

COOS COUNTY
PLANNING COMMISSION

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4 IN THE MATTER OF A CONDITIONAL USE) File No.: HBCU-16-017
5 APPLICATION TO ALLOW A VACATION) Planning Commission Final Decision
6 RENTAL CHATT APPLICATION)
7)
8)

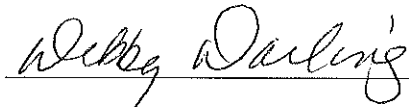
9 WHEREAS, on September 30, 2016 John and Candace Chatt, Bay Cove Properties LLC applied
10 for a Hearings Body Conditional Use (HBCU) approval to operate a vacation rental from an existing
11 dwelling. The property is located in Township 26S Range 14W Section 01CB Tax Lot 1800. The
12 property is zoned Urban Residential-1 (UR-1).
13

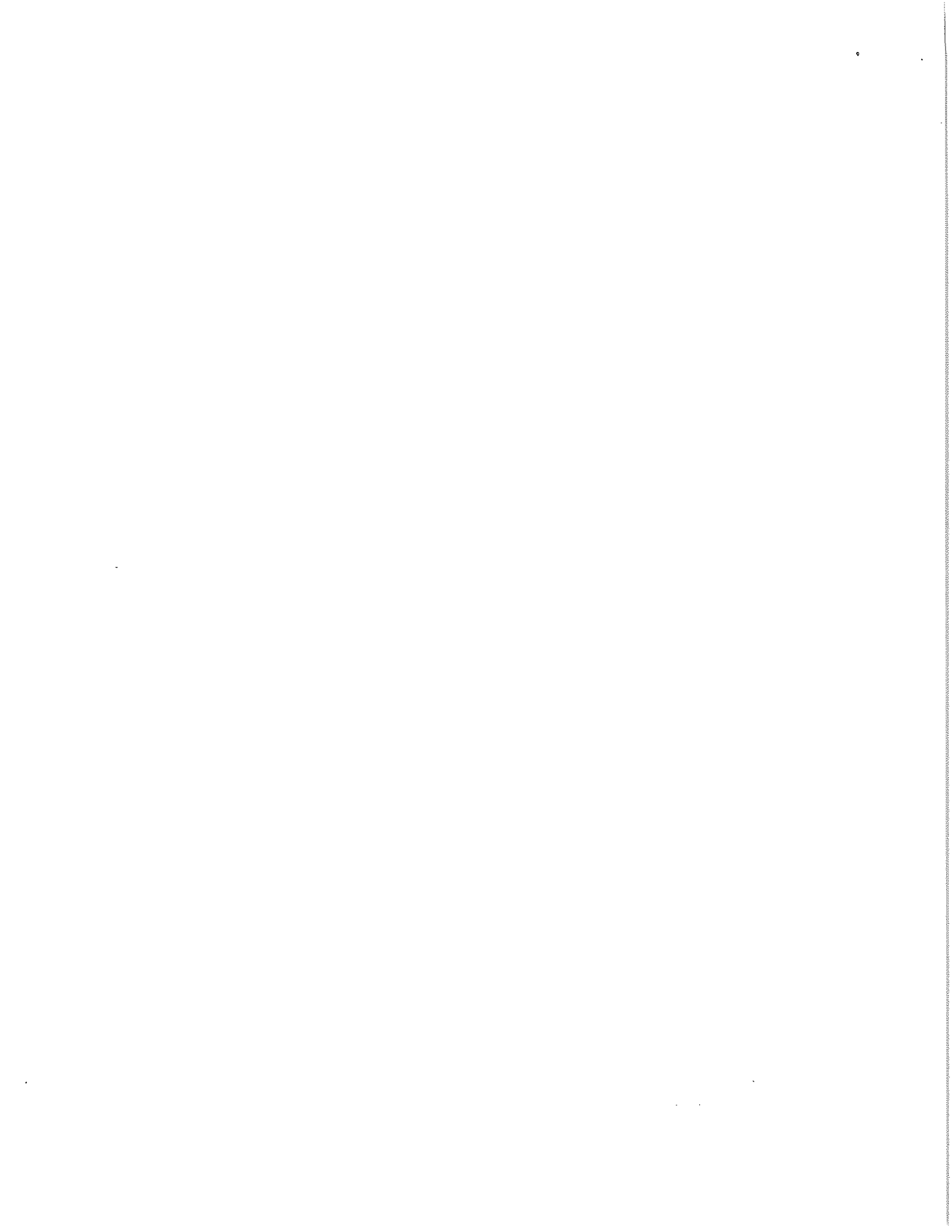
14 WHEREAS, on October 28, 2016, the application was determined to be complete. A hearing
15 notice on the matter was mailed out to all property owners within 100 feet of the subject properties,
16 special districts and agencies on October 14, 2016.

