



Coos County Community Development

Mailing Address: 250 N. Baxter, Coquille, Oregon
60 E. Second St., Coquille OR 97423
Planning, Building, Onsite and Enforcement
Phone: 541-396-7770
Fax: 541-266-1146

www.co.coos.or.us

TDD (800) 735-2900

NOTICE OF LAND USE DECISION

Wednesday, May 28, 2025
File Number: ACU-24-065

Dear Recipient,

This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period provided below, pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department, the address is 250 N. Baxter, Coquille, OR 97423.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

Subject Property Information

Account Number: 2952700
Map Number: 29S1501CC-05000

Property Owner: STROH, BRANDON
54135 GOULD RD
BANDON, OR 97411-0078

Situs Address: 54135 GOULD RD BANDON, OR 97411
Acreage: 0.25 Acres

Zoning: CONTROLLED DEVELOPMENT-10 (CD-10)

Special Development Considerations and Overlays: ARCHAEOLOGICAL AREAS (ARC)
BANDON CONICAL ZONE (ABC)
BANDON UGB (BGB)
NATIONAL WETLAND INVENTORY (NWI)
NH TSUNAMI (NHTHO)
NH WILDFIRE (NHWF)

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 12, 2025

complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Thursday, June 12, 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.

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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: Wednesday, 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. 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, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed conveyance shall be recorded with the County Clerk and copy provided to the Planning Department. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
 - b. 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. 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. The Dwelling to be used as a Vacation Rental contains three (3) bedrooms and maximum capacity should be limited to six (6) overnight guests.

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- 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. Parking and Driveway standards are met with a sign off from the County Road Department Roadmaster or Access Manger. Dedicated parking for the vacation rental is limited to two spaces for guests.
 - vi. If located within Urban Growth Boundary further restrictions may be required based on comments from the City.
2. 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.
 3. A new plot plan as well as additional information regarding the use of the portion of the dwelling approved as “guest quarters” must be submitted prior to receiving a Zoning Compliance Letter. A site visit from the Code Compliance Officer may be necessary to determine 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.]

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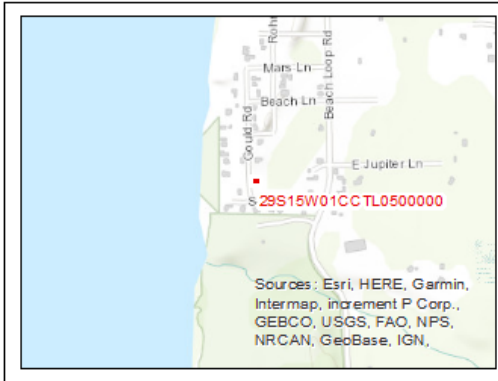
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EXHIBIT "B"
Vicinity Map
(not to scale)

