



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

NOTICE OF LAND USE DECISION

You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgagee, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.

DATE: Tuesday, February 18, 2025
FILE NUMBER: ACU-24-047/ACU-24-048/V-24-002

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: 1216903
Map Number: 29S141800-03601

Property Owner: NAMENYI, PAMELA E
87837 TWO MILE LN
BANDON, OR 97411-7233

Situs Address: 87837 TWO MILE LN BANDON, OR 97411

Acreage: 2.10 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Development Considerations and Overlays: BANDON CONICAL ZONE (ABC)

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 complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Tuesday, March 18, 2025**.

Appeals are based on the applicable land use criteria.

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

This notice shall be posted from March 3, 2025 to March 18, 2025

Applicable Regulations and Review Standards

General Compliance:

- Section 1.1.300: Requires compliance with the Comprehensive Plan and Ordinance provisions.
- Article 6.1: Governs lawfully created lots or parcels.

Zoning and Land Use Review:

The zoning table (Section 4.3.200) outlines the uses, developments, and activities permitted within each zone and specifies the type of review required. Section 4.3.210 further explains the use categories and their specific criteria, including whether a conditional use permit is necessary.

Specific Use Reviews

- Vacation Rental: Listed as #64 Vacation Rental (in an existing dwelling) in the zoning table. This use requires a conditional use permit to address Review Standard #87.
- Guest House: Listed as #22 Dwelling - Guest House in the zoning table. This use also requires a conditional use permit to address Review Standard (27)(d).

Development Standards:

- Section 4.3.225 - General Siting Standards: Applies to all regulated uses, developments, or activities. These are clear and objective standards that do not, in themselves, trigger a land use notice.
- Section 4.3.230 - Additional Siting Standards: Lists specific siting requirements by zone.
- Section 4.3.200 - Additional Conditional Use Review Standards: Includes any additional criteria applicable to a use, development, or activity that requires an Administrative Conditional Use. Such uses are reviewed under Article 5.2.

Variance Requests:

- A variance request must comply with the requirements outlined in Article 5.3 - Variances.

Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The 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. 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.

The application, staff report, and any conditions can be found at the following link:

<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, Planning Director

Date: Monday, March 03, 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

The following exhibits are on file at the Coos County Planning Department

Exhibit C: Staff Report -Findings of Fact and Conclusions

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ACU-24-047/ACU-24-048/V-24-002

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 Guest House may not be altered to add more square footage, or more bedrooms. Only one (1) bedroom is allowed within the Guest House. To ensure compliance after the building permits, if needed shall be submitted. The applicant will need to provide justification showing the area was constructed with permits at the time.
 - c. The applicant shall complete the following to ensure compatibility:
 - i. Submit a plan to cover nuisance issues to ensure the use is compatible with the neighborhood. The plan shall consist of contacts for the property manager to report problems to, noise restriction and emergency contact information. The advertisement for the rental shall include a property manager’s name and contact information. An example of a plan (not required to use format) is on the next page.
 - ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
 - iii. The number of overnight occupants is limited by the number of bedrooms. The Dwelling to be used as a Vacation Rental contains three (3) bedrooms and maximum capacity should be limited to six (6) overnight guests.
 - 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.

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- 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.

EXAMPLE

Example Plan for Addressing Nuisance Issues and Ensuring Neighborhood Compatibility

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

1. Property Manager Contact Information:

- **Name:** [Property Manager Name]
- **Phone:** [Property Manager Phone Number]
- **Email:** [Property Manager Email Address]
- **Availability:**
 - Regular Business Hours: Monday to Friday, 8 AM to 6 PM
 - After-Hours Emergencies: 24/7 availability via phone.
- **Response Time:**
 - Non-Emergency: Within 24 hours.
 - Emergency: Immediate response for issues such as noise complaints, trespassing, or safety concerns.

