



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. (See attached vicinity map for the location of the subject property).

Date of Notice: **Friday, July 15, 2022**
File No(s): ACU-22-021

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

Applicant(s): Giles Ochs & Tiffany Hu

Staff Planner: **Chris MacWhorter, Planning Staff**

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, August 01, 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*. Vacation Rental reviews are subject to 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 (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	762031
Map Numbers	27S1417D0-00301
Property Owners	OCHS, GILES ANDREAS ET AL 718 BREWSTER AVE REDWOOD CITY, CA 94063-1508
Situs Addresses	59505 SEVEN DEVILS RD BANDON, OR 97411
Acreages	5.00 Acres
Zoning(s)	RURAL RESIDENTIAL - 5 (RR-5)
Special Development Considerations and Overlays	ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

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,

This notice shall be posted from July 15, 2022 to August 1, 2022

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. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

Staff tries to post all applications on the website at the following link:

<https://www.co.coos.or.us/planning/page/applications-2022>

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 Chris MacWhorter, Planning Staff 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: Chris MacWhorter Date: Friday, July 15, 2022
Chris MacWhorter, Planning Staff

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: Comments

Exhibit E: 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

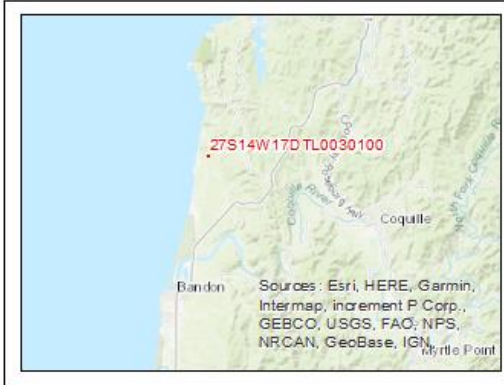
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a *Vacation Rental* on the property; however, the following conditions need to be submitted with a request for your ZCL:
 - a. The 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 name and contact information.
 - ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
 - iii. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service.
 - iv. The number of overnight occupants is limited by the number of bedrooms. The Dwelling contains three (3) bedrooms and maximum capacity should be limited to six (6) overnight guests.
 - v. 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.
 - b. 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.
 - c. The parking and access shall be reviewed and signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter from staff. There will be a limit on how many vehicles can park onsite per to two (2) vehicles for guests and one (1) vehicle for employees.
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.
4. Shall provide a legal document for the water use or an exemption. Staff cannot confirm that the current water source meets the required health requirements for this type of use.