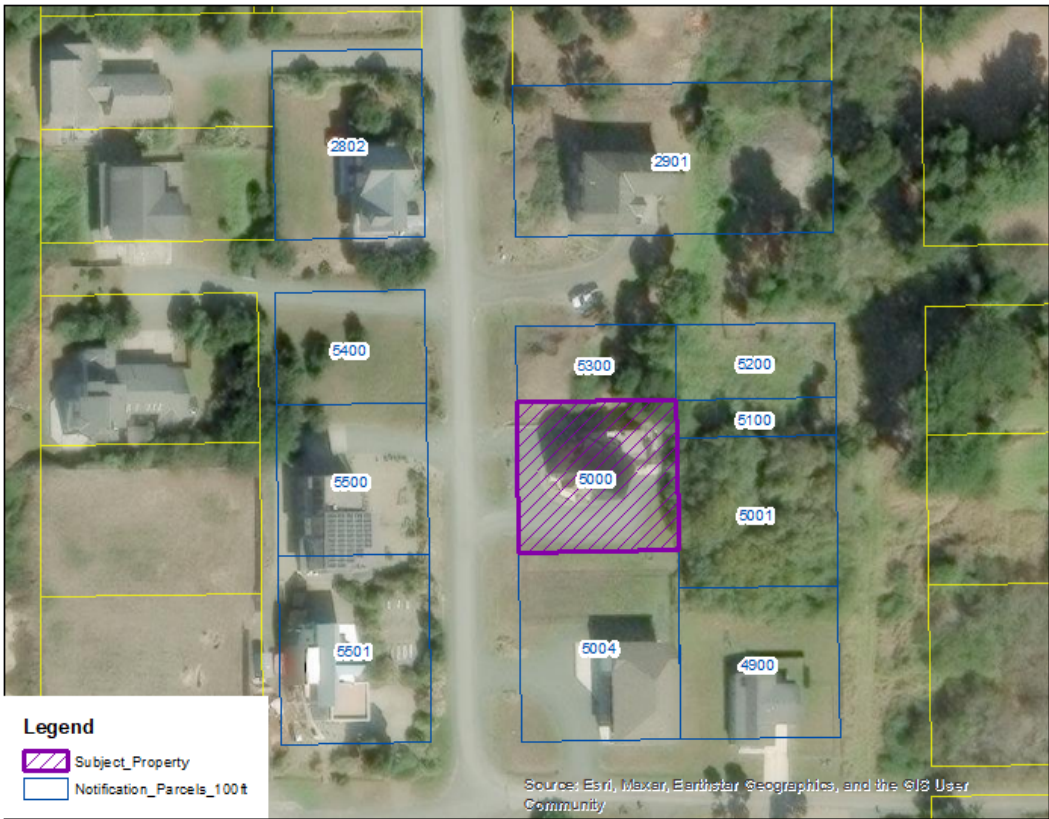


COOS COUNTY COMMUNITY DEVELOPMENT

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-24-062
 Applicant/ Owner: STROH, BRANDON
 Parametrix - Sheri McGrath
 Date: May 28, 2025
 Location: Township 29S Range 15W
 Section 01CC TL 5000
 Proposal: Administrative Conditional Use



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**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 the three-bedroom single-family dwelling located at 54135 Gould Road, in the Controlled Development – 10 (CD-10) zoning district of Coos County, Oregon, as a furnished vacation rental. The 0.25-acre property includes existing development, including a dwelling constructed in 2020 and a septic system. Due to its size, the property is not used for farming or forestry. Water service is provided by the City of Bandon, which has confirmed in writing that there are no limitations on water service that would preclude use of the property as a vacation rental.

County regulations limit parking to two vehicles. The applicant has submitted a plot plan that illustrates two designated parking spaces. The applicant is requesting an Administrative Conditional Use Permit for the vacation rental and has provided a proposed parking plan. The property will be managed by the owner.

- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The subject property is located at 54135 Gould Road, south of the City of Bandon, within the Bandon Urban Growth Boundary (UGB) in Coos County, Oregon. The parcel is approximately 0.25 acres in size and is zoned Controlled Development – 10 (CD-10). The property is developed with a three-bedroom single-family dwelling, sited in 2020, and is served by an approved onsite septic system. Water service is provided by the City of Bandon.

In addition to zoning requirements, the property is subject to several environmental and regulatory overlays. These include mapped wetlands, location within the tsunami inundation zone, designation as a wildfire hazard area, and identification as a culturally sensitive area of archaeological interest. Any structural modification must comply with all applicable state and local regulations related to these constraints.

The subject property has received several Zoning Compliance Letters over time:

- On February 1, 2006, ZCL-06-055 was issued, providing land use approval for a septic site evaluation.
- On October 31, 2016, ZCL-16-363 was issued for an additional septic site evaluation.
- On August 27, 2019, ZCL-19-283 authorized the placement of a single-family dwelling and installation of a septic system. This letter noted that only one dwelling and one septic system would be permitted.
- On April 3, 2020, ZCL-20-091 was issued as an update to the 2019 letter, allowing for the addition of a “guest suite room” to the dwelling. The notes clarified that the guest suite could not function as a separate living unit and must share the kitchen with the primary residence. The room was intended to be treated as just another bedroom.

