

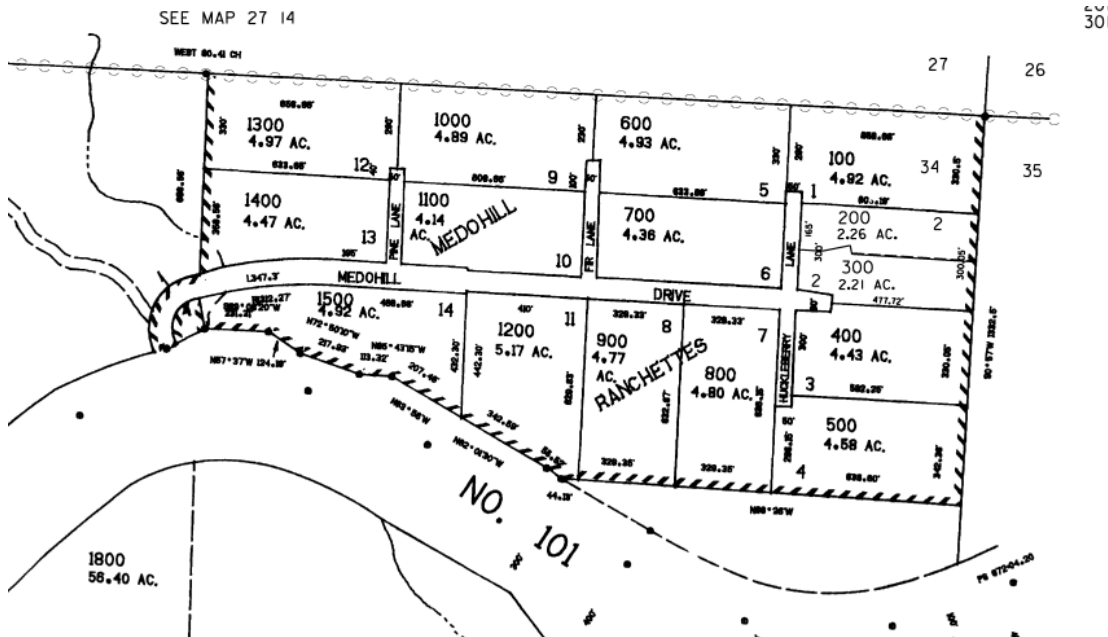


STAFF REPORT

I. AGENDA ITEM IV. A File # ACU-23-017 Continuation

CONTINUATION DISCUSSION

The Planning Commission continued the matter to allow the property owner or consultant to be available to answer questions and make comments. The two main issues raised in this case were water usage and concerns over the increase of usage of the road. The road, Medohill Lane, is a public dedicated, non-maintained road that serves fourteen lots in the Medohill Ranchettes 1970 subdivision.



The main question is does the county have the ability to consider impacts to the infrastructure in the case of a vacation rental. The infrastructure in this case would be the shared water and road. The answer is, you have to consider if the improvements are necessary to ensure compatibility and would it be necessary and beneficial. This is a rough proportionality test.

The rough proportionality test is applied in cases where a property owner claims that a government regulation or decision amounts to a regulatory taking, even though the government has not physically taken the property. The test examines whether there is an "essential nexus" or a reasonable connection between the public purpose of the regulation and the impact on the property owner's rights. Additionally, it evaluates whether the regulation is "roughly proportional" to the impact it imposes on the property owner.

To pass the rough proportionality test, the government must demonstrate that the regulation is substantially related to a legitimate government interest and that the burden imposed on the property owner is not excessive or disproportionate compared to the public benefit achieved by the regulation.

It's important to note that the rough proportionality test can vary depending on the jurisdiction and the specific circumstances of each case. Courts will look at the facts and consider various factors to determine whether the government's action meets the standard of rough proportionality.

The applicant has proposed to place a well on the property to alleviate the shared water source issue.

The traffic issue was raised but the record lacks evidence to show if and what the traffic impacts may be. The impact of vacation rentals on traffic compared to residential dwellings can vary depending on several factors, including the size of the vacation rental property, its location, the number of guests it can accommodate, and the rental frequency.

In some cases, vacation rentals may generate more traffic than residential dwellings due to the following reasons:

1. **Shorter Stays:** Vacation rentals often cater to short-term guests who stay for a few days to a few weeks. This constant turnover of guests can lead to more frequent arrivals and departures, potentially increasing traffic flow.
2. **High Occupancy:** Vacation rentals are usually designed to accommodate more guests than typical residential dwellings. As a result, a higher number of people staying in the same property can lead to more vehicles associated with each rental.
3. **Tourist Areas:** Vacation rentals are often located in popular tourist destinations, where overall visitor traffic can be higher than in regular residential neighborhoods.
4. **Seasonal Demand:** Some vacation rentals experience seasonal fluctuations in demand, leading to more significant traffic during peak travel periods.
5. **Property Amenities:** Larger vacation rental properties may offer amenities such as swimming pools, hot tubs, or recreational facilities, attracting more visitors and potentially more vehicles.

However, it's important to note that not all vacation rentals will generate more traffic than residential dwellings. Some vacation rentals may be small and have minimal impact on traffic, while some residential areas may have heavy traffic due to other factors like nearby commercial centers or events.

In Coos County Vacation Rentals can be allowed in residential zones but the regulations are in place to keep the residential character and maintain compatibility with residential neighborhoods. The way this is accomplished is to limit the number of guests and vehicles that can be on site at one time.

It is important to remember the proposed use is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. 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 uses in this area are residential.

The proposal was for:

- No more than six (6) Occupants at one time (3-bedroom dwelling, 2 occupants per room)
- 6 parking spaces with anticipation of using two spaces for the rental.
- Large Gatherings will not be allowed
- The property Manager is Tracy Powers at Vacasa
- The property is gated at the driveway, and there is a vegetation buffer ranging 50-100 feet around all structures
- Cleaning and maintenance will be conducted when the rental is vacant

Staff recommends limiting the number of occupants in accordance with the number of bedrooms and that would be six. The Planning Commission could limit the number of vehicles to two while the vacation rental is in operation which would control the traffic impacts. A log of patrons could be provided to the Planning Department once a year to show the compliance is maintained.

There have been some comments received which can be addressed.

- Jeff Sutherland – Provided written testimony concerning road maintenance, traffic increases, security, noise, campfires and water.
- Steve and Linda Salmon – Provided written testimony concerning the water and road maintenance. Linda Salmon also testified virtually at the hearing.
- Janet Hull – Testified she was concerned about the traffic and water.



Again, limiting the number of cars and people on site should help control the traffic. The Planning Commission can recommend the neighbors enter into a road maintenance agreement. To address noise issues staff recommends adding in quiet times and the neighbors can be provided a copy of the property managers name and number to call if there are issues.

