



# NOTICE OF LAND USE DECISION

Coos County Planning  
225 N. Adams St.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
Fax: 541-396-1022

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. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: **Friday, June 12, 2020**

File No(s): ACU-20-005

Proposal: Request for approval to change the residential use to a vacation rental.

Applicant(s): Allen Dean  
126 LOOP RD  
MYRTLE CREEK, OR 97457-9442

Staff Planner: Amy Dibble, Planner II

---

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 12 p.m. on **Monday, June 29, 2020**. Appeals are based on the applicable land use criteria. Vacation Rental reviews are subject to Coos County Zoning and Land Development Ordinance (CCZLDO) Sections 4.3.210.87 *Categories and Review Standards – Vacation Rentals*. **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	380824
Map Numbers	25S1330AB-01100
Property Owners	WYGANT ROAD LLC 126 LOOP RD MYRTLE CREEK, OR 97457-9442
Situs Addresses	64635 WYGANT RD COOS BAY, OR 97420
Acreages	0.29 Acres
Zoning(s)	URBAN RESIDENTIAL-1 (UR-1)
Special Development Considerations and Overlays	ARCHAEOLOGICAL SITES (ARC) NATURAL HAZARD - TSUNAMI (NHTHO) URBAN UNINCORPORATED COMMUNITY (UUC)

---

This notice shall be posted from June 12, 2020 to June 29, 2020

---

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 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.

Staff tries to post all applications on the website at the following link:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2020.aspx>.

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 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Amy Dibble, Planner II 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: *Amy Dibble*

Date: Friday, June 12, 2020 .

Amy Dibble, Planner II

**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 Exhibits below are mailed to the Applicant. Emailed copies of the exhibits are provide to the Board of Commissioners, Planning Commission and Department of Land Conservation and Development. Copies are available upon request or may be available on the Planning Department Website, <http://www.co.coos.or.us/Departments/Planning.aspx>.**

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

Exhibit D: Comments Received (no comments were received)

Exhibit E: Application

## **EXHIBIT "A"**

The applicant 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**

The applicant has met the criteria for a Vacation Rental, with the following conditions:

1. The applicant shall submit evidence that they have developed noise restriction on the use of the vacation rental to ensure that use remains compatible with the residential neighborhood.
2. 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.
3. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the use of the dwelling as a vacation rental on the property.
4. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
5. 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.

**EXHIBIT "B"**  
**VICINITY MAP**



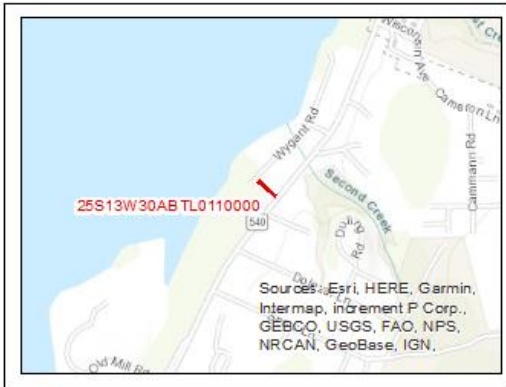
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File:	ACU-20-005
Applicant/ Owner:	Allen Dean/ Wygant Rd., LLC
Date:	March 21, 2020
Location:	Township 25S Range 13W Section 30AB TL 1100
Proposal:	Administrative Conditional Use



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

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

- A. PROPOSAL:** The applicant has requested a change of use from a Single Family Dwelling to a Vacation Rental.
- B. BACKGROUND/PROPERTY HISTORY:** A floodplain application was approved by the Planning Department on February 2, 1998 to site a Manufactured Dwelling. This was followed by a Zoning Verification Letter to proceed to the State of Oregon for a Placement permit and to hook to public water and sewer.

In 2002 the property owners requested additional development and request for comments were provided but he this was not followed through and a permit was not issued.

A violation for RV’s unlawfully established as a dwelling was opened in 2016 and was closed in 2019 when the current owner purchased and cleaned the property.