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COOS COUNTY PLANNING DEPARTMENT
 225 N. Adams, Coquille, Oregon 97423
 Mailing Address: 250 N. Baxter, Coquille, Oregon 97423
 (541) 396-7770/ TDD (800) 735-2900
 FAX: (541) 396-1022

ZCL-20-091
Approval Date: 4/3/2020
Expiration Date: 4/3/2022

**COOS COUNTY ZONING COMPLIANCE LETTER
 FOR DEVELOPMENT IN THE RURAL RESIDENTIAL AND RURAL CENTER ZONE**

APPLICANT :	Andrea Chaves
APPLICANT ADDRESS:	2587 Riverwalk Loop
CITY/STATE/ZIP:	Eugene, OR 97401
PHONE NUMBER OF APPLICANT:	520-248-6616
EMAIL:	Chaves.andrea@gmail.com
REQUESTED DEVELOPMENT APPROVED : Clearance for a Single Family Dwelling and septic system. Only one dwelling and septic system allowed. This is being updated to allow for the addition of the portion named "guest suite room" on the attached plot plan. This room cannot be a separate living quarters and must share the kitchen with the main dwelling. This added portion must be just another bedroom for the dwelling.	
ACCOUNT #'S	2952700
MAP DESCRIPTION:	29S1501CC-05000
TOWNSHIP RANGE SECTION TAX LOT	
PROPERTY OWNER(S)	CHAVES, ANDREA ET AL 2587 RIVERWALK LOOP EUGENE, OR 97401-1540
SITUS ADDRESS	54135 GOULD RD BANDON, OR 97411
ACREAGE	0.19 Acres
PROPERTY ZONING	CONTROLLED DEVELOPMENT-10 (CD-10)
SPECIAL CONSIDERATIONS	ARCHAEOLOGICAL SITES (ARC) BANDON AIRPORT CONICAL ZONE (ABC) BANDON URBAN GROWTH BOUNDARY (BGB) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - TSUNAMI (NHTHO) NATURAL HAZARD - WILDFIRE (NHWF)

According to the Coos County Zoning and Land Development Ordinance (CCZLDO), a dwelling includes a kitchen, bathroom(s), and living space and is intended for occupancy. A single-family dwelling is a structure designed for one household unit and does not share a wall or ceiling with another unit.

To be considered a bedroom within the approved single-family dwelling, the guest suite must have internal access to the rest of the home, including the shared kitchen. A room without internal access may function as a separate habitable space. While a habitable floor is not required to include all features of a dwelling unit, such as a full kitchen or bathroom, it may still resemble an independent living area due to the presence of sleeping or recreational space.

This type of layout may exceed the scope of the original land use approval. Internal access is necessary to ensure the room functions as part of the primary dwelling and complies with the limitations outlined in ZCL-20-091.

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The current application has been conditioned on verification that internal access exists and will remain to ensure it is a Single Family dwelling. If internal access is not present, the room cannot be included in the bedroom count for vacation rental occupancy purposes. If the layout does not comply, the applicant may pursue a modification to have an attached accessory structure or apply under another category, such as a guest house or accessory structure, both of which are subject to different land use requirements. This is just to determine consistency.

C. **LOCATION:** The subject property is located south of the City of Bandon off of Gould Road, within Bandon’s Urban Growth Boundary.

D. **ZONING:** - This property is zoned Controlled Development – 10 (CD-10).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.200 Mixed Commercial-Residential

Controlled Development (CD)

The intent of the Controlled Development is to reserve areas that are experiencing or are projected to experience limited conversion of residential areas to commercial uses. Urban Growth Areas include Urban Growth Boundaries (UGB) and Urban Unincorporated Communities (UUC) that were developed to urban levels of development and could be included in an Urban Growth Boundary expansion in the future. This designation is applied to specific portions of the following Urban Growth Areas: Bandon, Charleston, Barview and Bunker Hill.

There are two different controlled development zoning districts: Controlled Development-5 (CD-5) and Controlled Development-10 (CD-10).

The purpose of the “CD-5” and “CD-10” district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere,” to permit a mix of residential, commercial, and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy.