**EXHIBIT "B"
VICINITY MAP**

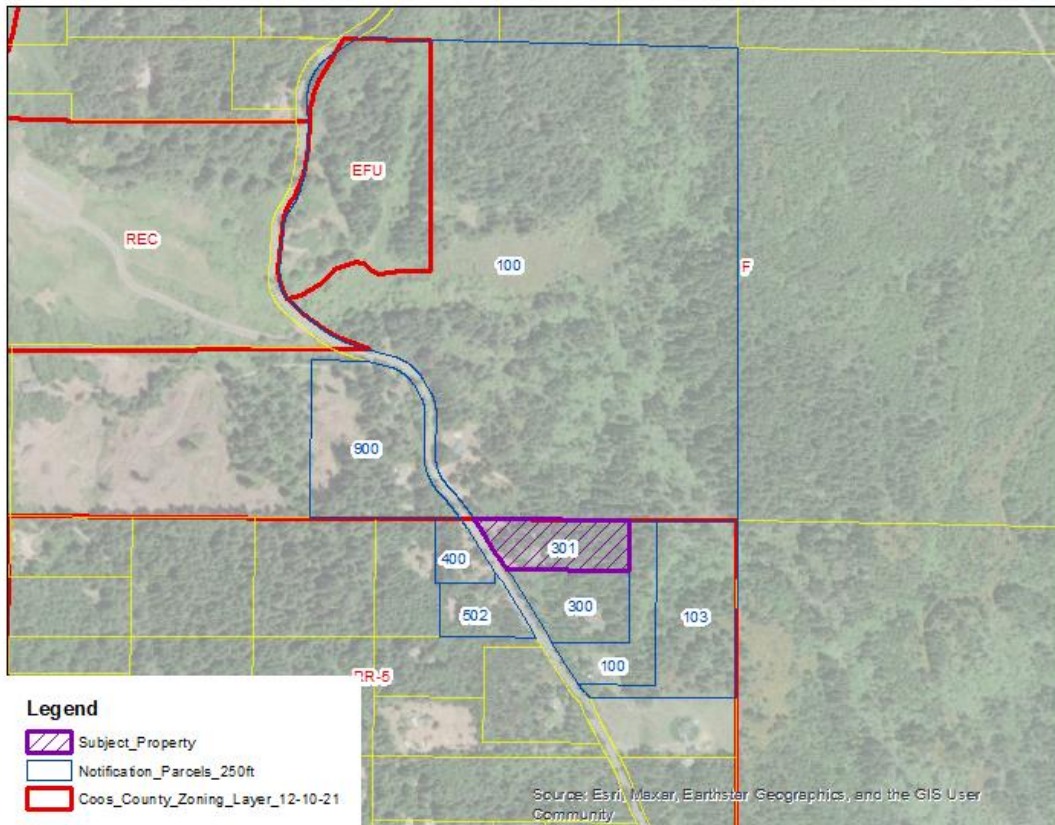


COOS COUNTY PLANNING DEPARTMENT

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-22-022
 Applicant/ Owner: Giles Ochs & Tiffany Hu
 Date: July 7, 2022
 Location: Township 27S Range 14W
 Section 17D TL 301
 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 Use to change the use of a Single Family Dwelling to a Vacation/Short Term Rental.
- B. BACKGROUND/PROPERTY HISTORY:**
This property contains a Single-Family Dwelling that was built in 1990 authorized by Coos County Planning Verification Letter VL-88-581. The property also contains an Accessory Structure that was built in 1996 authorized by Coos County Planning Verification Letter VL-95-096. These documents may be found in Coos County Planning Department records.
- C. LOCATION:** The subject property is located north of the City of Bandon. The property is accessed off from Seven Devils Road, which is county designated a major collector. Seven Devils Road directly connects to Highway 101. Recreational opportunities within a mile of the subject property include Seven Devils State Recreation Site with public beach access and an 18-hole golf course opened to the public. Within a two-mile radius from the subject property public includes the Bandon Dunes Golf Resort and more importantly the Whiskey Run Bike Trails, which is on the Coos County Forest.
- D. ZONING:** The subject property is zoned Rural Residential-5 (RR-5).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.100 RESIDENTIAL

Rural Residential (RR)

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/acreage. 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.

