

NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning 60 E Second St. Coquille, OR 97423 http://www.co.coos.or.us/

Phone: 541-396-7770 planning@co.coos.or.us

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: Friday, January 21, 2022

File No(s): ACU-21-042

Proposal: Request for a Land Use Approval through an Administrative Conditional Use for

an auxilary dwelling (Guest House).

Applicant(s): Rick & Anne-Marie Paras

47251 Highway 101 Bandon, OR 97411

Staff Planner: Amy Dibble, Planner II

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Monday, January 31, 2022**. Appeals are based on the applicable land use criteria found in the Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and 6.1.125 Lawfully Created Lots or Parcels. Guest House reviews are subject to CCZLDO Use Table found in Section 4.3.200(22) Guest house subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(27)(d) Categories and Review Standards – Guest House and Section 4.3.220 Additional Conditional Use Review (2)(a) Rural Residential. Siting standards do not apply to this type of review because there are no new structures proposed with this review. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered.** For more information please contact the staff planner listed in this notice.

Property Information

Account Numbers 1228922

Map Numbers 29S143100-01802

Property Owners PARAS, RICKY G & ANNE-MARIE C

PO BOX 1838

BANDON, OR 97411-1838

Situs Addresses 47251 HIGHWAY 101 BANDON, OR 97411

Acreages 5.00 Acres

Zoning(s) RURAL RESIDENTIAL - 5 (RR-5)

Special Development Considerations BIRD SITE MEETS GOAL 5C REQRMT (B5C)

and Overlays RURAL SERVICE CENTER (RSC)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided

below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

Staff tries to post all applications on the website at the following link: https://www.co.coos.or.us/planning/page/applications-2021

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is **(541)** 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: Amy Dibble Date: Thursday, January 20, 2022.

Amy Dibble, Planner II

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Application

EXHIBIT "A"

The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

The applicant has met the criteria for a Vacation Rental, with the following conditions:

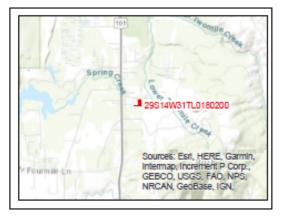
- 1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
- 2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a Vacation Rental on the property; however, the following conditions need to be submitted with a request for your ZCL:
 - a. The applicants shall submit evidenced of the size of the structure from a building inspection or licensed contractor.
 - b. The guest house shall not be used as a rental of any type.
 - c. The property is required to show proof that the guest house and main house share the same utility meter (power).
 - d. Section 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. This shall include a statement that the guest house shall not be rented.
 - 3. Once the Zoning Compliance Letter has been received the applicant shall contact Department of Environmental Quality and Oregon State Building Codes to obtain any after the fact permit to ensure all regulations have been complied with.

EXHIBIT "B" VICINITY MAP



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423 Physical Address: 60 E. Second, Coquille Oregon Phone: (541) 396-7770 TDD (800) 735-2900



File: ACU-21-042

Applicant/ Owner:

Rick & Anne-Marie Paras

Date: January 20, 2022

Location: Township 29S Range 14W

Section 31 TL 1802

Proposal: Administrative Conditional Use

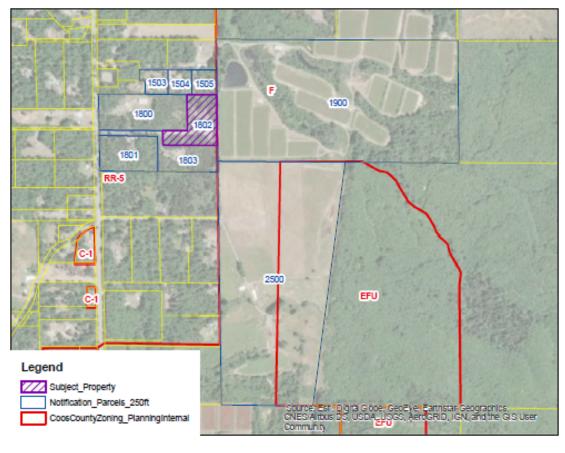


EXHIBIT "C" STAFF REPORT FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: Request for a Land Use Approval through an Administrative Conditional for a Gust House. All development is within the Rural Residential-5 (RR-5) Zone.

