



Community Development

**Mailing Date:**  
Thursday, February 29, 2024

## Coos County Community Development

ITEM Number: Agenda Item B

FILE NUMBER: AP-24-002 of ACU-23-046

HEARING DATE: Thursday, March 7, 2024

HEARING LOCATION: 201 N. Adams Street, Coquille Oregon 97423  
 This meeting can be attended virtually at:  
<https://meet.goto.com/940158709>  
 You can also dial in using your phone.  
 Access Code: 940-158-709  
 United States: +1 (224) 501-3412

APPLICANT(S): Gilbert Duran ETAL

APPELANT(S): Carol Deadman, Trustee of the Carol Deadman Trust

STAFF CONTACT: Jill Rolfe, Planning Director  
 Phone: 541-396-7770  
 Email: [planning@co.coos.or.us](mailto:planning@co.coos.or.us)

HEARINGS BODY: Planning Commission

RECORD: Record items can be viewed online at:  
[AP-24-002 – Appeal File](#)  
[ACU-23-046 – Application File](#)

SUMMARY/REQUEST: This is an appeal of a request for an conditional use to allow the use of an existing Single Family Dwelling as Vacation/Short Term Rental.

SUBJECT PROPERTY DETAILS:

ACCOUNT NUMBER: 1008500

MAP NUMBER: 28S1431A0-15800

PROPERTY OWNER(S) DURAN, GILBERT ET AL  
 1749 MAYFLOWER CT  
 MOUNTAIN VIEW, CA 94040-2322

SITUS ADDRESS 54916 SADIE DR BANDON, OR 97411

ACREAGE: 0.62 Acres

ZONING(S): RURAL RESIDENTIAL-2 (RR-2)

SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS: BANDON AREA OF MUTUAL INTEREST (BMI)  
 BANDON CONICAL ZONE (ABC)NH WILDFIRE (NHWF)

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

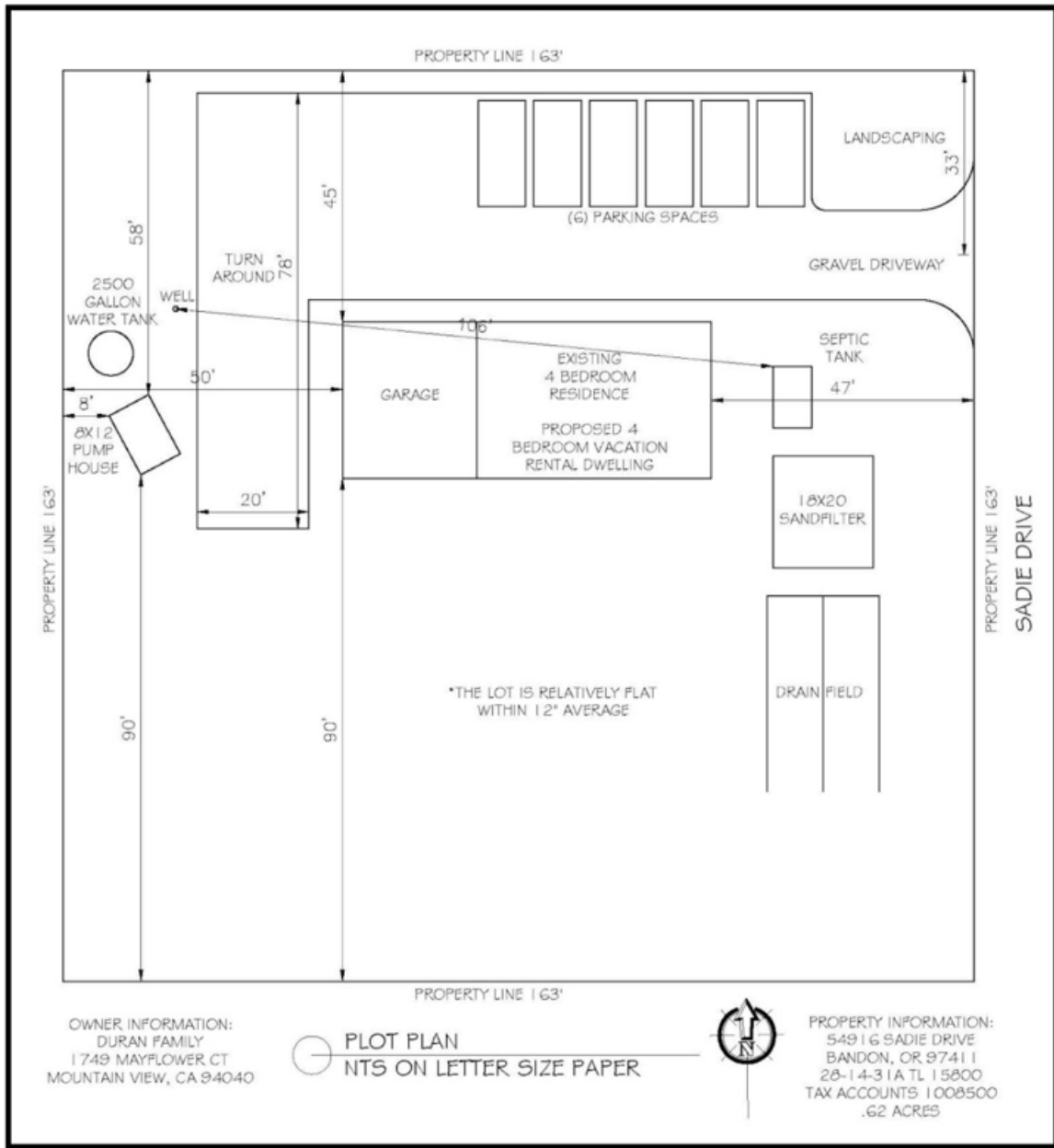
541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

Plot Plan and Subject Property Map  
(not to scale)



PLOT PLAN

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



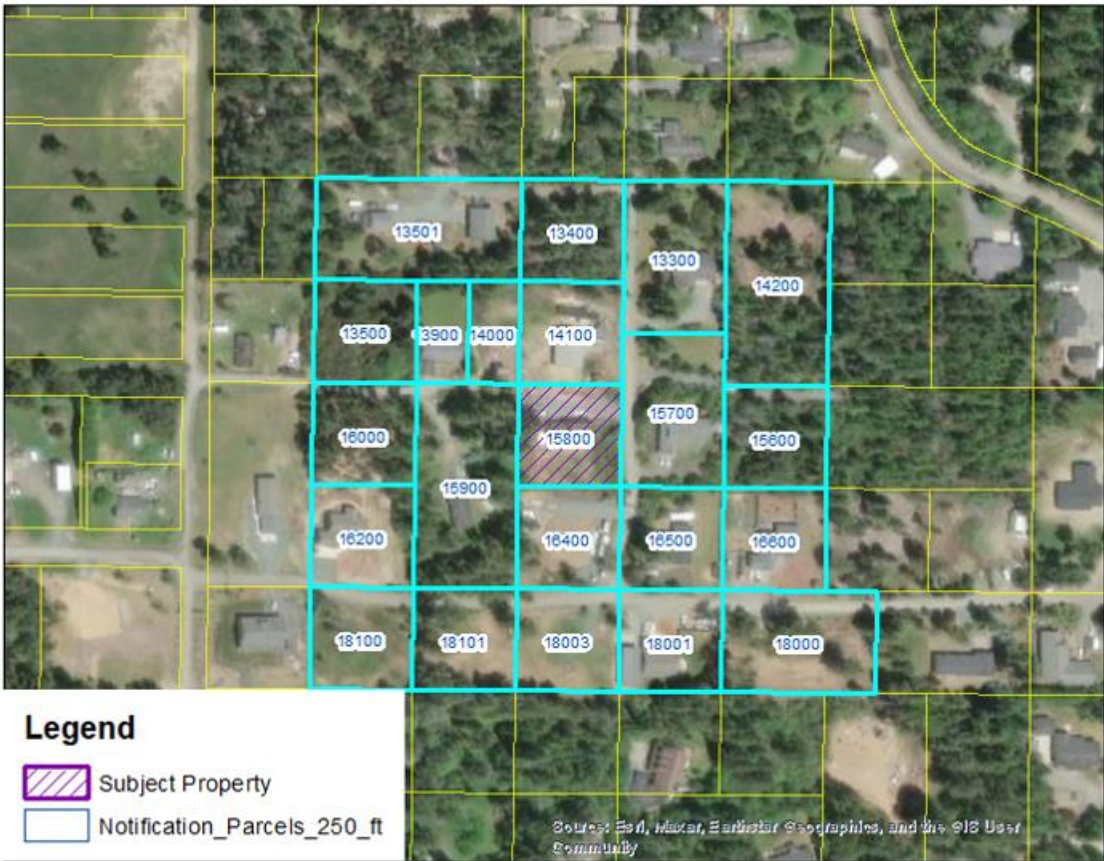
File: ACU-23-046

Applicant/  
Owner: Gilbert Duran ETAL

Date: 12/6/2023

Location: Township 28S Range 14W  
Section 31A TL 15800

Proposal: Vacation Rental



60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

## I. APPLICABLE CRITERIA

### COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

#### CHAPTER IV - BALANCE OF COUNTY ZONES, OVERLAYS & SPECIAL CONSIDERATION

##### SECTIONS

- 4.3.200(64) – Use Table – Vacation Rentals
- 4.3.210(87) – Categories and Review Standards – Vacation Rentals
- 4.3.220(2) – Additional Conditional Use Requirements – Rural Residential (RR)

#### CHAPTER V – Administration

##### ARTICLE 5.8 APPEAL REQUIREMENTS

##### SECTIONS

- 5.8.100 Appeals General
- 5.8.150 Standing to Appeal a Planning Director’s Decision
- 5.8.170 Appeal Procedures
- 5.8.300 Record Presented to Hearings Body or Board of Commissioners

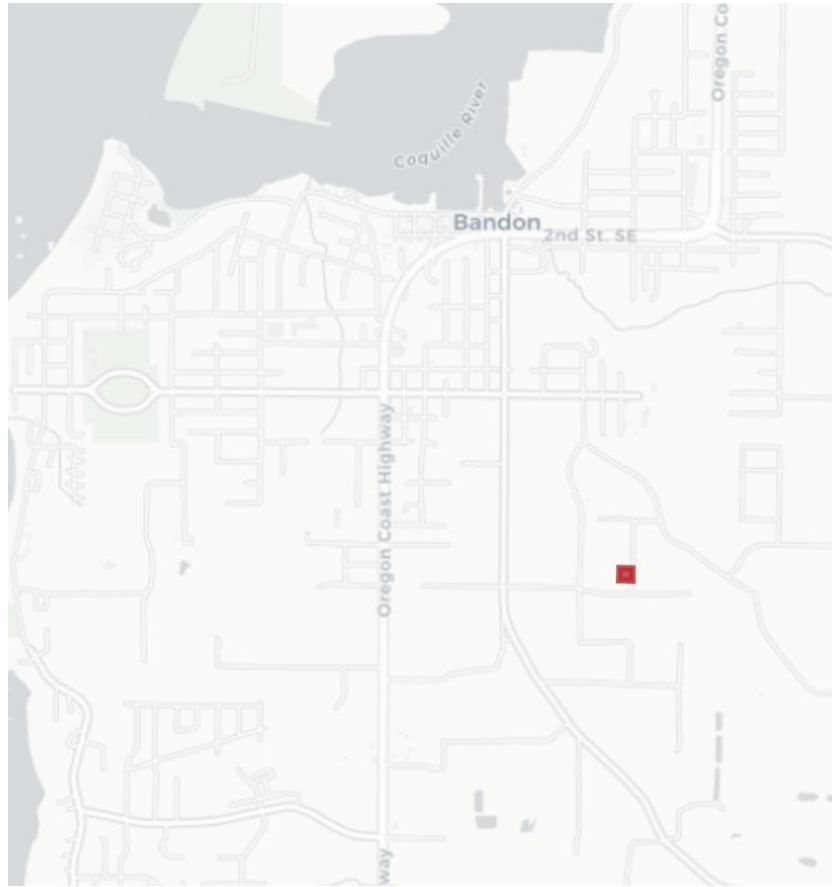
## II. BASIC FINDINGS

**LEGALLY CREATED UNITS OF LAND STATUS:** The Coos County Zoning and Land Development Ordinances requires that property is legally created pursuant to Article 6.1 Lawfully Created Lots and Parcels ORS 92. Staff found that this unit of land was lawfully created through (e), prior to applicable partition ordinances that would have prohibited the creation (deed document Book 194 Page 396).

**SITE DESCRIPTION AND LAND USE HISTORY:** This property has an existing Single Family Dwelling with an attached Accessory Structure that was sited in 2017 according to Coos County Assessment information (sited with Coos County Approval per Zoning Compliance Letter ZCL-16-165). The Zoning Compliance Letter allowed a mobile home to be placed temporarily until the dwelling was built, in September of 2020 County Staff received a complaint from Oregon Department of Environmental Quality (DEQ) regarding the mobile home still existing on the property. In May of 2020 Staff received verification from DEQ that the mobile home had been removed and the violation was cleared. August 14, 2023 a Zoning Compliance Letter (ZCL-23-284) was issued to allow the existing septic system to be replaced.

The subject property is located southeast of the City of Bandon. The subject property is located on privately maintained private road, Sadie Drive. The subject property contains .62 of an acre and has a Single-Family Dwelling with an attached Accessory Structure (Garage). The surrounding parcels are approximately the same size and mostly appear to be using their properties for the same use (residential).





- State Parks, OPRD
- Coos County Zoning, 2022
- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M
- Aerial Photos**
- OSIP 2022 (1-foot)
- OSIP 2018 (1-foot)
- NAIP 2016 (1-meter)
- ESRI World Imagery
- Lidar Hillshades**
- Bare Earth, OLC, 2009
- Highest Hit, OLC, 2009
- Data Map**



60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)

<https://www.co.coos.or.us/community-dev>

APPEAL: The decision to allow the Vacation Rental within the existing Single Family Dwelling was appealed by an abutting property owner, Carol Deadman. Ms. Deadman explained that the access to the property is through a private easement through multiple property owners' land. She further commented that the approval of a Vacation Rental would change the use of the community. Rural Residential is not intended for vacation/ short term rental use and is intended to provide rural home sites in an open space environment to encourage existence of rural family life. Ms. Deadman is also concerned about the applicants giving out the single use gate code.

PUBLIC AGENCY COMMENTS: No public agency comments were required for this proposal as no development is proposed.

PUBLIC COMMENTS: The Planning Department mailed notice of the conditional use application to all property owners within 500 feet of the subject property on December 28, 2023. The applicant also complied with the posted notice requirements of Section 5.0.900. Public comments were received and are referenced and summarized below. The full comments can be found at Attachment B.

- Carol Deadman commented that she wished to appeal the decision based on the fact that the road is private, with no easement.
- Mr. and Mrs. Sheets commented that they were in opposition to allowing a vacation rental within their community. They explained that the homes in the community are single family dwellings, not hotels. Most residents are senior citizens enjoying peace and tranquility, rather than a carnival atmosphere of excitement and partying.

### III. FINDINGS & CONCLUSIONS

#### *Vacation Rentals*


#### **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.*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.220 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

#	Use	Zones												Subject To		
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS		MES	
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

**FINDING:** Vacation Rental reviews are subject to CCZLDO Use Table found in Section 4.3.200(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/short term rental and Section 4.3.220 Additional Conditional Use Review (2) Rural Residential. Siting standards with the exception of parking do not apply to this type of review because there are no new structures proposed with this review.

**SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS**

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

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

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

**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:

(3) Controlled Development (CD) - The following conditional use review standards apply to all USES, activities and development within the CD zoning district.

- (a) 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.
- (b) Within a City Urban Growth Boundary:
  - i. Signage –
- (c) All parks (Recreational or Residential) shall comply with the following design criteria:

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

- i. *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;*
- ii. *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.*
- iii. *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;*
- iv. *Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and*
- v. *Hours of operation may be required in areas predominantly surrounded by residential zones.*


**FINDING: A Vacation Rental can only be established in an existing dwelling; the subject property contains an existing Single-Family Dwelling with an effective year built of 2017. The property is within a zoning district that allows for a Vacation Rental if it meets the discretionary criteria through an Administrative Conditional Use (ACU) process.**

**The primary criterion for this application is compatibility. As explained above, compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The purpose of this zoning district is to provide for residential uses. Vacation Rentals are a limited commercial use considered accessory to the residential use. Vacation Rentals are only permit to be operated within an existing Dwelling; therefore, the use must show they can be compatible with existing residential uses occurring within the surrounding area without discord or disharmony. This type of use has the possibility to increase traffic and nuisance issues.**

**In order to examine the compatibility issue, it is important to understand the study area in which this applies. The county has applied the notification boundary as adequate to justify the compatibility criteria. Within the notification area included eleven (11) vacant residential properties, seven (7) primary dwellings, and three (3) secondary dwellings.**

Map_No	Parcel No	Structure	Type	Zone
28S14W31A	13300	Dwelling	Secondary	RR-2
28S14W31A	13400	Vacant	Vacant	RR-2
28S14W31A	13500	Vacant	Vacant	RR-2
28S14W31A	13501	Dwelling	Primary	RR-2
28S14W31A	13900	Dwelling	Primary	RR-2
28S14W31A	14000	Vacant	Vacant	RR-2
28S14W31A	14100	Vacant	Vacant	RR-2
28S14W31A	14200	Vacant	Vacant	RR-2
28S14W31A	15600	Vacant	Vacant	RR-2
28S14W31A	15700	Dwelling	Primary	RR-2
28S14W31A	15800	Dwelling	Applicants Parcel	RR-2
28S14W31A	15900	Dwelling	Secondary	RR-2
28S14W31A	16000	Vacant	Vacant	RR-2
28S14W31A	16200	Dwelling	Primary	RR-2
28S14W31A	16400	Vacant	Vacant	RR-2
28S14W31A	16500	Dwelling	Primary	RR-2
28S14W31A	16600	Dwelling	Primary	RR-2
28S14W31A	18000	Vacant	Vacant	RR-2

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

28S14W31A	18001	Dwelling	Primary	RR-2
28S14W31A	18003	Dwelling	Secondary	RR-2
28S14W31A	18100	Vacant	Vacant	RR-2
28S14W31A	18101	Vacant	Vacant	RR-2

According to the application, the property manager (currently to be determined) will be located in Bandon. As a condition of approval, contact information for a property manager must be provided to Coos County before requesting the zoning compliance letter. The property manager will be required to be available 24/7 for the responsibilities stated above.