17 WHEREAS, on October 27, 2016 staff provided a staff report to the Planning Commission
18 recommending that approval based on the criteria. Staff amended that report on November 1, 2016 and
19 emailed the amendment to the Planning Commission.

20 WHEREAS, on November 3, 2016 the Planning Commission held a public hearing to consider
21 this matter taking public testimony. The Planning Commission voted to approve the application based on
22 the testimony and evidence.
23

24 NOW, THEREFORE, the Planning Commission adopted the Findings of Fact attached as Exhibit
25 "A" and incorporated into this order herein. This application was approved on the 4th Day of November
26 2016.

27 
28 _____
Planning Commission Chair



Attachment A

III. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: Staff was able to determine, through research that this property was created as lot 36 of the Plat of Barview along with tidelands that are located outside of the plat. Deed (74-99542) describes the property as it is currently configured and is consistent with Coos County Zoning and Development (CCZLDO) § 6.1.125(8); therefore, this parcel was lawfully created.

LOCATION: The subject property is located southwest of the City of Coos Bay within the urban unincorporated community of Barview at 91167 Cape Arago Highway.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** The development on the property consists of a single family dwelling and a duplex. The surrounding properties consist of residential development. The majority of the properties are zoned Urban Residential – 1 (UR-1) and Urban Residential – 2 (UD-2) with some being split zoned UR-1 and Coos Bay Estuary Management Plan (CBEMP) segments Urban Water-Dependant (60-UW) and Natural Aquatic (60A-NA).
- b. **PROPOSAL:** The applicant's request is to operate a vacation rental within the existing single family dwelling.

IV. APPROVAL CRITERIA & FINDINGS OF FACT DEFINITION

URBAN RESIDENTIAL – 1 (UR-1)

The purpose of the "UR-1" district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the "UR-1" district. This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

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 |
|--------|------------|------------------|

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 rental 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 mainly surrounded by RR-5. The tax lots within the notification area are listed as follows:

| Map Number | Property Owner | Dwelling | Primary Residence | Vacant | Other |
|----------------|--------------------------------|----------|-------------------|--------|-------|
| 26S14W01CB-700 | HANKINS, JAMES V & ELIZABETH M | X | X | | |
| 26S14W01CB-800 | LILIENTHAL FAMILY TRUST; ETAL | | | X | |

¹ Also known as Coos County Health and Wellness

| | | | | | |
|-----------------|--|---|---|---|-----------------------------------|
| 26S14W01CB-900 | LILIENTHAL FAMILY TRUST | X | X | | |
| 26S14W01CB-1000 | NEWTON, ROBERT L. & SUTHERLAND, VIRGINIA | X | X | | |
| 26S14W01CB-1600 | LILIENTHAL, RONALD; ETAL | | | | Accessory Structure (Garden Shed) |
| 26S14W01CB-1700 | LILIENTHAL FAMILY TRUST | X | X | | |
| 26S14W01CB-1800 | BAY COVE PROPERTIES LLC (subject property) | X | | | Duplex |
| 26S14W01CB-1900 | BRADY, THOMAS D.; ETAL | X | | | |
| 26S14W01CB-2100 | JACQUELINE CAMPBELL LIVING TRUST | X | X | | |
| 26S14W01CB-2200 | LAMBERT, GEORGE H JR | X | X | | |
| 26S14W01CB-2300 | KING, C. DARRELL & L. EILEEN | X | X | | |
| 26S14W01CB-2400 | KING, C. DARRELL & L. EILEEN | | | X | |
| 26S14W01CC-100 | WARREN, GARY G. | X | | | Bed and Breakfast (HBCU-87-24) |

From the review above it is apparent that the properties in the 250 foot notification area mostly residential. There are 12 different ownerships within the notification area that include the subject property owners. There are a total of fourteen (14) dwellings counting the applicants. Within the notification area there appears to be more residential developed properties than vacant parcels. Tax lot 201Z is zoned Forest and developed with a Fire Station.

The applicant's justification states that the dwelling has a maximum capacity of eight people that could stay and that the dwelling had been used as a vacation rental in the past. The home is maintained by a designated agent.

The justification does not directly address the compatibility standard as defined. The applicant may want to provide some additional information regarding compatibility.

Conditions of Approval:

- 1. The violation regarding the duplex shall be resolved with an application for a non-conforming use.**
- 2. A license from the Coos County Health Department be obtained and maintained for the life of the vacation rental.**
- 3. The property owner understands this permit does not transfer.**
- 4. The property owner has two years to implement this conditional use before it expires unless an extension is requested and approved.**
- 5. Parking Plan approval shall be obtained from the Road Department prior to issuance of a zoning compliance letter.**
- 6. A letter or access permit from ODOT addressing the pull out onto Cape Arago Hwy.**