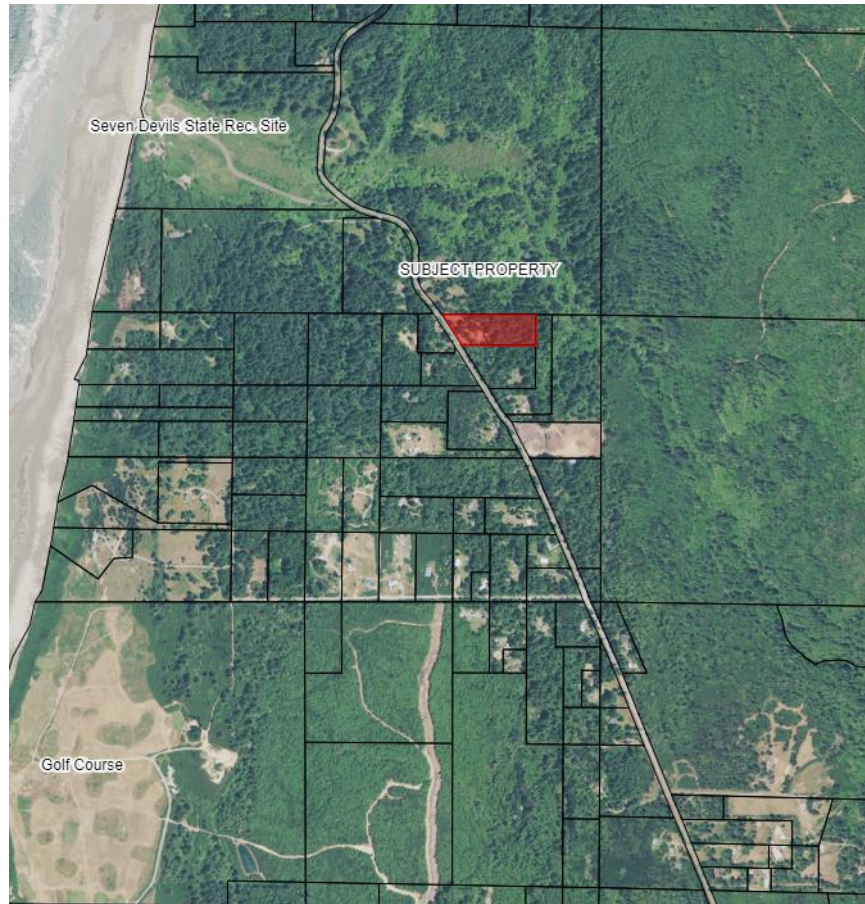
The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

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 USES SITE DESCRIPTION AND SURROUNDING USES:** The subject property is located north of the City of Bandon. The property is accessed off from Seven Devils Road, which is county designated a major collector. Seven Devils Road directly connects to Highway 101. Recreational opportunities within a mile of the subject property include Seven Devils State Recreation Site with public beach access and an 18-hole golf course opened to the public. Within a two-mile radius from the subject

property public includes the Bandon Dunes Golf Resort and more importantly the Whiskey Run Bike Trails, which is on the Coos County Forest.

This property contains a Single-Family Dwelling that was built in 1990 authorized by Coos County Planning Verification Letter VL-88-581. The property also contains an Accessory Structure that was built in 1996 authorized by Coos County Planning Verification Letter VL-95-096. These documents may be found in Coos County Planning Department records.



F. COMMENTS: Comments were not required for this use as there is no development occurring.

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 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 finds to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

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 thru (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 (83-3-6806). Therefore, it is a lawfully created unit of land.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval to change the existing residential use to a vacation 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. 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 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
		Section 4.3.210 CATEGORIES & Review Standards - 4.3.220 Additional Conditional Use Review - Section 4.3.225 General Siting Standards - Section 4.3.230 Specific Standards													
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	CJ	IND	AQ	RFC	SS	MES	
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 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 (2) Rural Residential. Siting standards with the exception of parking 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.

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

- Shall be found to be compatible with the surrounding area.
- Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;
- Shall meet parking access, driveway and parking standards as identified in Chapter VII;
- 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
- 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: A vacation rental can only be established in an existing dwelling. The subject property contains an existing Single-Family Dwelling that was sited in 1990. According to assessment records the dwelling is a three-bedroom Dwelling. The primary criterion for this application is compatibility. As explained above; compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony.

The purpose of this zoning district is to provide for residential use. Vacation rentals are not considered a residential use so they must show they can be compatible with the residential uses occurring within the surrounding area without discord or disharmony.

The notification area included a mixture of dwellings that are approximately equal for the number of primary and secondary dwellings in the nearby vicinity.

Map No	Parcel No		Structure	Type
27S14W17D	100		Dwelling	Primary
27S14W17D	103		Vacant	Vacant
27S14W17D	300		Dwelling	Secondary
27S14W17D	301		Dwelling	Secondary
27S14W17D	400		Dwelling	Primary
27S14W17D	502		Dwelling	Secondary
27S14W17	100		Dwelling	Secondary
27S14W17	900		Dwelling	Primary

Recreational opportunities within a mile of the subject property includes Seven Devils State Recreation Site with public beach access. The subject property is located close to the Whiskey Run Bike Trails and the Sheep Ranch golf course. The Whiskey Run Bike Trails offer public biking and hiking trails. The Sheep Ranch golf course is located on the north side of Whiskey Run Road and appears to be operated by Bandon Dunes Golf Resort under a private arrangement. Bandon Dunes Golf Resort is located on the south side of Whiskey Run Road.