2. Noise Restrictions:

- **Quiet Hours:**
 - Weekdays: 10 PM to 7 AM
 - Weekends and Holidays: 11 PM to 8 AM
- **Prohibited Activities:**
 - Loud music, parties, or gatherings exceeding property capacity.
 - Use of outdoor amplified sound systems.
- **Monitoring:**
 - Installation of noise-detection devices to ensure compliance.
 - Regular site visits by the property manager to check adherence to rules.

3. Emergency Contact Information:

- In case of an emergency, such as fire, medical needs, or criminal activity, tenants and neighbors should immediately call **911**.
- For non-life-threatening situations, such as noise complaints or parking violations, contact the property manager directly.

4. Advertisement Requirements:

- All rental listings shall include the following information:
 - **Property Manager Name:** [Property Manager Name]
 - **Contact Phone Number:** [Property Manager Phone Number]
 - A statement that the rental complies with all local nuisance ordinances and neighborhood standards.
 - A reminder of the established quiet hours and other restrictions.

5. Neighbor Communication:

- Distribution of a flyer or letter to surrounding properties providing:
 - Property Manager contact details.
 - Overview of the property's rules and restrictions (e.g., quiet hours).
 - Assurance of swift action in response to complaints.

6. Enforcement Measures:

- Immediate intervention for reported issues, including warnings and documentation of incidents.
- Implementation of a **three-strike rule** for tenants:
 - First Incident: Verbal and written warning.
 - Second Incident: Fines or additional restrictions.
 - Third Incident: Termination of the rental agreement.

7. Regular Review:

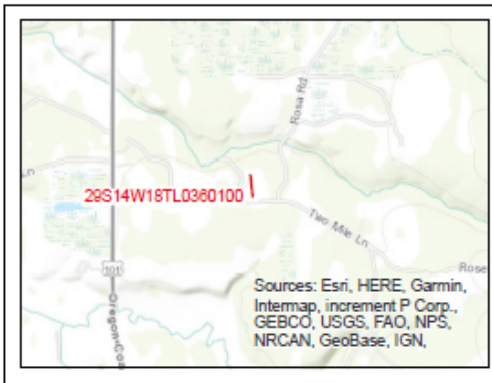
- Monthly review of complaint records to identify trends and address recurring issues.
- Annual update of the nuisance plan to incorporate lessons learned and improve processes.]

EXHIBIT “B”
Vicinity Map
(not to scale)