E. **COMMENTS:** The following comments have been received:

- a. **Coos Health & Wellness** – Had no objections. Comments provided stated that with the documentation of satisfying the “Conditional Use”, Coos Health and Wellness can consider a Vacation Rental License for this application.
- b. **Department of Environmental Quality/County Onsite** –Comments provided stated that the owner will need to apply for a Septic Authorization Notice with site visit.

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

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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, it is unclear whether the property is in compliance with the Coos County Zoning and Land Development Ordinance. The submitted plot plan for the vacation rental does not identify the portion of the structure referred to as the "guest suite room." It was clear this guest suite was to be part of the single family dwelling. However, there is nothing in the criteria that requires all bedrooms have to be available for the rental. A review of available building code records indicates that a Final Certificate of Occupancy was issued for this portion of the dwelling. However, this space was only approved as an additional bedroom within the single-family dwelling and was not authorized as a separate livable unit.

Therefore, staff is requesting clarification due to this discrepancy, the current approval has been conditioned to require a revised plot plan that clearly identifies the "guest suite room," along with additional information clarifying its current configuration and use. Other options have been provided if the original terms of the Zoning Compliance Letter cannot be met.

B. SECTION 5.0.150 APPLICATION REQUIREMENTS:

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

1. Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.
2. An application for a variance to the requirements of the Airport Surfaces Overlay zone may not be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within twenty (20) days after receipt, the Planning Director may act to grant or deny said application.
3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications.

An application may be deemed incomplete for failure to comply with this section.

The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.

The Coos County Zoning and Land Development Ordinance is very clear 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.

Specifically, a consultant may appear as a fact witness, meaning they can present information, data, or professional opinions in support of a party's position. However, they may not file appeals, make legal arguments, or represent a party in hearings or other formal proceedings 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 their attorney.

This ensures compliance with procedural requirements and maintains the integrity of the quasi-judicial process, particularly where legal rights and obligations are being determined.

C. 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 is block 32 lots 17, 18 and 19 of the Sunset City Subdivision created in 1907. The parcel also contains a portion of a vacated street that was approved through County order 16-05-046PL. Therefore, the property is in compliance through an approved or pre-ordinance plat and is a lawfully created unit of land pursuant to a above.

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 a *Single Family Dwelling* to a *Vacation/Short Term Rental*.

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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 (3) Controlled Development. 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 surround 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.*

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-24-065

- “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	C-1	IND	AO	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 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 (3) Controlled Development.

Siting standards, with the exception of 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. The property contains an existing dwelling with a year built 2020. Therefore, as long as the use meets 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:
- 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;

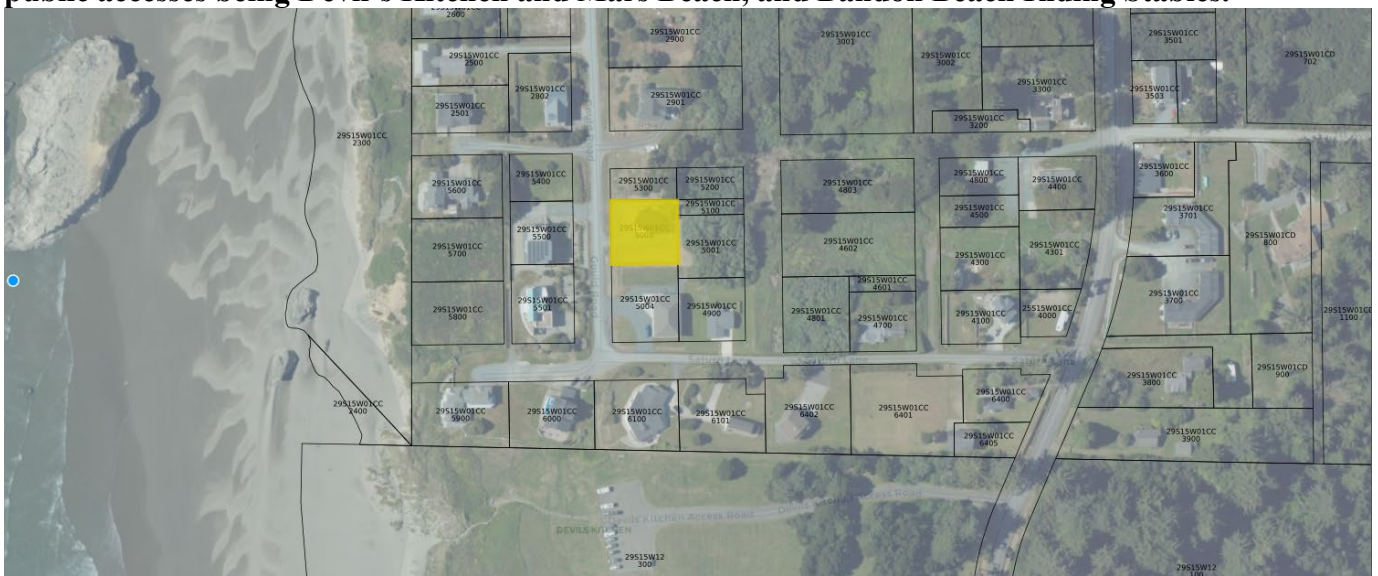
- (d) Shall not be conveyed or otherwise transferred to a subsequent landowner without the new property owner submitting a Compliance Determination Application showing compliance with this section; and
- (e) A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that this 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 recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere,” to permit a mix of residential, commercial, and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy. Since this property is located within the City of Bandon’s Urban Growth Boundary a copy of this decision will be sent to the city. 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:

- Four (4) undeveloped lots/parcels
- Two (2) Primary Single Family Dwellings
- Two (2) Vacation Rentals
- One (1) Secondary Single Family Dwelling

Additionally, the subject property is located in close proximity to several beach accesses, the closest public accesses being Devil’s Kitchen and Mars Beach, and Bandon Beach Riding Stables.



There are several Vacation Rental Dwellings within the Sunset City Subdivision, and at least nine (9) rentals within walking distance of the subject property.

Staff finds that the proposed vacation rental can be made compatible with the surrounding area when appropriate conditions of approval are applied.

A single-family dwelling unit is defined as providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The use of such a dwelling for transient occupancy must not result in increased traffic, parking congestion, or other nuisance impacts. To ensure compatibility with surrounding residential uses, staff recommends conditions that limit occupancy based on the number of bedrooms, and restrict traffic and parking to levels consistent with a typical single-family dwelling.

Occupancy limits are based on the number of bedrooms in the dwelling. According to ORS 90.262, each bedroom may accommodate an average of two occupants. This dwelling includes three bedrooms, and staff recommends conditioning approval to allow no more than six overnight guests. Guest parking shall be limited to two vehicles. These restrictions are intended to reduce traffic impacts and preserve neighborhood character. The use of vendors shall be limited to cleaning and maintenance services only.

The applicant has acknowledged that the vacation rental must be licensed and inspected by Coos Health & Wellness in accordance with ORS 446.310 through 446.350. In addition, the vacation rental approval is not transferable to a new property owner without a compliance review and determination by the County.

The applicant will be required to record a deed restriction with the Coos County Clerk's Office stating that the vacation rental is an accessory use to the approved residential use. This deed restriction will be made a condition of approval, and final authorization is contingent upon compliance with all imposed conditions.

The applicant referenced the City of Bandon's budget and transient occupancy tax; however, these matters are not relevant to this review. The property lies within unincorporated Coos County and not within the City of Bandon's jurisdiction. As such, the city does not receive tax revenue from the property, and there is no transient occupancy tax imposed in this area. While tourism may generate general economic activity, tax benefits do not apply to this site under the current regulatory framework.

The proposal substantially complies with applicable requirements, with the exception of the outstanding issue related to the identification and configuration of the guest suite. This matter must be resolved prior to final approval.

III. DECISION

In conclusion Staff finds that the applicant has addressed most of the relevant criteria and the ones that have not been addressed 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 Health and Wellness (Environmental Health), Coos County Onsite Program, Coos County Assessor’s Office, Tribes, 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: City of Bandon, Bandon RFP, Bandon School District