B. BACKGOUND/PROPERTY HISTORY:

May 10, 2005 a request to site a Single Family Dwelling, four (4) Accessory Structures (two attached garages, one shop and attached pool room), and to site an onsite septic system. Notices were required to be provided to Oregon Department of Fish and Wildlife (ODF&W) for comments and an access/driveway sign-off was required to create a driveway and access off of Hwy 101. On May 23, 2005 the project was issued a Zoning Compliance Letter (Application NO. ZCL-05-278) granted approval to obtain State Permits for the requested development. All accessory structures were noted not for commercial, industrial or habitation and only one dwelling was permitted. This permit was requested to be extended on June 14, 2007. Staff did update the request as it had expired. A new Zoning Compliance Letter was issued under number ZCL-07-277.

On September 14, 2007 an address application was received. A request for an updated Zoning Compliance letter with the address and modification to include a pool was received at the same time. Zoning Compliance Letter ZCL-07-469 was issued on that day to site a Single Family Dwelling. To site two garage shop and swimming pool. The accessory structures are not for habitation, commercial or industrial use. To have septic site evaluation and to install new septic system. ODF&W has no objections to development. Only one dwelling allowed.

On June 1, 2021 a phone message was received regarding the possibilities of using the dwelling as a vacation rental. Staff explained it could be allowed with an approved Administrative Conditional Use approval. Through research it was discovered that there was a second dwelling that was not permitted and the property was flagged as a violation. The second dwelling was attached similar to a duplex as they shared walls and roof.



Second Dwelling entrance As shown in the pictures each dwelling unit has an entrance and attached garage. The second dwelling unit was not approved and is a violation of the Coos County Zoning and Land Development Ordinance.

The current property owners are trying to bring the property into compliance but submitting a land use authorization for Guest House. The application request was made on June 4, 2021. However, the application was not filed correctly and was missing the required fee.

SECTION 5.0.150 APPLICATION REQUIREMENTS:

Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee. An application shall not be considered to have been filed until all application fees have been paid.

Therefore, this application was not considered filed until the fee was received on November 11, 2021. Planning Staff did evaluate the application to see if other items were missing. A notice of incompleteness was provided and the applicant has provided supplemental information. Therefore, the date this application was found to be complete and filed was on November 11, 2021.

- **C. LOCATION:** This property is located south of the City of Bandon. Just south of the Rural Unincorporated Community of Laurel Grove off of Hwy 101.
- **D. ZONING:** The subject property is zoned Rural Residential-5 (RR-5).

<u>ARTICLE 4.2 – ZONING PURPOSE AND INTENT</u>

SECTION 4.2.100 RESIDENTIAL

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/acreages. 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-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

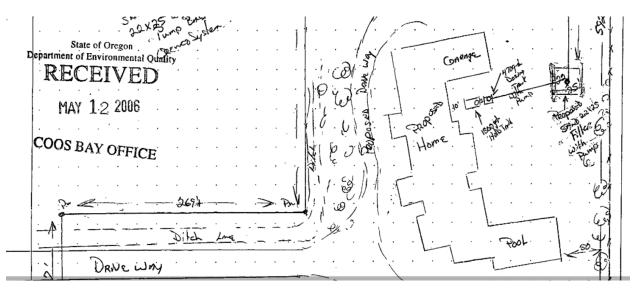
E. SITE DESCRIPTION AND SURROUNDING USESSITE DESCRIPTION AND SURROUNDING USES:

The subject property is five acres and is in an "L" shape with the shared driveway entering on the west property line. The property to the north, south and west are all zoned Rural Residential-5 and developed with dwellings. The property to the east is zoned Forest Mixed Use and is developed with cranberry bogs. The subject property has trees boarding all property lines. The property is described as a custom two-family home on a private & gated 5 acres. The main home features 4 bedrooms, 3 bathrooms, and an oversized 3 car garage. Attached via the garages is a guest home with 2 bedrooms, 2 bathrooms and another oversized 2 car garage. Approx. 4400 square feet of living space and 8400 square feet +/- under the roof. Using the

measure tool on the zoning map the structure measures much larger than 8400 square feet but that could be the fact that there are several covered porches.