ORIGINAL REPORT

- APPLICANT:** Joseph and Negeen Notaro
- CONSULTANT:** Sheri McGrath, Coos Curry Consulting
- STAFF CONTACT(S):** Jill Rolfe, Coos County Community Development Director
- SUMMARY PROPOSAL:** The proposal is to establish a Vacation Rental in the Rural Residential-2 (RR-2) Zoning District.
- REVIEW CRITERIA:** The applicant will need to comply with the following:

Coos County Zoning and Land Development Ordinance (CCZLDO)

- **Section 5.2.400 Process for Conditional Uses**
- **Section 4.3.200 Zoning Tables Use # 64:** Vacation Rentals (*in an existing dwelling*), which are allowed within Rural Residential as an Administrative Conditional Use (ACU).
- **Section 4.3.210(87) Categories and Review Standards:** for Vacation Rental/ Short Term Rental.
- **Section 4.3.220(1) Additional Conditional Use Review Standards:** Urban Residential (UR)
- **Section 4.3.225 General Siting Standards.**
- **Section 4.3.230(1) Additional Siting Standards – Urban Residential (UR).**
- **Chapter 7 Parking Access, Driveway and Parking Standards**

General Statement of Compliance: This type of application is listed as an ACU in the Rural Residential-5 (RR-5) zoning district which requires an administrative review. The application was approved administratively, but was withdrawn as Staff did not have the correct information within the application. The application is being upgraded to a Hearing Body Conditional Use so that the information can be reviewed, and adjacent property owners may comment on the proposal as it may have an effect on their properties. All notice requirements found in SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763) have been complied with. Staff has addressed the specific criteria for the use in the portion of the report in section IV of this report.

I. PROPERTY INFORMATION

- Property Location: Township 27 Range 14W, Section 34 Tax Lot 100
- Acreage: 4.92
- Property Address: 89825 Medohill Lane, Bandon, OR 97411
- Property Zone: Rural Residential-5 (RR-5)
- Special Development Considerations: There are no Special Considerations

1.1 STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. DETAILS AND BACKGROUND:

- i. **PROPOSAL:** The applicant has described the proposal as a vacation rental within the existing single-family dwelling. The property manager, operating as Vacasa, is located in Bandon and is represented by Tracy Powers. The applicant proposes to allow a maximum of six (6) occupants within the vacation rental.
- ii. **LOCATION AND SURROUNDING USES:** The subject property is located northeast of the City of Bandon. The property is accessed via Medohill Lane, which is off of Oregon State Highway 101. The properties to the north and east are being used for timber growth, and the properties to the south and west are being used for residential uses.
- iii. **PROPERTY HISTORY:** This property contains a 1,920 square foot Single-Family Manufactured Dwelling that was built and sited in 2001 with Coos County Planning approval (ZCL-01-147). There are also two (2) Accessory Structures, both sited with Coos County Planning approval (ZCL-03-133 & ZCL-17-292).

The unit of land was created pursuant to 6.1.125.1.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. Prior to 1986 properties were allowed to be created by deed or sale agreement and this property was created prior to 1986, see Deed Document Book 284 Page 355.

iv. **ZONING: The Zone is 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.

- v. **SITE DESCRIPTION AND SURROUNDING USES:** The subject property contains a Manufactured Dwelling, Garage, and General-Purpose Building, that are all located centrally within the unit of land. The adjacent properties to the south and west are zoned Rural Residential-2 (RR-2), have no development and are heavily treed. The adjacent properties to the north and east are zoned Forest (F), have no development, and appear to be in timber production. The property is gated, and there is a vegetation buffer ranging from 50' to 100'.

- B. COMMENTS RECEIVED:** There were comments received from neighbors on the proposal that are explained in the section that describes the conditional use process section. There have been no agency comments received.

C. ADMINISTRATIVE PROCEDURES:

- **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.

STAFF FINDINGS: The application was found to meet all of the submittal requirements on April 17, 2023 and placed on tracking for a formal review.

- **SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:**

A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:

- a. Property boundaries;*
- b. Location of all structures on the subject property;*
- c. Required parking spaces;*
- d. Current utilities and proposed utilities;*

- e. *Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);*
 - f. *The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;*
 - g. *Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;*
 - h. *All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;*
 - i. *Location of existing and proposed access point(s) on both sides of the road where applicable;*
 - j. *Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;*
 - k. *Number and direction of lanes to be constructed on the road plus striping plans;*
 - l. *All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and*
 - m. *Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.*
2. *Traffic Study completed by a registered traffic engineer.*
 3. *Access Analysis completed by a registered traffic engineer*
 4. *Sight Distance Certification from a registered traffic engineer.*

STAFF FINDINGS: The traffic plan was submitted as part of the application. Items two through four were not provided with the application and there is no comments from the Roadmaster at this time. However, while this use is listed under a commercial header the uses itself has a deed restriction requirement acknowledging that this is an accessory use to the approved residential use. Which indicates that this is a limited commercial uses similar to a home occupation and would not require the change in volume of traffic that warrants a traffic study, access analysis or sight distance certification. Therefore, the traffic plan is adequate at this time.

- **SECTION 5.0.300 FINDINGS REQUIRED [ORS 215.416(9)-(10)]:**

Approval or denial of an application shall be in writing, based upon compliance with the criteria and standards relevant to the decision, and include a statement of the findings of fact and conclusions related to the criteria relied upon in rendering the decision.

STAFF FINDINGS: A notice of decision along with all findings will be supplied once a decision made. The notices will be delivered as consist with the notification requirements of Section 5.0.900.

- **SECTION 5.0.350 CONDITIONS OF APPROVAL:**

1. *Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.*

2. *An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions of Section 1.3.300.*
3. *At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval will be made by the review authority with the initial jurisdiction over the original application using the same type of review procedure in the original review.*

STAFF FINDINGS: The Planning Commission will apply any necessary conditions to make the proposal compatible. Staff has proposed some conditions for the Planning Commission under the development criteria.

- **SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763):**
All applications that receive a notice shall follow this section except for land divisions within the urban growth boundary or lands designated as Regionally Significant Industrial Areas (RSIA). See Article 5.12 for processing and time tables.
1. *Notice Public Hearing:*
 - a. *The Planning Department shall forward a copy of the application to any affected city or special district pursuant to applicable provisions of this Ordinance;*
 - b. *The Planning Department shall mail a copy of the staff report to the city, special district, applicant and Hearings Body at least seven (7) days prior to the scheduled public hearing.*
 - c. *Notice shall be mailed at least twenty days prior to the hearing, or ten before the first evidentiary hearing if there will be two or more hearings. Notice shall:*
 - i. *Describe the nature of the application and the proposed use or uses that could be authorized;*
 - ii. *Set forth the address or other easily understood geographical reference to the subject property;*
 - iii. *Include the name of the local government representative to contact and a telephone number where additional information may be obtained;*
 - iv. *State that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost, and will be provided at reasonable cost;*
 - v. *List the applicable criteria that apply to the application;*
 - vi. *State the date, time, and location of the hearing;*
 - vii. *State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;*
 - viii. *State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
 - ix. *Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of the hearings.*
 - x. *The Planning Director shall cause notice of the hearing to be mailed to, the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site and to the owners of record of property on the most recent property tax assessment roll where such property is located:*

- 1) *Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;*
- 2) *Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;*
- 3) *Within 500 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone*

STAFF FINDINGS: Notice of the hearing was given in accordance with the relevant section. Findings have been prepared in draft form as part of the staff report. Any notices on file with the Department and can be viewed upon request during regular business hours. The applicant has submitted the necessary applications, and staff has prepared the required notices to proceed with this proposal through the formal process.

