



Coos County Community Development
Mailing Address: 250 N. Baxter, Coquille, Oregon
Office Location: 60 E. Second St., Coquille OR 97423
Planning, Building, Onsite and Enforcement
Phone: 541-396-7770
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www.co.coos.or.us

TDD (800) 735-2900

NOTICE OF LAND USE DECISION

Wednesday, May 28, 2025
File Number: ACU-24-063

Dear Recipient,

You are receiving this notice because you are a property owner, legal representative, consultant, surveyor, adjacent landowner, or an interested party. This notice is required by ORS 215.416 and the Coos County Zoning and Land Development Ordinance (CCZLDO) to inform affected and interested parties of a land use decision on the subject property (see attached vicinity map).

Notices are sent to the applicant, property owner(s), adjacent landowners (based on distance: Urban – 100 ft, Rural – 250 ft, Resource – 750 ft), special districts, agencies, and anyone who has requested notice. Per ORS 215.513, if you are a mortgagee, lienholder, vendor, or seller and you receive this notice, you must forward it to the purchaser.

If you are adversely affected or aggrieved, you may appeal the decision to the Coos County Hearings Body under CCZLDO Article 5.8 by filing a written appeal within the timeframe provided in this notice. For appeals or questions, contact the Coos County Planning Department at 250 N. Baxter, Coquille, OR 97423.

Please read this notice carefully. It outlines how to access details, provide input, or appeal the decision.

Subject Property Information

| | |
|---|---|
| Account Number: | 402407 |
| Map Number: | 25S1436CA-05800 |
| Property Owner: | HELMS, ALICIA & SLONE, DAVID 91551 CAPE ARAGO HWY COOS BAY, OR 97420-6704 |
| Situs Address: | 91551 CAPE ARAGO HWY COOS BAY, OR 97420 |
| Acreage: | 1.00 Acres |
| Zoning: | NATURAL AQUATIC (58-NA) URBAN DEVELOPMENT (58-UD) URBAN RESIDENTIAL-1 (UR-1) |
| Special Development Considerations and Overlays: | ARCHAEOLOGICAL AREAS (ARC) FLOODPLAIN 100 yr - 2018 (FP) NATIONAL WETLAND INVENTORY (NWI) NH TSUNAMI (NHTHO) URBAN UNINCORPORATED COMMUNITY (UUC) |

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a

This notice shall be posted from May 28, 2025 to June 19, 2025

complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Thursday, June 19, 2025**. Appeals are based on the applicable land use criteria.

This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically:

- General Compliance: Section 1.1.300 requires compliance with the Comprehensive Plan and Ordinance provisions. Additionally, Article 6.1 addresses lawfully created lots or parcels.
- Vacation Rental Review: The zoning table (Section 4.3.200) sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. 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. The use requested is #64 Vacation Rental (in an existing dwelling), which requires a conditional use to address Review Standard #87. Development is also subject to 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 4.3.220 Additional Conditional Use Review and Standards for table 4.3.200 contain any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as required. Administrative Conditional Uses are reviewed under Article 5.2

IMPORTANT INFORMATION ABOUT THIS NOTICE

Please be advised that civil matters, including private property disputes that fall outside the scope of applicable land use criteria, will not be considered as part of this decision process. This notice does not entitle you to appeal directly to the Land Use Board of Appeals (LUBA). Notices mailed pursuant to ORS 215 are considered legally served upon those property owners listed in the affidavit of mailing prepared by the designated county official. Failure to notify an owner due to recent ownership changes **or** newly created lots not yet reflected in the most recent tax assessment roll does not invalidate this decision or ordinance. Additionally, issues not raised at the appropriate time, either orally at a hearing **or** in writing, and supported by sufficient evidence, may not be raised later on appeal to LUBA.

Pursuant to Chapter 5 of the Coos County Zoning and Land Development Ordinance a party may represent themselves or be represented by a licensed attorney. A consultant or other non-attorney professional may assist with preparing materials, submitting applications, or providing technical expertise. However, such individuals are not considered legal representatives and do not have standing to act on behalf of a party in a legal capacity unless they have been granted power of attorney by the property owner.