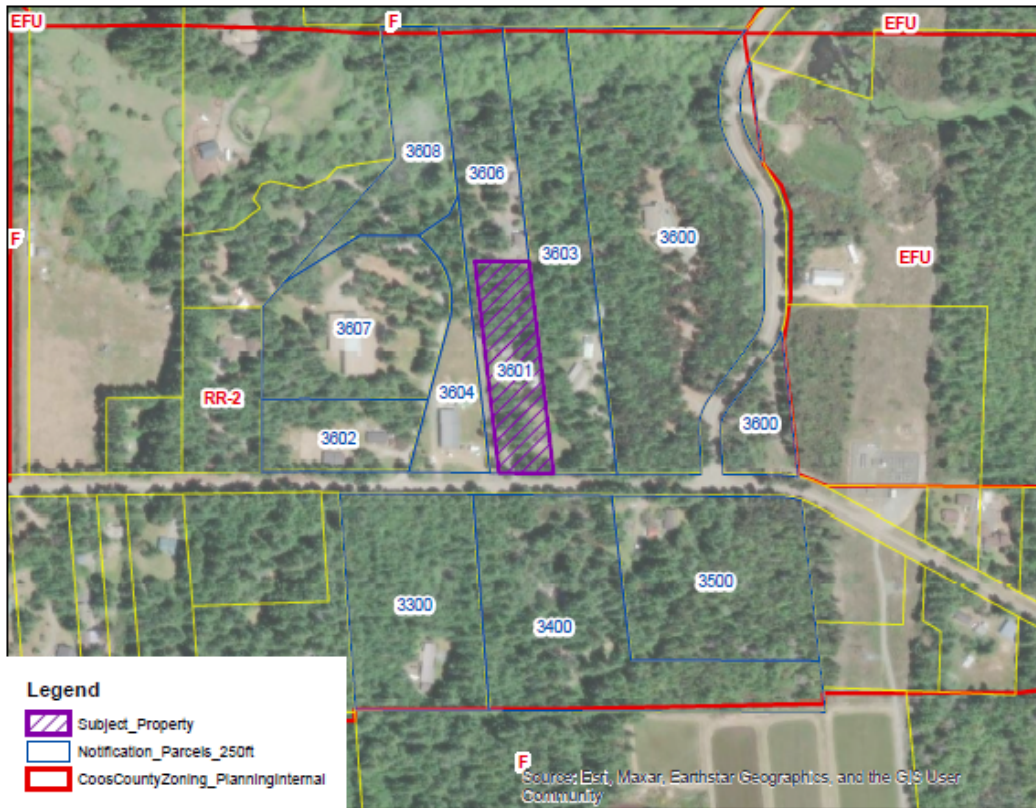


COOS COUNTY PLANNING DEPARTMENT

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-24-048/V-24-002
Applicant/ Owner:	Sheri McGrath/ Pamela Namenyi
Date:	February 25, 2025
Location:	Township 29S Range 14W Section 18 TL 3601
Proposal:	Administrative Conditional Use/ Variance



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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 permit the guest house, which was converted from an accessory structure prior to the current owner’s purchase. A variance is being requested, as the guest house exceeds the maximum allowed size and the allowable distance requirement from the single-family dwelling. The property owner is also requesting approval to operate the existing two-bedroom single-family dwelling as a vacation rental.

The property is approximately 2.10 acres in size. Existing development includes a single-family dwelling with an attached accessory structure, sited in 1992, two detached accessory structures, and a septic system. The property is not used for farming or forestry due to its size. One of the detached accessory structures is a two-story building, with the second story containing the guest house.

County regulations limit parking to two vehicles, and the applicant’s provided plot plan illustrates that two parking spaces will be available. The applicant is seeking an administrative conditional use permit for the vacation rental and has submitted a proposed parking plan. The property will be managed by the owner.

- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of zoning and development compliance activities, as outlined below:

- **April 21, 1992** – Zoning Compliance Letter 92-177 was issued, providing land use authorization to construct a single-family dwelling and install a new septic system. No existing development was listed at the time.
- **August 22, 1994** – Zoning Compliance Letter 94-492 was issued, authorizing the construction of a 24' x 24' accessory structure (garage). The listed existing development included a single-family dwelling with an attached garage, a well, and a septic system.
- **September 23, 1999** – Conditional Use Permit ACU-99-040 was approved with conditions, allowing a family hardship dwelling.
- **September 27, 1999** – Zoning Compliance Letter 99-454 was issued, authorizing the siting of a manufactured dwelling to be used as a family hardship dwelling, subject to compliance with DEQ requirements. The letter specified that authorization needed to be updated every two years as long as the hardship existed.
- **September 25, 2000** – The family hardship dwelling authorization was extended until October 2001.
- **August 28, 2001** – The manufactured dwelling was removed, and the family hardship dwelling authorization was closed.
- **June 15, 2007** – Partition P-07-10 was approved, dividing the parcel into two separate parcels.
- **December 16, 2008** – Zoning Compliance Letter 08-440 was issued, authorizing the siting of an accessory structure (shop) as an accessory to the existing dwelling. The comments specified that the building was not to be used for habitation, commercial, or industrial purposes.

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- **February 10, 2010** – Zoning Compliance Letter 10-29 was issued, authorizing modifications to the existing accessory structures to add a bathroom in each. The comments reiterated that the buildings were not to be used for habitation, commercial, or industrial purposes and that only one dwelling was allowed on the property. The compliance letter listed one dwelling, a garage, decks, a greenhouse, a general pole building, a well, and a septic system as existing improvements. This was followed by a plumbing permit issued by the State of Oregon which is consistent with the Zoning Compliance Letter for the bathroom work. There were no other permits issued.