- ***Section 5.2.400 Process for Conditional Uses:***

A conditional use may be initiated by filing an application with the Planning Department using forms prescribed by the Department.

Upon receipt of a complete application, the Planning Department may take action on a conditional use request by issuing an administrative decision or scheduling a public hearing as determined by the applicable zoning.

The Planning Director, may at his or her discretion, refer any administrative conditional use to the Hearings Body. If such a referral is made the process for review and decision shall be the same as a conditional use otherwise reviewed by the Hearings Body

STAFF FINDINGS: The Conditional Use Application (ACU-23-017) was received on March 23, 2023, and deemed complete on April 17, 2023. A Notice of Land Use Decision approving the existing Single-Family Dwelling to be used as a Vacation Rental was sent out on Thursday, May 18, 2023, with an appeal period to close on Friday, June 2, 2023, at 5 PM.

On May 22, 2023, staff was contacted by an adjacent property owner requesting more information regarding the proposal. Staff contacted the property owner, and at that time, the concern was that the use of a Vacation Rental would be detrimental to the roadway. Staff explained that road maintenance was not part of the criteria for a Vacation Rental and provided the property owner with the required criteria for a Vacation Rental, as well as the Staff Report, an Appeal Application, and the submitted application and supporting documents.

On Wednesday, May 24, 2023, staff received an email from the adjacent landowner stating that the property does not have a well and receives water from a community water system. Staff conducted research and confirmed that the property indeed did not have a well. They found a Water Supply Well Report for the property within the Oregon Water Resources Well Log Database from May 20, 2016. The well report indicated that a well was drilled to a depth of 138 feet by Bandon Well & Pump but resulted in no water encountered. The Water Well Report also stated that the well was subsequently abandoned and sealed.

Staff reached out to the applicant and requested further information regarding the water source as the submitted application stated that the water source was from a well. The applicant informed staff

that the property owner was unaware that the property was actually served by a community water source. Upon researching the water issue, staff discovered the listing for the property prior to its purchase by the current owner, indicated that the water for the dwelling was served by a community water system. No other active water source could be located. The water source is important for the health licensing to be successful. Surface water will not pass the requirements.

The Planning Director chose to withdraw the approval and refer the proposal to the Planning Commission via a Hearings Body Conditional Use process. This will allow the applicant to provide additional information, and adjacent property owners will have the opportunity to comment.

• **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 4.2.200 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 | ACU | N | N | (87) |

- **Section 4.3.210 – Categories and Review Standards**

The following categories provide a definition and specific standards that will regulate the Development, Use or Activity identified in the table above.

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

- **Section 4.3.220 Additional Conditional Use Review Standards** for uses, development and activities listed in table 4.3.200

This section has specific criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

(2) **RURAL RESIDENTIAL (RR)** - *The following conditional use review standards apply to all USES, activities and development within the RR zoning districts.*

- COMPATIBILITY: The proposed USE, ACTIVITY OR DEVELOPMENT is required to demonstrate compatibility with the surrounding properties or compatibility may be made through the imposition of conditions. 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.*
- Within a City Urban Growth Boundary:*
 - Signage –*
- All parks (Recreational or Residential) shall comply with the following design criteria:*
 - The landscape shall minimize soil erosion. The exterior portion of the property shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the site abutting public roads or property lines that are common to other owners of property that are zoned for residential, except for points of ingress and egress;*
 - Lighting: Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.*
 - Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to the setbacks of the this zoning designation, screen plantings or other screening methods;*
 - Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and*
 - Hours of operation may be required in areas predominantly surrounded by residential zones.*

Finding: The proposal is to use the existing Single-Family Dwelling as a Vacation Rental. This property is not within an Urban Growth Boundary and the proposal does not include a park; therefore, that portion of the criteria is not applicable to this request.

The proposal includes:

- No more than six (6) Occupants at one time (3-bedroom dwelling, 2 occupants per room)
- 6 parking spaces
- Large Gatherings will not be allowed
- The property Manager is Tracy Powers at Vacasa
- The property is gated at the driveway, and there is a vegetation buffer ranging 50-100 feet around all structures
- Cleaning and maintenance will be conducted when the rental is vacant

In order to operate a Vacation Rental within an existing dwelling in the Rural Residential zoning district the use must satisfy the criterion for compatibility. As explained above, 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. Staff has proposed a study area using the notification boundary to examine compatibility. Below is the list showing property information, current use (based on assessment, planning and aerial images) and Zoning Districts.

The properties that are within the notification area are shown below:

| Map No. | Parcel No. | Residence | Use | Zoning District |
|---------|------------|-----------|---------------------|-----------------|
| 27S1400 | 100 | No | Forest, Vacant | F |
| 27S1400 | 1500 | No | Forest, Vacant | F |
| 27S1434 | 100 | Yes | Subject Property | RR-5 |
| 27S1434 | 200 | No | Vacant | RR-5 |
| 27S1434 | 300 | No | Accessory Structure | RR-5 |
| 27S1434 | 600 | No | Vacant | RR-5 |
| 27S1434 | 700 | Yes | Primary | RR-5 |

Within the notification area, there are four (4) vacant properties, two (2) dwellings, and one (1) property that contains an Accessory Structure. Most of the surrounding properties are wooded, and there are some adjacent forested areas. The study area does not show any other vacation rentals, but that does not mean a vacation rental is prohibited. It simply suggests that additional measures may be necessary to ensure compatibility. The subject property is located within three (3) miles of the Pacific Ocean and Bandon Dunes Golf Resort. The Whiskey Run Bike Trails are approximately five (5) miles away from the proposed vacation rental. The property is surrounded by trees and vegetation, with a firebreak buffer ranging from 50 to 400 feet around all structures. The property manager, operating as Vacasa, a well-known vacation rental business, is based in Bandon. The Applicants have agreed to be available 24 hours a day as the direct contact for emergencies, cleaning, and other matters relevant to the operation of the vacation rental dwelling.

On Wednesday, May 24, 2023, staff received an email from the adjacent landowner stating that the property does not have a well and receives water from a community water system. Staff conducted research and confirmed that the property indeed did not have a well. They found a Water Supply Well Report for the property within the Oregon Water Resources Well Log Database from May 20, 2016. The well report indicated that a well was drilled to a depth of 138 feet by Bandon Well & Pump but resulted in no water encountered. The Water Well Report also stated that the well was

subsequently abandoned and sealed. Staff reached out to the applicant and requested further information regarding the water source because the submitted application stated that the water source was a well. The applicant informed staff that the property owner was unaware that the property was actually served by a community water source. Upon researching the water issue, staff discovered the listing for the property prior to its purchase by the current owner, which indicated that the water source was a community water system. No other water source could be located.