Specifically, a consultant may appear as a fact witness, meaning they can present information, data, or professional opinions, or assist with application preparation in support of a party's position. However, they do not have standing to appeal or legally represent a client unless they are a licensed attorney in the state of Oregon.

Standing to appeal is limited to the applicant, an adversely affected party, or their legal counsel. If a consultant wishes to participate in a proceeding, they must do so in coordination with the party they are assisting, and any formal appeal must be filed by the party themselves or by their attorney.

All relevant materials—including the application, staff report, and decision documents—are available online at: <https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

For more information, please contact Staff at (541) 396-7770.

Reviewed by:

Jill Rolfe, Director

Date: May 28, 2025

This decision is authorized by the Planning Director 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;

Exhibit C: Staff Report -Findings of Fact and Conclusions which is available upon request.

EXHIBIT “A” CONDITIONS OF APPROVAL

All applicable federal, state, and local permits must be obtained prior to the commencement of any development activity. If any comments from other agencies were provided as part of this review, it is the responsibility of the property owner to ensure compliance.

The applicant shall comply with the following conditions of approval, understanding that all costs associated with meeting these conditions are the responsibility of the applicant(s), and that the applicant(s) are not acting as an agent of the county. Failure to comply with or maintain compliance with these conditions may result in the revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance.

Please read the following conditions of approval carefully. If you have any questions, contact the planning staff.

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required to show the conditions have been complied with. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance with all conditions of approval, and the land use authorization shall remain recorded in the chain of title. Pursuant to Section 5.2.700 (Development Transferability), unless otherwise specified in the approval, a land use approval obtained through a conditional use process is transferable. To effectuate the transfer, the transferor must file a statement with the Planning Director, signed by the transferee, confirming that the transferee has received a copy of the land use approval, including all conditions or restrictions, understands the obligations, and agrees to fulfill the conditions unless a modification is approved as provided in the ordinance. This statement must be recorded in the chain of title to ensure that future purchasers are aware the development was approved subject to conditions and potential restrictions. The property owner remains responsible for maintaining compliance throughout the life of the approval.
 - b. The lower level of the existing single-family dwelling appears to have been remodeled without the appropriate permits. Prior to the issuance of a Zoning Compliance Letter for the vacation rental, the property owners must submit an application and receive approval for the additional development. The options for addressing this development are either through a determination of nonconforming use, duplex or by applying for an accessory dwelling unit (ADU). While the lower level may qualify as an ADU, vacation rentals are not permitted for accessory dwelling units under current zoning regulations. Therefore, at this time, staff cannot approve the use of the lower level as a separate vacation rental. The entire dwelling shall be considered as a Single Family Dwelling. The legal number of bedrooms will determine the occupancy level. Through the compliance process the vacation rental may be altered.
 - c. The applicant shall complete the following to ensure compatibility:
 - i. Submit a plan to cover nuisance issues to ensure the use is compatible with the neighborhood. The plan shall consist of contacts for the property manager to report problems to, noise restriction and emergency contact information. The advertisement for

- the rental shall include a property manager’s name and contact information. An example of a plan (not required to use format) is on the next page.
- ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
 - iii. The number of overnight occupants is limited by the number of bedrooms. Staff cannot determine the number of legal bedrooms at this time. Once the property has come into compliance the number of guests shall be two (2) per bedroom.
 - iv. Vendors shall be limited to cleaning and maintenance on a regular basis. If a special event is planned by a guest, it shall occur during the day and there may be vendors to serve that specific event.
 - v. If located within the Urban Growth Boundary further restrictions may be required based on comments from the City.
3. Pursuant to CCZLDO § 4.3.110.10(a) the applicant shall obtain a license from the Coos County Health Department in accordance with ORS 446.310-350. Renewals of your license shall be provided to the Planning Department to show the use remains in compliance.