The applicant indicated there was another vacation rental in the nearby area of the subject property. Staff was unable to confirm the exact location of this vacation rental.

A Single Family Dwelling unit providing complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation. A request to use the dwelling for transient occupancy for vacation purposes does increase traffic, parking and related nuisance issues. Therefore, to make the use compatible limitations on occupancy based on the number of bedrooms that are located within the dwelling, limiting traffic and parking volumes to the same level as a Single-Family Dwelling and limiting nuisances will insure the use is compatible.

In determining how many people can be accommodated overnight the calculation is made based on bedrooms within the Single Family Dwelling. A bedroom (ORS 90.262) has a minimum average of two occupants per bedroom. This dwelling is a three-bedroom dwelling; therefore, staff will condition this approval that only six (6) overnight guest shall be onsite. Vehicles on site for the guest shall be no more than two vehicles. This does not account for cleaning service and other related maintenance service or when the property owner is using the dwelling. There shall be quiet times and a clear sign posted with the contact information so neighbors that have complaints may contact the rental service that is managing the vacation rental.

Typically, traffic counts are conducted for a Single-Family Dwelling based on two (2) vehicles so at this time the Vacation Rental will be limited to two vehicles on site when the Dwelling used as a Vacation Rental. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service. Vendors shall be limited to cleaning and maintenance. 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. The applicant has stated that Vacation Rental will be maintained regularly, and all restrictions will be enforced.

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.

The Vacation Rental approval will not transfer 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 will be made a condition of approval. All conditions shall be complied with as final approval.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

FINDING: No structural or earth moving development is part of this request; therefore, additional review was not required.

IV. DECISION:

The proposed Vacation Rental/Short-Term Rental in the Rural Residential-5 (RR-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 RFPD, and Southern Coos General District

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness, Assessor’s Office, 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.

EXHIBIT "D" Comments

Reply Reply All Forward
Wed 6/15/2022 5:14 PM

RH

Richard Hallmark

Fw: ACU-22-021

To Planning Department

The Coos County Land Use Application (ACU-22-021) for consideration of a short term/vacation rental at or about 59505 Seven Devils Rd, Bandon, OR has been reviewed.

Pursuant to the proposed use upon the request of a property owner/applicant Coos Health & Wellness will provide:

1. The license application for a vacation rental
2. The fee amount due with a license application; and
3. A list of materials to submit for evaluation of a small business water system intended for use with a facility to be licensed by the health department. *For purposes of safety review criteria is virtually the same as for a public water system (professional design, well construction standards, appropriate setbacks, water quality, safe equipment, safe treatment, etc.) and there is on-going system maintenance.*

rh

Crystal Orr

From: ALTON Greg * DEQ <Greg.ALTON@deq.oregon.gov>
Sent: Monday, June 13, 2022 2:07 PM
To: Crystal Orr; Richard Hallmark
Subject: RE: Request for comments

This Message originated outside your organization.

Hi Crystal,

I took a quick look at the proposal and septic records. DEQ requests the owners to make application for an Authorization Notice with site visit to justify the proposed change of use. There appears to be adequate area for a replacement system which I will confirm during the site visit once we receive application.

As the applicant noted the residence is a three bedroom single family residence (SFR). The septic is sized to accommodate a four bedroom SFR. SFR flows are calculated at 300 gallons per day (GPD) for the first two bedrooms and 75 GPD for additional bedrooms. So in this case the septic is sized to accommodate 450 GPD.

Vacation rentals are considered a commercial use and therefore have different design flow considerations. This use would be sized at 150 gallons per bedroom per day. So, the septic tank and drainfield is adequately sized for the three bedroom vacation rental.