Written testimony received on June 23, 2023 from Jeff Sutherland, a property owner on Medohill Road, states he was concerned with the proposal for the following reasons:

1. The road going up the hill is privately maintained and we are concerned that the added traffic from renters that drive too fast and will tear up the road. This brings up a great concern for safety for the residents on Medohill and the destruction to the gravel road. Our concern for the road is like the contractors that worked on the Notaro's property tore the road up so bad that there was no way first responders were able to get to the top of the hill. The contractors blocked the road on several occasions because they could not pull heavy equipment up the hill. I also asked the contractor to ask the Notaro's to fix the road and never happened so I had to repair the road so the residents and emergency services could get up the hill.
2. Security with new renters coming and going through the neighborhood is a great concern. I have had so many people come to our property that were looking for the Notaro's property.
3. We are also concerned about the short-term rental having parties and creating some unwelcome noise to the very quiet Medohill neighborhood.
4. Fire is becoming more and more of an issue and with short term renters they may not know the regulations for camp fires when prohibited.
5. Water from the creek is becoming less dependable for the homes that use that for their water source. I have witnessed the creek water go dry several times and with a short-term rental that could put added strain to the system.

Written Testimony received on June 23, 2023 from Steve and Linda Salmon, a property owner on Medohill Road, states that they are addressing their objection to the above-mentioned addressing being used as a vacation rental.

There is no well on that property and the community irrigation system sometimes runs out of water during the summer months. Some of the residences on the hill that do not have wells rely on that irrigation system as their only source of water. We believe that 89825 Medohill Lane is one of them. As a matter of fact, the week of June 11, the irrigation system was not functioning. As people who live up there, we all make do, but believe renters will not have the same care as we do.

There is also the issue of the uphill road leading to the property. It is only maintained by one of the owners who has the proper equipment. All of us who live up here realize that and take care when driving it. Again, we don't feel that renters would take the same care and caution when driving up the hill and that the property owners for 89825 Medohill Lane would not participate in the maintaining of the road.

We don't feel that anyone renting that property would have the same care and concern as all of us living there do.

Staff suggests the Planning Commission could find the use is compatible with conditions to assure the rural character of the neighborhood is maintained to ensure compatibility.

Suggested conditions:

1. The occupancy be limited to six (6) guests as this is a three-bedroom dwelling.
2. Onsite parking and vehicles be limited to two (2) during the use of the vacation rental.
3. Large Gatherings beyond the six (6) guests not be allowed.
4. 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.
5. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
6. Signs be posted at the entryway of the vacation rental with the property manager information and emergency information including location of fire extinguishers and first aid.
7. Vendors shall be limited to cleaning and maintenance on a regular basis.
8. Obtain a license from Coos Health and Wellness.
9. Provide clear signage on the exterior fence or gate for neighbors to contact the property manager incase there is a potential issue.
10. A verification from the County Roadmaster or designee that there is adequate and safe parking.
11. 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. 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. In the event that this becomes a primary use of the property instead of accessory use that may change the interpretation and trigger additional permitting.
12. Obtain a Zoning Compliance Letter to provide with the request to Coos Health and Wellness to show land use compliance has been completed.

These suggestions are based on the information available at the time of this report. Additional testimony may have impact on the suggestions.

- **Section 4.3.225 GENERAL Siting Standards**

All new USES, ACTIVITIES and DEVELOPMENT are subject to the following siting standards:

Finding: The General Siting Standards do not apply as they are related to land divisions, or triggered by a use that will require structural development. Therefore, this has been addressed.

- **Section 4.3.230 Additional Siting Standards**

This section has specific siting standards and criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

(2) **RURAL RESIDENTIAL (RR)** - *The following siting standards apply to all USES, activities and development within the RR zoning district.*

a. *Minimum Lot/Parcel Size:*

- i. *5 acres in the RR-5 district*
- ii. *2 acres in the RR-2 district*

iii. *Exception to minimum lot sizes in Rural Residential:*

1. *Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.*
2. *Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be*

- combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.*
3. *Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.*
 4. *Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:*
 - a. *The subject property is not zoned for resource use;*
 - b. *An existing dwelling (lawfully established, but not for temporary purposes) was sited prior to January 1, 1986, and will remain sited on each proposed parcel; and A land division is submitted and approved by Coos County pursuant to the current standards with the exception on the minimum parcels size*

Finding: This proposal does not include creation of a new parcel. The unit of land was lawfully created. Therefore, this criterion has been addressed.

(b) Setbacks – No additional setback requirements.

(c) Building Height – No additional Requirements.

(d) Density or Size limits -

- i. *Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance.*
- ii. *If lawfully created parcels are less than one acre in size and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.*

Finding: This proposal does not include siting of a dwelling. Therefore, this criterion is not applicable.

- **Section 7.5 Parking Standards**

SECTION 7.5.175 Required Number of Parking Spaces for Type of Use:

| USE | STANDARD |
|-------------------------|-----------------------------|
| Single-family dwelling. | 2 spaces per dwelling unit. |

Finding: A Vacation Rental is considered an accessory use to the existing residential use within the existing Single-Family Dwelling. Typically, traffic counts are conducted for a Single-Family Dwelling based on two (2) vehicles; therefore, the Vacation Rental should be limited to two vehicles on site for guests when the Dwelling is used as a Vacation Rental. The Coos County Roadmaster is responsible for determining compliance for parking and driveway access.

COOS COUNTY PLANNING DEPARTMENT
[Crystal Orr, Associate Planner](#)

Coos County Staff Members

Jill Rolfe, Planning Director

Amy Dibble, Business Operations Manager

Crystal Orr, Associate Planner

Michelle Berglund, Planning Aide

Cassidy Carr, Permit Specialist

Attachments: Application
Comments Received

From: [Jill Rolfe](#)
To: ["Sheri McGrath"; Planning Department](#)
Cc: ["Joe Notaro"; "Neegen Notaro"; "Joseph Notaro"](#)
Subject: RE: Notaro Testimony for Hearing ACU-23-017
Date: Friday, July 7, 2023 9:38:00 AM

Hi Sheri,

The Planning Commission continued this matter as no one appeared in the matter on behalf of an applicant at the public hearing. There were neighbors that attended in opposition raising issues and the Planning Commission had questions for the applicant and did not find a decision could be made without that input. When public hearings are held on application the expectation from the Planning Commission or Board of Commissioners is that the applicant, representative or consultant appear to provide testimony on how the applicant has met the burden of proof to meet all of the applicable criteria.

The meeting was continued to the next regular scheduled Planning Commission Meeting which is (first Thursday of every month) August 3, 2023 at 7:00 pm. The agenda does provide a virtual option.

Thank you,
Jill Rolfe

From: Jill Rolfe
Sent: Wednesday, July 5, 2023 12:26 PM
To: 'Sheri McGrath' <cooscurry@gmail.com>; Planning Department <Planning@co.coos.or.us>
Cc: Joe Notaro <joe@reflexsalesgroup.com>; Neegen Notaro <notaro3819@gmail.com>; Joseph Notaro <joenotaro22@yahoo.com>
Subject: RE: Notaro Testimony for Hearing ACU-23-017

Thank you Sheri,

I will forward this on to the Planning Commission for the meeting.

Jill Rolfe

From: Sheri McGrath <cooscurry@gmail.com>
Sent: Wednesday, July 5, 2023 11:30 AM
To: Planning Department <Planning@co.coos.or.us>
Cc: Sheri McGrath <cooscurry@gmail.com>; Joe Notaro <joe@reflexsalesgroup.com>; Neegen Notaro <notaro3819@gmail.com>; Joseph Notaro <joenotaro22@yahoo.com>; Jill Rolfe <jrolfe@co.coos.or.us>
Subject: Notaro Testimony for Hearing ACU-23-017

This Message originated outside your organization.