The assessment records list that there are five (5) bedrooms and five (5) bathrooms which seems to be inconsistent with the listing. The last assessment for the property was completed in 2011. There are other discrepancies between the assessment and the listing.

The DEQ permit for the onsite septic system site evaluation was proposed for a six bedroom dwelling. In 2006 this was the proposal:



The revised plan only shows the house. There were no building plan on file as they are not retained from 2007.

Below is aerial view of the property.



F. COMMENTS:

a. PUBLIC AGENCY: This application did not require any request for comments as there is no proposed structural development at this time.

- **b. PUPLIC COMMENTS:** This application request did not require any request for public comments prior to the release of the decision.
- **c. LOCAL TRIBE COMMENTS:** This application did not require any request for comments as there is no proposed development.

II. Property Compliance:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

FINDING: Staff has reviewed the property history and the county files to determine at the time of this report this property is not compliant; however, this application was submitted to resolve the compliance issue.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

"Lawfully established unit of land" means:

- 1. The unit of land was created:
 - a. Through an approved or pre-ordinance plat;
 - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
 - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
 - d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
 - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.

FINDING: This tax lot was lawfully created pursuant 6.1.125.e. as it was created through a 2002 approved land division plat. Therefore, it a lawfully created parcel.

III. STAFF FINDINGS AND CONCLUSIONS:

A. <u>SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:</u>

The proposal is to change the use of a Single Family Dwelling to a Vacation/Short Term Rental.

B. Key definitions:

Compatibility: 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 surround area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.

C. Criteria and standards for Vacation Rentals

I. Vacation Rentals

a. <u>Section 4.3.200 Zoning Tables for Urban and Rural Residential, mixed Commercial-Residential, Commercial, Industrial, Minor Estuary and South Slough</u>

The table indicates the type of review process that is required. Remember that CU is an conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)

As used in the zoning tables the following abbreviations are defined as:

- "P" Permitted and requires no review from the Planning Department. No review is required but other agencies may have requirements.
- "CD" Compliance Determination review (permitted with standards) with clear and objective standards (Staff review usually referred to as Type I process or ministerial action). These uses are subject to development standards in sections 4.3.22, 4.3.230 and notices requesting comments may be provided to other agencies as result. The process takes a minimum of 30 days to complete. Industrial zones may require additional review. All structures and uses shall meet the applicable Development and Siting Criteria or Special Development Considerations and Overlays for the zoning district in which the structure will be sited.
- "ACU" Administrative Conditional Use (Planning Director's Decision usually referred to as a Type II Process)
- "HBCU" Hearing Body Conditional Use (Planning Commission, Board of Commissioner or Hearings Officer Decision usually referred to as a Type III Process)
- "PLA" Property Line Adjustments subject to standards found in Chapter 6.
- "P", "SUB", "PUD" = Partition, Subdivision, Planned Unit Development that require Land Division Applications subject to standards found in Chapter 6.
- The "Subject To" column identifies any specific provisions of Section 4.3.210 to which the use is subject.
- "N" means the use is not allowed.

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.220 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

#	Use	Zones								Subject To					
	Cse	UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS	MES	
	Residential Uses – This category is for uses and structure for human occupancy as living quarters														
22.	Dwelling - Guest House	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	N	N	N	N	(27)(d)

FINDING: Guest House reviews are subject to CCZLDO Use Table found in Section 4.3.200(22) Guest House is subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(27)(d) Categories and Review Standards, Section 4.3.220 Additional Conditional Use Review (2) Rural Residential. Siting standards do not apply to this type of review because there are no new structures proposed with this review.

b. Section 4.3.210 – CATEGORIES and review standards

The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above.

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

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

FINDING: The proposal is to allow the second dwelling unit to be permitted as a Guest House which would be auxiliary to the primary dwelling. The primary Dwelling is larger in scale and the applicant states it will only be used for guest purposes.