DEQ Code for Authorization Notice proposals allow for increased design flows of up to 300 GPD or 50% of the original design flow whichever is more limiting. In order to facilitate added flows the septic system needs to be shown to be functioning properly and there needs to be adequate unencumbered area to install a code compliant replacement system when it is needed.

The applicant noted a proposed total of ten occupants. As noted DEQ guidelines for design flows are based on bedrooms and considers there to be two occupants per bedroom. So, six occupants is the maximum DEQ Code allows for.

DEQ records indicate the residence currently is serviced by a 1,000 gallon septic tank. If the maximum occupancy is held to six then the current tank would be adequate and would only need to be fitted with an effluent filter on the outlet to meet the spirit of DEQ's Code.

In order to adequately justify seven or more occupants a larger septic tank fitted with an effluent filter on the outlet would need to be installed and may require added drainfield depending on the proposed occupancy.

Thanks for your consideration!

Take Care, Greg

Gregory H Alton
Regional Onsite Wastewater Specialist
465 Elrod Avenue
Coos Bay, OR 97420
541-972-5530
541-972-5518
Email: greg.alton@deq.oregon.gov
Website: <https://www.oregon.gov/deq/Residential/Pages/Onsite.aspx>

EXHIBIT "E"
Application



Coos County Land Use Permit Application
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
 TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
 PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: ACU-22-021

Date Received: 5/16/22 Receipt #: 114503776 Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.
 If the fee is not included the application will not be processed.
 (If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Giles Ochs & Tiffany Hu
 Mailing address: 718 Brewster Ave, Redwood City CA 94063
 Phone: 408-368-9200 Email: tiffhu@gmail.com

Township: 27S Range: 14W Section: 17 ¼ Section: D 1/16 Section: Select Tax lots: 301
Select Select Select Select Select

Tax Account Number(s): 762031 Zone: Select Zone Rural Residential-5 (RR-5)
 Tax Account Number(s): _____ Please Select _____

B. Applicant(s) _____
 Mailing address: _____
 Phone: _____

C. Consultant or Agent: _____
 Mailing Address _____
 Phone #: _____ Email: _____

Type of Application Requested

<input type="checkbox"/> Comp Plan Amendment	<input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU	<input type="checkbox"/> Land Division - P, SUB or PUD
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Hearings Body Conditional Use Review - HBCU	<input type="checkbox"/> Family/Medical Hardship Dwelling
<input type="checkbox"/> Map - Rezone	<input type="checkbox"/> Variance - V	<input type="checkbox"/> Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring) Sewage Disposal Type: On-Site Septic
 School District: Bandon Fire District: Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

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](#)

- D. **ATTACHED WRITTEN STATEMENT.** With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. Signatures required below for application processing.

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: 59505 Seven Devils Road, Bandon, OR 97411

Type of Access: County Road Name of Access: Seven Devils Road

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Supplemental Application requirements for vacation/short term rentals.

Below are the criteria for a Vacation Rental/Short Term Rentals. This type of use may be allowed in Urban and Rural Residential Zones through an Administrative Conditional Use (ACU) process.

In summary, an Administrative Conditional Use is a use or activity with similar compatibility or special conservation problems within a zoning district. A Conditional Use may be initiated by filing an application with the Planning Department using forms prescribed by the Department. An application for an Administrative Conditional use requires review by the Planning Director to insure compliance with approval criteria. This type of review is considered a "Discretionary" review that contains approval criteria. Approval criteria are listed with a specific review and findings must be made to address such criteria. The criteria are a set of rules that a proposal shall comply with in order to receive approval. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied. An application for a conditional use or an Administrative Conditional Use shall be approved only if it is found to comply with this Article and the applicable review criteria, development standards and special development consideration and/or overlays set forth in the zoning regulations and any other applicable requirements of this Ordinance. Once the process has started for review refunds will not be processed. The burden of proof rest on the applicant to show that the request meets all criteria.