A Single-Family Dwelling unit provides complete independent living facilities for one or more persons, intended for permanent living (more than 30 days). The requested use of the dwelling for transient occupancy for vacation purposes increases traffic, parking, and related nuisance issues. Various measures could be applied to ensure compatibility. One approach is to limit the number of guests to the number of bedrooms within the dwelling at the time of approval, aligning with the traffic, parking, and nuisance levels expected for a Single-Family Dwelling.

In determining overnight accommodation limits, the calculation is based on bedrooms within the Single-Family Dwelling. A bedroom (ORS 90.262) has a minimum average of two occupants per bedroom. The existing dwelling has four bedrooms according to available Coos County Assessment information; therefore, Staff will condition this approval to limit overnight guests to eight. Vehicles on site for guests shall be no more than two. This does not account for cleaning service, other related maintenance services, or when the property owner is using the dwelling. The applicant supplied a plot plan showing ample parking space, and the parking has been approved by the Coos County Road Department.

There shall be quiet times, and a clear sign posted with contact information for neighbors to address complaints. These signs shall be posted on the exterior of the property and inside the dwelling for guests. The property owner shall work to meet any fire, life, and safety regulations that apply to vacation rentals (transit lodging) and register with the Oregon Department of Revenue.


Typically, traffic counts for a Single-Family Dwelling are based on two vehicles; therefore, the Vacation Rental will be limited to two vehicles on-site for guests when the Dwelling is used as a Vacation Rental. If the property is receiving public services for water or sewer, a letter from those utility companies is required to confirm no limitation on service. Vendors shall be limited to cleaning and maintenance. If a special event is planned by a guest, it shall occur during the day, and vendors may serve that specific event. The applicant has stated that the Vacation Rental will be maintained regularly, and all restrictions will be enforced. The parking access, driveway, and parking standards were reviewed and approved by the Coos County Road Department.

The applicant has acknowledged that a license and inspections will be completed by Coos Health & Wellness in compliance with ORS 446.310 through 446.350. As a suggestion, the property owner should consider placing fire extinguishers on each floor and posting a fire evacuation plan for guests to use in the event of an emergency.

The Vacation Rental approval will not transfer to a subsequent owner without a Compliance Determination. The applicant shall record a deed restriction with the Coos County Clerk's Office, acknowledging that this is an accessory use to the approved residential use of the Single-Family Dwelling. This will be made a condition of approval. All conditions shall be complied with for final approval.

With the conditions of approval, the proposal meets the criteria.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



*The appellant party, Carol Deadman submitted an appeal based on four (4) factors:*

- *There are no public roads, this is a private community, and the roads are actually part of each landowners' property, and are easements maintained by the property owners.*

**Staff Response:** The criteria for a Vacation Rental does not address what type of road the Single family Dwelling is located on (private, public, etc). This is not relevant to the criteria.

- *Approval of a Vacation Rental would change the use of the community. According to Article 9 of the Rural Residential-2 (RR-2) our community is not intended for vacation/short term rental use and is intended to provide for rural home site in an open space environment in order to encourage the continued existence of rural family life.*

**Staff Response:** This is not applicable as there is not an Article 9 within the Coos County Zoning and Land Development Ordinance nor within the Coos County Comprehensive Plan.

- *There was no condition set forth for the use of private land easement access. Usage was listed for only parking and driveway approval.*

**Staff Response:** Staff addressed the relevant criteria for a Vacation Rental. A Vacation Rental does not require the Road Access Manager to review anything other than the parking, access and emergency vehicle turnaround. There is nothing within the Coos County Zoning and Land Development Ordinance pertaining to allowed uses for dwellings that are accessed via private roads verses allowed uses for dwellings accessed via public roads.

- *Nothing was listed within the conditions of approval pertaining to the gate code. This is a private gated community with a single use gate code that should not be given out arbitrarily. We in the community have interests adversely affected by this decision.*

**Staff Response:** The criteria for a Vacation Rental does not contain anything regarding gate codes, nor does it require anything further for a gated community.

## **ARTICLE 5.8 APPEAL REQUIREMENTS**

### **SECTION 5.8.100 APPEALS GENERAL**

*Coos County has established an appeal period of fifteen (15) days from the date written notice of administrative or Planning Commission decision is mailed with the exception of Property Line Adjustments and lawfully created parcel determinations, which are subject to a twelve (12) day appeal period.*


*The Board of Commissioners or Hearings Body shall dismiss an appeal for failure to follow the requirements of this article. [OR 04 12 013PL 2/09/05]*

### **SECTION 5.8.150 STANDING TO APPEAL A PLANNING DIRECTOR'S DECISION:**

*A decision by the Planning Director to approve or deny an application shall be appealed as identified in the Sections below. The appeal must be filed within the appeal period and meet one of the following criteria:*

1. *In the case of a decision by the Planning Director, the appellant was entitled to notice of the decision; or*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

2. *The person is aggrieved or has interests adversely affected by the decision.*

**FINDING: The appellant submitted the appeal within the allowed timeframe. The appellant was entitled to, and received a notice of decision.**


***SECTION 5.8.170 APPEAL PROCEDURES:***

*An appellant shall file the appeal for review on the appropriate county form and the form shall be completely filled out as required by this section. If an appellant fails to correctly fill out the form, and there has already been a public hearing on the matter, the Board of Commissioners may deny the appeal based on failure to comply with this section. In the event the appeal is denied based on a failure to comply with this section, a refund of unexpended fees shall be returned to the appellant.*

*The appeal form shall contain the following:*

1. *The name of the applicant and the County application file number;*
2. *The name and signature of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative;*
3. *The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160;*
4. *The date that the notice of the decision was mailed as written in the notice of decision;*
5. *The nature of the decision and the specific grounds for appeal citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule.*
6. *The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application.*
7. *Appeals of Planning Director's decision will be de novo;*
8. *Appeals of Planning Commission's or appointed Hearings Officer(s) decision shall be reviewed by the Board of Commissioners or Hearings Officer if the Board of Commissioners so chooses. The Board of Commissioners shall, provided there has been an initial evidentiary hearing:*
  - a. Decline to hear the matter and enter an order affirming the lower decision; or*
  - b. Accept the appeal and:*
    - i. Make a decision on the record without argument;*
    - ii. Make a decision on the record with argument;*
    - iii. Conduct a hearing de novo; or*
    - iv. Conduct a hearing limited to specific issues.*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

- c. *In the decision, the Board shall affirm, modify, or reverse the lower decision, and accept any or all of the findings and conditions in the Hearings Body decision, or modify or adopt new findings and conditions on a permit.*
- d. *If the Board allows argument only on the record, no new evidence shall be submitted.*
- e. *Any legal issues not specifically raised are considered waived for purposes of appeal to the Land Use Board of Appeals (LUBA).*
- f. *Where a hearing is limited to specific issues, any evidence or argument submitted must be relevant to the specific issue.*
- g. *All items to be submitted to the County must actually be received by the County Planning Department no later than 5:00 p.m. on the on the last day of the appeal period. If the last day of the appeal period falls on a weekend or County holiday, then the item must actually be received by the County Planning Department no later than 12:00 p.m. on the next County business day following the deadline date. All items to be mailed to another party must be postmarked no later than the end of the appeal period.*
- h. *The decision of the Board of Commissioners shall not be final for the purpose of appeal until reduced to writing and signed by the Board.*

**FINDING: The appeal application contained the necessary information listed within Section 5.8.170. This is an appeal of a Planning Director’s decision and will be processed as a de novo hearing.**

***SECTION 5.8.300 RECORD PRESENTED TO HEARINGS BODY OR BOARD OF COMMISSIONERS***

*After notice of intent to appeal has been filed pursuant to Section 5.8.200, then: [OR 96-06-007PL 9/4/96]*


- 1. *For appeals of administrative decisions, the Planning Director shall forward to the Hearings Body a copy of:*
  - a. *the application for the subject administrative permit; and*
  - b. *the written findings establishing the basis for his decision; and*
  - c. *the notice of intent to appeal.*
- 2. *For appeals of Hearings Body decisions, the Planning Director shall forward to the Board of Commissioners a copy of:*
  - a. *the application for the requested action; and*
  - b. *the staff report on the request; and*
  - c. *the public hearing record of the Hearings Body’s decision; and,*
  - d. *the notice of intent to appeal.*

**FINDING: The Hearings Body in this case is the Planning Commission. The Planning Commission was provided a copy of the application (ACU-23-046), the Staff Report, as well as the Appeal Application (AP-24-002).**

***SECTION 5.7.300 QUASI-JUDICIAL LAND USE HEARINGS PROCEDURES***

- 1. *The presiding officer shall provide an opportunity for members to announce conflicts or abstain from participating and allow challenge to any member participating as a decision maker in a quasi-judicial hearing.*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)




<https://www.co.coos.or.us/community-dev>

2. *At the beginning of a hearing under the Comprehensive Plan or land use regulations of Coos County, a statement shall be made to those in attendance that:*
  - a. *Lists the applicable substantive criteria;*
  - b. *States that testimony and evidence must be directed toward the criteria listed or other criteria in the Plan or implementing ordinances which the person believes to apply to the decision; and*
  - c. *States that failure to raise an issue with statements and evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals.*
  
3. *Presentation of Testimony (for hearings other than appeals on the record):*
  - a. *For First Evidentiary Hearing including an appeal of a Planning Director's decision:*
    - i. *Staff Report;*
    - ii. *Applicant;*
    - iii. *Additional testimony by other parties in support of the application;*
    - iv. *Testimony by opponents;*
    - v. *Neutral parties;*
    - vi. *Applicant's rebuttal arguments;*
    - vii. *Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the record open, the Chair will close the public hearing. A request for continuance or an opportunity to submit additional evidence is subject to provisions of Section 5.7.400;*
    - viii. *After closing the record, the Hearings Body will deliberate and reach a decision. The final decision will be reduced to writing and will include the findings upon which the decision is based. Notice of the decision will be mailed to all parties; and*
    - ix. *Appeals of Planning Director's decision will be de novo and processed in accordance with § 5.7.300.*
  
  - b. *For Appeals of a Hearings Body decision (testimony may be limited to parties only):*
    - i. *Staff Report;*
    - ii. *Applicant or, in the case of an appeal of a prior decision, appellant;*
    - iii. *Additional testimony by other parties in support of the application or appeal;*
    - iv. *Testimony by opponents or, in the case of an appeal, the applicant and others in support of the application;*
    - v. *Neutral parties;*
    - vi. *Applicant's rebuttal arguments, or in the case of an appeal of a prior decision, appellant's rebuttal arguments;*
    - vii. *Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the record open, the Chair will close the public hearing. A request for continuance or an opportunity to submit additional evidence is subject to provisions of Section 5.7.400; and*
    - viii. *After closing the record, the Hearings Body will deliberate and reach a decision. The final decision will be reduced to writing and will include the findings upon which the decision is based. Notice of the decision will be mailed to all parties.*

#### 4. *Representatives*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

- a. *A party may represent themselves or be represented by an attorney. Consultants and other non-attorney professionals may appear as fact witnesses for any party, but may not appear as a legal representative.*
  - i. *Any person presenting written testimony on behalf of a group, company or any other organization, except an attorney, consultant, owner, officer, or employee of that group, company, or organization must enter written evidence into the record establishing that the person is authorized to appear on behalf of the organization. Such written authorization must:*
    - ii. *Be written on the group, company, or organization's official letterhead;*
    - iii. *Name the person authorized to appear on behalf of the group, company, or organization;*
    - iv. *Specify the scope of the authorization; and*
    - v. *Contain the signature of a person with authority to grant the authorization.*

*Failure of a person to submit such written authorization shall cause the group, company, or organization to not achieve party status for the purposes of the proceeding and shall preclude the group, company, or organization from having standing to file an appeal.*

- b. *Any person presenting oral testimony on behalf of a group, company or any other organization, with the exception of an attorney, shall present a letter of authorization at that time to show that the person testifying does in fact represent that group, company or organization. If the letter is not presented at the time the hearings body or designee shall in its discretion, allow the person to submit that authorization prior to the close of the record.*

*Failure to provide written proof of authorization to represent a group, company or organization shall result in the group, company or organization not having standing in the event of an appeal. The person who provided the testimony shall be the only one to achieve party status in the event of an appeal. The hearings body or designee has discretion to not consider the testimony as part of the record if a person presenting testimony on behalf of a group, company, or organization fails to comply with the rules of Section 4. If this is the decision of the hearings body or designee then it will be made part of the final order and decision. If the determination is made that testimony was disqualified under this subsection then standing has not been achieved. That party may not appeal the matter unless other forms of testimony accepted forms of testimony was received and granted them standing under CCZLDO Section 5.8.160.*


## 5. *Submission of Written Evidence*

- a. *Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.*
- b. *Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy.*

*The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.*

- c. *E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.*

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>




- d. *All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.*
- e. *The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]*

6. *Definitions: As used in this Article the following definitions shall apply:*

- a. *“Party” means any person, organization or agency who has established standing under the provisions of this Article 5.8.*
- b. *“Witness” means any person who appears and is heard at a hearing and is not a “party”. A witness shall not be considered a “party” unless the Board of Commissioners determines that the person is a party in accordance with Article 5.8.*

**IV. STAFF RECOMMENDATIONS – Staff recommends that the Planning Commission uphold the decision to approve the Vacation Rental within the existing Single Family Dwelling with the conditions of approval listed within the Staff Report of ACU-23-046. The appeal is not valid as the findings addressed by the appellant are not applicable to the proposed use of a Vacation Rental per the Coos County Zoning and Land Development Ordinance.**

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423


 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

**ATTACHMENT A  
Record**



**APPEAL OF A LAND USE DECISION**

*SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 SECOND STREET OR  
MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423.  
EMAIL [PLANNING@CO.COOS.OR.US](mailto:PLANNING@CO.COOS.OR.US) PHONE: 541-396-7770*

---

Planning Director Appeal Fee \$250.00 / Hearings Body or Officer Appeal Fee \$2560.00

Date Received: 1/10/24 Fee Received: \$250.00 FILE # AP- 24-002

*If the correct fee is not with the appeal it will not be processed. Application shall be filed electronically.*

List the names and signatures of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative. This can be attached to this form marked as Attachment "A".

Appellant: Carol A Deadman, trustee of the Carol A Deadman Revocable Trust

Mailing address: PO Box 371

Phone: 916-835-5281 Email: caroldeadman@outlook.com

Signature: Carol A Deadman, trustee of the CAROL A DEADMAN REVOCABLE TRUST

Appellant's Representative: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

The name of the applicant: Gilbert Duran ETAL

County application file number being appealed: ACU-23-046

Planning Director's Decision (Fee \$250)     Hearings Body or Hearings Officer Decision (Fee \$2560)

The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160:

I, Carol A Deadman, and Jim E Sheets have received notice of the decision and are aggrieved or have interests adversely affected by the decision because we own property and live near the home that will be used as a vacation/short term rental. Our properties will be directly affected by the decision. This decision approves traffic to enter the private gated community giving access to each land owner's private property and/or easements. Since these are private roads with posted signage landowners would be responsible for any incident that might occur on "their" portion of the road. Maintenance and insurance fall solely on the property owners: Carol A Deadman Revocable Trust and Jim E Sheets.

The appeal deadline, as stated in the Director's Decision: January 12, 2024

The nature of the decision and the specific grounds for appeal, citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule. (This can be attached to this form marked as Attachment "B".)

See Attachment B

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (This can be attached to this form marked as Attachment "C".)

See Attachment C

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The date that the notice of the decision was mailed: December 28, 2023.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

Petitioner's for File Number ACU-23-046

Signature

Carol A Deadman, trustee

Name

Carol A Deadman, Contact Representative

Address

87953 Daisy Lane, Bandon, OR 97411

email

[caroldeadman@outlook.com](mailto:caroldeadman@outlook.com)

Statement of Interest

Property Owner within Gated Community

Signature

James E. Sheets

Name

James E Sheets

Address

54907 Sadie Dr, Bandon, OR 97411

email

[desotoguy@hotmail.com](mailto:desotoguy@hotmail.com)

Statement of Interest

THE ROAD THROUGH MY PROPERTY TO  
THE PROPERTY IN QUESTION, IS NOT  
SHARED. THE MULTIPLE INCREASE IN  
MAINTENANCE WILL NOT BE SHARED.  
NOR WILL THE INCREASE IN NUISANCE.