- Section 4.3.210(27)(d)(i) The parcel is five acres and meeting the criterion in this section.
- Section 4.3.210(27)(d)(ii)- There are no other guest houses shown on the property and only one has been applied for at this time. Therefore, this criterion has been met.
- Section 4.3.210(27)(d)(iii)&(iv)- The guest house can be up to 800 square feet given the property is five (5) acres. However, the applicant makes an incorrect statement that the property is served by sewer. The property is served by an onsite septic system and not a sewer which is public. This criteria allows for a total of 800 square feet to be dedicated to the guest house depending on the size of the dwelling. The applicant states the guest house is 725 square feet but there is no building inspection or other evidence to support this measurement. The measure tool online does not support this size. The assessment records state the dwelling portion is 4320 and if you removed 725 square feet from that figure then it would mean the main house is actually 3,595 square feet and not 3,525 square feet. There appears to be a discrepancy of 70 square feet. This doesn't mean the dwelling would not qualify it just means the numbers are off and the applicant has the burden of proof to show the guest house meets this criterion. Therefore, staff is adding a condition of approval that some type of building inspection report is provided to show the size of the structure meets the requirements.
- Section 4.3.210(27)(d)(v)- This criterion is not relevant to this review.
- Section 4.3.210(27)(d)(vi) The guest house shall not be used as a rental of any type. Site visits may be made by County Staff to ensure this remains in compliance. The applicant is required to file a deed covenant that this will not be a rental unit.
- Section 4.3.210(27)(d)(vii) The property is required to show proof that the guest house and main house share the same power meter. There shall only be one onsite septic system and that is supported by the DEQ records at this time.
- Section 4.3.210(27)(d)(ix) The guest house will be determined to be lawfully sited once all conditions of approval have been complied with and Zoning Compliance Letter has been issued.
- Section 4.3.210(27)(d)(x) A deed covenant is required as a condition of approval.

This section has been reviewed and with the conditions of approval will met the criteria.

• Section 4.3.220 Additional Conditional Use Review Standards for uses, development and activities listed in table 4.3.200

This section has specific criteria set by the zoning district for USES, activities and development:

- (2) Rural Residential (RR) The following conditional use review standards apply to all USES, activities and development in the RR zoning districts:
 - a) Conditional Use Review Criteria 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 surround area.
- FINDING: Even though this criterion was identified in the July 2, 2021 application completeness review it was not addressed by the applicant or their legal representative. However, given this is a primary residential area and this is for a guest house and not a rental the property is still one Single Family Dwelling with an Accessory Structure that is used for guest purposes. Therefore, staff can find this use is capable of existing together with the surrounding uses without discord or disharmony.

IV. DECISION:

The proposed Guest House in the Rural Residential-5 Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

V. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special districts, or parties: Bandon Rural Fire Protection District.

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners, Department of Land Conservation and Development, Coos County Assessors Department, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

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

ACU-21-042

Date Received:	41141	Receipt (received by.	
Th	nis application sh	nall be filled	out electroni	cally. If you	need assistance please co	ontact staff.
	(If i				will not be processed. required prior to submittal)	
	())		LAND INFO			
A. Land	Owner(s) Dick	& Anne-Ma				
	ess: 47251 High					
Phone: <u>415-27</u>					·l2214@gmail.com	
Township: 29S	Range: 14W 🔽	Section:	½ Section: Select	1/16 Section	on: Tax lots: 1802	
Select	Select	Select	Select	Select		
Tax Account	Number(s): 122	8922	Z	Zone: Selec	t Zone Rural Residential-	5 (RR-5)
Tax Account	Number(s)				Please Select	
	eant(s) Rick and ess:					
Phone:						
C. Consul	tant or Agent: _					
Phone #:				Ema	il:	
Text Amer Map - Rez		Administrativ Hearings Boo Variance - V Specia	dy Conditional l Districts an	Use Review - I Use Review - I d Services	ACU Land Division - P, HBCU Family/Medical H Home Occupation/	ardship Dwelling /Cottage Industry
School Distr	• •	(vveiror Spriir	9)	_	ct: Bandon RFPD	→
					ed assistance with the app provide legal advice. If yo	

Any property information may be obtained from a tax statement or can be found on the County Assessor's.

with findings please contact a land use attorney or contultant.