The current application along with a parking and access permit was submitted on February 26, 2020. The application was found to be complete for the purpose of review on March 27, 2020. On March 2, 2020 the parking and driveway was found to meet the requirements by the County Road Department.

**II. BASIC FINDINGS:**

- A. LOCATION:** The subject property is located southwest of the City of Coos Bay in the Unincorporated Community of Barview. The property is accessed of Wygant Road via Cape Arago Hwy. The situs address is listed in the property details.
- B. ZONING:** - The subject property is zoned Urban Residential-1.

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**SECTION 4.2.100 URBAN RESIDENTIAL**

*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.*

**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*

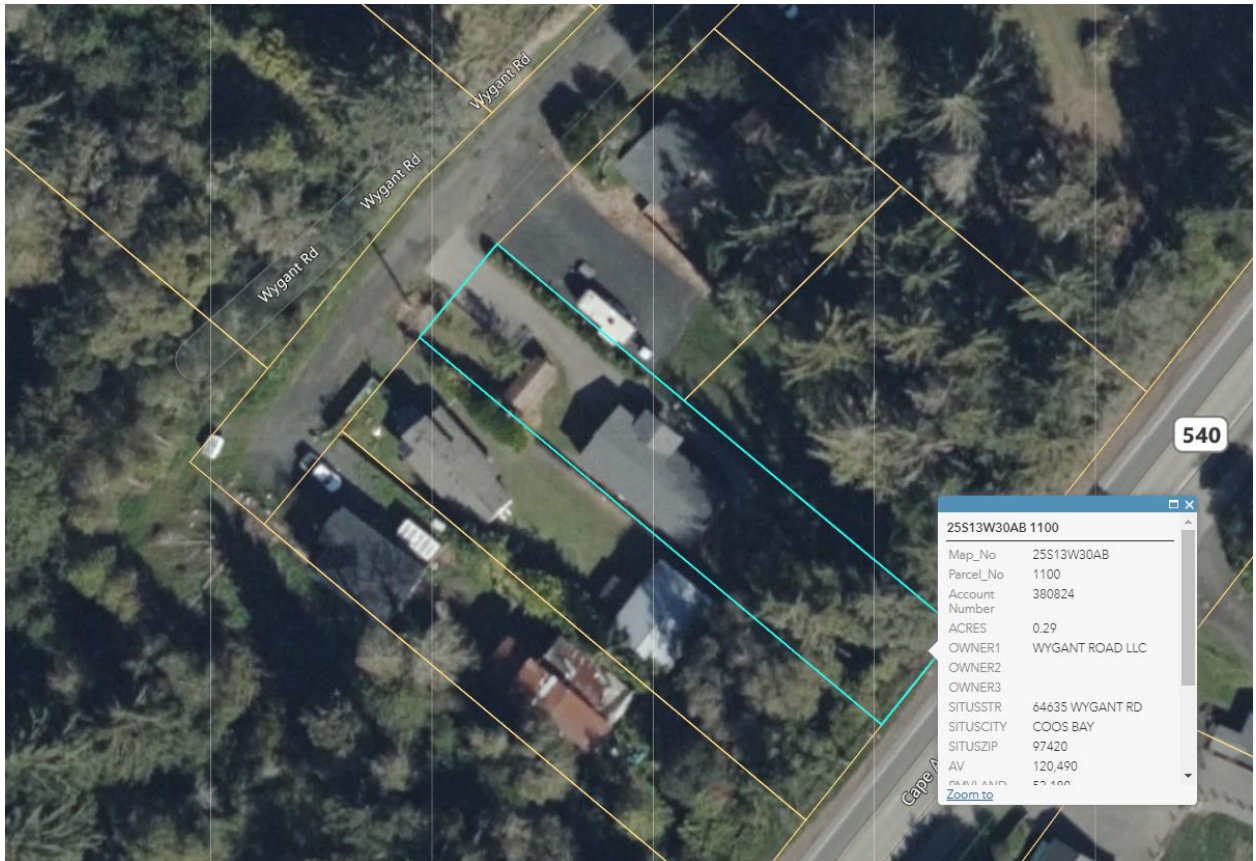
*SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. 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.*

No development is part of this request; therefore, additional review was not required.