# ATTACHMENT B

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

NE1/4 SEC. 31 T28S R14W W.M.  
COOS COUNTY

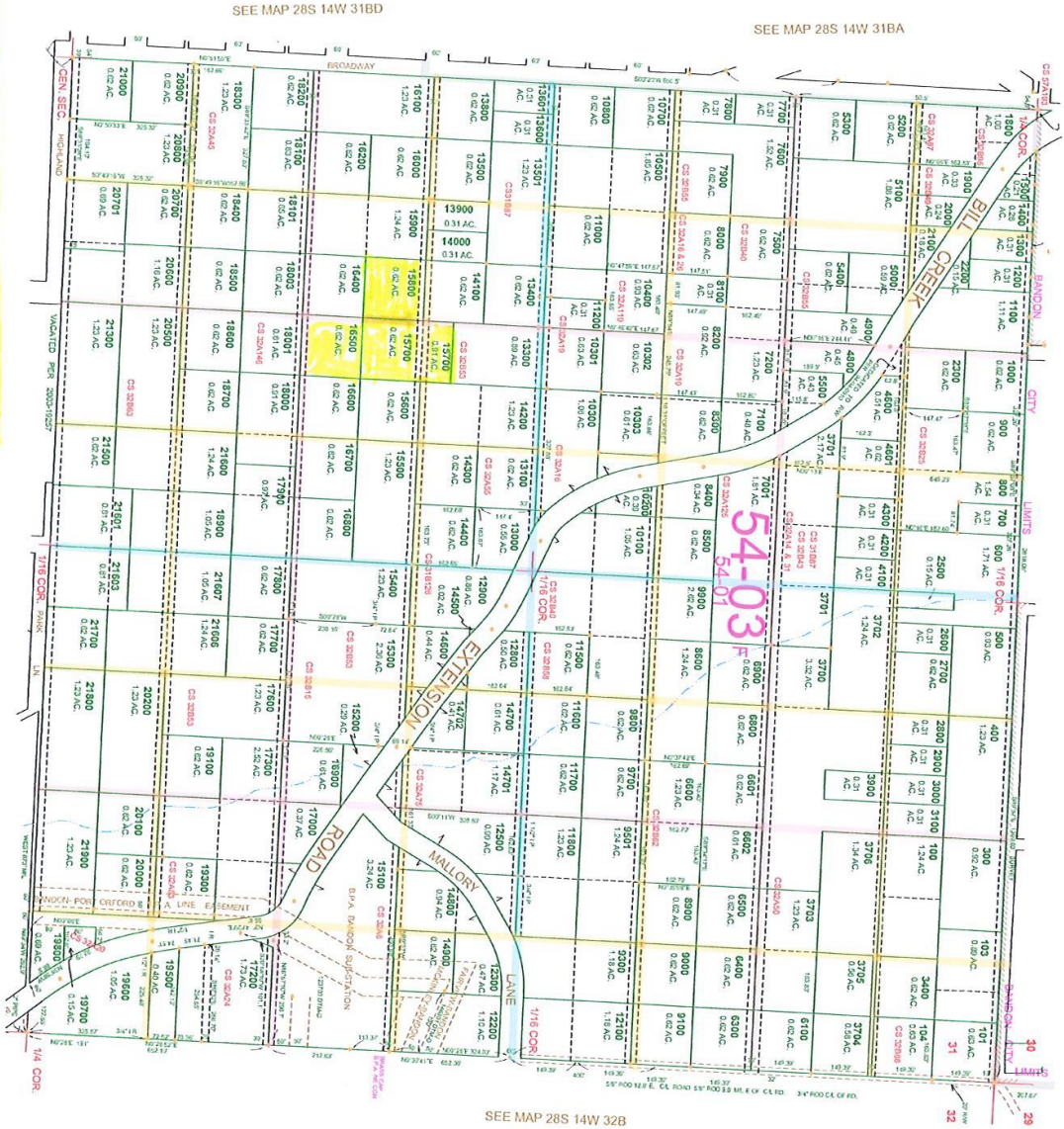
1" = 200'

ATTACHMENT B

28S 14W 31A  
CANCELLED NO.

SEE MAP 28S 14W 30DD

SEE MAP 28S 14W 30DD



10600	9600
10900	11300
12400	14700
2400	
21400	
4400	
45000	
13700	
21100	
21200	
1700	
20400	
13200	
13700	
7300	
7400	
91900	
8700	
17200	
17500	
19200	
200	
3200	
3300	
3500	
3800	
4000	
5800	
5900	
5900	
6000	
6700	
8800	
9500	
10000	
11400	
11400	
800	
8200	
9200	
10899	
15000	
17100	
19900	
10899	
9289	
9301	
1801	
4700	
18000	
19000	
20300	
19400	
11100	
102	
20703	
18002	
13301	
21802	
21804	
21808	
20702	
1601	
1600	
16300	
7000	
12801	
15199	
18004	

According to the Oregon South Coos Bay Title Company:  
My property is TL 16500 and Jim Sheet's property is TL 15700 on the above map.  
Per Anya Kirkes, Title Advisory, "I do not see a solid line road in that area which generally means roads are private and part of the properties."

05-17-2022  
14W 31A

## Attachment "C"

This is a private community and has NO Public Roads in the community. The "roads" are actually part of each landowner's property, not designated as an actual road but are easements and are maintained by the property owners.

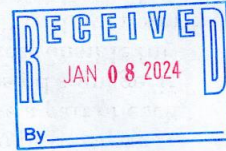
Under Conditions Of Approval #2 B this would change the use of our community. According to Article 9 of the Rural Residential-2 (RR-2) our community is not intended for Vacation/Short Term rental use and is intended to provide for rural home-site in an open space environment in order to encourage the continued existence of rural family life. We in the community have interests adversely affected by any decision to change this.

Under Conditions Of Approval #2 C there was no condition set forth for the use of the private land easement access. Usage was listed for only parking and driveway approval.

Under Conditions Of Approval there is nothing listed about the gate code. This private gated community has a single use gate code that should not be given out arbitrarily. We in the community have interests adversely affected by this decision.



January 4, 2024



Coos County Community Development  
250 N Baxter  
Coquille, OR 97423

Re: Account Number 1008500  
Appeal decision for Notice of Land Use  
Vacation/Short Term Rental

Dear Coos County Community Development:

I wish to appeal the Notice of Land Use Decision for a vacation/short-term rental at 54916 Sadie Dr, Bandon, OR 97411. This is a private gated community as listed with the US Postal Service. There are no public roads within the community. There are no easements. All roads are a part of each land owner's property. Since these are private roads with posted signage, if traffic were to come into this area the landowners would be responsible for any incident that might occur on "their" portion of the road. I will not permit the use of my land to have traffic outside of my community/neighbors. I object to any approval of any property being turned into a vacation/short-term rental in this community now and in the future.

Enclosed a copy of the notice I received for your review.

I live at 87953 Daisy Lane within the community. If you need to contact me you may reach me at 916-835-5281.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Carol A. Deadman".

Carol A Deadman, Trustee  
Carol A Deadman Revocable Trust  
PO Box 371  
Bandon, OR 97411

: Enclosure

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



January 7, 2024

Coos County Community Development  
250 N Baxter  
Coquille, OR 97423

Re: Notice of Land Use Decision Status  
54916 Sadie Dr., Bandon, OR 97411  
Account Number 1008500

Dear Coos County Community Development:

We wish to appeal this land use decision. This is not a good use for this community. It is apparent that the decision makers have not actually been to the property in question.

The two gates into, and all roads (gravel) within this community are privately owned. The county has declined to assist with road maintenance because of that private ownership. The specter of up to 8 additional fun-loving vacationers driving in and around our properties bodes ill for our future.

The homes in this community are single family dwellings, not hotels. Most residents are senior citizens enjoying peace and tranquility, rather than a carnival atmosphere of excitement and partying.

The Exhibit "B" plot map does not include all of the affected properties within the gated area. Also, the additional traffic will travel mostly on Sadie Dr. and Fireside Lane to Bill Creek Road, affecting those private properties outside the gate as well.

In conclusion, please reconsider and decline this land use decision.

~~James E~~  
Mr. Sheets, when  
contacted, said he already  
signed the complaint  
from his neighbors is  
bring in. JMB 1/10/24

James E Sheets  
Yvonne M Sheets  
54907 Sadie Dr.  
Bandon, OR 97411  
541-329-2514

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

February 26, 2024

**Coos County Community Development  
Notice of Coos County Public Land Use Hearings for March 7, 2024**

**ITEM B - File # AP-24-002-**

This is an appeal of an Administrative Conditional Use application (ACU-23-046).

The applicant/property owner is Gilbert Duran. The proposal is a request for a Land Use Approval through an Administrative Conditional Use to use a Single Family Dwelling for a Vacation/Short Term Rental. The appellant is Carol Deadman. The Subject Property is identified as Map Number Township 28S, Range 14W, Section 31 A, Tax Lot 15800, Tax Account Number 1008500 and is located southeast of the City of Bandon off of Sadie Drive, which is off of Rosa Road. The property contains 0.62 acre.


**Criteria**

- Coos County Zoning and Land Development Ordinance (CCZLDO)
  - o Article 5.8 - Appeal Requirements
  - o § 4.3.200(64) - Use Table - Vacation Rentals
  - o § 4.3.210(87) - Categories and Review Standards - Vacation

**Rentals**

- o § 4.3.220(2) - Additional Conditional Use Requirements - Rural Residential (RR)

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

February 26, 2024

**Coos County Community Development  
Notice of Coos County Public Land Use Hearings for March 7,  
2024  
Item B - File # AP-24-002**

Chair and Commissioners,

I am Carol Deadman, current trustee for the property located at 87953 Daisy Lane titled in the name of the Carol A Deadman Revocable Trust. This property is on the corner of Daisy Lane and Sadie Road as indicated in yellow on exhibit 1.

Vehicles using Daisy Lane to reach subject property must cross my private property on Sadie Road. I do not want to be liable for any "vacationers" driving to the subject property.

Increased traffic will require additional road maintenance. I do not wish to be responsible for these extra costs.


For conditional use of the private road please see Attachment "C".



Submitted by: Carol Deadman, trustee  
An Individual

---

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

## Attachment "C"


This is a private community and has NO Public Roads in the community. The "roads" are actually part of each landowner's property, not designated as an actual road but are easements and are maintained by the property owners.

Under Conditions Of Approval #2 B this would change the use of our community. According to Article 9 of the Rural Residential-2 (RR-2) our community is not intended for Vacation/Short Term rental use and is intended to provide for rural home-site in an open space environment in order to encourage the continued existence of rural family life. We in the community have interests adversely affected by any decision to change this.

Under Conditions Of Approval #2 C there was no condition set forth for the use of the private land easement access. Usage was listed for only parking and driveway approval.

Under Conditions Of Approval there is nothing listed about the gate code. This private gated community has a single use gate code that should not be given out arbitrarily. We in the community have interests adversely affected by this decision.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

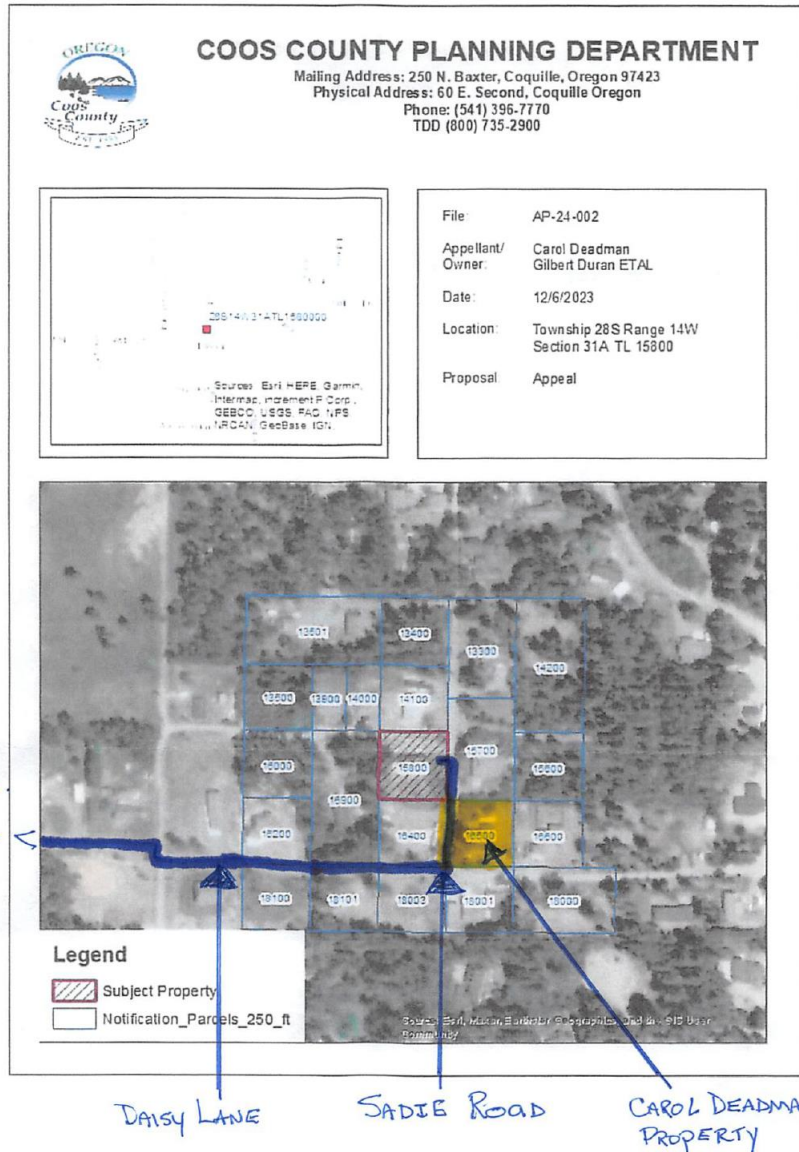
@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



# EXHIBIT 1



60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



Private road sign at the corner of Daisy Lane and Sadie Road.



Private Property sign on Sadie Road.



60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

☎ 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

The Duran Family  
1749 Mayflower Ct  
Mountain View, Ca 94040

February 26, 2024

Coos County Planning Commission  
60 E 2nd St  
Coquille, OR 97423

RE: ACU-23-046 and AP-24-002

To Whom It May Concern,


My name is Sabrina Duran. I am one of the owners of 54916 Sadie Drive and the applicant for the proposed Vacation Rental Dwelling at this property. I am writing in response to an appeal of the Decision made on January 10, 2024 by Carol Deadman.

Our family purchased this home as a family vacation home. We are not local to Oregon, and therefore applied for Vacation Rental approval to offset the cost of ownership during the time periods we are not in Bandon. It is our desire to have access to the home when our family wants to visit Bandon, and a long-term rental would not afford us that option. We purchased the property in good faith and understanding that the permit process in Coos County provides a way for short term rental use by meeting certain conditions. We intend to be good neighbors, and to operate under the conditions of approval set forth in the Notice of Decision.

The appellant claims that a Vacation Rental Dwelling cannot be approved based on the Private Road that serves the subject property. Stated in the Petition is “The road through my property to the property in question is not shared. The multiple increase in maintenance will not be shared. Nor will the increase in nuisance.” Also stated is that the easements *are* maintained by the property owners which is accurate. Document number 2005-18144 specifically grants access over Daisy and Sadie Private roads for access to the subject site. This easement was found in the Title Report that was received when we purchased the property.

Further, the State of Oregon has listed specific requirements for maintenance and provides an opportunity for civil action to be taken when the costs are not shared. ORS 105-170-185 are listed below for reference. A formal maintenance agreement was not given to us at the time of purchase, nor have we been contacted by any of the neighbors about upkeep or scheduled maintenance. We assume to pay our share of the improvements, and we understand that any

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

additional improvements resulting in the use as a Vacation Rental will be our responsibility. It is between the property owners to determine a regular maintenance schedule with associated fees. Nothing in our application stated that the road would not be maintained.

The appellant claims that the Vacation Rental use would change the use of the community and that the RR-2 zoning district is not intended for short term rental use. Table 4.3.200 outlines the uses that are permitted in each zone and the type of permit needed for each use. A Vacation Rental Dwelling is permitted in the RR-2 zone as an Administrative Conditional Use per 4.3.200(64). Additionally, there is not a Homeowner's Association or Restrictions on the use of the existing single family dwellings in this area. That means, no restriction on rentals- either long term or short term.

The road easement specifically lists that the road use is for "Grantee, his agents, independent contractors, and invitees. There are no stipulations as to what "type" of Invitee is allowed, or prohibited, and therefore any Invitee is permitted to use the road for access purposes only. "Invitee" implies a visitor to the site including both a long term renter or short term visitor.

The appellant states that there was "no condition set forth for the use of the private land easement access. Usage was listed only for parking and driveway approval." That is correct. The Coos County Planning Department, Road Department or Commission do not have jurisdiction over a Private Road Easement, so a condition can not be set forth.


The appellant states that the private gated community has a "single use code that should not be given out arbitrarily." We disagree with the use of "arbitrary" in this context. A full time resident- either an owner or a renter- have many visitors throughout the year. The gate code is given out arbitrarily on a daily basis to a multitude of people without specifically gaining permission from the other land owners. Who is controlling the daily use of the gate now?

Thank you for considering our property right to operate as a Vacation Rental Dwelling in the RR-2 zone as specifically allowed by Coos County.

Sincerely,

Sabrina Duran

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>



Sheri McGrath, Inc  
dba Coos Curry Consulting  
P.O. Box 1548 \* Bandon, Oregon 97411  
[cooscurry@gmail.com](mailto:cooscurry@gmail.com)  
541-982-9531

February 24, 2024

Coos County Planning Commission  
60 E 2nd St  
Coquille, OR 97423

RE: ACU-23-046 and AP-24-002

To Whom It May Concern,

I am writing today as a Fact Witness per CCZLDO 5.7.300 and to provide information for the record regarding the proposed vacation rental dwelling at 54916 Sadie Drive in Bandon. I will be present at the hearing, and this document outlines the information I will present.

Upon the request of the property owners, our office submitted an application for the proposed Vacation Rental use on September 1, 2023. As part of our application process, we submitted a driveway and parking plan to the Coos County Road Department who inspected the site and approved of the plan; approval was granted on September 20, 2023 under permit number DR-23-080. The requirements set forth in the CCZLDO for a Vacation Rental Dwelling with required parking, access and emergency vehicle turnaround were met or exceeded.

We provided Findings of Fact which outlined the various sections of the CCZLDO that are relevant to the proposed use as a Vacation Rental. The additional criteria for Vacation Rental Approval were met and concurred with by the Planning Department through the issuance of their Notice of Decision dated December 28, 2023.