ATTACHMENT "D"

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:

Date Received:		Receipt #:		Red	ceived by:			
This	0	If the fee is not includ If the fee is not includ tyment is received on line	led the applic	cation will no				
	1	LAND IN	FORMA	ΓΙΟΝ				
A. Land Owner(s) Rick and Anne-Marie C. Paras Mailing address: 47251 Highway 101 Bandon, OR 97411 Phone: (415)272-6628 Email: 5rfgr/2214@gmail.com								
Township: Select 293	Range: Select 14 W	Section: 1/4 Section Select 3 Select	on: 1/16 S Select		ax lots: 1802			
29S	14W	31 Select	Select	t 180	02			
Tax Account Number(s): Zone: Select Zone Rural Residential-5 (RR-5) Tax Account Number(s) Please Select								
Mailing addres	B. Applicant(s) Rick and Anne-Marie Paras Mailing address: 47251 Highway 101, Bandon, OR 97411 Phone: (415) 272-6628							
C. Consulta	ant or Agent: NA	4						
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 Special Districts and Services								
	Water Service Type: On-Site (Well or Spring) School District: Bandon Sewage Disposal Type: On-Site Septic Fire District: Bandon RFPD							
supplemental a	application pleas		f is not able	e to provid	stance with the application or e legal advice. If you need help			

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 ACU-21-042
Coos County Land Use Application - Page 1
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ATTACHMENT "D" 21 - C



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) N/A
 - 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.

I. Our intentis to have a guest suite available to our family & Friends who come to visit us from out of town.

2. We have a 5 acre parce approx. 5 miles south of the town of Bandon, Oregon. The property consists of native trees, shrubs * natural habitate a portion previously cleared for the home construction in 2008 by the previous owner/General Building Contractor. There is a shared private driveway off Hwy. 101 that leads directly to our property driveway that is gated. Our driveway gate is approx. 1/10 of a mile from Hwg. 101 on the east side @ mile marker 281. Our house is not visible to any other neighboring homes. The property is flat with no hills. At the time of our purchase of this property on March 15, 2021, there was an existing structure consisting of a main house with an attached 3-cargarage that connected to a 2-cargarage and attached quest suite for a total of 8,400 square feet under one roof. 3. Although building permits and inspections had been obtained by the previous ower/General Building Contractor, approval for the guest suite was appaently never sought. We are requesting at this time a variance for the existing

> ACU-21-042 Page - 15

structure

ATTACHMENT "D"

APPLICATION

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	47251 Highway 101, Bandon			
Type of Access:	Select		Name of Access:	
	n the Urban Growth Boundary? eated as part of this request?	No 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

Deed western	. 4	Coos County Road I	Department Use O	nly				
Roadmaster or	designee:							
Driveway	Parking	Access Bonded	Date:	Receipt #				
File Number: DR-21-								
		ACU-2	21-042					