Hi, there,

I am writing about tomorrow's public hearing for the Notaro Vacation Rental Dwelling. We are following up to an email we sent several weeks ago to make sure it is included in the information presented to the planning commission. We did not receive confirmation previously, so please respond to this email as confirmation of receipt and inclusion.

The owners are requesting that a **Condition of Approval** be placed on the permit that they are **required to install a well prior to the issuance of Zoning Compliance**. Bandon Well and Pump has been contracted for the work, and well logs in the vicinity suggest that they need to dig deeper than their attempt in 2016. If they do not find water- they cannot meet the condition of approval. However, if they do find water there is no reason to preclude them from operating as a VRD.

For the sake of clarification on the license requirements for Spring Fed water systems and short term rentals, we are attaching information from the State. Community Systems are already permitted as Public Water Systems and can be allowed for a Vacation Rental. This information is provided for your reference, and not to suggest that the application should be approved due to the PWS. We understand that the neighbors have already commented on the "compatibility" issue regarding shared water. Again, this is provided for your reference and as a follow up to previous emails suggesting that Spring Water can *never* be used which is incorrect. The highlighted sections were made by the permitting agencies and not the applicant.

In summary, please provide this to the Planning Commission and make it known that a reasonable and expected Condition of Approval for the VRD use is the requirement for a well to be installed on site.

Thank you,

Sheri McGrath
Coos Curry Consulting
P.O. Box 1548
Bandon, OR 97411
541-982-9531
cooscurry@gmail.com

BWS BUSINESS WATER SYSTEM that's NON-ORS 448

Do you need to create a functional water system to serve your proposed business? **If you envision your business seeing at least 10 people on premises on at least 60 days in the year, then THIS DOCUMENT IS NOT FOR YOU and you will want to follow the plan review process for a public water system (PWS) with the state Drinking Water Services (DWS) agency, call 971-673-0405 to request plan review materials.**

This document is intended for a business applicant that needs a license from Coos Health & Wellness and there is no reasonable option to connect the business to a PWS. Here are three business examples this document pertains to:

- (1) Bed & Breakfast with a maximum occupancy LESS than 10 (including employees, visitors, residents, etc.);
- (2) Vacation rental with a maximum occupancy LESS than 10 (including employees, visitors, residents, etc.);
- (3) Restaurant that only operates no more than 59 days a year; and
- (4) A mobile food unit that periodically replenishes water supply a well virtually used for no other purpose.

Water use in the above examples do NOT qualify as public water systems. For purposes of this discussion these examples are called a Business Water System that's NON-ORS 448 or BWS.

Along with the license requirement to provide safe water from an approved source typically there is a concurrent requirement meet a land-use zoning requirement relating to the business. Depending on the business, at some point, there will be construction requirements stipulated by the building codes agency and/or Coos Health & Wellness. There is always a separate plan review process with CHW for any food service establishment.

The outlined process to follow presumes the proposed water source for the BWS will be or is a well drilled under permit issued by the Oregon Water Resources Department (OWRD).

The BWS receives plan review oversight from both CHW and DWS.

Please review the information provided at this link

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PLANREVIEW/Documents/PR-NewWells.pdf> and accordingly prepare to submit:

Do your best to determine if the water system will qualify as a BWS or a PWS. The primary regulatory authority for a PWS is the state. Plan review fee is expected to be less expensive and faster as its conducted by one agency. The on-going sampling requirements are identical. A system that starts as a BWS and months later is recognized as a PWS pays a new plan review fee and formally submits plan review paperwork again.

at

to

A site plan

Documentation of construction specifications of the well

Documentation of Water right if applicable

Well driller's log

Well test info (as listed)

Well pump info

Raw sample results for

Coliform bacteria

Nitrate

Arsenic

Structure details (as listed)

If any apparatus for water storage, pumping, treatment, etc. is in-place or intended provide a schematic illustrating the equipment placement between the well and any building to be occupied.

Prepare two identical copies to be submitted with each page showing your name, phone number, the intended business name and pages numbered.

Submit both copies to:

Coos Health & Wellness,

Attention EH,

281 LaClair St,

Coos Bay, OR 97420

A logical site plan with appropriate setbacks, documentation of proper well construction that excludes surface water and satisfactory sample results lead toward the goal of finding a safe source of water.

Realize, there is no guarantee of approval for a questionable water source (and changes in environmental conditions in the future can make a once useable water source unacceptable). Plans submitted are reviewed on a first come, first served basis. Plans that are incomplete or are not of professional quality may be returned without consideration. With two separate agencies reviewing plans, turn-around time may be several weeks.

Feedback may include (1) approval, or (2) withholding approval or (3) make changes before the plan can be again considered for approval (i.e. change the site plan, modify the well head, provide treatment, provide water storage). A site plan approval is followed by a site inspection (usually in conjunction with a licensing inspection of the business). The ideal site inspection verifies the approved site plan is both accurate and complete; and the well with other water system components have been put in-place in a sanitary way OTHER STUFF

For an application where there is a possibility of guests being on premises unattended during a power outage such as for a vacation rental) present what information is kept on premises for the benefit of guests' use of safe water in the event of short term and long term loss of power.

AND

In conjunction with any equipment that provides treatment for disinfection post with the equipment the manufacturer's maintenance protocols for the disinfection equipment along with a corresponding maintenance.

There is an ongoing maintenance requirement for a very small public water system including, but not limited to:

Satisfactory sample results for coliform bacteria with sampling required at least quarterly

Satisfactory sample results for nitrate with sampling required at least annually.

Maintaining water system components in a sanitary way.

Maintaining any treatment equipment according to the manufacturer's specifications.

Posting manufacturer's equipment maintenance specifications (if applicable) where available for inspection.

If disinfection equipment is necessary to keep water safe, a "written emergency power outage plan" is a must.

Posting a log for documentation of completing maintenance protocols where available for inspection.

The ideal is to find a water source that both meets all state rules and requirements and most importantly is safe. Best wishes in doing so!

DIRECT QUESTIONS TO COOS HEALTH & WELLNESS, ENVIRONMENTAL HEALTH OFFICE at 541-266-6720

The following discussion compares some regulatory issues between a Business Water System that's NON-ORS 448 (BWS) and a Public Water System (PWS). The regulatory maze of water rules illustrate the importance of providing safe potable water, but makes it impractical to draft a comprehensive comparison. In the context of the following discussion the PWS is presumed to be a "state reg system."

What's the difference between a Public Water System (PWS) and a Business Water System that's NON-ORS 448 (BWS)? The PWS (state reg system) is used 60 days or more in a year and on the 60 busiest days there are at least 10 persons on premises. The BWS has a place when an approved water system is required by the health department to operate some businesses where there is not enough use to qualify as a PWS. For plan review purposes its best to determine from the outset if the water system will qualify as a BWS or a PWS

Who is the primary regulatory agency for the BWS and the PWS?

The county does the regulatory work for a BWS.

The state does the primary regulatory work for a PWS.

Who does the water system plan review?

The county and the state each have a plan review role for a BWS.

The state does the plan review work for a PWS.

Is plan review faster for a PWS or BWS?

Although two entities have a role for the BWS, there is additional info for you to prepare for the plan review of a PWS.

How do plan review fees compare?