EXAMPLE

Example Plan for Addressing Nuisance Issues and Ensuring Neighborhood Compatibility

Objective:
To minimize the potential for nuisance issues arising from the rental property, ensure compatibility with the neighborhood, and provide clear communication channels for resolving problems.

1. **Property Manager Contact Information:**
 - **Name:** [Property Manager Name]
 - **Phone:** [Property Manager Phone Number]
 - **Email:** [Property Manager Email Address]
 - **Availability:**
 - Regular Business Hours: Monday to Friday, 8 AM to 6 PM
 - After-Hours Emergencies: 24/7 availability via phone.
 - **Response Time:**
 - Non-Emergency: Within 24 hours.
 - Emergency: Immediate response for issues such as noise complaints, trespassing, or safety concerns.
2. **Noise Restrictions:**
 - **Quiet Hours:**
 - Weekdays: 10 PM to 7 AM
 - Weekends and Holidays: 11 PM to 8 AM
 - **Prohibited Activities:**
 - Loud music, parties, or gatherings exceeding property capacity.
 - Use of outdoor amplified sound systems.
 - **Monitoring:**
 - Installation of noise-detection devices to ensure compliance.
 - Regular site visits by the property manager to check adherence to rules.
3. **Emergency Contact Information:**
 - In case of an emergency, such as fire, medical needs, or criminal activity, tenants and neighbors should immediately call 911.
 - For non-life-threatening situations, such as noise complaints or parking violations, contact the property manager directly.
4. **Advertisement Requirements:**
 - All rental listings shall include the following information:
 - **Property Manager Name:** [Property Manager Name]
 - **Contact Phone Number:** [Property Manager Phone Number]
 - A statement that the rental complies with all local nuisance ordinances and neighborhood standards.
 - A reminder of the established quiet hours and other restrictions.
5. **Neighbor Communication:**
 - Distribution of a flyer or letter to surrounding properties providing:
 - Property Manager contact details.
 - Overview of the property's rules and restrictions (e.g., quiet hours).
 - Assurance of swift action in response to complaints.
6. **Enforcement Measures:**
 - Immediate intervention for reported issues, including warnings and documentation of incidents.
 - Implementation of a **three-strike rule** for tenants:
 - First Incident: Verbal and written warning.
 - Second Incident: Fines or additional restrictions.
 - Third Incident: Termination of the rental agreement.
7. **Regular Review:**
 - Monthly review of complaint records to identify trends and address recurring issues.
 - Annual update of the nuisance plan to incorporate lessons learned and improve processes.

EXHIBIT "B"
Vicinity Map
(not to scale)



COOS COUNTY COMMUNITY DEVELOPMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423
 Physical Address: 60 E. Second, Coquille Oregon
 Phone: (541) 396-7770
 TDD (800) 735-2900



File: ACU-24-063
 Applicant/Owner: HELMS, ALICIA & SLONE, DAVID
 Date: May 27, 2025
 Location: Township 25S Range 14W
 Section 36CA TL 5800
 Proposal: Administrative Conditional Use



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:

- A. PROPOSAL:** The applicant proposes to operate a furnished vacation rental within the two-bedroom apartment located on the lower level of an existing single-family dwelling at 91551 Cape Arago Highway, in the Urban Residential-1 (UR-1) zoning district of Coos County, Oregon. The property is approximately one (1) acre in size and is developed with a single-family dwelling (originally constructed in 1955), an apartment within the lower level of the dwelling, and an attached accessory structure.

Pursuant to County regulations, parking is limited to two (2) vehicles for this use. The applicant has submitted a plot plan that demonstrates compliance with this standard by illustrating two designated parking spaces. An Administrative Conditional Use Permit is being requested for the vacation rental use, and the applicant has included a proposed parking plan as part of the application. The property will be owner-managed.

- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of the following zoning and development compliance activities.