The Planning Department provided a list of conditions to ensure compatibility with the existing residential neighborhood. These conditions are consistent with those outlined in “An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon” which is a publication of Oregon Department of Land Conservation and Development. Chapter 6 covers Conditional Use Permits and the types of conditions used for compatibility. The County provides a standard list of conditions for all Vacation Rental Applications. To date the conditions have proven to be enough for compatibility, otherwise the County would have considered



additional conditions to be added to their approvals. Coos County has approved other VRD uses that have gated entrances to neighborhoods with Private Road easements which further proves that there was nothing particularly special or unique about the request the Duran Family made to operate as a VRD under the current regulations.

An appeal of the Decision was made on January 10, 2024 by Carol Deadman. Attachment “C” lists four items in the petition. There are two names listed on the petition page, though only Carol Deadman is listed on the application. Comments from both property owners will be addressed below.

The appellant claims that a Vacation Rental Dwelling cannot be approved based on the Private Road that serves the subject property. James Sheets, states in the Petition that “The road through my property to the property in question is not shared. The multiple increase in maintenance will not be shared. Nor will the increase in nuisance.” This information is incorrect. The easement is a legally shared Private Road and the State of Oregon requires maintenance to be shared by the users of the road. Additionally, the number of trips per day is significantly less for a short term rental than a long term residence as shown below and in the original application findings.

In Attachment “C”, it is stated that the easements are maintained by the property owners which is accurate. Document number 2005-18144 specifically grants access over Daisy and Sadie Private roads for access to the subject site. ORS 105.170-185 specifically governs road easements and the maintenance thereof. The Duran Family has not been given a maintenance schedule to date, though they acknowledge the State requirement for contribution to the upkeep of the road. This is a topic for the Neighbors to speak to each other with, and is not a County matter for compliance, enforcement or discussion.

The State of Oregon has listed specific requirements for maintenance and provides an opportunity for civil action to be taken when the costs are not shared. ORS 105.170-185 are listed below for reference. According to the Oregon Revised Statutes, the Coos County Planning Commission is not the jurisdiction that reviews, enforces or otherwise makes decisions for the use or maintenance of Private Road Easements. The applicant has the same right as other properties in the RR-2 Zone to operate as a Vacation Rental Dwelling regardless of the easement or the gate.

The appellant claims that the Vacation Rental use would change the use of the community and that the RR-2 zoning district is not intended for short term rental use. This contradicts the CCZLDO and the applicable criteria that Coos County has outlined for allowed uses in each zone with compatibility requirements. Table 4.3.200 outlines the uses that are permitted in each zone and the type of permit needed for each use. A Vacation Rental Dwelling is permitted in the RR-2 zone as an Administrative Conditional Use per 4.3.200(64). The owner applied for an

Administrative Conditional Use permit and the Planning Department found that all applicable criteria have been met. Approval would not have been granted if the proposal is out of compliance with the CCZLDO. Additionally, there is not a Homeowner's Association or Restrictions on the use of the existing single family dwellings in this area. That means, no restriction on rentals- either long term or short term.

Further, the road easement specifically lists that the road use is for "Grantee, his agents, independent contractors, and invitees. There are no stipulations as to what "type" of Invitee is allowed, or prohibited, and therefore any Invitee is permitted to use the road for access purposes only. "Invitee" implies a visitor to the site including both a long term renter or short term visitor.

The appellant states that there was "no condition set forth for the use of the private land easement access. Usage was listed only for parking and driveway approval." That is correct. The Coos County Planning Department, Road Department and Commission do not have jurisdiction over a Private Road Easement, so the conditions of approval are specific to the applicable criteria for VRD use per the County Ordinances. The road is governed by ORS 105.170-185. Additionally, there are no Covenants, Conditions or Restrictions related to a Homeowners Association.

The appellant states that the private gated community has a "single use code that should not be given out arbitrarily." Gated communities are common in the Bandon area and gate codes can be changed. Additionally, gates can have multiple codes as is the case with the gate in question. I personally have been given two different gate codes to access sites within this neighborhood. I do not know who is in charge of these gate codes, nor is that the point. A full time resident has many visitors throughout the year. The gate code is given out arbitrarily on a daily basis to a multitude of people. The gated community does not have rules associated with gate access, so they cannot bias use based on the amount of time spent or visited to this neighborhood. In order to restrict visitation rights through the gated community, a Homeowners Association would need to be established. Evenso, the County does not enforce HOAs or their associated CC&Rs.

The information that follows is a review of the recorded Road Easement (document 2005-18144) and the Oregon Revised Statutes 105.170-185 that pertain to Private Road Easements. This additional information has been provided as evidence that the Vacation Rental Dwelling can be approved as submitted, and that the appeal does not show where in the CCZLDO that the Planning Department made the decision in error. All applicable criteria have been met.

Sincerely,

Sheri McGrath

CCZLDO 4.3.200(64)(87) reads:

*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 a 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.*

The conditions of approval were outlined in the Findings of Fact and concurred with by Planning Staff as evidenced in their Staff Report for the Notice of Decision. The proposed use as a Vacation Rental is considered an Accessory Use to the main Residential Use. The surrounding properties within this neighborhood have Accessory Uses including structures and hobby farms.

CCZLDO 5.0.350(1) reads:

*Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of the 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.*

The conditions of approval were outlined in the Notice of Decision and are consistent with all conditional placed on Vacation Rental uses throughout the County.

County Code Section 04.08.020(4) defines a Private Road as:

*"Private Road" shall mean a private right of way created by a recorded easement or other instrument, not dedicated to or accepted by the County or other public body, and not designated as part of the County road maintenance system.*

The matter of a Private Road is outside of the purview of the County as it is not dedicated or a part of the County road system. The proposed use is considered compatible due to the use being *"an accessory use to the approved residential use."*

After recording, return to:

Jerry O. Lesan  
P. O. Box 359  
Coos Bay, Oregon 97420

### EASEMENT

In consideration for good and valuable consideration, CLAIR L. CRISP, Grantor, conveys to DONALD E. BOLDUC, Grantee, his heirs, successors and assigns, a perpetual non-exclusive easement to use two strips of land each 30 feet wide across the property of Grantor the centerlines of which are described on the attached Exhibits "A" and "B".

The terms of the easement are as follows:

1. Grantee, his agents, independent contractors, and invitees shall use the easement strip for road purposes only for access to the property described in paragraph 5 and in conjunction therewith may construct, reconstruct, maintain and repair a road thereon.
2. Grantor reserves the right to use, construct, reconstruct, and maintain the road located upon the easement strip and grant such rights for such use to third parties. The parties shall cooperate during periods of joint use so that each party's use shall cause the minimum of interference to the others.
3. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strip. Grantee assumes all risk arising out of the use the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.
4. The rights and obligations of all parties who have a right to use the road with respect to the maintenance thereof shall be governed by ORS 105.170 through 105.185, provided however, Grantee acknowledges that Grantor intends to grant rights to others to use the easement and reserves the right to require a more comprehensive maintenance agreement provided by the aforesaid statutes and that Grantee agrees to accept and be bound by any reasonable future changes made by Grantor to these maintenance obligations.
5. This easement shall be appurtenant to the real property owned by Grantee as described on the attached Exhibit "C". In the event Grantee acquires title to real property described on the attached Exhibit "D" after the execution of this easement, then it shall also be appurtenant to property described in Exhibit "D".

1 - EASEMENT

**EASEMENT DOCUMENT 2005-18144**



When reviewing the Easement Document, the following sections contain information that will be helpful for the Planning Commission to determine the approval or denial of the appeal. The sections will be discussed in order as they appear in the easement document and are as follows:

*In consideration for good and valuable consideration, Clair L Crisp, Grantor, conveys to Donald E. Bolduc, Grantee, his heirs, successors and assigns, a perpetual non-exclusive easement to use two strips of land each 30 feet wide across the property of Grantor the centerlines of which are described on the Exhibits "A" and "B".*

The current property owners, the Duran Family, purchased the property in good faith and under the real estate laws of Oregon. They are not an heir or successor of Mr. Bolduc; however, the property has been assigned to them for legal ownership. They therefore qualify as a user of the Private Road(s) in question. Both Sadie and Daisy roads are Private and access the subject property.

A "perpetual, non-exclusive" easement is one that is never-changing. The subject property, and the owners, have a right to use the road easement now and forever.

- 1. Grantee, his agents, independent contractors, and invitees shall use the easement strip for road purposes only for access to the property described in paragraph 5 and in conjunction therewith may construct, reconstruct, maintain and repair a road thereon.*

The current property owners have been given specific rights for "Invitees" to use the easement for road purposes only. The Vacation Rental use does not require any other use of the road easement outside of access to the subject property. The Grantee/Owner/Assigned is not proposing a "block party" or "parade" or any other activity, vehicular storage, structure or other use on the road easement. The proposed use as a Rental does not alter or change the requirement to use the road for access purposes only.

- 2. Grantor reserves the right to use, construct, reconstruct and maintain the road located upon the easement strip and grant such rights for such use to third parties. The parties shall cooperate during periods of joint use so that each party's use shall cause the minimum interference to the others.*

As noted in the Vacation Rental Application, a short term rental generates less vehicular trips per day than a full time residence. The Institute of Transportation Engineers (ITE) publication "Trip Generation, 7th Edition" shows that Recreational/Vacation Homes generate a daily average of 3.16 trips per unit. In comparison, a full time Single Family Dwelling generates a daily average of 9.57 trips per day.

Additionally, the Vacation Rental is required to restrict parking to two vehicles at a time and to enforce Quiet Hours. Coos County has these restrictions in place to ensure compatibility with the residential neighborhood that short term rentals are located within. Considering the low impact of rentals, and considering also that no other activity is proposed, required or needed for the vacation rental use, joint use or sharing of the road will not be a likely problem.

Land Use	Units	Average Trip Generation Rate (Trips/unit)
Single Family Housing	Dwelling	9.57
Apartment, Low Rise	Dwelling	6.59
Apartment, High Rise	Dwelling	4.20
Condominium/Townhouse, General	Dwelling	5.86
Condominium/Townhouse, High Rise	Dwelling	4.18
Mobile Home Park	Dwelling	4.99
Senior Adult Housing – Detached	Dwelling	3.71
Senior Adult Housing – Attached	Dwelling	3.48
Congregate Care Facility	Dwelling	2.02
Recreational/Vacation Homes	Dwelling	3.16

**ITE PUBLICATION “TRIP GENERATION, 7TH EDITION”**

3. *Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee’s use of the easement strip. Grantee assumes all risk arising out of the use of the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.*

The shared and mutual interest in the easement does not present an opportunity for a suit to be made by the property owners (Grantor and Grantee), their assigned or their “Invitees.”

4. *The rights and obligations of all parties who have a right to use the road with respect to the maintenance thereof shall be governed by ORS 105.170 through 105.185, provided however, Grantee acknowledges that Grantor intends to grant rights to others to use the easement and reserves the right to require a more comprehensive maintenance agreement provided by the aforesaid statutes and that Grantee agrees to accept and be bound by any reasonable future changes made by Grantor to these maintenance obligations.*

ORS 105.170-185 sections are listed below for reference. As a result of ORS 105.170-105.185, the property owners are required to share in the maintenance of the road easement. The State of Oregon has listed specific requirements for maintenance and provides an opportunity for civil action to be taken when the costs are not shared. This proves that the Coos County Planning Commission is not the jurisdiction that reviews, enforces or otherwise makes decisions for

Private Road Easements. The applicant has the same right as other properties in the RR-2 Zone to operate as a Vacation Rental Dwelling regardless of the easement.

5. *This easement shall be appurtenant to the real property owned by Grantee as described on the attached Exhibit "C". In the event Grantee acquires title to the real property described on the attached Exhibit "D" after the execution of this easement, then it shall also be appurtenant to property described in Exhibit "D".*

The Exhibits outline the properties that benefit from this road easement. The subject property is specifically described in the legal description. Additionally, the easement is recorded and appears on a Title Report prepared by Ticor Title. Even so, ORS 105.170-185 applies to easement with or without a recorded agreement.

\* ORS 105.170-185 per *Easement Document Number 4* is continued here:

ORS 105.170 lists the definitions applicable to this section of the Oregon Revised Statutes. These definitions apply to this section of the ORS and are applicable to the specific access easement.

1. *"Easement" means a nonpossessory interest in the land of another which entitles the holders of an interest in the easement to a private right of way, embodying the right to pass across another's land.*
2. *"Holders of an interest in an easement" means those with a legal right to use the easement, including the owner of the land across which the easement passes if the owner of the land has the legal right to use the easement.*

ORS 105.175 requires that the easement be kept in repair. It reads as follows:

1. *The holders of an interest in any easement shall maintain the easement in repair.*
2. *The cost of maintaining the easement in repair shall be shared by each holder of an interest in the easement, pursuant to the terms of any agreement entered into by the parties for that purpose or any recorded instrument creating the easement. Any such agreement, or a memorandum thereof, shall be recorded in the real property records of the county in which the easement is located. Failure to record the agreement shall not affect the enforceability of the agreement among the parties to the agreement and any other person with actual notice of the agreement.*

3. *The cost of maintaining the easement in repair in the absence of an agreement and in the absence of maintenance provisions in a recorded instrument creating the easement shall be shared by each holder of an interest in the easement in proportion for the use made of the easement by each holder of an interest in the easement.*
4. *Unless inconsistent with an agreement between the holders of an interest in an easement or a recorded instrument creating the easement, in determining proportionate use and settling conflicts the following guidelines apply:*
  - a. *The frequency of use and the size and weight of vehicles used by the respective parties are relevant factors.*
  - b. *Unless inappropriate, based on the factors contained in paragraph (a) of this subsection or other relevant factors, costs for normal and usual maintenance of the easement and cost of repair of the easement damaged by natural disasters or other events for which all holders of an interest in the easement are blameless may be shared on the basis of percentages resulting from dividing the distance of total normal usage of all holders of an interest in the easement into the normal usage distance of each holder of an interest in the easement.*
  - c. *Those holders of an interest in the easement that are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sold expense.*

ORS 105.180 requires that the property owners comply with the maintenance of the easement. It reads as follows:

1. *If any holder of an interest in an easement fails to maintain the easement contrary to an agreement or contrary to the maintenance provisions of a recorded instrument creating the easement or, in the absence of an agreement or recorded instrument imposing maintenance obligations, fails after demand in writing to pay the holder's proportion of the cost as indicated in ORS 105.175 (Easement to be kept in repair) (3) and (4), a civil action for money damages or specific performance or contribution may be brought against the person in a court of competent jurisdiction by one of more of the other holders of an interest in the easement, either jointly or severally. In any such civil action, the court may order such equitable relief as may be just in the circumstances. Nothing in ORS 105.170 (Definitions for ORS 105.170 to 105.185) to 105.185 (Application of ORS 105.170 to 105.185) shall impose a maintenance obligation on the holder of an interest in an easement based on the maintenance provisions in an instrument creating the easement if such holder is not a part to such instrument, whether the instrument is recorded or not, after such holder ceases to use the easement.*
2. *The prevailing party shall recover all court costs, arbitration fees and attorney fees.*

3. *Any holder of an interest in the easement may apply to the court of competent jurisdiction where the easement is located and that has jurisdiction over the amount in controversy for the appointment of an impartial arbitrator to apportion the cost, and the matter may be arbitrated in accordance with ORS 36.600 (Definitions) to 36.740 (Relationship to electronic signatures in Global and National Commerce Act). The application may be made before, during or after performance of the maintenance work.*





## **NOTICE OF LAND USE DECISION**

**You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.**

Coos County Planning  
60 E Second St.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, December 28, 2023**  
File No(s): ACU-23-046

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

Applicant(s): Gilbert Duran ETAL

Staff Planner: Crystal Orr, Associate Planner

---

**Decision: Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Friday, January 12, 2024**. Appeals are based on the applicable land use criteria found in the Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and 6.1.125 Lawfully Created Lots or Parcels*. Vacation Rental reviews are subject to CCZLDO Use Table found in *Section 4.3.200(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/short term rental and Section 4.3.220 Additional Conditional Use Review (2) Rural Residential Development*. *Siting standards do not apply to this type of review because there are no new structures proposed with this review. Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information, please contact the staff planner listed in this notice.*

---

### **Property Information**

Account Numbers	1008500
Map Numbers	28S1431A0-15800
Property Owners	DURAN, GILBERT ET AL 1749 MAYFLOWER CT MOUNTAIN VIEW, CA 94040-2322
Situs Address	54916 SADIE DR BANDON, OR 97411
Acreages	0.62 Acres
Zoning(s)	RURAL RESIDENTIAL-2 (RR-2)
Special Consideration(s)	BANDON AREA OF MUTUAL INTEREST (BMI) BANDON CONICAL ZONE (ABC)

---

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you

This notice shall be posted from December 28, 2023 to January 12, 2024

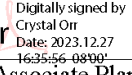
are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

Staff tries to post all applications on the website at the following link:  
<https://www.co.coos.or.us/community-dev/page/planning-department>

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E Second Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. If you would like to view the record in this matter, please make an appointment. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Associate Planner and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by:  **Crystal Orr** Date: Thursday, December 28, 2023  
Crystal Orr, Associate Planner

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence associated as listed in the exhibits.

#### EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments (none received)

## EXHIBIT "A"

The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### CONDITIONS OF APPROVAL

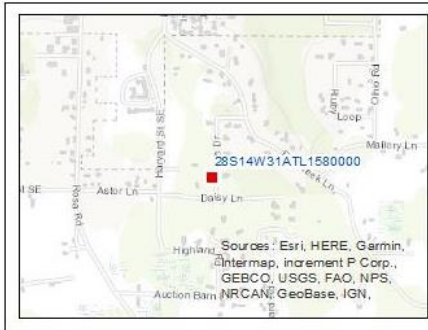
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a *Vacation Rental* on the property; however, the following conditions need to be submitted with a request for your ZCL:
  - a. The applicant shall complete the following to ensure compatibility:
    - i. Submit a plan to cover nuisance issues to ensure the use is compatible with the neighborhood. The plan shall consist of contacts for the property manager to report problems to, noise restriction and emergency contact information. The advertisement for the rental shall include a property manager name and contact information.
    - ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
    - iii. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service.
    - iv. The number of overnight occupants is limited by the number of bedrooms to two (2) guests per bedroom, the dwelling contains four (4) bedrooms, therefore, the Vacation Rental is limited to eight (8) overnight guests.
    - v. Vendors shall be limited to cleaning and maintenance on a regular basis. If a special event is planned by a guest, it shall occur during the day and there may be vendors to serve that specific event.
  - b. A deed restriction shall be recorded with the Coos County Clerk's Office acknowledging that this is an accessory use to the approved residential use. If located within Urban Growth Boundary further restrictions may be required based on comments from the City. Under the authority of the Coos County Zoning and Land Development Ordinance the Coos County Board of Commissioners has deference to interpret land use regulations that may affect permitting processes. Under the Coos County Zoning and Land Development Ordinance Vacation Rentals are permitted with a deed restriction acknowledging that this is an accessory use to the approved residential use. Due to the fact that the residential use is the primary use there is no reason to request a change of use for occupancy under the building code.
  - c. Shall continue to meet parking access, driveway and parking standards as identified in Chapter VII. Driveway/Parking Confirmation DR-23-080 was signed off by the Coos County Road Department on September 20, 2023.
3. Pursuant to CCZLDO § 4.3.110.10(a) the applicant shall obtain a license from the Coos County Health Department in accordance with ORS 446.310-350. Renewals of your license shall be provided to the Planning Department to show the use remains in compliance.

**EXHIBIT "B"**  
**VICINITY MAP & PLOT PLAN**

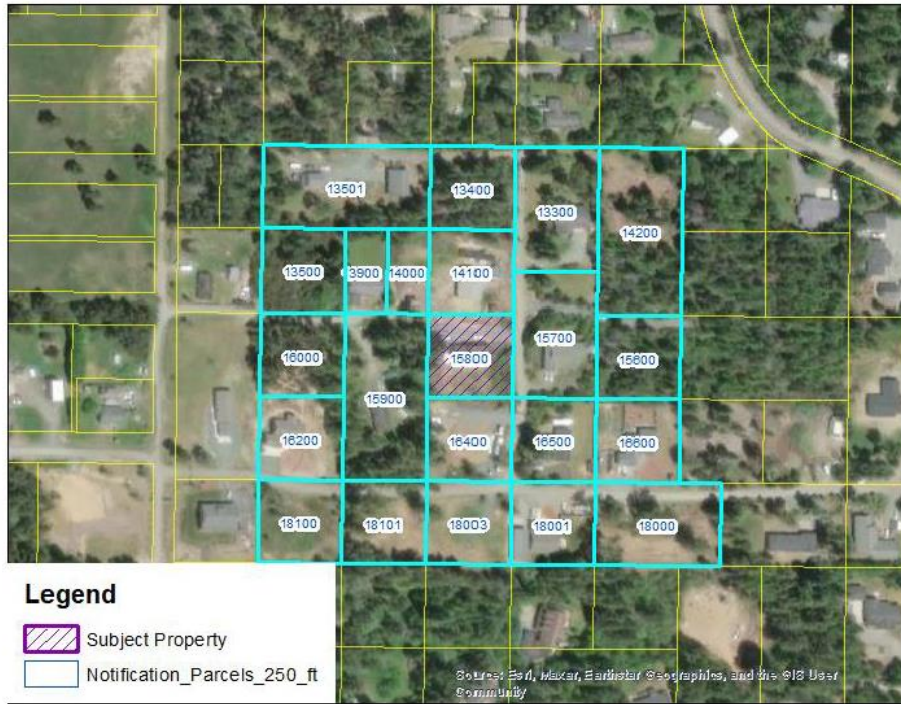


**COOS COUNTY PLANNING DEPARTMENT**

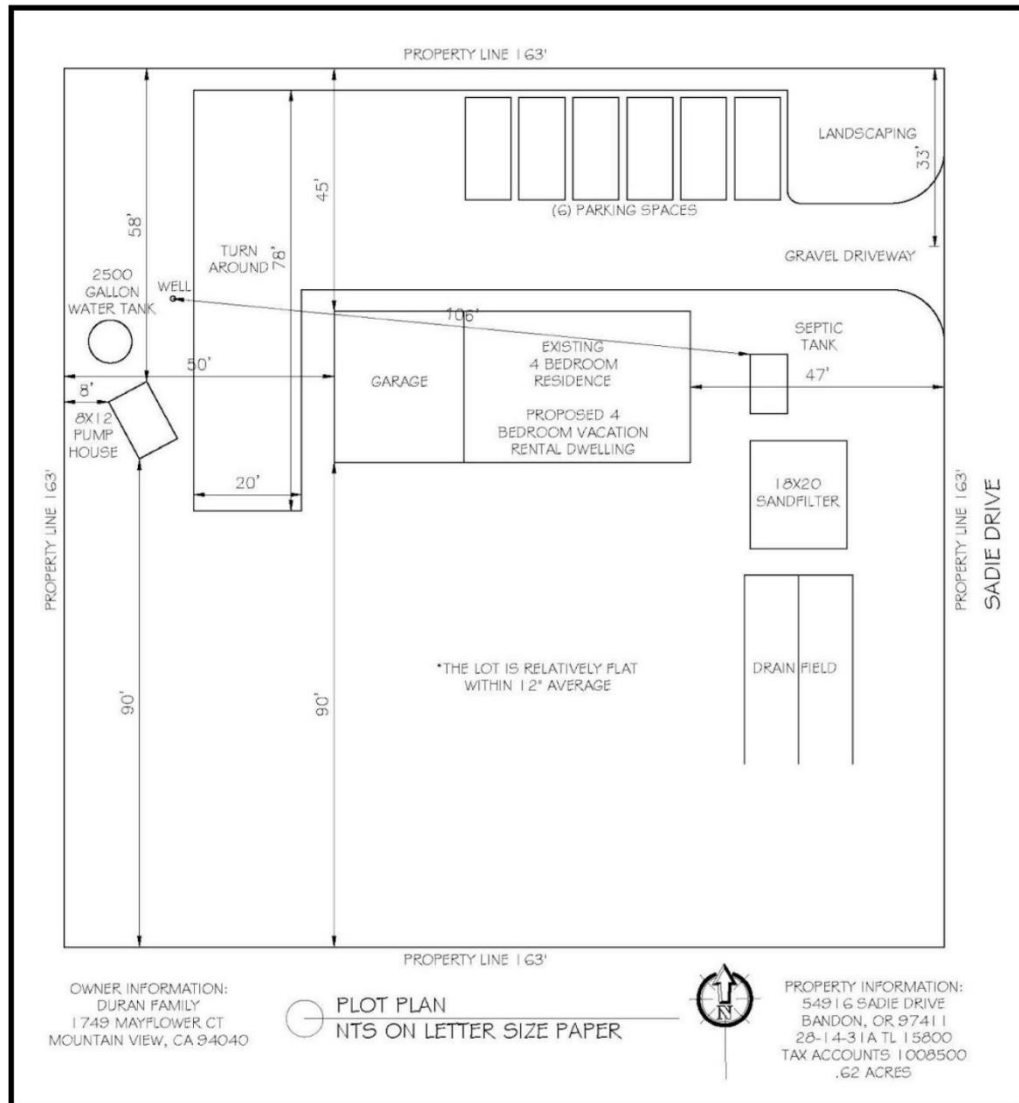
Mailing Address: 250 N. Baxter, Coquille, Oregon 97423  
Physical Address: 60 E. Second, Coquille Oregon  
Phone: (541) 396-7770  
TDD (800) 735-2900



File:	ACU-23-046
Applicant/ Owner:	Gilbert Duran ETAL
Date:	12/6/2023
Location:	Township 28S Range 14W Section 31A TL 15800
Proposal:	Vacation Rental



ACU-23-046



**PLOT PLAN**

ACU-23-046



**EXHIBIT “C”  
STAFF REPORT  
FINDINGS OF FACT AND CONCLUSIONS**

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:**

- A. **PROPOSAL:** Request for a Land Use Approval through an Administrative Conditional Use to allow for a Vacation Rental within an existing Single Family Dwelling.
- B. **BACKGROUND/PROPERTY HISTORY:** This property has an existing Single Family Dwelling with attached Accessory Structure that was sited in 2017 according to Coos County Assessment information (sited with Coos County Approval per Zoning Compliance Letter ZCL-16-165). The Zoning Compliance Letter allowed a mobile home to be placed temporarily until the dwelling was built, in September of 2020 County Staff received a complaint from Oregon Department of Environmental Quality (DEQ) regarding the mobile home still existing on the property. In May of 2020 Staff received verification from DEQ that the mobile home had been removed and the violation was cleared. August 14, 2023 a Zoning Compliance Letter (ZCL-23-284) was issued to allow the existing septic system to be replaced.
- C. **LOCATION:** The subject property is located southeast of the City of Bandon. The property is accessed via Sadie Drive, which is off of Rosa Road.
- D. **ZONING:** The subject property is zoned Rural Residential-2 (RR-2).

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**Section 4.2.100 Residential**

**Rural Residential (RR)**

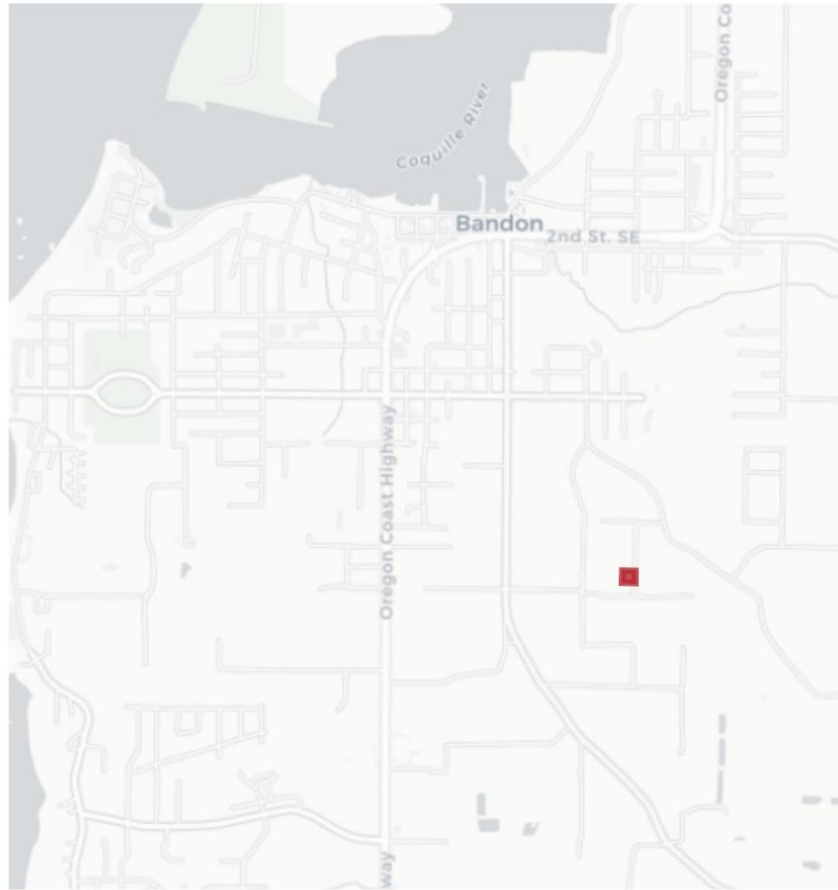
*There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify 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.*

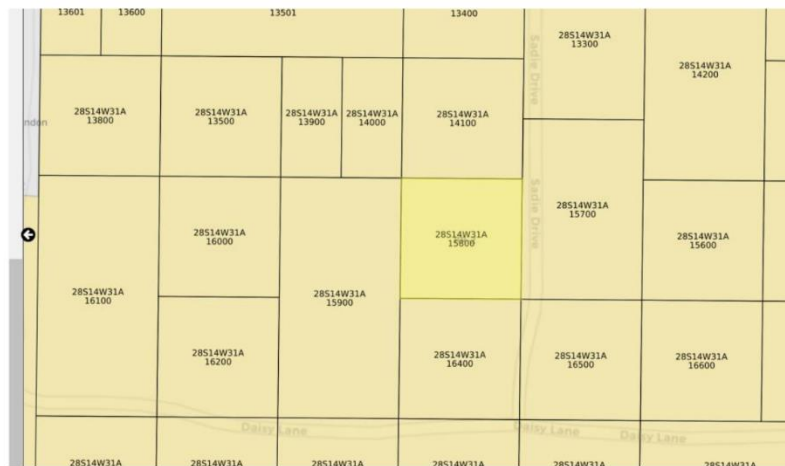
*The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.*

*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. **SITE DESCRIPTION AND SURROUNDING USES** **SITE DESCRIPTION AND SURROUNDING USES:** The subject property is located southeast of the City of Bandon. The subject property is located on privately maintained public road, Sadie Drive. The subject property contains .62 of an acre and has a Single Family Dwelling with an attached garage. The surrounding parcels are approximately the same size and mostly appear to be using their properties for the same use (residential).



- State Parks, OPRD
- Coos County Zoning, 2022
- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M
- Aerial Photos**
- OSIP 2022 (1-foot)
- OSIP 2018 (1-foot)
- NAIP 2016 (1-meter)
- ESRI World Imagery
- Lidar Hillshades**
- Bare Earth, OLC, 2009
- Highest Hit, OLC, 2009
- Data Map**



**F. COMMENTS:** Comments were not required for this use as there is no development occurring. There is no structural development proposed as part of this request.

**II. PROPERTY COMPLIANCE:**

**A. COMPLIANCE PURSUANT TO SECTION 1.1.300:**

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

**FINDING: Staff has reviewed the property history and finds at the time of this report the property is in compliance with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.**

**B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means: 1. The unit of land was created:*

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING: This tax lot was lawfully created through (e), prior to applicable partition ordinances that would have prohibited the creation (deed document Book 194 Page 396).**

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval to change the existing residential use to a Vacation Rental.

**B. Key definitions:**

*Compatibility: Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surround area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.*

**C. Criteria and standards for Vacation Rentals**

**I. Vacation Rentals**

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

*The table indicates the type of review process that is required. Remember that CU is a conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)*

*As used in the zoning tables the following abbreviations are defined as:*

ACU-23-046

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

The zoning table sets out Uses, Developments and Activities that may be listed in a zone and the type of review that is required within that zone. If there is a conflict between uses the more restrictive shall apply. Section 4.3.210 provides an explanation of the use category and the specific criteria that shall apply and if the use is identified as requiring a conditional use. Section 4.3.225 General Siting Standards apply to all regulated Uses, Developments, or Activities, but these are clear and objective standards that do not, in themselves, require a land use notice. Section 4.3.230 Specific Standards list specific siting standards by zones and 4.2.220 Additional Conditional Use Review and Standards for table 4.3.200 contains any additional criteria that applied to a Use, Development or Activity that has been identified by the following table as requiring.

#	Use	Zones												Subject To	
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS		MES
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

**FINDING:** Vacation Rental reviews are subject to CCZLDO Use Table found in **Section 4.3.200(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/short term rental and Section 4.3.220 Additional Conditional Use Review (2) Rural Residential.** Siting standards with the exception of parking do not apply to this type of review because there are no new structures proposed with this review.

**B. SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS**

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

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

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

ACU-23-046

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:

(3) *Controlled Development (CD)* - The following conditional use review standards apply to all USES, activities and development within the CD zoning district.

- (a) *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.
- (b) *Within a City Urban Growth Boundary*:
  - i. *Signage* –
- (c) *All parks (Recreational or Residential)* shall comply with the following design criteria:
  - i. *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;*
  - ii. *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.*
  - iii. *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;*
  - iv. *Trash service shall be provided to the facility and the area for trash receptacle or receptacles shall be identified on the plot plan; and*
  - v. *Hours of operation may be required in areas predominantly surrounded by residential zones.*

**FINDING:** A Vacation Rental can only be established in an existing dwelling; the subject property contains an existing *Single-Family Dwelling* with an effective year built of 2017. The property is within a zoning district that allows for a Vacation Rental if it meets the discretionary criteria through an Administrative Conditional Use (ACU) process.

The primary criterion for this application is compatibility. As explained above, compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The purpose of this zoning district is to provide for residential uses. Vacation Rentals are a limited commercial use considered accessory to the residential use. Vacation Rentals are only permit to be operated within an existing Dwelling; therefore, the use must show they can be compatible with existing residential uses occurring within the surrounding area without discord or disharmony. This type of use has the possibility to increase traffic and nuisance issues.

In order to exam the compatibility issue it is important to understand the study area in which this applies. The county has applied the notification boundary as adequate to justify the compatibility criteria. Within the notification area included eleven (11) vacant residential properties, seven (7) primary dwellings, and three (3) secondary dwellings.