The county plan review fees will be higher.

When operating, how do the routine sampling requirements compare between the BWS and PWS?

For both systems the following sampling requirements are identical:

The minimum sampling requirement for Arsenic is one sample;

The minimum sampling requirement for Nitrate is each calendar year; and

The minimum sampling requirement for Coliform Bacteria is each calendar quarter.

Does the county remind me when my samples are due for the BWS; and does the state remind me when my samples are due for the PWS?

In both cases, it is your responsibility to keep track of the sampling requirements and sampling schedule. Failure to collect a sample for PWS will lead to a violation notice; missing samples chronically will lead to revocation of a business license from the licensing authority and administrative penalties (fines) from the state. The state does maintain an online public data base where sample results and other data are tracked (see: yourwater.oregon.gov). Failure to collect a sample for BWS leads the county to impose a penalty fee that exceeds the cost of normal sampling; missing multiple samples leads the county to revoke the license.

Can a BWS become a PWS or vice versa?

It happens, though it is best to start in the correct category. The BWS that's serving a booming business will naturally become a PWS? The change to a PWS requires submitting the plan review paperwork and the plan review fee to the state. Changing to a BWS may require submitting some plan review documents to the county, but there is no associated plan review fee.

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/DRINKINGWATER/PLANREVIEW/Documents/PR-NewWells.pdf>

FAQ

Q1. After material for the plan review for a BWS is submitted, how long does it take to learn if the application is approved or denied or if more information is needed?

Receiving feedback

FAQ

Q1. After material for the plan review for a “very small water” system is submitted, how long does it take to learn if the application is approved or denied or if more information is needed?

Receiving feedback within a month would be exceptional. The most significant variables in the amount of time it takes is (1) the quality of the material submitted (is it prepared in a professional manner and complete) and (2) backlog of pending work at CHW and DWS.

Q2. I understand in order to license my proposed business that at least the following are required: (1) proper zoning, (2)

water source approval and (3) meeting the other physical requirements of the food service business or travelers’

accommodation business; does it matter what order they are accomplished?

It’s customary to follow the order listed above. It’s up to an applicant to determine what to pursue first or if each element should be pursued simultaneously. It would be disappointing to: invest building a dream home (intended vacation rental) and then find a barrier in the zoning process; or complete the zoning process and then find there is no

reasonable place to drill a well meeting setback requirements, etc.

Q3. What if the size or configuration of the property won’t allow for a well considering the required setbacks?

Q4. Are there any options to clean the water when contaminants are found in well water?

Q5. What if the best source of water for the proposed business is a lake?

An alternative water source that is not surface water will be necessary as State law XYZ prohibits the use of surface water as the source of a “very small water system.” (FYI, A rainwater collection system is also considered surface water.)

Q6. Is hauling water from a nearby city an option for a water source?

Q7. What other alternative water sources are there?

A modern drilled well traditionally has documentation to show whether or not construction effectively excludes surface water. In theory a spring or a dug well could act as the source of a very small water system. Although, aside from having the right hydrogeological conditions, it takes work and expertise to put in a “dug well” or develop a spring in a way that ensures the exclusion of surface water. It takes more work and more expertise to show an existing dug well or a previously developed spring was constructed in a way to exclude surface water inclusion.

Q8. What if I have a well that was drilled, but there is no well log?

Q9. What if I want to use a well that has already been drilled; the LONG INSTRUCTIONS for plan review seem written for

someone who has yet to drill the well?

Q10. If Oregon Water Resource Department, permits the well to be drilled, does that mean it will be approved for use with a

proposed business?

Q11. I have an approved site plan including where to drill the well, what if the well drilling company accidentally drills in

another place?

Q12. Can I use a well for my proposed business that is close to the neighbor’s fence? Can I use a well for my proposed business that is

close to a public road?

Q13. If the business thrives can the “very small water system” upgrade and become a PWS? Are there advantages of one over the other?

Can an applicant choose whether to be a PWS or a “very small water system?”

Determining Public Water System Classification

Accurately characterizing population and connections

Daniel Hough

Small Water System Compliance Specialist



DRINKING WATER SERVICES
Public Health Division

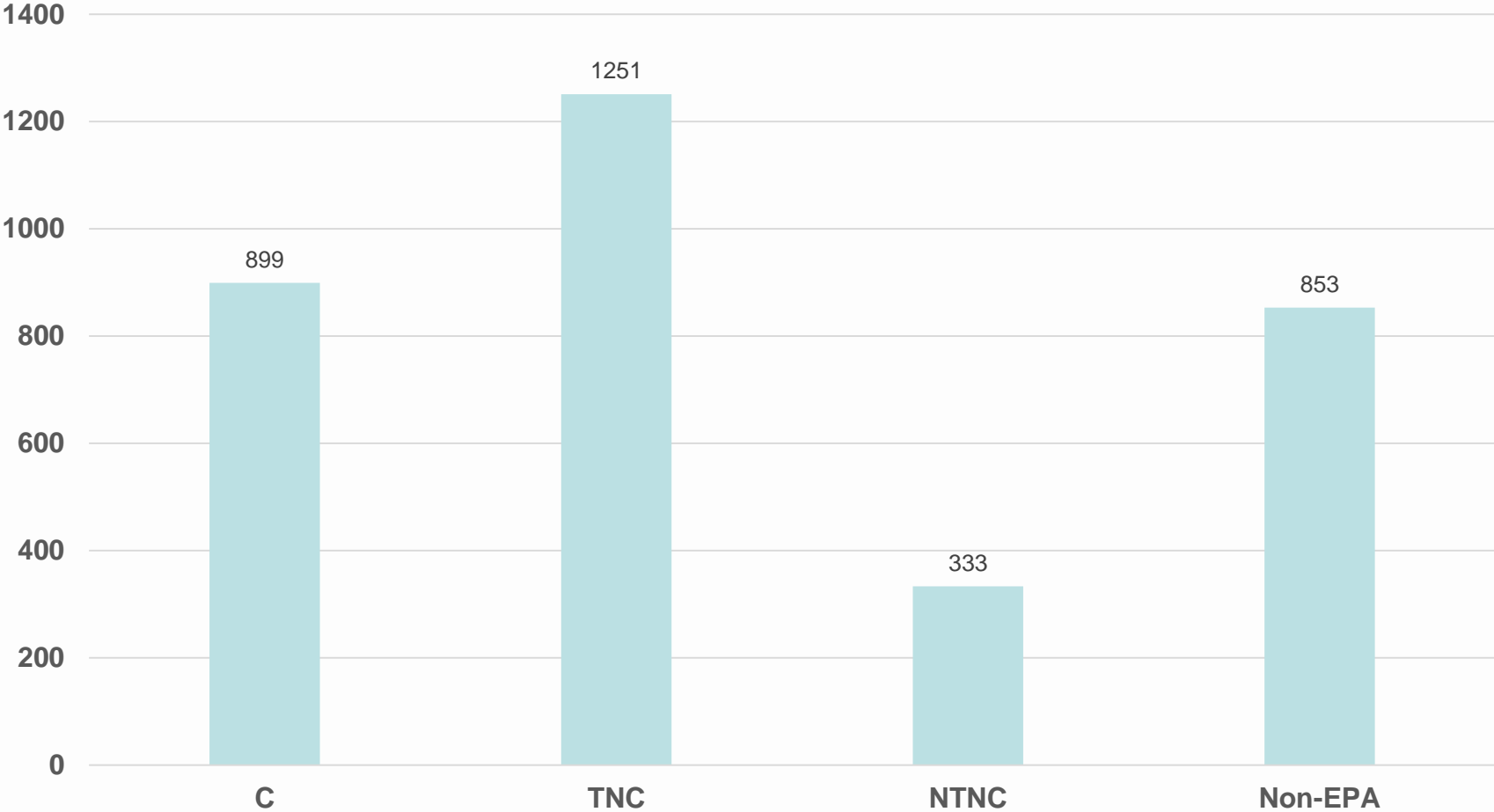
“Public Water System”

OAR 333-061-0020(107): "Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days of the year. A public water system is either a "Community Water System," a "Transient Non-Community Water System," a "NTNC Water System" or a "State Regulated Water System."