**D. SITE DESCRIPTION AND SURROUNDING USES:**

The property is located within the Urban Residential - 1 (UR-1) zoning district is 0.29 of an acre in size. According to the assessment records the property is developed with a 1998 manufactured dwelling and other residential improvements. The property is long and narrow and is located in a residential developed area. Cape Arago Highway right-of-way abuts the property to the east, Wygant Road abuts the property to the west. The property abuts other private residential developed properties to the north and south. Tax lot 1400 to the northeastern boundary is in the same ownership.



**E. COMMENTS:**

- a. **PUBLIC AGENCY:** This application request did not require any request for comments prior to the release of the decision.
- b. **PUBLIC COMMENTS:** This application request did not require any request for comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This application request did not require any request for comments prior to the release of the decision.

**F. LAWFULLY CREATED UNIT OF LAND:** The unit of land was created pursuant to 6.1.125.1.e by deed or land sales contract, if there were no applicable planning, zoning, or subdivision or partition ordinances or regulations that prohibited the creation (Deed Document No. 73-94586).

**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**

- **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 an conditional use review and the letter prior explain what level of conditional use is required (A = administrative and H=Hearing)*

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

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

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

#	Use	Zones													Subject To
		Section 4.3.210 CATEGORIES & Review Standards - 4.3.220 Additional Conditional Use Review - Section 4.3.225 General Siting Standards - Section 4.3.230 Specific Standards													
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	RFC	SS	MES	
63.	Retail Business	N	N	N	N	N	ACU	HBCU	CD	N	N	HBCU	N	N	(75)
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

• **Section 4.3.210 – CATEGORIES and review standards**

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

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

- (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.

**FINDING: 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 test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surrounding area.**

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

Map_No	Parcel_No	Residence	Use
25S13W30AB	500	No	Motel/Hotel
25S13W30AB	600	Yes	Not Primary Dwelling
25S13W30AB	800	No	Bare Land
25S13W30AB	900	Yes	Not Primary Dwelling
25S13W30AB	1000	Yes	Not Primary Dwelling
25S13W30AB	1100	Yes	Subject Property
25S13W30AB	1200	Yes	Not Primary Dwelling
25S13W30AB	1400	No	Bare Land
25S13W30AB	3800	No	Bare Land
25S13W30AB	3900	No	Bare Land
25S13W30AB	3801	No	Bare Land
25S13W30AB	3702	Yes	Vacation Rental
25S13W30AC	3001	Yes	Not Primary Dwelling

The compatibility area for the Urban Residential - (UR-1) zoning district is 100 feet. The property development in the area is mixed with residential, undeveloped, and commercial development. There is one approved vacation rental that was approved in 2015. The applicant did look beyond the required buffer and found another vacation rental in operation, but staff is unable to determine that is a lawfully permitted unit. The applicant shall submit for the record the rental agreement showing quiet times and contact in case someone is needed to be contacted regarding enforcement issues. Therefore, given the



conditions of approval, the mix of development in the area and amenities it is reasonable to conclude that the use will be compatible.

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.

The applicant submitted a Parking Verification Permit (DR-20-022), this was approved and signed by Scott Murray, Access Foreman for the Coos County Road Department on March 2, 2020. The property owners' shall continue to comply with the parking standards and should develop a noise policy as part of the renters' agreement to ensure it remains compatible. Also, the property owner shall obtain and maintain a license from the Coos County Health Department in accordance with ORS 446.310-350.

The applicant shall record a deed restriction with the Coos County Clerk's Office acknowledging that this is an accessory use to the approved residential use, this will be made a condition of approval.

