

1 COOS COUNTY
2 PLANNING COMMISSION
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4 IN THE MATTER OF A CONDITIONAL USE) File No.: HBCU-16-001
5 APPLICATION TO ALLOW A VACATION) Planning Commission Final Decision
6 RENTAL FLAXEL APPLICATION)
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10 WHEREAS, on January 11, 2016, Veronica Moritz, Vacasa applied on behalf of the property
11 owners, John and Joy Flaxel, for a Hearings Body Conditional Use (HBCU) approval to operate a
12 vacation rental from an existing dwelling. The property is located in Township 25S Range 13W Section
13 02B Tax Lot 800. The property is zoned Rural Residential-2.

14 WHEREAS, on May 13, 2016 the application was determined to be complete. A hearing notice
15 on the matter was mailed out to all property owners within 250 feet of the subject properties, special
16 districts and agencies on May13, 2016.

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18 WHEREAS, on May 26, 2016 staff provided a staff report to the Planning Commission
19 recommending that approval based on the criteria.

20 WHEREAS, on June 2, 2016 the Planning Commission held a public hearing to consider this
21 matter taking public testimony. The Planning Commission voted to approve the application based on the
22 testimony and evidence.

23 NOW, THEREFORE, the Special Hearings Officers adopted the Findings of Fact attached as
24 Exhibit "A" and incorporated into this order herein. This application was approved on the 2nd Day of
25 June 2016.

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Planning Commission Chair

APPROVAL CRITERIA & FINDINGS OF FACT

DEFINITION

Rural Residential-2 (RR-2)

The purpose of the "RR-2" district is to provide for small 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.

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. (Rural Residential = 250 from the subject property).

DWELLING

Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

VACATION RENTALS

Are defined as the renting out of a furnished apartment or house on a temporary basis to tourists or guests as an alternative to a hotel/motel. Vacation rentals do not include long term tenants. Vacation rentals also do not refer to a personal dwelling purchased specifically for a vacation dwelling.

CCZLDO	4.2.220.10	Vacation Rentals
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Section 4.2.220 Hearings Body Conditional Development and Use:

The following uses and their accessory uses are permitted in the RR zones as a hearings body conditional use permit procedure subject to applicable development standards: All hearings body development and uses with the exception of recreational PUD, may be permitted if the proposed use can be found compatible with surrounding uses or may be made compatible through the imposition of conditions. Additional applicable criteria will be listed out under the proposed uses.

10. Vacation rentals are subject to the following criteria:

- a. Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*
- b. Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and*
- c. Must meet parking access, driveway and parking standards as identified in Chapter VII.*

- d. *If a vacation rentals existed prior to April 1, 2015 and had been permitted by the Coos County Public Health Department¹, the use may continue provided a compliance determination has been submitted. If a license is not required pursuant to ORS 446.310-350 then the property owner shall show existence of the vacation rental prior to April 1, 2015 under this section then a conditional use is required to address subsection 10.*

FINDING: As stated in the introductory paragraph this use must be found to be compatible with surrounding uses or may be made compatible through the imposition of conditions. The definition of compatibility is 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.

This tax lot is surrounded by RR-2. The tax lots within the notification area are listed as follows:

Map number	Property owners	Dwelling	Primary Residence	Vacant
25S-13W-02B-1000	CLARKE, FREDERICK W. & LYN	X	X	
25S-13W-02BD-1600	FLAXEL FAMILY PROPERTIES, LLC			X
25S-13W-02BD-1300	GRAHAM, CHRISTOPHER MICHAEL	X	X	
25S-13W-02BB-1600	HANDLOS, GERRY F. & LINDA L.	X	X	
25S-13W-02B-900	HANDLOS, LINDA; ETAL	X	X	
25S-13W02BD-1700 & 4000	JMB ENTITIES, INC.			X
25S-13W-02B-1100	JOAN TODD SURVIVOR'S TRUST; ET AL, TODD, JOAN L; TRUSTEE	X	X	
25S-13W-02BD-1200	MARY J. FOURIER LIVING TRUST, FOURIER, MARY J. TRUSTEE	X		
25S-13W-02BD-1800	MEINCKE, SCOTT L.; ETAL			X
25S-13W-02BD-1400	SASANOFF & RECKEN TRUST, TRUSTEES	X	X	
25S-13W-02BB-1700	STUART, CARLYLE; ETAL	X	X	
25S-13W-02BD-1500	TABOR, MARION J.	X		

From the review above it is apparent that the properties in the 250 foot notification area mostly residential. There are 13 different ownerships within the notification area that include the subject property owners. There are ten dwelling with two of them serving as secondary or rental dwellings. The property seems to have a large buffer and direct access off of East Bay Road. It appears that the dwelling will be managed by Vacasa which is a property management company that specializes in vacation rentals.

¹ Also known as Coos County Health and Wellness

The applicant has provided a parking plan for review and completed that portion of the review. The applicants will need to obtain a license from the Health Department once the application has been completed.

Notice was provided to property owners on May 13, 2016 and there have been no negative comments received. The surrounding property owner did not provide testimony.

The Planning Commission approved the application with the following conditions:

- 1. A license from the Coos County Health Department be obtained and maintained for the life of the vacation rental.**
- 2. The property owner understands this permit does not transfer.**
- 3. The property owner has two years to implement this conditional use before it expires unless an extension is requested and approved.**