



Coos County Land Use Permit 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

FILE NUMBER: ACU-22-028

Date Received: 6/17/22 Receipt #: 116088/53 Received by: MB

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

LAND INFORMATION

A. Land Owner(s) Mel Babtkis

Mailing address: 88956 Horse Bit Lane, Bandon OR, 97411

Phone: _____

Email: mbabtkis@gross2.com

Township: 28S Range: 14W Section: 16 ¼ Section: Select 1/16 Section: Select Tax lots: 822

Select Select Select Select Select

Tax Account Number(s): 7780800

Zone: Select Zone Rural Residential-5 (RR-5)

Tax Account Number(s) _____

Please Select

B. Applicant(s) David Reed

Mailing address: P.O. Box 1808, Bandon OR, 97411

Phone: 541-551-0057

C. Consultant or Agent: Same as Applicant

Mailing Address _____

Phone #: _____

Email: _____

Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

- Administrative Conditional Use Review - ACU
- Hearings Body Conditional Use Review - HBCU
- Variance - V

- Land Division - P, SUB or PUD
- Family/Medical Hardship Dwelling
- Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring)

Sewage Disposal Type: On-Site Septic

School District: Bandon

Fire District: Bandon RFPD

Please refer to supplemental information

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: Map Information Or Account Information

ARC

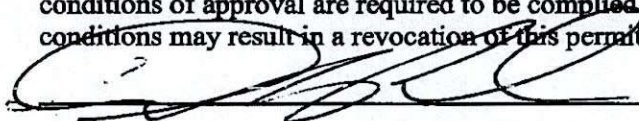
D. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning 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. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. 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.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

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 the application is signed by an agent, the owner's written authorization must be attached.

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. Signatures required below for application processing.

 _____ 6/14/22

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: 88958 Horse Bit Lane, Bandon OR. 97411

Type of Access: County Road Name of Access: Horse Bit 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