Map_No	Parcel No	Structure	Type	Zone
28S14W31A	13300	Dwelling	Secondary	RR-2
28S14W31A	13400	Vacant	Vacant	RR-2
28S14W31A	13500	Vacant	Vacant	RR-2

ACU-23-046

28S14W31A	13501	Dwelling	Primary	RR-2
28S14W31A	13900	Dwelling	Primary	RR-2
28S14W31A	14000	Vacant	Vacant	RR-2
28S14W31A	14100	Vacant	Vacant	RR-2
28S14W31A	14200	Vacant	Vacant	RR-2
28S14W31A	15600	Vacant	Vacant	RR-2
28S14W31A	15700	Dwelling	Primary	RR-2
28S14W31A	15800	Dwelling	Applicants Parcel	RR-2
28S14W31A	15900	Dwelling	Secondary	RR-2
28S14W31A	16000	Vacant	Vacant	RR-2
28S14W31A	16200	Dwelling	Primary	RR-2
28S14W31A	16400	Vacant	Vacant	RR-2
28S14W31A	16500	Dwelling	Primary	RR-2
28S14W31A	16600	Dwelling	Primary	RR-2
28S14W31A	18000	Vacant	Vacant	RR-2
28S14W31A	18001	Dwelling	Primary	RR-2
28S14W31A	18003	Dwelling	Secondary	RR-2
28S14W31A	18100	Vacant	Vacant	RR-2
28S14W31A	18101	Vacant	Vacant	RR-2

According to the application, the property manager (currently to be determined) will be located in Bandon. As a condition of approval, contact information for a property manager must be provided to Coos County before requesting the zoning compliance letter. The property manager will be required to be available 24/7 for the responsibilities stated above.

A Single-Family Dwelling unit provides complete independent living facilities for one or more persons, intended for permanent living (more than 30 days). The requested use of the dwelling for transient occupancy for vacation purposes increases traffic, parking, and related nuisance issues. Various measures could be applied to ensure compatibility. One approach is to limit the number of guests to the number of bedrooms within the dwelling at the time of approval, aligning with the traffic, parking, and nuisance levels expected for a Single-Family Dwelling.

In determining overnight accommodation limits, the calculation is based on bedrooms within the Single-Family Dwelling. A bedroom (ORS 90.262) has a minimum average of two occupants per bedroom. The existing dwelling has four bedrooms according to available Coos County Assessment information; therefore, Staff will condition this approval to limit overnight guests to eight. Vehicles on site for guests shall be no more than two. This does not account for cleaning service, other related maintenance services, or when the property owner is using the dwelling. The applicant supplied a plot plan showing ample parking space, and the parking has been approved by the Coos County Road Department.

There shall be quiet times, and a clear sign posted with contact information for neighbors to address complaints. These signs shall be posted on the exterior of the property and inside the dwelling for guests. The property owner shall work to meet any fire, life, and safety regulations that apply to vacation rentals (transit lodging) and register with the Oregon Department of Revenue.

Typically, traffic counts for a Single-Family Dwelling are based on two vehicles; therefore, the Vacation Rental will be limited to two vehicles on-site for guests when the Dwelling is used as a Vacation Rental. If the property is receiving public services for water or sewer, a letter from those utility companies is required to confirm no limitation on service. Vendors shall be limited to cleaning and maintenance. If a special event is planned by a guest, it shall occur during the day, and vendors may serve that specific event. The applicant has stated that the Vacation Rental will be maintained regularly, and all restrictions will be enforced. The parking access, driveway, and parking standards were reviewed and approved by the Coos County Road Department.



The applicant has acknowledged that a license and inspections will be completed by Coos Health & Wellness in compliance with ORS 446.310 through 446.350. As a suggestion, the property owner should consider placing fire extinguishers on each floor and posting a fire evacuation plan for guests to use in the event of an emergency.

The Vacation Rental approval will not transfer to a subsequent owner without a Compliance Determination. The applicant shall record a deed restriction with the Coos County Clerk's Office, acknowledging that this is an accessory use to the approved residential use of the Single-Family Dwelling. This will be made a condition of approval. All conditions shall be complied with for final approval.

With the conditions of approval the proposal meets the criteria.

**C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:**

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

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

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

**IV. DECISION:**

The proposed Vacation Rental/Short-Term Rental in the Rural Residential-2 (RR-2) Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

**V. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special districts, or parties: Bandon RFPD & Southern Coos General Health District.

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

Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness, Assessor's Office, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

File Number : ACU-23-046, DR-23-080



**COOS COUNTY CONDITIONAL USE LAND USE APPLICATION**

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

If the fee is not included the application will not be processed

*(If payment is received on line a file number is required prior to submittal)*

Date Received: Sep 1, 2023 Receipt #: 243835 Amount: 1956.00 Received by: C.Carr

This application shall be filled out electronically. If you need assistance please contact staff.

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.

**LAND INFORMATION**

**A. Property Owner(s)** Gilbert Duran, Celine Duran, Dennis Duran, and Sabrina Duran

Mailing address: 246 Del Norte Ave, Sunnyvale, California 94085 c/o P.O. Box 148, Bandon

Phone: c/o Sheri McGrath: 541-982-9531 Email: c/o Sheri McGrath: cooscurry@gmail.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
28S	14W	31	A	Select	15800
Select	Select	Select	Select	Select	

Tax Account Number(s):	<u>1008500</u>	Zone: Select Zone	<u>Rural Residential-2 (RR-2)</u>
Tax Account Number(s)	<u></u>		<u>Please Select</u>

**B. Special Districts and Services**

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

**C. Type of Application (s) please consult with staff to determine prior to submittal**

- Administrative Conditional Use for Vacation Rental Dwelling
- Hearings Body Conditional Use for \_\_\_\_\_
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 

<input type="checkbox"/> Flood	<input type="checkbox"/> Landslide	<input type="checkbox"/> Liquefaction	<input type="checkbox"/> Erosion	<input type="checkbox"/> Wildfires
--------------------------------	------------------------------------	---------------------------------------	----------------------------------	------------------------------------
- Airport Surfaces Overlay
- Variance to which standard \_\_\_\_\_

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links:

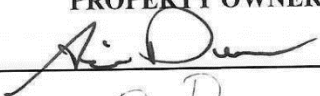
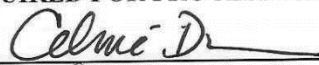

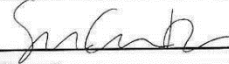
[Map Information](#) Or [Account Information](#)

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

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

- I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. Project summary and details including time lines.
  2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:
- Owner's name, address, and phone number, map and Tax lot number
  - North Arrow and Scale - using standard engineering scale.
  - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
  - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
  - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
  - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. DEED: A copy of the current deed, including the legal description, of the subject property.
- IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director’s decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county’s behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

**PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING**

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Coos County Land Use Application - Page 2

**ACCESS INFORMATION**

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 54916 Sadie Drive, Bandon, Oregon 97411

Type of Access: County Road Name of Access: Sadie Drive

Is this property in the Urban Growth Boundary? No

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

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

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

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

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

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

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

**Coos County Road Department Use Only**

Roadmaster or designee: \_\_\_\_\_

Driveway     Parking     Access     Bonded    Date:    Receipt # \_\_\_\_\_

File Number: DR-

**SANITATION INFORMATION**

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

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

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

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

Please check  if the request is for a land division.

**Coos County Environmental Health Use Only:**

Staff Reviewing Application: \_\_\_\_\_

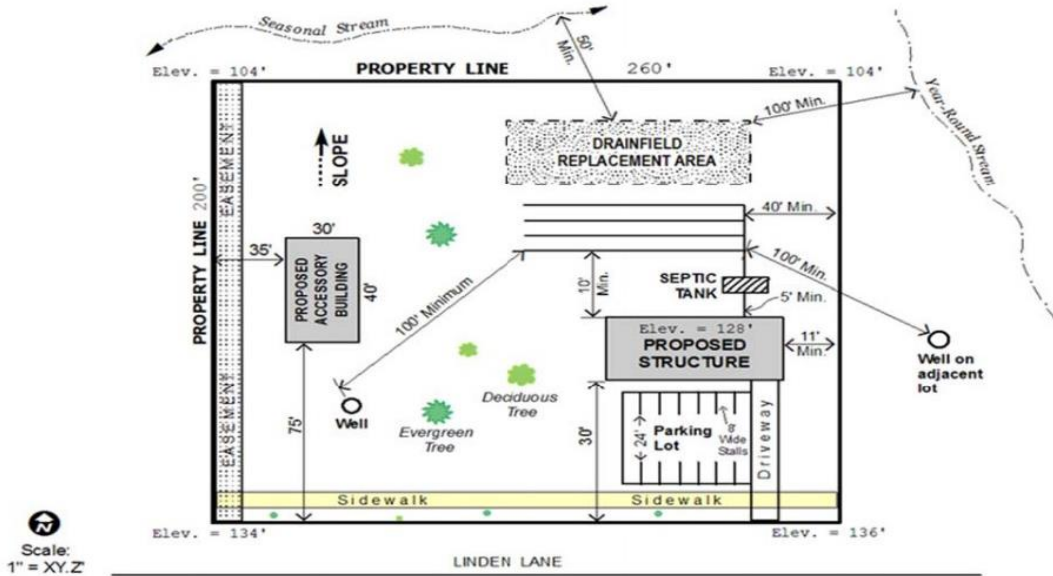
Staff Signature: \_\_\_\_\_

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

Additional Comments:

Plot Plan  
The grid for the plot plan is found on the next page

**SAMPLE PLOT PLAN**



**ITEMS THAT MUST BE ON THE PLOT PLAN:**

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
  
- Please add any additional Road or parking items from the parking form.



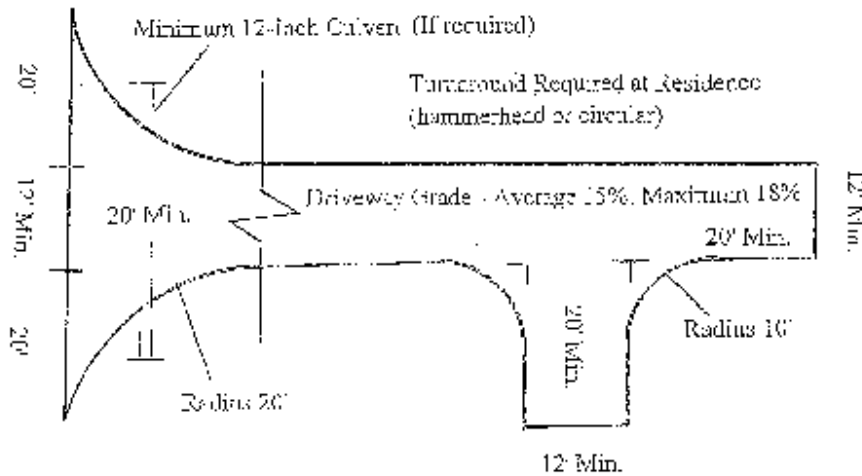
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS  
DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



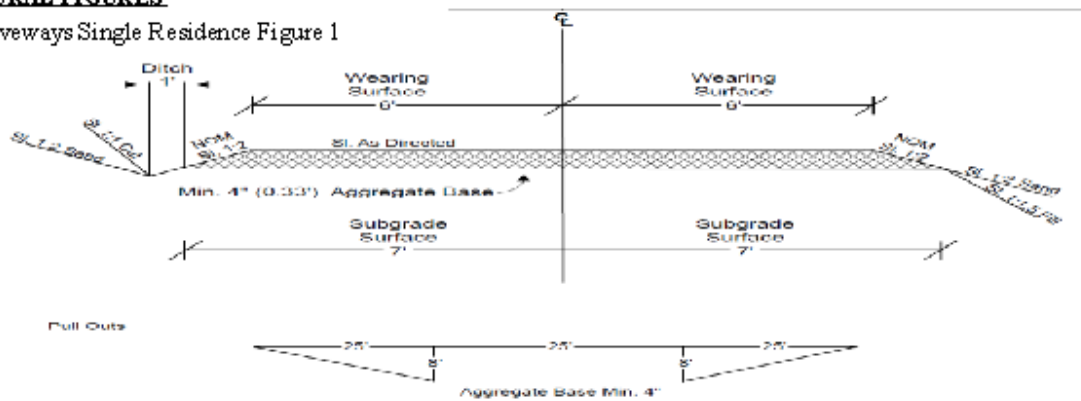
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a drive way cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such drive way development. This document must be referenced on the property deed to allow future purchasers know that the drive way does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the drive way that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

**RURAL FIGURES**

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

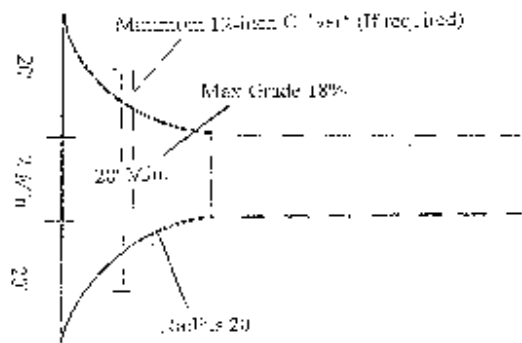
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

**Forestry, Mining or Agricultural Access Standard drawing**  
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100’ both directions
- Speed greater than 35 mph – 150’ both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster  
The access will be developed from the edge of the developed road.

Figure 7.1.450

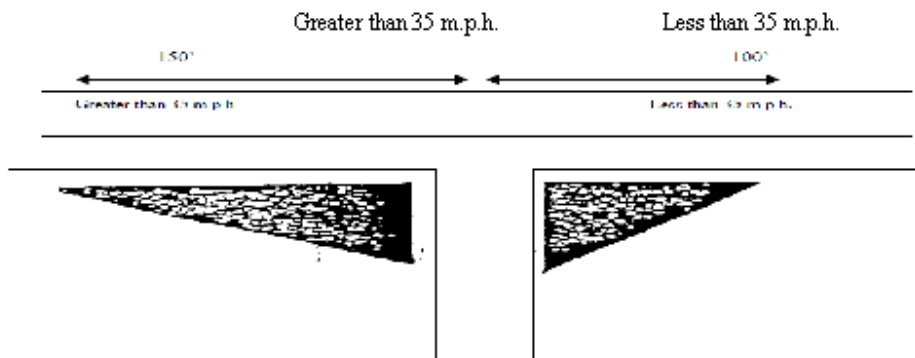


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

**VISION CLEARANCE TRIANGLE:**

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi- family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
<b>Figures</b>	A	B	C	D	E
<b>Single row of Parking</b>					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
<b>Figures #'s</b>					
	F	G	H	I	J
<b>Two Rows of Parking</b>					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

**Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.**

Sheri McGrath, Inc  
Coos Curry Consulting  
P.O. Box 1548 \* Bandon, Oregon 97411  
[cooscurry@gmail.com](mailto:cooscurry@gmail.com)  
541-982-9531

CONSENT FOR REPRESENTATION

I, Sabrina Duran of 246 Del Norte Ave, Sunnydale, CA 94085 give permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the properties located on the Coos County Tax Assessor's Map 28-14-31A TL 15800. The tax account for this property is 1008500. The situs address is 54916 Sadie Drive, Bandon, OR 97411.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:

Cell: 541-982-9531  
E-mail: [cooscurry@gmail.com](mailto:cooscurry@gmail.com)  
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires 18 months from the date below, without requirement of notice.

DATED: August 2, 2023, 2023

COOS CURRY CONSULTING



---

By: SHERI MCGRATH

CLIENT



---

By: SABRINA DURAN

August 29, 2023

VACATION RENTAL DWELLING

Caddy Shack Chateau  
54916 Sadie Dr  
Bandon, OR 97411  
28-14-31A TL 15800  
Tax Account 1008500

PROPERTY OWNER

Gilbert Duran, Celine O'Grady Duran, Dennis Duran, Sabrina Cochrane Duran  
1749 Mayflower Court  
Mountain View, California 94040

APPLICANT

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

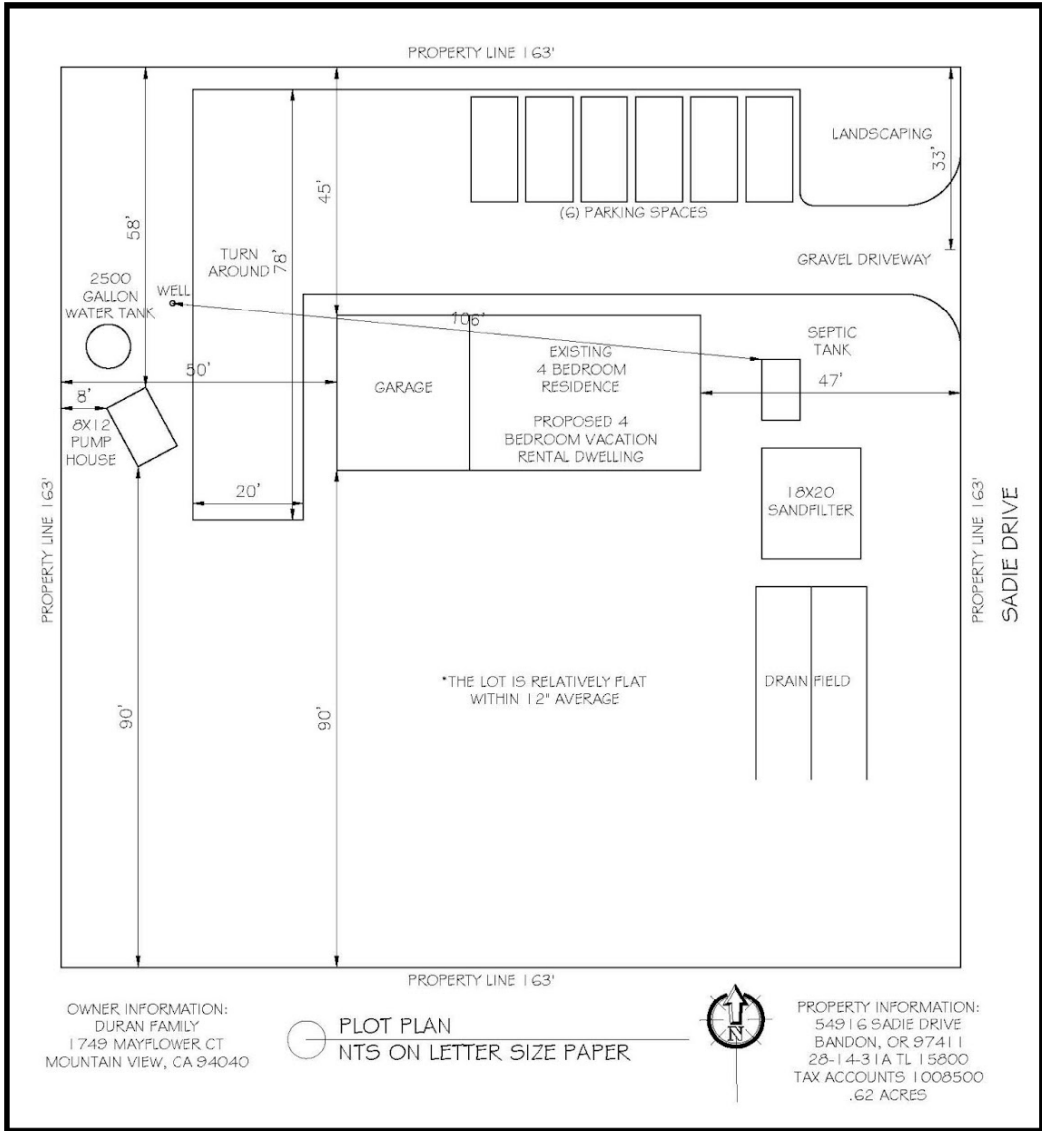
PROJECT NARRATIVE

The subject property is located within the zip code of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 15800 on the Coos County Tax Assessor's Map 28-14-31A and is located in the Rural Residential 2 zoning district (RR-2). The property is .62 acres in size, and the situs address is 54916 Sadie Drive, Bandon, Oregon 97411.

