



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, June 30, 2023**
File No(s): ACU-23-024

Proposal: Request for a Land Use Approval through an Administrative Conditional Use for the existing Single Family Dwelling to be used as a Vacation/Short Term Rental.

Applicant(s): Jeff Burcher

Staff Planner: Crystal Orr, Associate Planner

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, July 17, 2023**. 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 (1) Urban 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 1530800
Map Numbers 26S1402DC-03800

Property Owners BURCHER, JEFF
3221 ROGUE RIVER HWY
GOLD HILL, OR 97525-9714

Situs Addresses 91110 CAPE ARAGO HWY COOS BAY, OR 97420

Acreages 0.13 Acres

Zoning(s) URBAN RESIDENTIAL-2 (UR-2)

Special Development ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
Considerations and Overlays NATURAL HAZARD - TSUNAMI (NHTHO)
URBAN UNINCORPORATED COMMUNITY (UUC)

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

This notice shall be posted from June 30, 2023 to July 17, 2023

are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

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

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Associate Planner 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: _____ Date: **Friday, June 30, 2023**
Crystal Orr, Associate Planner

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 "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 to be used as a Vacation Rental contains three (3) bedrooms and maximum capacity should be limited to (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. Under the authority of the Coos County Zoning and Land Development Ordinance the Coos County Board of Commissioners has deference to interpret land use regulations that may affect permitting processes. Under the Coos County Zoning and Land Development Ordinance Vacation Rentals are permitted with a deed restriction acknowledging that this is an accessory use to the approved residential use. Due to the fact that the residential use is the primary use there is no reason to request a change of use for occupancy under the building code.
 - c. Shall continue to meet parking access, driveway and parking standards as identified in Chapter VII. Driveway Confirmation DR-23-042 has been signed off as meeting standards by the Coos County Road Department.
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. The Vacation Rental approval will not transfer to a subsequent owner without a Compliance Determination.

EXHIBIT "B"
VICINITY MAP & PLOT PLAN



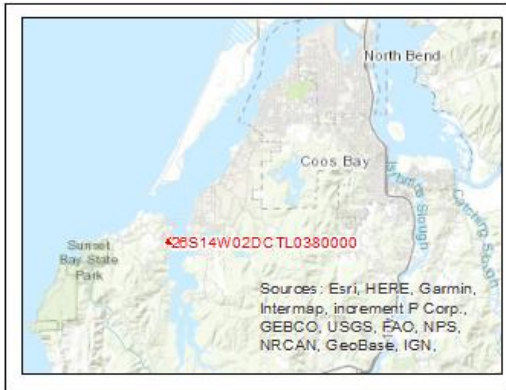
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