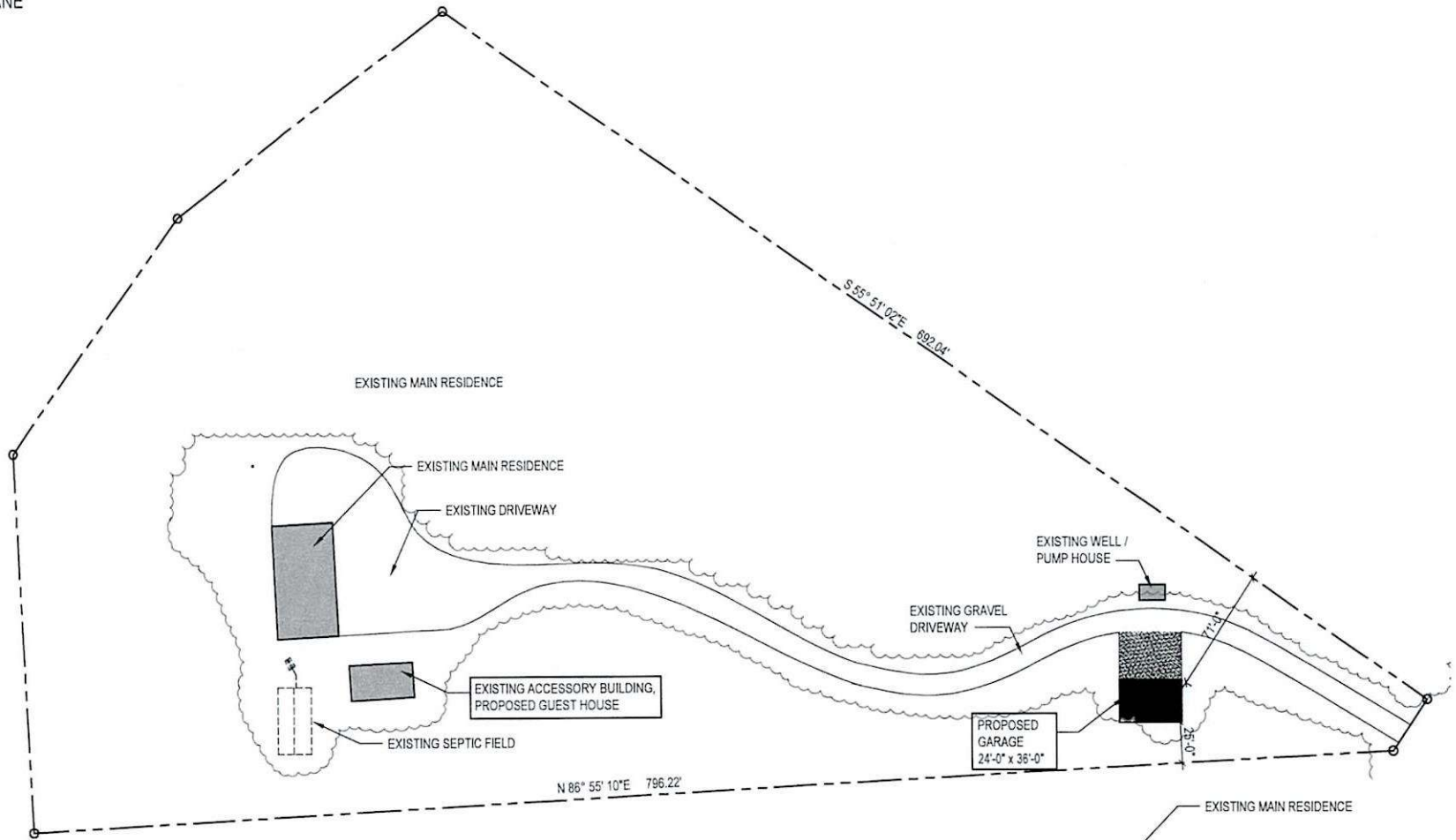
Roadmaster or designee: _____

Driveway Parking Access Bonded Date: _____ Receipt # _____

File Number: DR-21-

BABTKIS GARAGE
 88956 HORSE BIT LANE
 BANDON OR. 97411

6-16-22



SITE PLAN

SCALE: 1"=60'-0"



SUMMARY TABLE	
SITE DATA	
MAP AND TAX LOT:	28S14W16 LOT 822
ZONING DISTRICT:	RR-5 RURAL RESIDENTIAL 5
LOT SIZE:	6.25 ACRES

THE WAYWARD R STUDIO
 BANDON OREGON
 DAVID REED / 541-551-0057



Babtkis – Guest House
Subject Property: 88956 Horse Bit Lane, Bandon

June 16th, 2022

Coos County Planning Department
255 N. Adams St.
Coquille OR. 97423
Attn: Crystal Orr

Ms. Orr,

The following request provides a brief overview and justification for permitting the existing accessory structure located at 88956 Horse Bit Lane (28s14w16 #822) into a guest house per Chapter 4, section 4.3.210 Categories and Review Standards (27(d)).

The current owners purchased the property in 2020 with existing accessory building, sold to them, as a guest house use. The current owners were unaware of the accessory buildings non-conforming use, as a guest house, until a recent application was submitted for a new new garage. As the current owners are eager to continue their on-site development, and compliance with Coos County Planning, they are requesting that the exiting accessory building be legally established as a guest house.

The following is a justification narrative for the existing accessory structure to be approved as a conforming guest house use per its current use and zoning:

SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS

27. (d.) Guest House - An auxiliary residence shall be constructed on property when the following conditions are met:

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

Response: *The subject property is 6.25 acres.*

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

Response: *There is, and will only be one guest house on the property*

(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;

Response: *N/A*

(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;

Response: *The existing single family residence is 2824sf, the existing accessory building is 600sf. The the existing structure is 21% of the primary dwelling.*

(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;

Response: *N/A*



The Wayward R Studio Design | Preservation | Presentation
P.O. Box 1808 Bandon Oregon 97411 - 541-551-0057 phone - info@waywardrstudio.com

(vi) Cannot be used as a rental unit;

Response: *The proposed guest house will not be used as a rental unit.*

(vii) Is attached to or within 100 feet of the main residence but no closer than seven (7) feet;

Response: *The proposed guest house is within 100ft of the main dwelling*

(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;

Response: *The proposed guest house is served by the same well and septic as the main residence*

(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.