Address: 59505 Seven Devils Rd, Bandon, OR 97411

To Whom It May Concern,

We are asking to be able to use the above named property as a short-term rental. This home has 3 bedrooms and 2 bathrooms and 2250 sq ft. built in 1990, and was recently remodeled in 21/22 ahead of our purchase in April 2022. The house is one story. The property also consists of a detached garage / workshop, long driveway with multiple parking spaces, handicap-accessible ramp, and many large forest trees and greenery. The home will have 1 king bed, 3 queen beds, and 1 full bed, and we will be advertising it as occupancy for a maximum of 10 people.

This house sits on 5 acres, and is fenced in on all sides. The rear 60% of the property is forest. There is no direct line of sight to any neighbors from the house, and there are large trees blocking the house on all sides. We are not making any structural changes nor are we making any changes to the layout of the property or adding any buildings.

Please see additional information below.

- **Number of occupants at one time: Maximum 10**
- **Number of vehicles: Maximum 3**
- **Large gatherings: No, no additional guests outside those on listing**

- Property manager including contact details: **Shane Chrisma: +1 (541) 297-7410.**
- Security: **We will be installing a Ring security system (or equivalent)**
- The layout of the property, does the property have sight obscuring (from neighboring properties) fencing or landscaping: **This house sits on 5 acres, and is fenced in on all sides. The rear 60% of the property is forest. There is no direct line of sight to any neighbors from the house, and there are large trees blocking the house on all sides.**
- Services such as cleaning and property maintenance (parking should include a one space dedicated to service worker: **Our property managers, Shane & Rhonda, will manage cleaning and maintenance. There will be multiple parking spaces available for service workers.**

Required Criteria to be addressed to receive approval. Under the criteria staff has included some additional guidance to help applicants understand how or what is meant/required to be addressed. The guidance is not meant to provide legal advice but does provide components of other successful application requests. It is helpful if an applicant approaches criteria as a series of questions. For example, how will this use be compatible and then present evidence to back up the answer. This could be drawings, photos, contracts, maps or any other item that shows you understand and will follow the criteria.

Criteria and Responses:

Chapter IV – Coos County Zoning and Land Development Ordinance.
Section 4.3.210 Categories and Review Standards (87) Vacation rental/short term rental:

- a. Shall be found to be compatible with the surrounding area.

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.

In summary, the criteria are asking how the use of a vacation rental which is considered a commercial use will be compatible with the existing surrounding uses. For Rural Residential the study area is 250 feet from the boundary of the subject tract (contiguous properties within one ownership) and in Urban Residential the study area is 100 feet from the boundary of the subject tract.

There are many ways to provide evidence but one example would be to identify the properties within the study area on a map and explain what use is occurring on each of them and how the proposal will not interfere with such uses. The surrounding zoning would be another way to explain how the use is compatible. How will you control the vacation rental so that it is similar to a residential use through quiet times, parking, limitation on guest and etc.

Applicants Response:

Current zone of RR-5 allows for Vacation / Short-Term Rentals.

The house sits on a 5 acre lot, and the home is secluded with no neighbors that can be seen from the house. There is easy access to the house with a long driveway and large off street parking area within the property. There are a lot of trees that act as a sound barrier.

We will supply all neighbors with our cell phone numbers for any complaints or concerns, and we will have a local property manager that can respond to any issues immediately. We will instill rules for guests to follow - This will include parking procedures, noise curfews for the morning and night, and respect for the environment and neighbors.

Finally, our neighbor to the north is an active short term rental ('Merchant Beach Ranch House').

- a. Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;

Please contact CHW to understand the licensing requirements. If the current dwelling is using surface water it may not qualify under the health standards.

Applicants Response:

We will submit the paperwork to Coos Health & Wellness for the license once this application is approved. The vacation rental will be in full compliance with CHW inspections.

- a. Shall meet parking access, driveway and parking standards as identified in Chapter VII;

The Coos County Road Department will evaluate your parking and access. This requires that an applicant submitted a traffic plan that addresses the access, driveway and parking.

The driveway and access shall meet the minimum standards. The parking standards shall be drawn to show 1 space per guest accommodation plus, 1 space per employee. The guest accommodations are viewed by the number of bedrooms in the dwelling.