Page - 17

Property Owner Glen Fuller

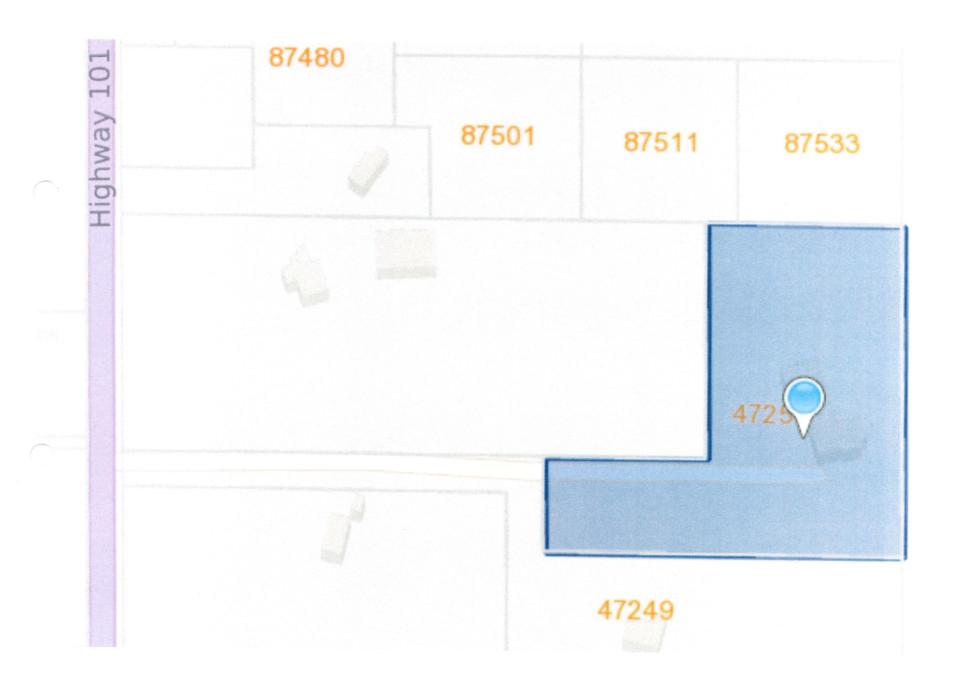
Permit # 0540 / 155

County Go

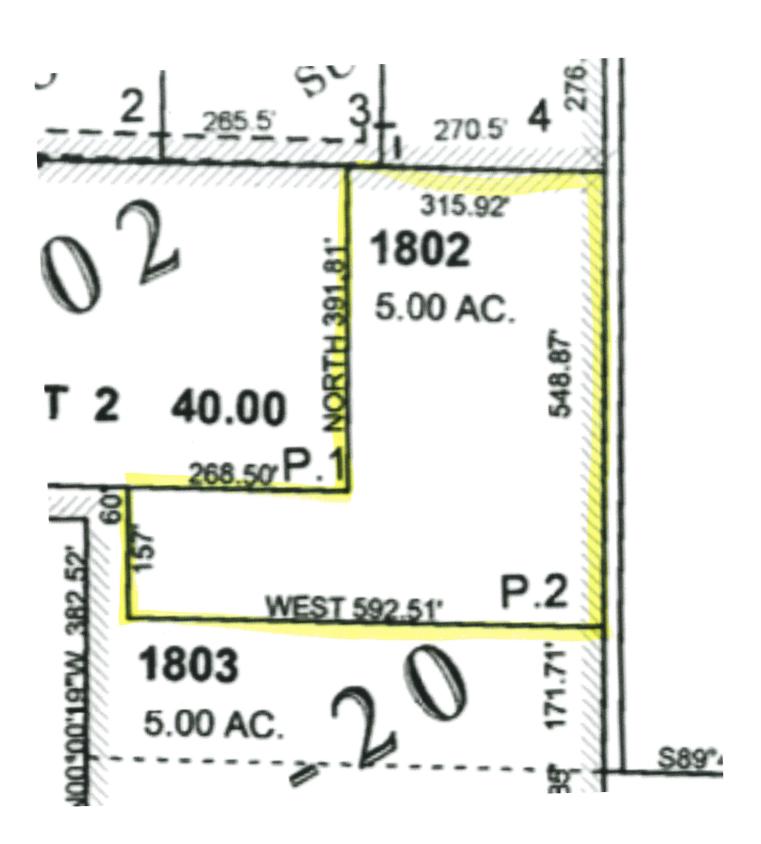
AS-BUILT PLAN OF THE CONSTRUCTED SYSTEM. Indicate the direction of NORTH and show the locations of all wells within 200 feet of the system. DATE RECEIVED State of Oregon Department of Environmental Quality JUN - 9 2008 **COOS BAY OFFICE** driveway CONSTRUCTION PERFORMED BY: Property Owner (Permittee) Rovo Rooter Sewage Disposal Service Business: Print Full Business Name License/Cert, Number I certify the information provided in this notice is correct, and that the construction of this system was in accordance with the permit and the rules regulating the construction of on-site sewage disposal systems (OAR Chapter 340, Divisions 71 and 73). Con Auchor
Title