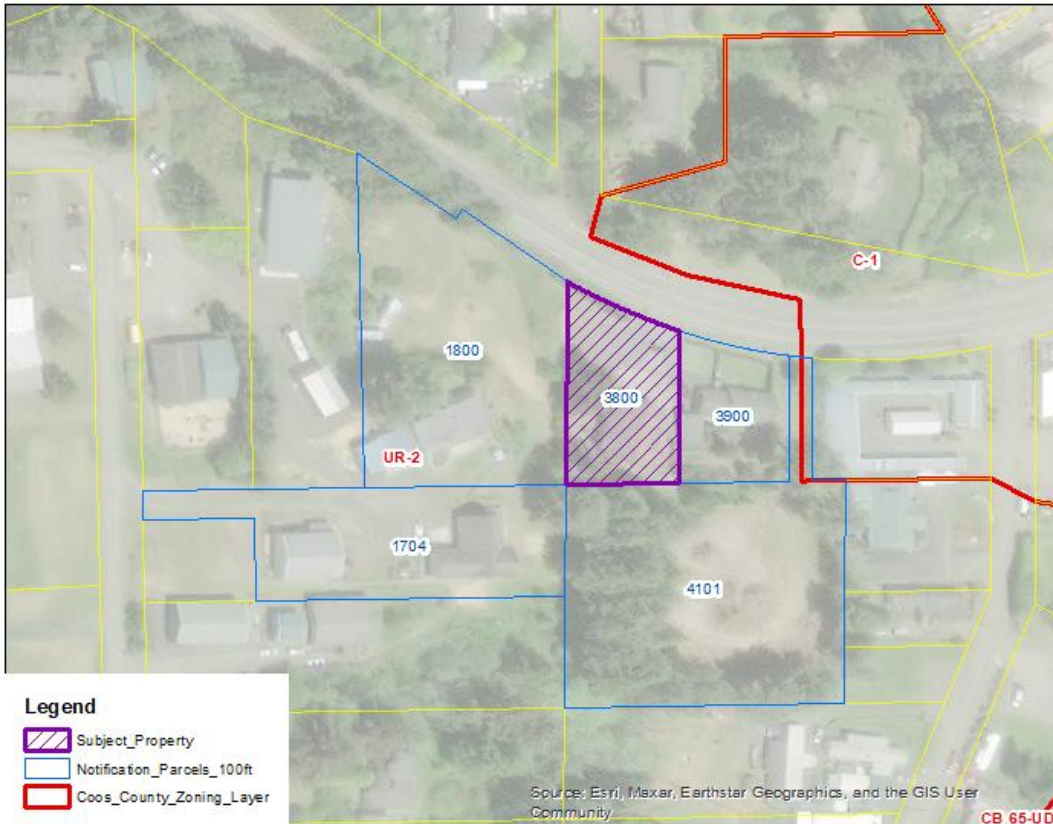
Physical Address: 60 E. Second, Coquille Oregon