Applicants Response:

Seven Devils Road is a paved road maintained by the county. There is one large gravel base parking area in front of the garage that is approximately 30' by 40', and another area at the back of the house that is approximately 15' x 120'.

- a. Shall not be conveyed or otherwise transferred to a subsequent landowner without a the new property owner submitting a Compliance Determination Application showing compliance with this section;
and
- b. 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.

This criterion just required acknowledgment that an applicant/property that in the event of sale of the property a review is required to continue the approved short term/vacation real use. A deed restriction will be required to be recorded as a condition of approval.

Applicants Response:

We acknowledge that this cannot be transferred without the new property submitting a Compliance Determination Application and the deed restriction. We do not have any plans to sell the house at this time.

Plot Plan of 59505 Seven Devils Rd, Bandon, OR 97411



Plot Plan with Neighbors



RECORDING REQUESTED BY:



201 Central Avenue, PO Box 1075
Coos Bay, OR 97420

GRANTOR'S NAME:
Dave T. Young and Bonnie M. Young

GRANTEE'S NAME:
Giles Andreas Ochs and Tiffany Jiating Hu

AFTER RECORDING RETURN TO:
Order No.: 360622039652-TT
Giles Andreas Ochs and Tiffany Jiating Hu, not as tenants in
common, but with the rights of survivorship
718 Brewster Avenue
Redwood City, CA 94063

Coos County, Oregon **2022-04228**
\$96.00 Pgs=3 05/06/2022 01:12 PM
eRecorded by: TICOR TITLE COQUILLE - 105 E. 2ND
ST. OR 97423
Diris D. Murphy, Coos County Clerk

SEND TAX STATEMENTS TO:
Giles Andreas Ochs and Tiffany Jiating Hu
718 Brewster Avenue
Redwood City, CA 94063

APN: 1000762031
Map: 27S-14-17D TL 301
59505 Seven Devils Road, Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dave T. Young and Bonnie M. Young, as tenants by the entirety, Grantor, conveys and warrants to Giles Andreas Ochs and Tiffany Jiating Hu, not as tenants in common, but with the rights of survivorship, 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:

Beginning at a point on the East-West line through the center of Section 17, Township 27 South, Range 14 West of the Willamette Meridian, Coos County, Oregon, said point being on the east right of way edge of Seven Devils Road; thence South 89° 22' 23" East along said center section line a distance of 772.31 feet to the Northwest corner of the NE 1/4 of the NE 1/4 of the SE 1/4 of said Section 17; thence continuing along said center section line South 89° 22' 23" East a distance of 71 feet; thence South 00° 34' 56" West a distance of 272.40 feet; thence West a distance of 660.28 feet to the east right of way edge of said Seven Devils Road; thence Northwesterly along said right of way to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$575,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 5/3/22

Dave T. Young
Dave T. Young

Bonnie M. Young
Bonnie M. Young

State of Oregon
County of Cook

This instrument was acknowledged before me on May 3, 22 by Dave T. Young and Bonnie M. Young

Ann Banks Parker
Notary Public - State of Oregon

My Commission Expires: April 13, 2024



EXHIBIT "A"
Exceptions

Subject to:

1. The Land has been classified as Forest land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
3. Any interest in any oil, gas and/or minerals, as disclosed by document
Recording Date: June 4, 1945
Recording No: Book 156, Page 220
4. The present ownership or any other matters affecting said oil, gas and/or minerals are not shown herein. Any rights incidental to the ownership and development of the mineral interest excepted or reserved in the document
Recording Date: June 4, 1945
Recording No: Book 156, Page 220
5. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Coos-Curry Electric Cooperative
Recording Date: April 29, 1985
Recording No: 85-02-5508
6. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Coos-Curry Electric Cooperative
Recording Date: May 2, 2990
Recording No: 90-05-0122
7. An application for de-titling the manufactured home from personal property to real property has been approved, as disclosed by application:
Recording Date: February 15, 2019
Recording No: 2019-01261