> ACU-21-042 Page - 18



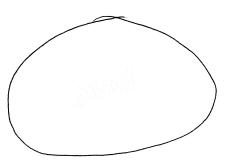


ACU-21-042 Page - 20



- TSWN (IM) ATTACOMENT "D" APPLICATION





Nastelle

101

RECORDING REQUESTED BY:



300 W Anderson Avenue, PO Box 1075 Coos Bay, OR 97420

GRANTOR'S NAME:

William G. Fuller and Tamara R. Fuller

GRANTEE'S NAME:

Ricky G. Paras and Anne-Marie C. Paras

AFTER RECORDING RETURN TO:

Order No.: 360620033612-VR

Ricky G. Paras and Anne-Marie C. Paras, as tenants by the

entirety PO Box 1838

Bandon, OR 97411

SEND TAX STATEMENTS TO:

Ricky G. Paras and Anne-Marie C. Paras

PO Box 1838

Bandon, OR 97411

APN: 1228922

Map: 29S-14W-31 TL 01802

47251 Highway 101, Bandon, OR 97411

Pas=2 eRecorded by: TICOR TITLE COOS BAY

Coos County, Oregon

\$91.00

2021-02883

03/15/2021 01:13 PM

Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

William G. Fuller and Tamara R. Fuller, as tenants by the entirety, Grantor, conveys and warrants to Ricky G. Paras and Anne-Marie C. Paras, as tenants by the entirety, 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 Partition Plat No. 2002 #20, filed and recorded December 18, 2002, CAB C/368, as Microfilm No. 2002-16639, Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$850,000.00). (See ORS 93.030).

Subject to:

- Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat of Minor Partition Plat, recorded September 11, 1987, as Microfilm No 87-5-5426.
- 2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:

Scott Patterson

Recording Date: Recording No:

June 21, 1989 89-06-1174

3. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat of 2002 #20 Partition Plat, recorded December 18, 2002, as Microfilm No. 2002-16639.

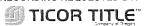
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195,300, 195,301 AND 195,305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Deed (Statutory Warranty) Legal ORD1368.doc / Updated: 04.26.19

Page 1

OR-TT-FNOO-02743.473606-360620033612

RECORDING REQUESTED BY:



300 W Anderson Avenue, PO Box 1075 Coos Bay, OR 97420

GRANTOR'S NAME:

William G. Fuller and Tamara R. Fuller

GRANTEE'S NAME:

Ricky G. Paras and Anne-Marie C. Paras

AFTER RECORDING RETURN TO:

Order No.: 360620033612-VR Ricky G. Paras and Anne-Marie C. Paras, as tenants by the

entirety PO Box 1838 Bandon, OR 97411

SEND TAX STATEMENTS TO:

Ricky G. Paras and Anne-Marie C. Paras PO Box 1838 Bandon, OR 97411

APN: 1228922

Map: 29S-14W-31 TL 01802

47251 Highway 101, Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

William G. Fuller and Tamara R. Fuller, as tenants by the entirety, Grantor, conveys and warrants to Ricky G. Paras and Anne-Marie C. Paras, as tenants by the entirety, 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 Partition Plat No. 2002 #20, filed and recorded December 18, 2002, CAB C/368, as Microfilm No. 2002-16639, Records of Coos County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$850,000.00). (See ORS 93.030).