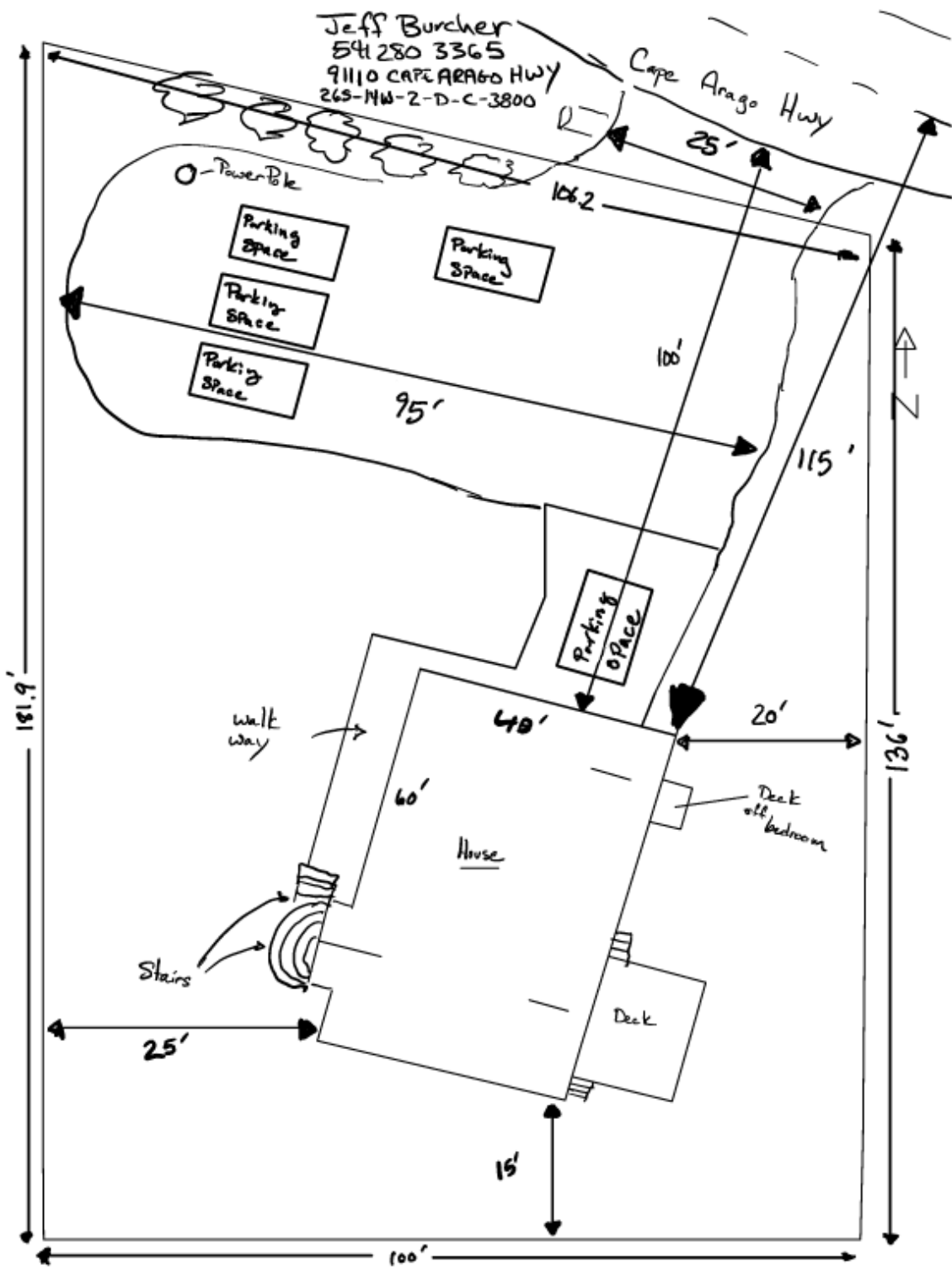
Phone: (541) 396-7770

TDD (800) 735-2900



File: ACU-23-024
 Owner: Jeff Burcher
 Date: June 20, 2023
 Location: Township 26S Range 14W
 Section 2DC TL 3800
 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 an 1,888 square foot Single-Family Dwelling that was built in 1997, which was approved through Coos County Planning through a Verification Letter (VL-96-234) dated June 5, 1996.
- C. LOCATION:** The subject property is located within the Urban Unincorporated Community of Charleston, and is southwest of the City of Coos Bay off of Oregon State Highway Cape Arago Highway.
- D. ZONING:** The subject property is zoned Urban Residential-2 (UR-2).

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-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two-family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

SITE DESCRIPTION AND SURROUNDING USES: The subject property is located southwest of the City of Coos Bay off of Cape Arago Highway. The property is located within the Urban Unincorporated Community of Charleston. The parcels directly surrounding are being used for residential uses. The Community of Charleston offers crabbing, boating, dining, among other recreational opportunities. The parcels within the notification area are zoned Urban Residential-2 (UR-2).



E. COMMENTS: Comments were not required for this use as there is no structural 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 finds that, at the time of this report, the property is in compliance with the Coos County Zoning and Land Development Ordinance. However, this does not mean that there is no additional information unavailable during this review that would make the properties non-compliant.

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 through (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 (deed document 79-67416).

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 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 | |
|-----|--|-------|------|------|------|------|-----|-----|-----|-----|-----|-----|----|------------|------|
| | | UR-1 | UR-2 | UR-M | RR-2 | RR-5 | CD | RC | C-1 | IND | AO | REC | SS | | MES |
| 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 CCZLDO Use Table found in Section 4.3.200(64) for Vacation Rentals in an existing dwelling. These reviews are conducted as part of the Administrative Conditional Use (ACU) process, which is governed by Section 4.3.210(87) for Categories and Review Standards - Vacation Rental/Short Term Rental, and Section 4.3.220 for Additional Conditional Use Review in Urban Residential areas. Siting standards, with the exception of parking, do not apply to this type of review since there are no new structures proposed.