Existing development includes a septic system, well, pump house and a four-bedroom stick framed home constructed in 2017. The property is not used for farming or forest practices and is not suitable for these uses due to the size of the site. Vegetation consists of grass and ornamental plants. The public beach accesses, Bandon Beach Riding Stables, Whiskey Run Trails, Bandon Dunes Golf Course, and Shore Acres are a short drive away.

The Duran Family is applying for an Administrative Conditional Use for vacation rental status at their single family home in Bandon. The home contains four bedrooms and an attached garage. There is ample parking outside of the garage as shown on the proposed parking plan. The property manager, or their local contact person, will be located in Bandon. House cleaning and maintenance services will generally be provided when the house is vacant, so a dedicated parking space is not needed although provided.





**PLOT PLAN**

GENERAL SCOPE OF PROPOSAL

Number of Occupants at One Time: 6-8

Number of Parking Spaces: 6 total are provided.

Large Gatherings: Gatherings will not be allowed. No parties or events will be permitted.

Property Manager Details: The property manager, or their local contact person, will be located in Bandon.

Security: The house will be secured with an electronic keypad for entry as well as a ring camera located by the front door.

Landscaping/Screening: The property is fenced and there is a vegetation buffer on three sides of the property. The north side contains the parking area and a fence with minimal landscaping.

Cleaning Services: Cleaning will be conducted only when the rental is vacant.

Compatibility: The Bandon area is known for its offerings of Vacation Rental Dwellings and tourist amenities. Bandon is a tourist destination that often experiences a shortage of rentals.

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

2.1.200 Single Family Dwelling is defined as, "a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited."

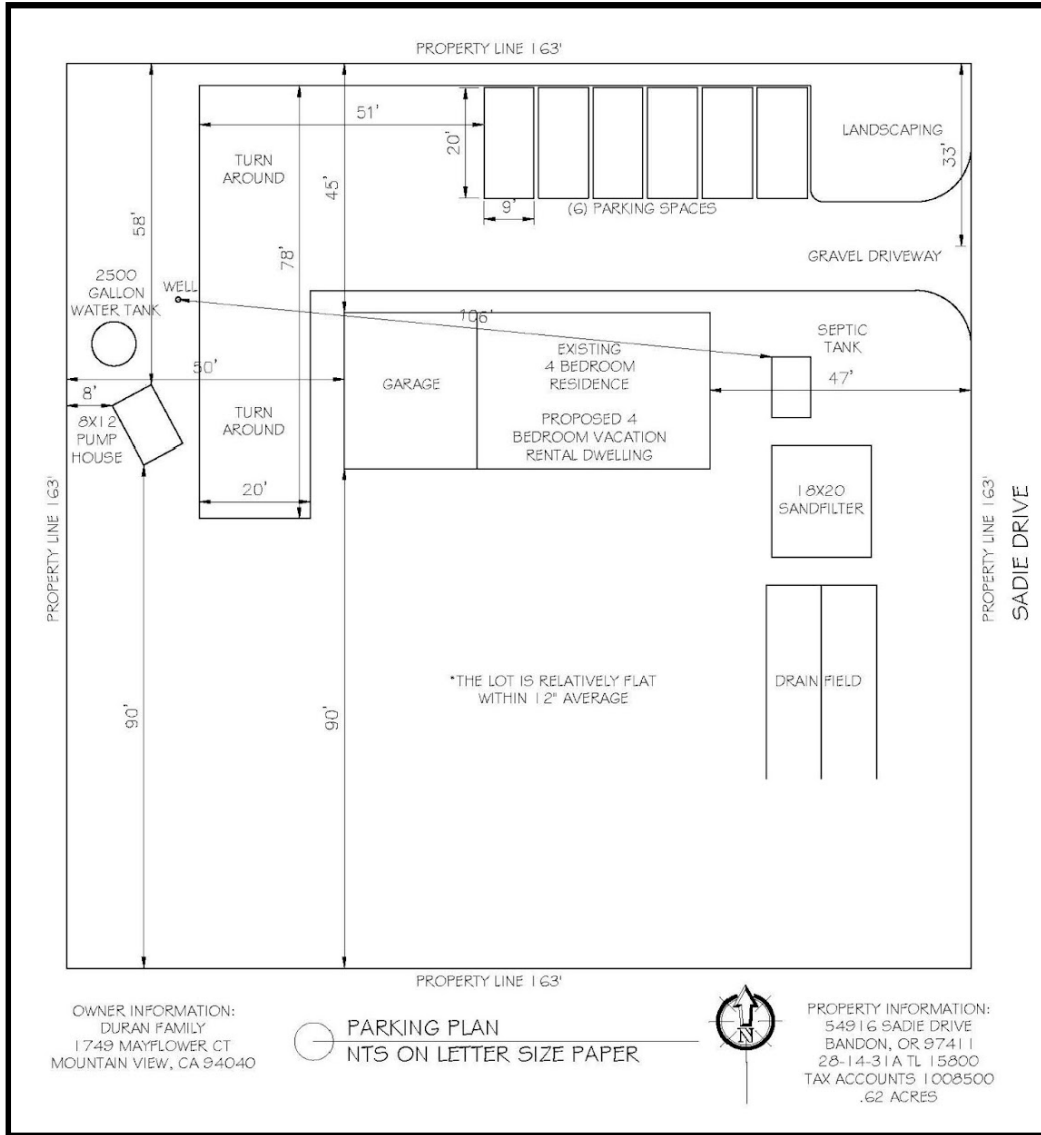
**Applicant's Response: The dwelling is a four bedroom stick framed home. There are no shared walls or other dwelling units on the subject site.**

Conditional Use is "applied to a use which may be permitted by the issuance of a conditional use permit."

**Applicant's Response: The proposed use is considered permitted as an Administrative Conditional Use. The request is to operate as a Vacation Rental Dwelling.**

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the applicant to be relevant to the decision.

**Applicant's Response:** The enclosed information and findings are provided as evidence that compliance with the county, state and licensing offices can be met and upheld. Evidence includes information about the Bandon area, a parking plan, proof of an onsite septic system and well and other information deemed relevant for this review.



**PARKING PLAN**



DEQ Coos Bay Office  
 381 North 2nd Street  
 Coos Bay, OR 97420  
 Phone: 541-269-2721  
 FAX: 541-269-7984

**Certificate of Satisfactory  
 Completion  
 Installation Permit - Residential - New**

**246-C-418965**

www.oregon.gov/deq

OnsiteCoosBay@deq.state.or.us

**Date Certificate Issued:** 06/20/2017

**Work Description:** Construction-Installation Permit | Single Family Dwelling

<b>Owner:</b> James Carman	<b>Property Address:</b> 54916 Sadie Dr, Bandon, OR 97411
<b>Address:</b> PO Box 923 Bandon OR 97411	
<b>Parcel:</b> 28S14W31A15800 - Primary	Township: 28S Range: 14W Section: 31
<b>Lot Size:</b> Not specified	<b>Water Supply:</b> Not specified
<b>Zoning:</b> Not specified	<b>City/County/UGB:</b> County
<b>Land Use Approval:</b> Not specified	<b>County:</b> Coos
<b>Category of Construction:</b> Single Family	

**Proposed**

**Number of Bedrooms:** 4

*System Specifications*

**Type:** Sand Filter: Conventional - Residential

<b>Max Peak Design Flow:</b> 450 gpd	<b>Proposed Flow:</b> N/A
<b>Min Septic Tank Volume:</b> 1000 gal	<b>Min Dosing Tank Volume:</b> 500 gal
<b>Special Tank Rqmts:</b> 1500 gal, 2 comp	

*Drain Field Specifications*

<b>Drain Field Type:</b> Pressure Distribution	<b>System Distribution Type:</b> Pressurized
<b>Drainfield Sizing:</b> N/A	<b>Distribution Method:</b> Pressurized
<b>Seepage Bed Specs:</b> 360 sq ft intermittent sand filter	
<b>Media Type:</b> Rock/Pipe	<b>Media Depth:</b> N/A
<b>Trench Length:</b> 105 ft	<b>Rock Above Pipe:</b> 2 in
<b>Trench Width:</b> N/A	<b>Rock Below Pipe:</b> 6 in
<b>Total Rock Depth:</b> 12 in	<b>Undisturbed Soil Between Trenches:</b> 8 ft
<b>Max Depth:</b> 12 in	<b>Capping Fills-Min Depth of Fill Material:</b> 10 in
<b>Min Depth:</b> 12 in	

*Special Rqmts:*

<b>Stake Out Req'd:</b> No	<b>Groundwater Depth:</b> N/A
<b>Groundwater Type:</b> N/A	<b>Groundwater Interceptor Depth:</b> N/A
<b>Groundwater Interceptor:</b> N/A	
<b>Groundwater Interceptor Amt of Drain Media:</b> N/A	<b>Filter Fabric on Top of Drain Media:</b> Yes
<b>Pump to Drainfield Req'd:</b> Yes	
<b>Rake Trench Sidewalls:</b> N/A	
<b>Other Special Rqmt:</b> Not Specified	

**CALL BEFORE YOU DIG...IT'S THE LAW**

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

6/20/17:10:32:50AM

Page 1 of 2

C:\myReports\reports\production\01 STANDARD REPORTS\std\_OnsiteCSC\_pr.rpt

**PROOF OF ON SITE SEPTIC SYSTEM**

Caddy Shack Chateau Vacation Rental Dwelling at 54916 Sadie Drive

5/11

Page 1 of 2

**STATE OF OREGON**  
**WATER SUPPLY WELL REPORT**  
(as required by ORS 537.765 & OAR 690-205-0210)

**COOS 57673**  
**1/21/2020**

**WELL I.D. LABEL#** 134969  
**START CARD #** 1046178  
**ORIGINAL LOG #**

**(1) LAND OWNER**  
Owner Well I.D. 1857  
First Name JAMES Last Name CARMAN  
Company \_\_\_\_\_  
Address PO BOX 923  
City BANDON State OR Zip 97411

**(2) TYPE OF WORK**  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

**(2a) PRE-ALTERATION**  
Dia + From To Gauge Stl Plstc Wld Thrd  
Casing: \_\_\_\_\_  
Material From To Amt sacks/lbs  
Seal: \_\_\_\_\_

**(3) DRILL METHOD**  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other

**(4) PROPOSED USE**  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other

**(5) BORE HOLE CONSTRUCTION** Special Standard  (Attach copy)  
Depth of Completed Well 37.00 ft.  
BORE HOLE SEAL sacks/lbs  
Dia From To Material From To Amt S Thrd  
10 0 38 Bentonite 0 24 13 S  
Calculated 11.4  
Calculated \_\_\_\_\_

How was seal placed: Method  A  B  C  D  E  
 Other POUR FROM SURFACE  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from 24 ft. to 38 ft. Material SAND Size 12/20  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

**(5a) ABANDONMENT USING UNHYDRATED BENTONITE**  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

**(6) CASING/LINER**  
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd  
  6  1.5 4 250      
  5  1 32 Sdr 26      
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**(7) PERFORATIONS/SCREENS**  
Perforations Method \_\_\_\_\_  
Screens Type Johnson V-Wire Material Stainless Steel  
Perf/ Casing/ Screen Dia From To Scm/slot Slot # of Tele/  
Screen Casing 5 32 37 .012 length slots pipe size 5

**(8) WELL TESTS: Minimum testing time is 1 hour**  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
15 \_\_\_\_\_ 37 \_\_\_\_\_ 1 \_\_\_\_\_  
Temperature 53 °F Lab analysis  Yes By BW&P  
Water quality concerns?  Yes (describe below) TDS amount 104 ppm  
From \_\_\_\_\_ To \_\_\_\_\_ Description \_\_\_\_\_ Amount \_\_\_\_\_ Units \_\_\_\_\_

**(9) LOCATION OF WELL (legal description)**  
County COOS Twp 28.00 S N/S Range 14.00 W E/W WM  
Sec 31 SW 1/4 of the NE 1/4 Tax Lot 15800  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ " or 43.1069444 DMS or DD  
Long \_\_\_\_\_ " or -124.4033333 DMS or DD  
 Street address of well  Nearest address  
54916 SADIE DR, BANDON, OR 97411

**(10) STATIC WATER LEVEL**  
Date \_\_\_\_\_ SWL(psi) + SWL(ft)  
Existing Well / Pre-Alteration \_\_\_\_\_  
Completed Well 1/20/2020 \_\_\_\_\_ 7.7  
Flowing Artesian?  Dry Hole?   
WATER BEARING ZONES Depth water was first found 7.66  
SWL Date From To Est Flow SWL(psi) + SWL(ft)  
1/20/2020 7.66 37 15 \_\_\_\_\_ 7.66

**(11) WELL LOG** Ground Elevation 110.00  
Material From To  
Topsoil 0 1  
Sand f-m w/sandy clay gray 1 4  
Sand f-c w/gravel f. & clay brown 4 6  
Sand f brown 6 14  
Sand f-m brown 14 17  
Gravel f-c w/sandy clay brown 17 20  
Sand f-c brown 20 27  
Gravel f-m w/sand c-f brown 27 28  
Gravel f-m w/sand c-f & clay brown 28 29  
Gravel f w/sand c-f brown 29 33  
Sand c-f w/gravel f brown 33 37  
Clay w/gravel f-m blue gray 37 37.5  
Sandstone blue gray 37.5 38

Date Started 1/20/2020 Completed 1/20/2020

**(unbonded) Water Well Constructor Certification**  
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
License Number \_\_\_\_\_ Date \_\_\_\_\_  
Signed \_\_\_\_\_

**(bonded) Water Well Constructor Certification**  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1493 Date 1/21/2020  
Signed JAMES MACK SR (E-filed)  
Contact Info (optional) Bandon Well & Pump Co. (541) 347-7867

ORIGINAL - WATER RESOURCES DEPARTMENT  
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

**PROOF OF ON SITE WATER**

Caddy Shack Chateau Vacation Rental Dwelling at 54916 Sadie Drive

6/11

Vacation Rental is defined as, "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."

**Applicant's Response: The dwelling contains four bedrooms and is fully furnished and self contained. The space will be rented for a period of less than 30 days at a time.**

Zoning District is defined as, "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."

**Applicant's Response: The property is zoned RR-2 and the proposed use is consistent with the purpose of the zone for residential uses including short term rentals.**

4.2.100 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.

**Applicant's Response: The proposed vacation rental will provide a family getaway from an Urban lifestyle to a Rural environment. This allows families to travel while providing a yard and kitchen and other amenities that a hotel/motel stay in our area do not provide. The proposed use will meet a current demand for family rentals in our area and will remain true to the purpose of the zone to provide for the continued existence of rural family life. The zoning ordinance lists vacation rental use as an accessory use to the main residential use. Given the main use as a Single Family**



**Dwelling, the proposed use appears to be compatible and compliant with the intent of the zoning ordinance.**

4.3.200 The Table of Uses reads that Vacation Rental/Short Term Rental is permitted in the RR-2 zoning district subject to review criteria 87 and that the use takes place within an existing single family dwelling.

4.3.210(87) Vacation Rentals are subject to the following criteria:  
A. Use shall be compatible with the surrounding area.

**Applicant's Response: The purpose of this zoning district is to provide for residential uses. Vacation rentals are considered an accessory to the main residential use located within a Single-Family Dwelling. The use must show compatibility with the residential uses occurring within the surrounding area without discord or disharmony.**

**As part of a Nuisance Plan, occupants are informed that objectionable traffic, noise, smoke, and litter will not be permitted, and would subject them to immediate eviction and forfeit of security deposit. The contact information for the local manager will be on file with the planning department and police department as required by the conditions of approval for this permit application.**

**The surrounding properties contain hobby farms with accessory structures. While a different type of accessory use, all accessory uses have the potential to create noise, smells and litter on occasion. The question is whether an accessory use is capable of controlling and taking action on nuisances when appropriate. It is in the best interest of the owners to maintain their property values by taking good care of their accessory uses. The applicant is confident that compatibility with the neighborhood's main and accessory residential uses will not be a problem due to the strict and enforced rental rules and regulations.**

**With respect to traffic impacts, a review of available on-line information from the Institute of Transportation Engineers (ITE) publication "Trip Generation, 7th Edition" shows that a Recreational/Vacation Home generates a daily average of 3.16 trips per unit. Based on this data, the proposed use appears to be more compatible in regard to traffic than a full-time residential property. Additionally, the county currently restricts parking at the subject site to 2 vehicles.**

Land Use	Units	Average Trip Generation Rate (Trips/unit)
Single Family Housing	Dwelling	9.57
Apartment, Low Rise	Dwelling	6.59
Apartment, High Rise	Dwelling	4.20
Condominium/Townhouse, General	Dwelling	5.86
Condominium/Townhouse, High Rise	Dwelling	4.18
Mobile Home Park	Dwelling	4.99
Senior Adult Housing – Detached	Dwelling	3.71
Senior Adult Housing – Attached	Dwelling	3.48
Congregate Care Facility	Dwelling	2.02
Recreational/Vacation Homes	Dwelling	3.16

ITE PUBLICATION “TRIP GENERATION, 7TH EDITION”

B. Shall be licensed by Coos Health and Wellness.

**Applicant’s Response:** Caddy Shack Chateau will be licensed with CHW in accordance with ORS 446.310-350. The owner will provide a copy of the annual license renewal to the planning department as evidence of continual use as a vacation rental dwelling.