Subject to:

- Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat of Minor Partition Plat, recorded September 11, 1937, as Microfilm No 87-5-5426.
- 2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:

Scott Patterson

Recording Date:

June 21, 1989

Recording No: 89-06-1174

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ATTACHMENT "D" APPLICATION WARRAN. DEED (continued)

IN WITNESS WHEREOF, the undersigned have executed this do	ocument on the date(s) set forth below.
Dated: 3/3/2/	
GL FILL	
William G. Fuller	
Tame Full	
Tamara R. Fuller	
State of De go	
County of	
This instrument was acknowledged before me on 3 970 Fuller.	by William G. Fuller and Tamara R.
lacket Rose Richardson	
Notary Public - State of Oregon	OFFICIAL STAMP
My Commission Expires: 03.28 2023	RACHEL ROSE RICHARDSON NOTARY PUBLIC OREGON COMMISSION NO. 986014 MY COMMISSION EXPIRES MARCH 28. 2023
	WIT SEMMINIONE CALIFICO WANDER 20, 2023

Criteria for a Guest House

0/12/21

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;
- (ii) Only one guest house per lawfully created unit of land;
- (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;
- (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;
- (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:
- (vi) Cannot be used as a rental unit;
- (vii) Is attached to or within 100 feet of the main residence but no closer than seven (7) feet;
- (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;
 - (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.
 - (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.

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 surround area.

ARTICLE 5.3. VARIANCES

• SECTION 5.3.100 GENERAL:

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.

• SECTION 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.

• SECTION 5.3.200 VARIANCE:

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

• SECTION 5.3.350 CRITERIA FOR APPROVAL OF VARIANCES:

No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

- 1. Both findings "a" and "b" below are made:
 - a. One of the following circumstances shall apply:
 - i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;
 - 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;
 - 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.
- 2. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.
- 3. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made: "the variance will not create a hazard to air navigation".
- 4. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.227.
- 5. Variance regulations in CCZLDO Article 5.3 shall not apply to Sections 4.11.400 through 4.11.460, Chapter VII and Chapter VIII.

Supplemental Statement to Guest House Permit Application ACU-21-042

Submitted by: Christian Zupancic, Attorney for Applicants Property Address: 47251 Hwy 101, Bandon, OR 97411

Applicants: Anne-Marie and Rick Paras

This Supplemental Statement is intended to provide additional information for the "guest house permit" application no. ACU-21-042 submitted by Anne-Marie and Rick Paras with respect to the Property listed above.

The proposed Guest House meets the following criteria as described in Section 4.3.210 of the Coos County Zoning Ordinances:

(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;

This parcel contains 5 acres.

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

Only one guest exists and is being applied for on this parcel.

(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;

See above—NA.

(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;

The subject property is served by water and sewer and is a minimum of 5 acres, so this provision applies.

The proposed guest house is 725 square feet. The total square footage of the primary dwelling is 3525 square feet, 75% of which is 2643.75 square feet. The lesser of 2643.75 and 800 square feet is 800 square feet; thus, at 725 square feet the proposed guest house meets this criterion.

(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;

The proposed guest house is conventional built.

(vi) Cannot be used as a rental unit;

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;

The proposed guest house is attached to the main residence.

(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;

The main house and the proposed guest house share the same domestic water system, sewage system, and utility meters.

(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.

This is a guest house that existed prior to July 1, 2018; however, planning staff have indicated that the approval will be effective after such date.

(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.

Applicants are prepared to record the deed covenant when the application is approved.

Payment Entry Form

Result: Payment Authorized Confirmation Number: 103845921

Your payment has been authorized successfully and payment will be processed.

Coos County Planning Department thanks you for your payment. For questions about your account, please call 541-396-7770 Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

My Bills

Description

Amount

Administrative Land Use Applications payment of \$1,736.00 on File Number ACU-21-042

\$1.736.00

Customer Information

Subtotal:

\$1,736.00

Convenience Fee:

\$43.23

Total Payment:

\$1,779.23

First Name: Last Name: Rick Paras

Paras

Address Line 1: PO Box 1838

Address Line 2:

City:

Bandon Oregon

State:

in Cada. 07

Zip Code:

97411

Phone Number: 415-870-0086

Email Address:

Payment Information

Payment Date: 11/18/2021

Card Type:

Visa

*********3082

Card Number:

Signature:

By signing this receipt you agree to the terms and conditions of this service

You will see two line items on your credit or debit card statement. One line will indicate the amount you paid to the Coos County Planning Department and will read Coos Co Planning Dep . The second line item will indicate the amount for the PNP Fee and will read PNP Fee. If you have any questions about the charges please call 1-888-891-6064