The property has a history of zoning and development compliance activities, as outlined below:

- On September 6, 1983, Zoning Compliance Letter 83-413 was issued, granting land use authorization to remodel the existing single-family dwelling.
- On January 13, 2012, a letter was sent to the property owners at the time, the Helen Louise Thomas Trust. In the letter, County staff noted that the Planning Department had received information indicating a potential zoning violation. The subject property was authorized for a single-family dwelling constructed in 1955 and remodeled in 1983. The reported violation alleged that a portion of the dwelling was being rented to a second family. The letter further stated that no permits had been issued to convert the dwelling to a multi-family use or to authorize a second dwelling unit. No response was received from the property owner. The applicant will need to take corrective measures in the form of applying for an accessory dwelling unit, duplex or a nonconforming use alteration to allow for the second dwelling unit. At this time this is shown to be a three-bedroom dwelling and not four. Occupancy of a vacation rental is based on number of legal bedrooms with an occupancy of two (2) people per bedroom. Once the violation issue has been resolved then the occupancy will be set.

The subject property is located at 91551 Cape Arago Highway, Coos Bay, Oregon 97420. It is developed with a two-story single-family dwelling that includes four bedrooms, two bathrooms, two kitchens, a two-car garage, an attached carport, and a detached one-car garage used for boat storage. The property is served by public water and sewer.

The site is situated between Cape Arago Highway and the Coos Bay Estuary. The eastern side of the property fronts Cape Arago Highway and provides the main driveway access. The western side

abuts the estuary, offering scenic views of Coos Bay, including visible features such as the North Spit and the jetty.

According to Coos County Assessor's records, the dwelling is classified as a Class 4 two-story single-family home. The records indicate the structure contains three bedrooms, two full bathrooms, one dining room, two living rooms, two kitchens, and one fireplace. The first floor and finished basement was noted on assessment until 1993. The detached garages and carport were originally constructed in 1955 and updates were noted in 1993. The property's existing configuration and improvements are consistent with residential development in the Urban Residential-1 (UR-1) zone.

- C. **LOCATION:** The subject property is located southeast of the City of Coos Bay off of Oregon State Highway "Cape Arago Highway".
- D. **ZONING:** - This property is zoned Urban Residential-1 (UR-1).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.100 Residential - Urban Residential (UR)

There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.

The purpose of the "UR-1" district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the "UR-1" district.

This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

- E. **COMMENTS:** No comments have been received at this time.

II. GENERAL 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 reviewed the property history and determined that, as of the date of this report, the property is not in compliance with the Coos County Zoning and Land Development Ordinance (CCZLDO). The applicants are proposing to operate a vacation rental within an "apartment" located on the lower level of the existing single-family dwelling. However, it does not appear that the necessary land use were obtained to authorize the conversion of the lower level into a separate

residential unit. The county has no record of an approved accessory dwelling unit (ADU) or other lawful authorization permitting the creation of a second independent living space within the structure. The record is unclear as to whether the conversion of the lower level occurred during the 1983 remodel or closer to the 1993 assessment update. Regardless of the timing, there is no evidence that the necessary land use or building permits were obtained to authorize the addition of a second kitchen or the expansion of bedroom areas. As such, the lower level remains an unpermitted conversion.

Once the correction has been approved through the land use process, the applicant may be required to obtain after-the-fact permits from the Building Department to bring the structure into full compliance with applicable code requirements. This includes structural, mechanical, and occupancy considerations associated with the creation of additional dwelling space.

In 2012, the County made an initial attempt to address the apparent violation by sending a letter to the property owner. However, because Coos County did not have dedicated code enforcement staff until 2022, there was no formal mechanism for follow-up or enforcement at that time. As a result, the only action taken was to place a note on the property account stating that the violation must be resolved prior to approval of any additional land use permits. That condition remains applicable today and must be addressed as part of this application.