The assessment records indicate 1992 1148 square foot Dwelling (two bedroom), Attached Garage that is unfinished and two detached finished garages one in 1992 and the other from 2008. This is consistent with the authorizations provided in the land use and building permit history.

C. LOCATION: The subject property is located south of the City of Bandon off Two Mile Lane.

D. ZONING: - This property is zoned Rural Residential-2 (RR-2).

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. COMMENTS: There were no comments provided prior to the decision.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

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

FINDING: Staff has reviewed the property history and finds that, at the time of this report, the property is not compliant with the Coos County Zoning and Land Development Ordinance. This application was submitted to bring the property into compliance.

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 property was created through a Partition approved on June 15, 2007. Therefore, the property complies through an approved partition 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 allow a Guest House, also requesting to change the use of a *Single Family Dwelling* to a *Vacation/Short Term Rental*. The proposed Guest House has already been converted from an Accessory Structure to a Guest House, the dwelling does not meet all criteria listed within the applicable section, therefore, a Variance is also being requested.

The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) Use Table found in Section 4.3.200:

(22) Dwelling-Guest House, subject to an Administrative Conditional Use (ACU), Section 4.3.210(27)(d), Section 4.3.220(2), Section 4.3.225 and Section 4.3.230(2).

(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU), Section 4.3.210(87) and Section 4.3.220(2).

The Variance request must address the criteria within Article 5.3 Variance.

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.*

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- *DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*
- *COMPATIBILITY: Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surrounding area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.*
- *VACATION RENTALS: A furnished apartment or house rented out on a temporary basis to tourists or guests as an alternative to a hotel/motel or group cottage. The definition includes dwelling(s) or dwelling unit(s) for the purpose of being rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis and are predominately rented out less than 30 days.*

C. VACATION/SHORT TERM RENTAL CRITERIA AND REVIEW STANDARDS

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

The table indicates the type of review process that is required. Remember that CU is a conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing) As used in the zoning tables the following abbreviations are defined as:

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

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 9 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	REC	SS	MES		
22.	Dwelling – Guest House	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	N	N	N	N	(27)(d)
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

FINDING: Guest house reviews are subject to the Coos County Zoning and Land Development Ordinance (CCZLDO) use table found in Section 4.3.200(22), which governs Dwelling – Guest House and requires an Administrative Conditional Use (ACU) review. This is further subject to Section 4.3.210, Categories and Review Standards (27)(d); Section 4.3.220, Additional Conditional Use Review (2) Rural Residential; Section 4.3.225, General Siting Standards; and Section 4.3.230, Additional Siting Standards (2) Rural Residential.

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 (2) Rural Residential.

Siting standards, except 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 built in 1992. Therefore, as long as the use meets the review standards outlined in the referenced 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.

(27.) 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. A dwelling shall consist of a kitchen, bathroom(s) and living space. Dwellings do not include an RV, tent, teepee, yurt, hotels, motels, vacation rentals or boarding houses. Types of Dwellings are listed below. Long-term rentals are not regulated by this ordinance.

(d) GUEST HOUSE - An auxiliary residence shall be constructed on property when the following conditions are met:

- (i) The parcel on which the guest house is placed contains two (2) acres;
- (ii) Only one guest house per lawfully created unit of land;
- (iii) The guest house shall not exceed either 500 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that contains at least two (2) acres in size;
- (iv) The guest house shall not exceed either 800 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that are served by water and sewer or contains a minimum of (5) acres;
- (v) The guest house can be a manufactured structure (park model) or conventional built. Manufactured structures are prohibited in an Urban Residential-1 (UR-1) zone;
- (vi) Cannot be used as a rental unit;
- (vii) Is attached to or within 100 feet of the main residence but no closer than seven (7) feet;