C. Shall meet the parking, access and driveway criteria in Chapter 7 of the zoning ordinance.

**Applicant’s Response:** The existing driveway and parking exceed the minimum and maximum allowances of the Coos County code and ordinance. The area will continue to be upkept for compliance.

D. The use shall not be transferred to a subsequent landowner. Any new owners of the subject property will be required to submit a Compliance Determination Application showing compliance with this section of the zoning ordinance.

**Applicant’s Response:** The owner is aware that the conditional use runs with the owner and not with the land, subject to the conditions placed on the permit approval. Future owners will be notified that receipt of a compliance determination from the County is required by the County to continue the operation as a vacation rental, and by the title report listing the required deed restriction for the use.

- E. A Deed Restriction shall be recorded with the Coos County Clerk's Office acknowledging that the Vacation Rental Status is an accessory use to the main residential use.

**Applicant's Response:** A deed restriction will be filed with the county clerk's office to ensure that future owners are aware of the condition to submit a Compliance Determination application with the county to transfer ownership of the conditional use to their name and gain clearance to update their license with Coos Health and Wellness, subject to the requirements and conditions of state and local law.

- 4.3.220(2,i) Additional conditional use review standards for uses, development and activities listed in table 4.3.200. The following criteria only apply to conditional uses in the RR zoning districts:
  - i. **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 surrounding area.

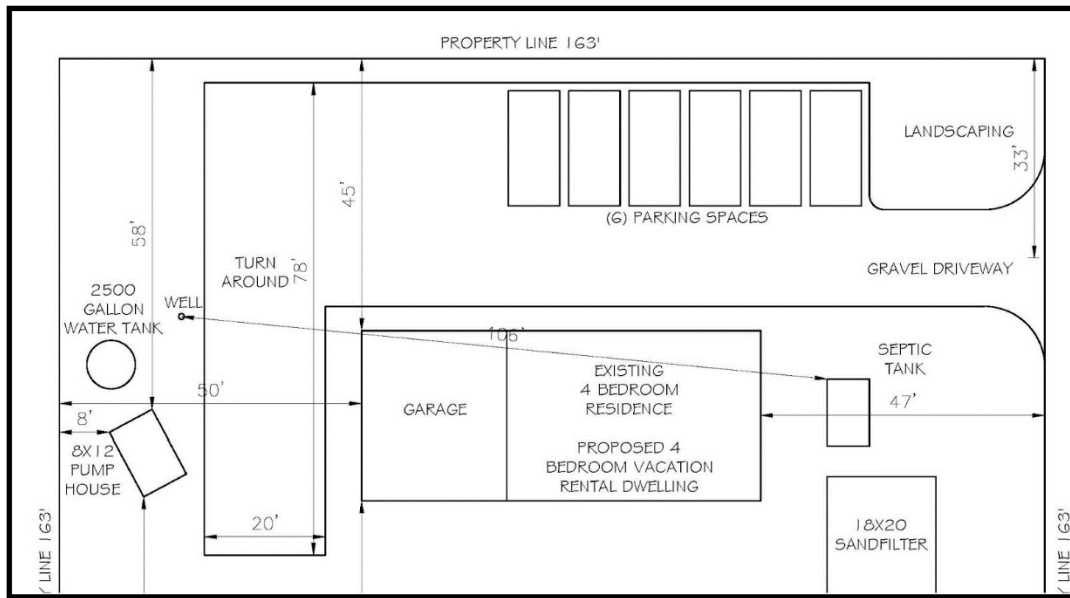
**Applicant's Response:** The proposed use is accessory to the main residential use of the subject property. The surrounding properties are also residential with accessory uses such as hobby farms. The approval for the vacation rental use will have conditions associated which ensure that compatibility with the neighbors will remain a high priority for the property owner. Those conditions require a local contact person to be on call if there is an issue. Their contact information will remain on file with the County offices and the rental contact number will be posted on a sign at the driveway entrance. The Nuisance Plan provides for a forfeit of the rental security deposit as a consequence of misbehavior. Additionally, parking by the County is limited to vehicles which limits parties and events.

- 5.2.100 Conditional Uses are discretionary reviews that involve judgment or discretion in determining compliance with the ordinance.

**Applicant's Response:** The applicant has provided an application for an Administrative Conditional Use Permit for a Vacation Rental Dwelling. It is understood that discretion can be made when approving this use and that additional conditions may be placed on the permit.

7.5.175 Parking, driveway and access shall comply with Section 7.

**Applicant's Response: The driveway and parking plan will be inspected and approved by the Road Department. The current condition and dimensions exceed the minimum requirements for driveways and the maximum for the number of parking spaces.**



**PARKING PLAN**

**Coos County**  
**2023 Real Property Assessment Report**  
 Account 1008500  
 NOT OFFICIAL VALUE

Map	28S1431-A0-15800	Tax Status	Assessable
Code - Tax ID	5403 - 1008500	Account Status	Active
Legal Descr	See Record	Subtype	NORMAL
Mailing	DURAN, GILBERT & CELINE O'GRADY 1749 MAYFLOWER CT MOUNTAIN VIEW CA 94040-2322	Deed Reference #	2023-5194
		Sales Date/Price	07-26-2023 / \$810,000
		Appraiser	

Property Class	101	MA	SA	NH
RMV Class	101	06	27	RRL

Site Situs Address	City
54916 SADIE DR	BANDON

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
5403	Land	220,870	Land		0
	Impr	477,860	Impr		0
<b>Code Area Total</b>		698,730	191,470		0
<b>Grand Total</b>		698,730	191,470		0

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
5403	10	<input checked="" type="checkbox"/>		RR-2	Market	113	0.62 AC	HS	001	220,870
<b>Code Area Total</b>							0.62 AC			220,870

Improvement Breakdown										
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	
5403	2	2017	143	Two story-Class 4	119	2,268			477,860	
<b>Code Area Total</b>						2,268			477,860	

Exemptions / Special Assessments / Notations					
Code Area	5403	Fire Patrol	Amount	Acres	Year
		■ FIRE PATROL SRCHG	47.50		2023
		■ FIRE PATROL TIMBER	18.75	0.00	2023

Appraisal Maint 2024-OTHER NEW CONSTRUCTION (REPAIR, REMODEL, REMOVE STRUCT)

**After recording return original instrument to:**  
Robert S. Miller III, Attorney  
Bandon Professional Center  
1010 1st St SE Ste 210  
Bandon OR 97411

**Send tax statements to:**  
No Change

Coos County, Oregon	<b>2023-05823</b>	
<b>\$91.00</b>	<b>Pgs=2</b>	<b>08/21/2023 03:18 PM</b>
eRecorded by: ROBERT S. MILLER III, ATTORNEY AT LAW		
Julie A. Brecke, Coos County Clerk		

**DEED**

**Property:** The NE ¼ of the SE ¼ of the NW ¼ of the SW ¼ of the NE ¼ of Section 31, Township 28 South, Range 14 West of the Willamette Meridian, Coos County, Oregon. Excepting therefrom a strip of land 15 feet wide along the Northerly boundary thereof.

**Grantor:** Gilbert Duran and Celine O Grady Duran, as tenants by the entirety  
*care of address:* 1749 Mayflower Court, Mountain View, CA 94040

**Grantee:** Gilbert Duran, Celine O'Grady Duran, Dennis Duran and Sabrina Cochrane Duran, not as tenants in common but with rights of survivorship  
*care of address:* 1749 Mayflower Court, Mountain View, CA 94040

**Consideration:** The consideration for this conveyance consists of other property and other value. ORS 93.030

**Grantor hereby conveys all its right, title, and interest in Property to Grantee for Consideration.**

*ORS 93.040 Statutory Disclaimer:* BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



So conveyed:

*[Signature]*  
Signature of Gilbert Duran

8/18/23  
Date Signed

*[Signature]*  
Signature of Celine O'Grady Duran

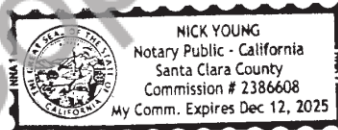
8/18/23  
Date Signed

STATE OF CALIFORNIA )  
                                  )     ss.  
County of                    )  
Santa Clara                )

Gilbert Duran and Celine O'Grady Duran, individually and not for the other, appeared before me and acknowledged this Deed on this date:

August 18, 2023.

*[Signature]*  
Signature of Notary Public for California  
My Commission Expires: 12/12/2025

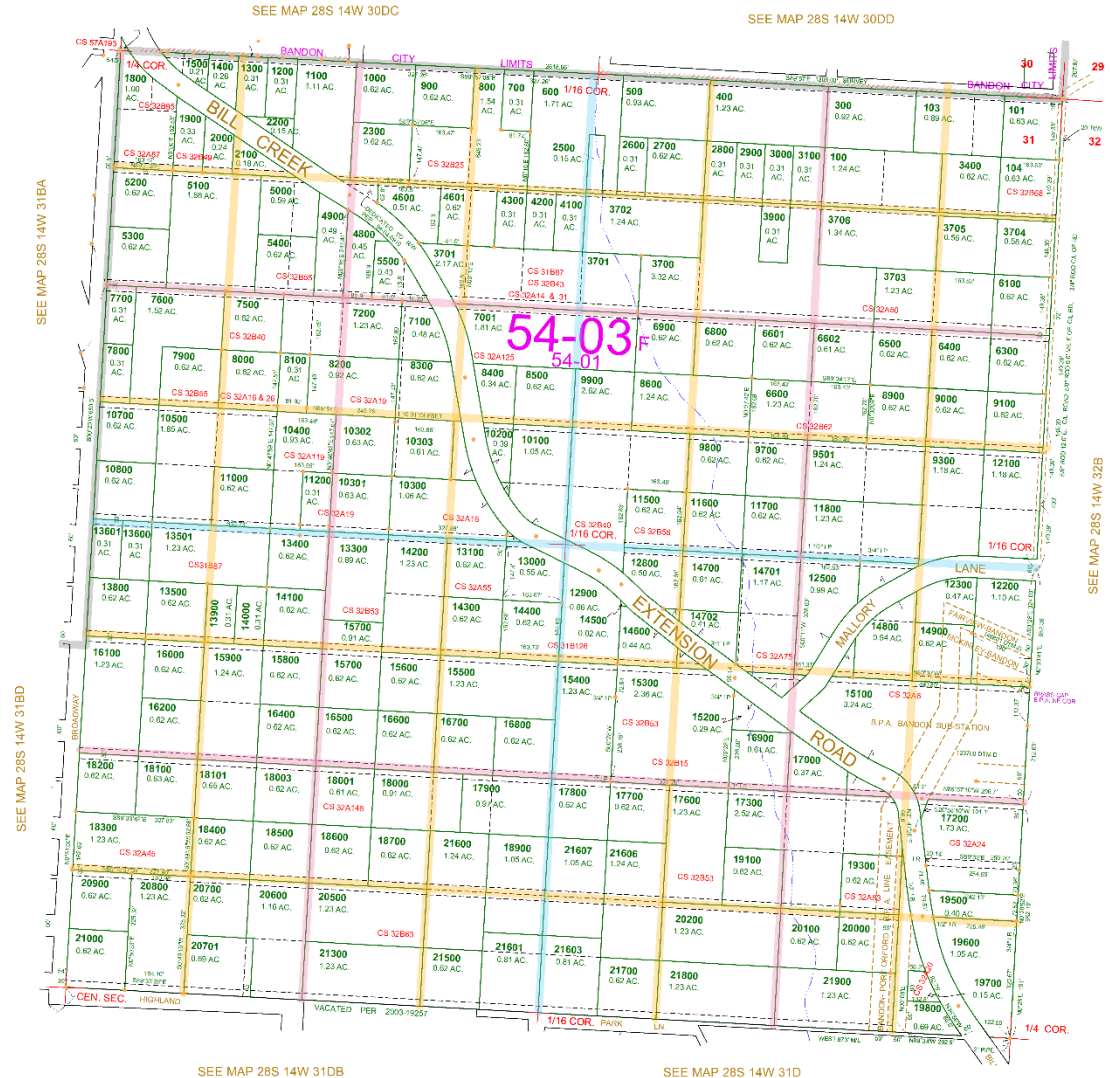


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

NE1/4 SEC. 31 T28S R14W W.M. COOS COUNTY

28S 14W 31A CANCELLED NO.

1" = 200'



- 10600 9600
- 10900 11300
- 12400 14703
- 2400
- 21400
- 4400
- 4500
- 12600
- 12700
- 21100
- 21200
- 1700
- 20400
- 13200
- 13700
- 7300
- 7400
- 11900
- 9400
- 8700
- 17400
- 17500
- 19200
- 200
- 3200
- 3300
- 3500
- 3800
- 4000
- 5600
- 5700
- 5800
- 5900
- 6000
- 6700
- 8800
- 9500
- 10000
- 12000
- 11400
- 3600
- 6200
- 9200
- 10999
- 15000
- 17100
- 19900
- 10899
- 9299
- 9301
- 1801
- 4700
- 18800
- 19000
- 20300
- 19400
- 11100
- 102
- 20703
- 18002
- 13301
- 21602
- 21604
- 21606
- 21608
- 20702
- 1601
- 1600
- 16300
- 7000
- 12901
- 15199
- 18004

SEE MAP 28S 14W 31B

SEE MAP 28S 14W 31D

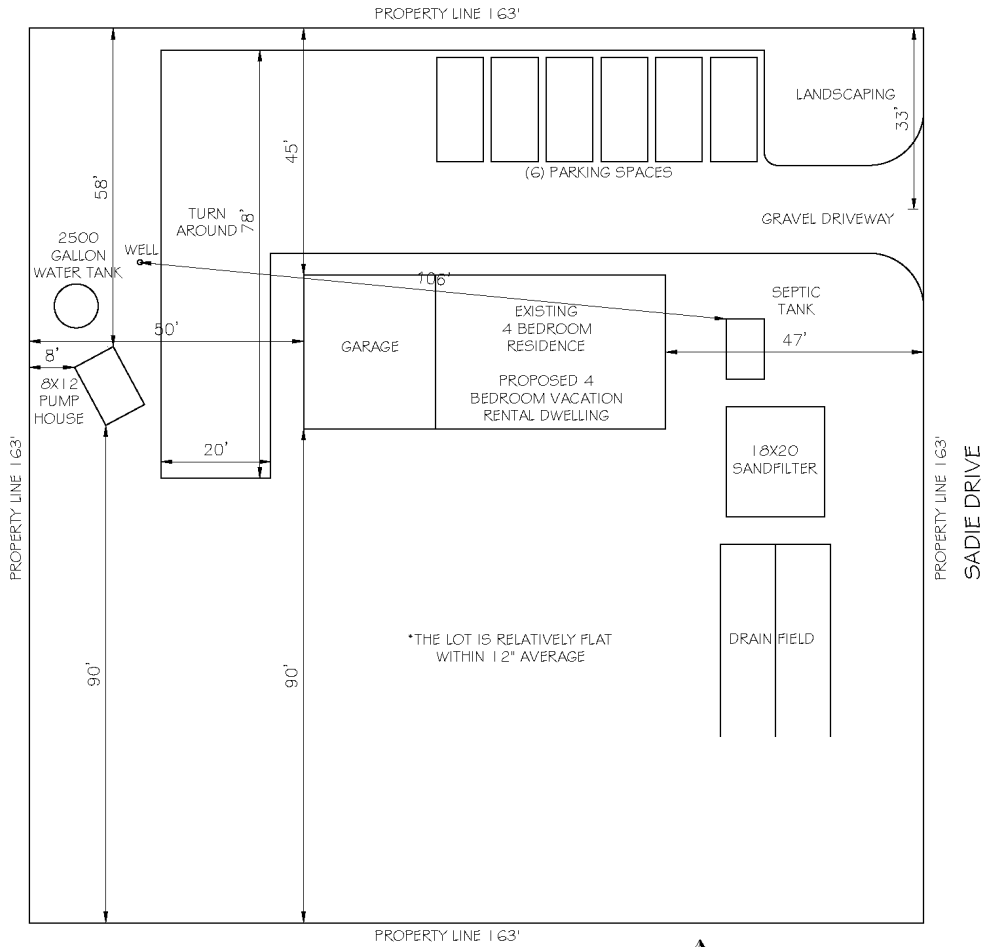
05-17-2022 28S 14W 31A

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)

<https://www.co.coos.or.us/community-dev>



OWNER INFORMATION:  
 DURAN FAMILY  
 1749 MAYFLOWER CT  
 MOUNTAIN VIEW, CA 94040

PLOT PLAN  
 SHOWN ON LETTER SIZE PAPER



PROPERTY INFORMATION:  
 549 16 SADIE DRIVE  
 BANDON, OR 97411  
 28-14-31A TL 15800  
 TAX ACCOUNTS 1008500  
 .62 ACRES

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>