As such, the approval of the proposed vacation rental has been conditioned to require that the property be brought into compliance prior to the issuance of a Zoning Compliance Letter. To achieve compliance, the property owner must take one of the following corrective actions:

- 1. Apply for and obtain approval of an Accessory Dwelling Unit (ADU):**
The applicant may seek authorization for the lower level to be recognized as an ADU. This process would involve a land use review and verification that all applicable standards—such as design, access, utility, and occupancy limits—are met. However, it should be noted that ADUs are not permitted to operate as vacation rentals under current UR-1 zoning regulations. The property owner may stay in this portion and use the primary dwelling as the vacation rental or use this as a long-term rental dwelling unit.
- 2. Request a Determination of Nonconforming Use:**
If the apartment was established prior to 1986, the applicant may request recognition of the use as a legal nonconforming use. This would require substantial evidence demonstrating that the use existed lawfully prior to current regulations and has been maintained without interruption.
- 3. Request a Duplex Authorization:**
This option may be permitted through a land use authorization and after the fact building permits. Staff can provide further details for this option. There is a density requirements and due to the split zoning the density may not meet the standard in UR-1.
- 4. Restore the Property to a Single-Family Dwelling:**
If neither option above is viable, the applicant may be required to remove unpermitted improvements and restore the lower level to its original single-family configuration, as previously authorized under land use approvals dated 1983 and prior.

Until the proper corrective action is taken and approved by the County, staff cannot issue a Zoning Compliance Letter or authorize use of the lower level as a vacation rental. Any continued use of the unpermitted apartment may be subject to code enforcement action.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ planning@co.coos.or.us



<https://www.co.coos.or.us/community-dev>

ACU-24-063

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 property was created by deed document 77-08-12537. Therefore, the property complies as it was created by deed prior to applicable partition ordinances that would have prohibited the creation.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

Request for a Land Use Approval through an Administrative Conditional Use to change the use of an Apartment within a Single-Family Dwelling to a *Vacation/Short Term Rental*.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) Use Table found in Section 4.3.200(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/short term rental and Section 4.3.220 Additional Conditional Use Review (1) Urban Residential. Siting standards do not apply to this type of review because there are no new structures proposed with this review.

B. KEY DEFINITIONS:

- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*
- *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 surrounding area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.

- **VACATION RENTALS:** A furnished apartment or house rented out on a temporary basis to tourists or guests as an alternative to a hotel/motel or group cottage. The definition includes dwelling(s) or dwelling unit(s) for the purpose of being rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis and are predominately rented out less than 30 days.

C. VACATION/SHORT TERM RENTAL CRITERIA AND REVIEW STANDARDS

I. Section 4.3.200 Zoning Tables for Urban and Rural Residential, mixed Commercial-Residential, Commercial, Industrial, Minor Estuary and South Slough

The table indicates the type of review process that is required. Remember that CU is a 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 |
|-----|--|---|------|------|------|------|-----|------|-----|-----|-----|------|------------------------------------|-----|------------|
| | | Section 4.3.210 CATEGORIES & Review Standards - 4.3.220 Additional Conditional Use Review - | | | | | | | | | | | Section 4.3.210 Specific Standards | | |
| | | UR-1 | UR-2 | UR-M | RR-2 | RR-5 | CD | RC | C-1 | IND | AO | RFC | SS | MFS | |
| 63. | Retail Business | N | N | N | N | N | ACU | HBCU | CD | N | N | HBCU | N | N | (75) |
| 64. | Vacation Rentals (in an existing dwelling) | ACU | ACU | ACU | ACU | ACU | ACU | ACU | ACU | ACU | ACU | ACU | N | N | (87) |

FINDING: Vacation rental reviews are subject to the Coos County Zoning and Land Development Ordinance (CCZLDO) Use Table found in Section 4.3.200(64), which governs vacation rentals (in an existing dwelling) and requires an Administrative Conditional Use (ACU) review. This is further subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/Short-Term Rental, and Section 4.3.220 Additional Conditional Use Review (1) Urban Residential.

