific Power
www.pacificpower.net

Para más información, llame al 1-888-225-2611 para hablar con un especialista en español.

Our vision is to be the best energy company in serving our customers and supporting our communities while delivering sustainable energy solutions for generations. Find out more at poweringgreatness.com.

ARTICLE 5.6 NONCONFORMING

SECTION 5.6.100 NONCONFORMING USES:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

1. A change in the use of no greater adverse impact to the neighborhood; and
2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year, unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

RESPONSE: The house has been used as a duplex since 1983 and the use as a duplex has not been interrupted for any amount of time since then.

SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

SECTION 5.6.125 CRITERIA FOR DECISION:

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
RESPONSE: There is no change in the use because it has always been used as a duplex.

2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
RESPONSE: There is no change in structure or physical improvements.

3. Other provisions of this ordinance, such as property development standards, are met.
RESPONSE: Duplex is not being replaced at this time but is being verified for non-conforming use so that it can be replaced if needed in the future

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

RESPONSE: Attached are emails from both assessors office and power company showing that the property was first assessed as a duplex in 1988, and the assessor expressed that it could have been used as such before that assessment. The power company showed the two separate power meters being placed at the different properties in 1982 and 1983. The assessor's office also indicated that the property has been assessed as a duplex since 1988, and has been sold various times as a duplex.



TICOR TITLE NO. 360621038749
ESCROW NO. FL21-9896 BW
TAX ACCT. NO. 4564500
MAP/TAX LOT NO. 26 13 02 AA 01600

Coos County, Oregon **2022-01715**
\$91.00 Pgs=2 02/22/2022 03:08 PM
eRecorded by: TICOR TITLE COOS BAY
Diris D. Murphy, Coos County Clerk

GRANTOR

DELLA R. COWIE, Sole Surviving Trustee of the STEVE AND DELLA COWIE TRUST of April 3, 2003

GRANTEE

JASON B. FADELY and EMILY L. FADELY
93797 BAY PARK LANE
COOS BAY, OR 97420

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

WARRANTY DEED -- STATUTORY FORM

DELLA R. COWIE, Sole Surviving Trustee of the STEVE AND DELLA COWIE TRUST of April 3, 2003,
Grantor,

conveys and warrants to

JASON B. FADELY and EMILY L. FADELY, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

 Lots 15, 16 and the East 3 1/2 feet of Lot 17, Block 8, BAY PARK ADDITION, Coos County, Oregon.

The true consideration for this conveyance is \$271,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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.

Except the following encumbrances:
Covenants, Conditions, Restrictions, Easements and Rights of Way of record, if any.

Dated this 29 day of Jan, 2022

DELLA R. COWIE, Sole Surviving Trustee of the STEVE
AND DELLA COWIE TRUST of April 3, 2003

BY: Della R. Cowie Sole Surviving Trustee
DELLA R. COWIE, SOLE SURVIVING TRUSTEE

State of Arizona
County of Pinal

This instrument was acknowledged before me on January 29, 2022 by DELLA R. COWIE, Sole
Surviving Trustee of the STEVE AND DELLA COWIE TRUST of April 3, 2003.

Lourea L. Garka
(Notary Public for Arizona)
My commission expires 08-08-2025