Response: *N/A*

(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.

Response: *The property owner will record a deed covenant as required for the guest house*

Additionally, the owners are requesting an exemption from the Administrative Conditional use fee of \$1836.00 (application for a guest house in an RR-5 zone) as an after the fact fee, since the guest house has been in existence since 2006.

Thank you for reviewing the above justification outline. Please contact me with any questions you may have regarding the information provided.

Sincerely,

Dave Reed

RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

GRANTOR'S NAME:

Roger Straus, Trustee of the Roger and Anita Straus Trust dated August 8, 2008

GRANTEE'S NAME:

Melvin Babtakis, Trustee of the Mel Babtakis 2013 Trust, dated April 30, 2013 and Sandra Marie Morrison

AFTER RECORDING RETURN TO:

Order No.: 360620031188-LS
Melvin Babtakis, Trustee of the Mel Babtakis 2013 Trust, dated April 30, 2013 and Sandra Marie Morrison, as tenants in common
C/O Ross Diversified Insurance Services, 12200 Industry Street
Garden Grove, CA 92841

SEND TAX STATEMENTS TO:

Melvin Babtakis, Trustee of the Mel Babtakis 2013 Trust, dated April 30, 2013
C/O Ross Diversified Insurance Services, 12200 Industry Street
Garden Grove, CA 92841

APN: 7780800
Map: 28S14160000822
88956 Horsebit Lane, Bandon, OR 97411

Coos County, Oregon	2020-06444
\$96.00 Pgs=3	07/06/2020 09:01 AM
eRecorded by: TICOR TITLE COOS BAY	
Debbie Heller, CCC, Coos County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Roger Straus, Trustee of the Roger and Anita Straus Trust dated August 8, 2008, Grantor, conveys and warrants to Melvin Babtakis, Trustee of the Mel Babtakis 2013 Trust, dated April 30, 2013 and Sandra Marie Morrison, as tenants in common, 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:

Lot 21, GLENWOOD ESTATES SUBDIVISION #5, Coos County, Oregon;

And that portion of Lot 22, GLENWOOD ESTATES SUBDIVISION #5, Coos County, Oregon which was the subject of a property line adjustment deed recorded as document #2004-1940 on February 13, 2004, Deed Records, Coos County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron rod, which marks the Northeast corner of Lot 22, GLENWOOD ESTATES #5; thence South 77°21'34" West for a distance of 814.96 feet to a 5/8" iron rod on the West line of said Lot 22; thence following said West line, North 00°03'28" East for a distance of 135.56 feet to the Northwest corner of said Lot 22; thence following the North line of said Lot 22, North 86°55'10" East for a distance of 796.22 feet back to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED NINETY-NINE THOUSAND AND NO/100 DOLLARS (\$799,000.00). (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: 7/2/2020

Roger and Anita Straus Trust dated August 8, 2008

BY: Roger Straus - TRUSTEE
Roger Straus
Trustee

State of Oregon
County of Cook

This instrument was acknowledged before me on 21 July, 2020 by Roger Straus, as Trustee for the Roger and Anita Straus Trust dated August 8, 2008.

Rachel Rose Richardson
Notary Public - State of Oregon

My Commission Expires: 03-28-2023



EXHIBIT "A"
Exceptions

Subject to:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020/2021.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Company
Recording Date: December 1, 1981
Recording No: 81-5-4393-A
3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 20, 1982
Recording No: 82-4-2193
Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 2, 1990
Recording No: 90-3-0123
4. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 30, 1993
Recording No: 93-12-1304
5. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 19, 1996
Recording No: 96-04-0919
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: PacifiCorp, an Oregon corporation
Recording Date: September 20, 2000
Recording No: 2000-10033
7. Easements, conditions, restrictions and notes as delineated on the recorded plat
8. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.