- (viii) *Is served by the same domestic water system, sewage system and utility meters as the main residence, unless it is located in an area served by a public sewer system;*
- (ix) *Guest houses that existed prior to July 1, 2018, may be converted to an accessory dwelling unit if they comply with the standards. This will require a Compliance Determination review.*
- (x) *A deed covenant recorded with the county stating that this is a guest house that is not to be rented. If converted to another use the covenant will be removed.*

FINDING: The parcel contains a total of 2.10 acres; therefore, the lot meets the minimum requirement of at least two (2) acres. There is not another guest house located on the property, and the property owner understands that only one guest house may be permitted. The guest house will exceed the total square footage allowed under this section; therefore, the applicant has applied for a variance, with the criteria outlined below in this report. The guest house is a conventionally built structure. The property owner has acknowledged that they are aware the guest house may not be used as a rental unit. The guest house is more than 100 feet from the main residence, and a variance for this standard has also been applied for, as detailed below in this report. The guest house is served by the same water and sewage system and is connected to the same utility meter as the main residence. The State of Oregon does not allow accessory dwelling units to be located more than 100 feet from the main residence. Since State of Oregon statute criteria cannot be varied, an accessory dwelling unit cannot be applied for. The property owner agrees to record a deed covenant with the County Clerk’s Office stating that the guest house shall not be rented. If for any reason compliance with the renting of the guest house becomes an issue the property owner shall allow code enforcement staff on site to inspect. Therefore, with conditions of approval this has been addressed.

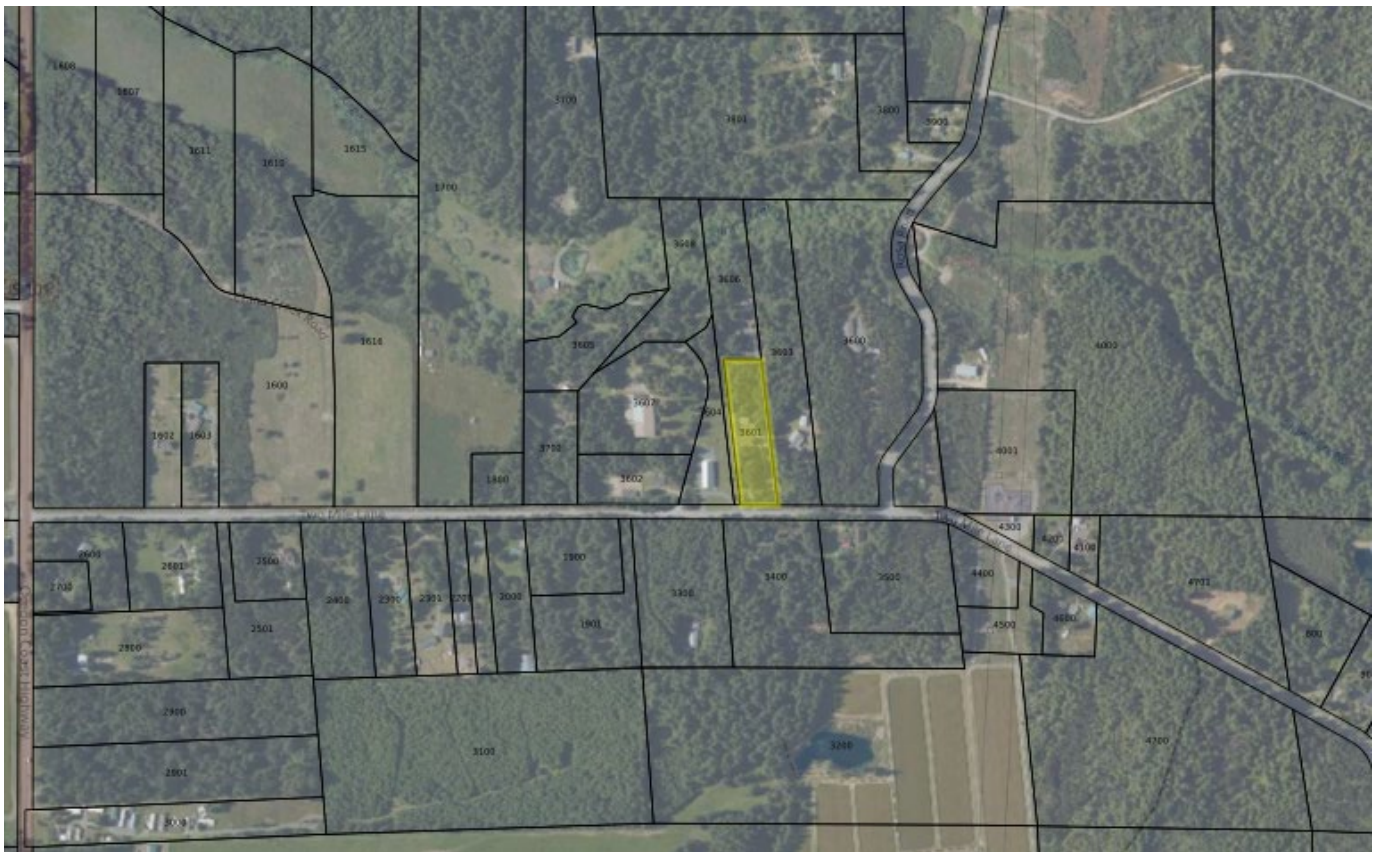
(87.) Vacation rental/short term rental - Subject to the following criteria:

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

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

The County has applied a notification boundary of 250 feet to assess compatibility criteria. Within this notification area, the surrounding properties include:

- **Seven (7) Single Family Primary Dwellings**
- **Two (2) undeveloped parcels**
- **One (1) Single Family Secondary Dwelling**



Staff finds that the proposed Vacation Rental can be made compatible with the surrounding area when conditions of approval are applied.

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

In determining the number of people who can be accommodated overnight, the calculation is based on the number of bedrooms within the Single-Family Dwelling. Per ORS 90.262, a bedroom accommodates a minimum average of two occupants. This dwelling, once constructed, will contain two (2) bedrooms; therefore, staff will condition this approval to allow a maximum of four (4) overnight guests and limit guest parking to two vehicles. These measures will minimize traffic and impact on the road and neighborhood. The Road Department shall verify compliance with Chapter VII as part of the conditions of approval. Vendors shall be limited to cleaning and maintenance services.

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

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

ARTICLE 5.3. VARIANCES

SECTION 5.3.100 GENERAL:

Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use regulations, minimum lot sizes or riparian areas within the Coastal Shoreland Boundary.

SECTION 5.3.150 SELF-INFLICTED HARDSHIPS:

A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant, current owner(s) or previous owner(s) willful violation.

This does not mean that a variance cannot be granted for other reasons.

FINDING: The applicant has stated that the variance request is not based on a self-inflicted hardship. A portion of a previously approved accessory structure was converted into a guest house by a prior owner. The Coos County Zoning and Land Development Ordinance defines a "willful violation" as an act done voluntarily with either an intentional disregard for, or plain indifference to, applicable requirements or regulations.

According to the applicant, the conversion of the accessory structure into a guest house was not undertaken by the current property owner but by a previous owner. There is no documented evidence, such as enforcement actions or official notices, proving that the prior owner was aware of a violation or knowingly disregarded zoning regulations when making the conversion. Although it is the responsibility of the current owner to verify that the property has been and will continue to remain in compliance with land use laws, it is clear there was no willful intent to violate the ordinance. The applicant has accepted responsibility for the noncompliance issues and has taken steps to bring the property into compliance.