Siting standards, apart from those related to parking access, driveway, and parking standards as identified in Chapter VII, must be met. Vacation Rentals are only allowed within an existing dwelling. According to assessment records the property contains an existing dwelling with a year built 1955. Therefore, if the second dwelling issue can be resolved the use will meet the review standards outlined in the following sections, it is permitted.

II. 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.

(87.) Vacation rental/short term rental - Subject to the following criteria:

- (a) Shall be found to be compatible with the surrounding area.
- (b) Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;
- (c) Shall meet parking access, driveway and parking standards as identified in Chapter VII;
- (d) Shall not be conveyed or otherwise transferred to a subsequent landowner without the new property owner submitting a Compliance Determination Application showing compliance with this section; and
- (e) A deed restriction shall be recorded with the Coos County Clerk’s Office acknowledging that this is an accessory use to the approved residential use. If located within Urban Growth Boundary further restrictions may be required based on comments from the City.

FINDING: The primary criterion for this application is compatibility. As explained, compatibility means that the proposed use must be capable of existing alongside surrounding uses without discord or disharmony. The purpose of this zoning district is to provide 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. Vacation Rentals, as a limited commercial use, are considered accessory to the residential use. They are permitted only within an existing dwelling and must demonstrate compatibility with existing residential uses in the surrounding area without causing discord or disharmony. This type of use, however, has the potential to increase traffic and create nuisance issues.

The County has applied a notification boundary of 100 feet to assess compatibility criteria. Within this notification area, the surrounding properties include:

- Six (4) Single Family Primary Dwellings

The subject property is located adjacent to the bay. Additionally, the subject property is located in close proximity to Charleston, which offers boating, fishing and crabbing and is a short drive from Coos Bay Beaches.



Staff finds that the proposed Vacation Rental can be made compatible with the surrounding area when conditions of approval are applied once the violation issue has been resolved.

A Single-Family Dwelling unit provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A request to use the dwelling for transient occupancy for vacation purposes must not increase traffic, parking, or related nuisance issues. Therefore, to ensure compatibility, limitations on occupancy based on the number of bedrooms within the dwelling, as well as restrictions on traffic and parking volumes to align with those of a Single Family Dwelling, will minimize nuisances and ensure the use is compatible.

In determining the number of people who may be accommodated overnight, the calculation is based on the number of bedrooms within the single-family dwelling. Pursuant to ORS 90.262, a bedroom is assumed to accommodate an average of two occupants. While there are no Coos County assessment records specific to the lower-level apartment, the property is recorded as a three-bedroom dwelling. Once the apartment issue has been resolved, occupancy will be limited to two occupants per lawfully established bedroom.

The use is also subject to a maximum of two parking spaces associated with the vacation rental. These measures are intended to minimize traffic and reduce impacts on the surrounding road and neighborhood. Vendors shall be limited to those providing cleaning and maintenance services only.

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The applicant has acknowledged that a license and inspections will be completed by Coos Health & Wellness in compliance with ORS 446.310 through 446.350. Additionally, the Vacation Rental approval will not be transferred to a subsequent owner without a Compliance Determination.

The applicant shall record a deed restriction with the Coos County Clerk’s Office acknowledging that this is an accessory use to the approved residential use. This requirement will be made as a condition of approval. Compliance with all conditions shall be required for final approval.

III. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Vacation Rental meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

IV. EXPIRATION:

Once this application is implemented, it does not expire under current law. However, it cannot be transferred to another owner unless a Compliance Determination has been filed.

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special districts, or parties.

- A Notice of Decision and Staff Report will be provided to the following:
Mailed Copies: Applicants/Owners, Applicant’s Legal Representative, Applicant’s Consultant, and/or Applicant’s Surveyor
Emailed Copies: Department of Land Conservation and Development, Coos County Assessor’s Office, Tribes, Coos Health and Wellness, Coos County Onsite, Planning Commission and Board of Commissioners.
- A Notice of Decision only
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.

Special Districts: Charleston Rural Fire Department, Charleston Sanitation, Coos Bay – North Bend Water Board