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:

- (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: A vacation rental can only be established in an existing dwelling. The subject property contains an existing single-family dwelling that was sited in 1999 and completed in 2004. The property is located in a zoning district that allows for vacation rentals if they meet the discretionary criteria through an Administrative Conditional Use (ACU) process. According to available Coos County Assessment records, the dwelling is listed as a three-bedroom dwelling, but the applicant provided information stating that it is a four-bedroom dwelling. The primary criterion for this application is compatibility. As explained above, compatibility means that the proposed use is capable of coexisting with the surrounding uses without discord or disharmony.

The purpose of this zoning district is to provide for residential uses. Vacation rentals are a limited commercial use considered accessory to the residential use. They are only permitted to operate within an existing single-family dwelling. Therefore, the use must demonstrate compatibility with existing residential uses occurring within the surrounding area without discord or disharmony. This type of use has the potential to increase traffic and nuisance issues. In order to meet the compatibility standard, the use must show compatibility with the residential uses occurring within the surrounding area without discord or disharmony.

To examine the compatibility issue, it is important to understand the study area to which this applies. The county has determined that the notification boundary is sufficient to justify the compatibility criteria. The notification area includes one vacant property and four dwellings, of which two are owned by the applicant and the other two are primary dwellings.

| Map No | Parcel No | Structure | Type |
|------------|-----------|-----------|-----------------|
| 26S14W02CD | 1704 | Dwelling | Primary Home |
| 26S14W02CD | 1800 | Dwelling | Primary Home |
| 26S14W02DC | 3800 | Dwelling | Applying Parcel |

| | | | | |
|------------|------|--|----------|-------------------|
| 26S14W02DC | 3900 | | Dwelling | Applicants Parcel |
| 26S14W02DC | 4101 | | Vacant | Vacant |

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 for a single family. It is intended for permanent, long-term occupancy, typically exceeding 30 days. However, the requested use of the dwelling for transient occupancy for vacation purposes does increase traffic, parking, and related nuisance issues. There are various measures that can be implemented to ensure compatibility. One approach is to limit the number of guests to the number of bedrooms within the dwelling at the time of approval, thereby restricting traffic and parking volumes to the same level as required for a Single-Family Dwelling to maintain and mitigate nuisances.

When determining the maximum number of people who can be accommodated overnight, the calculation is based on the number of bedrooms in the Single-Family Dwelling. A bedroom, as defined by ORS 90.262, has a minimum average occupancy of two persons per bedroom. Since this dwelling has three bedrooms, the approval will be conditioned to limit overnight guests to a maximum of six (6). The number of vehicles allowed on-site for guests shall not exceed two. These restrictions do not account for cleaning services, other maintenance services, or when the property owner is using the dwelling. Additionally, there should be designated quiet times, and a clear sign should be posted with contact information so that neighbors with complaints can reach out to the rental service managing the vacation rental.

Typically, traffic counts for a Single-Family Dwelling are based on two (2) vehicles. Therefore, the Vacation Rental will be limited to a maximum of two vehicles on-site when the dwelling is used for vacation purposes. If the property is connected to public services for water or sewer, a letter from the utility companies confirming no limitations on service is required. Vendors will be restricted to cleaning and maintenance purposes only. If a special event is planned by a guest, it should occur during the day, and vendors may be allowed to serve that specific event. The applicant has stated that the Vacation Rental will be regularly maintained, and all restrictions will be enforced. The parking access, driveway, and parking standards (DR-23-042) have been reviewed and approved by the Coos County Road Department.

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. As a suggestion, the property owner should consider installing fire extinguishers on each floor and posting a fire floor plan for guests to use in case of an emergency.

The applicant shall record a deed restriction with the Coos County Clerk's Office, acknowledging that the vacation rental is an accessory use to the approved residential use. This will be made a condition of approval. All conditions must be complied with for 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 Urban Residential-1 (UR-1) 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 100 feet of the subject properties and the following agencies, special districts, or parties: Coos Bay North Bend Water Board, Charleston RFPD, Charleston Sanitation, Coos Bay School District, and Oregon International Port of Coos Bay.

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.