Additionally, the request for a variance is based on existing site conditions rather than actions taken by the applicant. The converted structure exceeds both the maximum allowable square footage and the distance requirement from the primary dwelling, but these conditions were inherited and not created by the current owner. Given that the applicant is seeking to bring the property into compliance rather than attempting to justify a violation of their own making, the variance request meets the criteria outlined in Section 5.3.150.

SECTION 5.3.200 VARIANCE:

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

SECTION 5.3.350 CRITERIA FOR APPROVAL OF VARIANCES:

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

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1. Both findings “a” and “b” below are made:

a. One of the following circumstances shall apply:

i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;

ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;

b. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

FINDING: The applicant stated that the strict interpretation and enforcement of the requirements would result in unnecessary hardship and would be inconsistent with the objectives of the ordinance. The granting of the variance will not be detrimental to public health, safety, or welfare, nor will it be injurious to properties or improvements in the near vicinity. The guest house is located above an existing accessory structure and is connected to an approved sewage waste disposal system.

The specific criteria that the applicant is requesting to vary is: “The guest house shall not exceed either 500 square feet in size or 75% of the total square footage of the primary dwelling, whichever is less, on properties that contain at least two (2) acres in size” and “Is attached to or within 100 feet of the main residence but no closer than seven (7) feet.”

The applicant sufficiently addressed the criteria below:

Applicant's Response: The applicant is requesting a variance to the allowed size of the guest house. The ordinance specifies that the guest house is limited to 500 square feet; however, the applicant wishes to vary that requirement to 675 square feet (approximate square footage). The ordinance also requires that the guest house be located within 100 feet of the primary residence; however, the applicant is requesting a variance to that standard to bring the property into full compliance with the CCZLDO. The existing structure was built between 2010 and 2011, but the exact date of the guest house conversion is unknown.

The applicant understands that a variance cannot be granted solely because the accessory structure was converted into a guest house without permits. The property owner believes that the strict interpretation and enforcement of the requirements would result in unnecessary hardship and would be inconsistent with the objectives of the ordinance.

The guest house criteria limit the dwelling size to 500 square feet, which generally allows for a one-bedroom unit. The existing guest house contains one bedroom, maintaining the intention of a small

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living space. A condition could be placed on the approval requiring a deed covenant that would prohibit the guest house from containing more than one bedroom.

Additionally, the guest house is located above an existing accessory structure and has a first-floor entry that is separated from the shop/garage area. It also contains a separate entrance. The square footage includes the first-floor entry and interior stairway. If only the second floor were considered, the square footage would be closer to 500 square feet. A variance to the square footage requirement is considered reasonable given its location on the second floor and its integration within the existing development.

The Guest House exceeds the allowable square feet by 175 square feet, with a total square footage of 675 square feet. A Guest House is typically restricted in size to accommodate a one (1) bedroom dwelling. The applicant has agreed to a deed covenant that restricts the Guest House to one (1) bedroom, this has been made a condition of approval. The guest house shall comply with any after the fact building permits as determined by the building official.

2. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

FINDING: The top floor of the Accessory Structure has already been converted into a Guest House. Coos County has not received any complaints pertaining to this property. The Guest House is connected to the same sewage waste disposal system and well as the main residence.

3. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made: "the variance will not create a hazard to air navigation".

FINDING: The property is within the Bandon Conical Zone, which requires that the maximum allowable height of 35 feet must be met for all structures. This variance is not a request to this height requirement.

4. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.227.

FINDING: This request is not a variance to the floodplain requirements.

5. Variance regulations in CCZLDO Article 5.3 shall not apply to Sections 4.11.400 through 4.11.460, Chapter VII and Chapter VIII.

FINDING: This variance request does not include any of the above-mentioned sections.

III. DECISION

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Guest House with Variance and 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, the Vacation Rental use 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 250 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, Consultant

Emailed Copies: Department of Land Conservation and Development, Coos County Assessor’s Office,
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: Bandon Rural Fire Department, City of Bandon, Southern Coos Hospital District