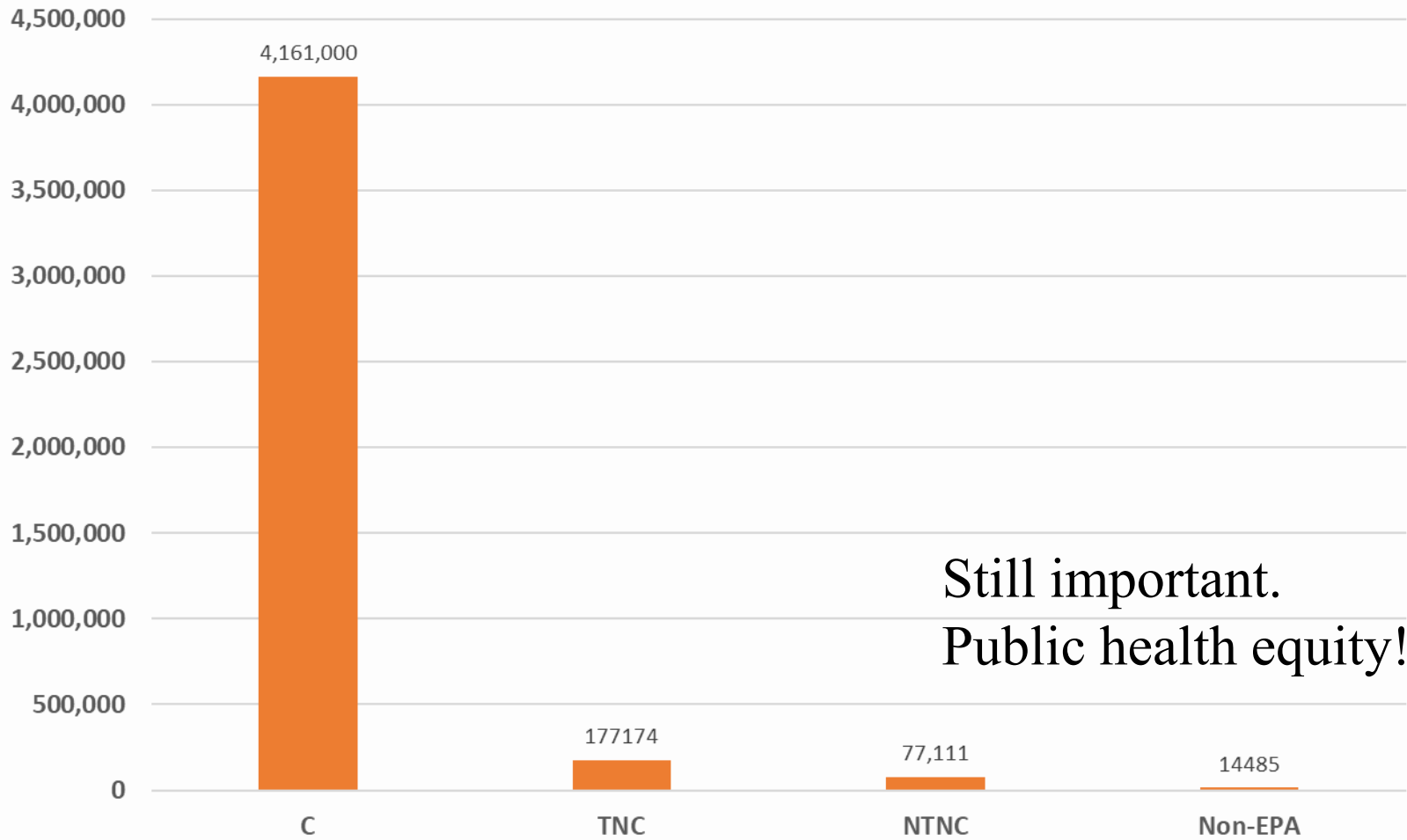
PWS Definition Clarifications

- The “public” is all people, even if the system isn’t open to the public (e.g., a private business with no on-site customers).
- “Public” or “commercial” establishments encompasses all establishments and connection types, independent of public or private ownership. “Public” doesn’t mean government buildings only.
- The minimum 60 days per year of operation do not have to be consecutive days.
- Each individual day during the operation period doesn’t have to be >10 population, but the average daily people with potential access does have to be >10 during the operating period.
- Only days water is available for consumption count toward the 60 days.

3,336 Systems in Oregon by Type



3,336 Systems in Oregon by Population



Still important.
Public health equity!

“Service Connection”

OAR 333-061-0020(122): "Service Connection" means the piping connection by means of which water is conveyed from a distribution main of a public water system to a user's premises. For a community water system, the portion of the service connection that conveys water from the distribution main to the user's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

- Property ownership and boundaries are irrelevant to determining number of system connections.
- For all system types, a connection is a structure with piped water that people have access to consume.

“Community Water System”

OAR 333-061-0020(25): "Community Water System" means a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents.

- “Year-round residents” doesn’t mean they have to be there every day of the year, it means those residents consider the system their primary residence.

“Transient Non-Community Water System”

OAR 333-061-0020(25): "Transient Non-Community Water System" or "TNC" means a public water system that serves a transient population of 25 or more persons.

- The listed population should be the average of the peak 60 days of use. Otherwise, a system could average its way out of being public.
- “Transient” means a person who is staying or working in a place for only a short time. This could be overnight (e.g. a traveler at a lodging facility).
- Some TNC systems have year-round residents (e.g. merchant living above a store). Each resident counts as one person in the total.
- “Serves” should be read as “makes water available for consumption.” A patron of a store who does not drink the water still counts in the population if they walk through the door and have access to the water for consumption (directly or in prepared food products).

“Non-Transient Non-Community Water System”

OAR 333-061-0020(85): "Non-Transient Non-Community Water System" or "NTNC" means a public water system that regularly serves at least 25 of the same persons over 6 months per year.

- The population should be the average of the peak 6 months of use.

“Seasonal Water System”

OAR 333-061-0020(118): "Seasonal water system" means a water system operated as a non-community (TNC or NTNC) public water system only part of each year and that is started up at the beginning and shut down at the end of each operating season.

- Fitting for systems with periods of a quarter or more during which time the system is closed (common for campgrounds).
- Unless a system closes to the public entirely for a period of at least one month, it probably should not be classified as seasonal.

Focus on classification thresholds

- Determining the population of larger communities with a partially transient population can be tricky (e.g., costal communities with substantial tourism).
 - Try to estimate accurately (residents + average daily visitors).
 - Focus on whether the system is near a threshold that would change the classification or sampling requirements (e.g., population = 10, 25, 1,000, 2,500, 3,300, 500; connections = 4, 15).
- Watch out for 14 connection and/or 24 population systems.
 - Use recon tools like aerial images, Zillow, websites, and facebook to help determine if the listed stats are accurate.

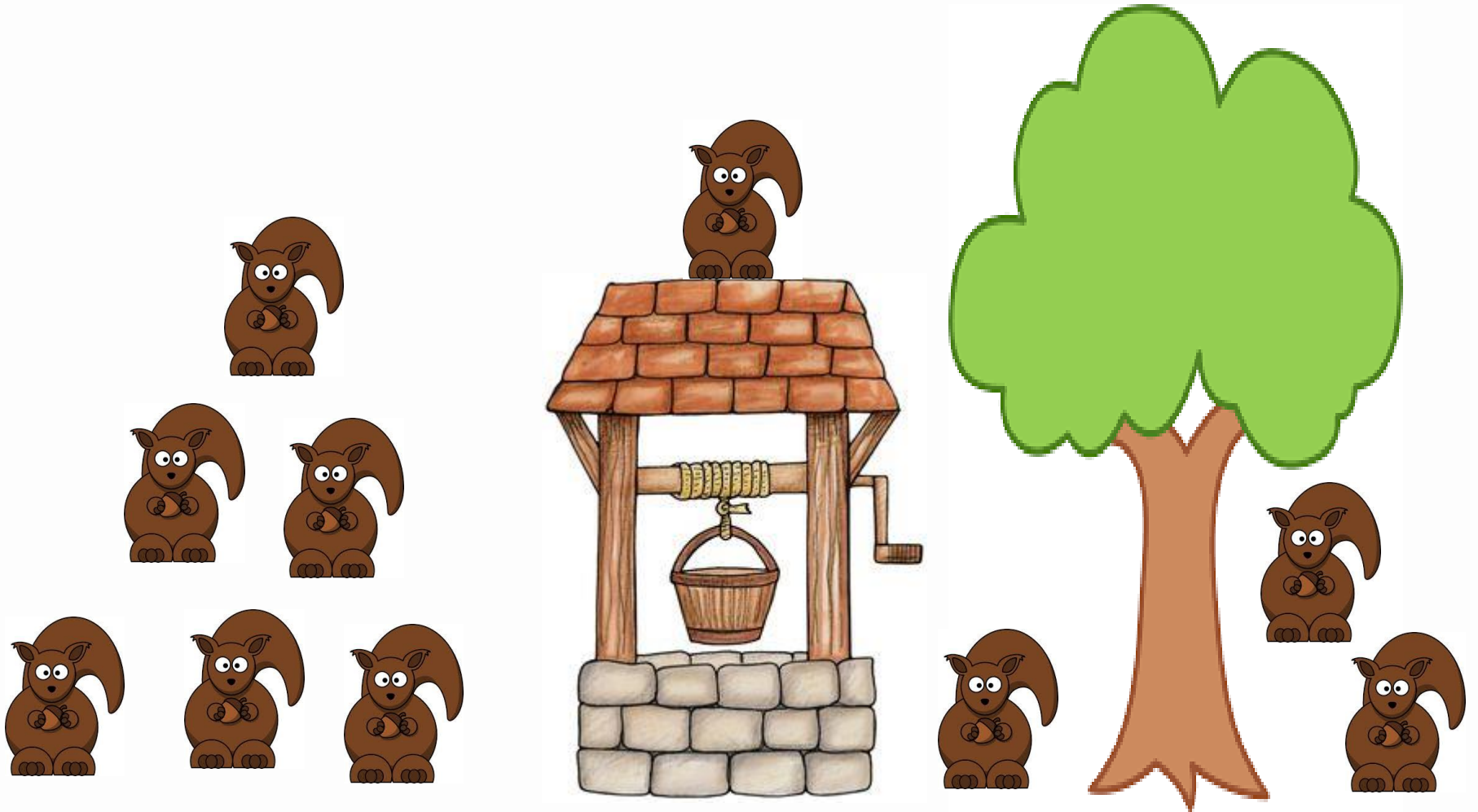
Other Licensed Facilities

- Systems that do not meet the definition of a PWS but are still subject to some drinking water rules by reference.
 - Bed & breakfasts
 - Daycares
 - Restaurants
 - Motels
 - Mass gathering facilities
 - Farm labor housing
- These systems should not currently be listed as public water systems just for the convenience of tracking sample results (although that option is being explored).

Examples



- *“It's very important in life to know when to shut up. You should not be afraid of silence”*
- *“Please phrase your answer in the form of a question.”*



What is, not a PWS?

75,000 Burners, one week...

What is not a PWS?



A church that is only open on Sundays

- It probably doesn't exist (most churches have other events like weddings, bible studies, and community meetings).
- It's safe to assume that a church operates for a minimum of 60 days, unless they really try to demonstrate otherwise.
- Church populations should be listed as average Sunday attendance, not diluted by two people in the office five days per week.
- Consider a church that has a Sunday attendance of 150 people, and two people in the office the other days of the week...
- **Do not** average the population over the week: $(150+(2 \times 6))/7$ days = 23 people per day (this would be a Non-EPA).
- **Do** consider the population to be the average Sunday attendance = 150 (note that looking at the peak 60 days would only average this down to 130, not changing the classification).
- **What is a TNC system? Alex!**

A year-round campground that only has 5-10 visitors per day during the fall & winter, but 30-50 visitors per day for the rest of the year

- Classify the system based on the peak 60 days.
- A system population shouldn't be "diluted" with averaging to change the classification (from TNC to Non-EPA).
- Even though this system might fall below 10 patrons for two quarters, it is still open to the public and is therefore not "seasonal."
- System should only be considered seasonal if they shut down.
- In this example the system should probably have a listed population of 40, v. the diluted annual population of ~24, which would change the classification to Non-EPA.
- **What is a TNC system? Alex!**

A school with 25 students and 3 teachers for nine months per year, and summer camps with 8 students and 2 teachers for 3 months per year.

- Classify the system based on the peak 6 months.
- A system population shouldn't be "diluted" with averaging to change the classification (from NTNC to Non-EPA).
- This system should have a listed population of 28, not a diluted population of 24, which would change the classification to Non-EPA.
- **What is an NTNC system? Alex!**

Take-homes

- New updated guidance documents will be released soon.
- There are seemingly infinite variations that don't fit neatly in a box.
- There's no perfect system classification algorithm.
- If you are trying to figure out complex hybrid transient & resident populations, averaging of populations, seasonality, or anything else that isn't clear, please contact regional DWS staff, or me.



Not a PWS – Only 8 opossums

This has been a tough year of isolation for us all, but we've had the opportunity to meet new and unconventional friends and learn new things in the process.



Daniel's backyard opossum, "Maggie"

daniel.hough@dhsoha.state.or.us

DRINKING WATER SERVICES
Public Health Division

Oregon
Health
Authority