#### **IV. DECISION:**

The proposed Vacation Rental within the Urban Residential - 1 Zoning District meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

#### **V. EXPIRATION:**

The conditional use will not expire; however, if the property changes ownership the new owner will be required to submit an application to operate a Vacation Rental within the existing Single Family Dwelling.

#### **VI. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special districts, or parties

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

Applicants/Owners, Department of Land Conservation and Development, Coos Health and Wellness, 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.

Special districts to receive notice: Charleston Sanitation, Charleston Fire Department, Coos Bay-North Bend Water Board and Assessor's Office.

**EXHIBIT "E"**  
**Application**

LAND USE PERMIT APPLICATION – BALANCE OF COUNTY  
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF	
Received By: <u>MB</u>	<input type="checkbox"/> COMP PLAN AMENDMENT
Date Submitted: <u>2/26/20</u>	<input type="checkbox"/> ZONE CHANGE
Application No.: <u>ACU-20-005</u>	<input type="checkbox"/> TEXT AMENDMENT
Fee: <u>\$1480<sup>00</sup></u>	<b>CONDITIONAL USE REVIEW</b>
Fee Paid: <u>1480<sup>00</sup></u>	<input type="checkbox"/> HEARINGS BODY
Receipt No.: <u>214548</u>	<input type="checkbox"/> ADMINISTRATIVE
	<input type="checkbox"/> VARIANCE
	<input type="checkbox"/> LAND DIVISION *
	<input type="checkbox"/> HAZARD REVIEW *
	<input type="checkbox"/> FARM OR FOREST REVIEW *
	<input type="checkbox"/> FAMILY/MEDICAL HARDSHIP*
	<input type="checkbox"/> HOME OCCUPATION/COTTAGE INDUSTRY
	<b>*Supplemental Application required</b>
	STAFF NOTES:

Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

**I. APPLICANT**

Name: ALLEN R DEAN  
Mailing Address: 126 LOOP RD.  
City State Zip: MYRTLE CREEK OR 97457  
Daytime Phone: 541-863-1430  
Email: cheryldiane@frontiernet.net

**II. OWNER(S)**

Name: WYGANT RD LLC  
Mailing Address: 126 LOOP RD.  
City State Zip: MYRTLE CREEK OR 97457  
Daytime Phone: 541-863-1430  
Email: cheryldiane@frontiernet.net

**III. PROPERTY** - If multiple properties are part of this review please check here  and attached a separate sheet with property information.

Location or Address: 64635 Wygant Rd., Coos Bay, OR 97420

No. Acreage: .29

Tax Acct. 380824

Township: 25 Range: 13 Section: 30 ¼ Section: AB 1/16 Section: 1100 Tax lot:

Zone: -1

Water Service Type: City

Sewage Disposal Type: Sanitary Charleston Sanitation

School District: Coos Bay #9

Fire District: Charleston Rural Fire Dept.

**IV. REQUEST SUMMARY** (Example: "To establish a template dwelling in the Forest Zoning District.")

To establish an Air BNB vacation home that is currently a residential home.

V. 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.

- A.  A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1.  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.
  2.  A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
  3.  A complete description of the request, including any new structures proposed.
  4.  If applicable, documentation from sewer and water district showing availability for connection.
- B.  A plot plan (map) of the property. Please indicate the following on your plot plan:
1.  Location of all existing and proposed buildings and structures
  2.  Existing County Road, public right-of-way or other means of legal access
  3.  Location of any existing septic systems and designated repair areas
  4.  Limits of 100-year floodplain elevation (if applicable)
  5.  Vegetation on the property
  6.  Location of any outstanding physical features
  7.  Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C.  A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

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 the application is signed by an agent, the owner's written authorization must be attached.

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.

•   
Applicant/Owner Signature

•   
Applicant/Owner Signature





### **Plot Plan Instructions**

FAILURE TO INCLUDE ALL INFORMATION IN THIS CHECKLIST WILL RESULT IN A DELAY OF YOUR PERMIT OR APPLICATION REVIEW.

The following information and elements must be on your plot plan map. The Plot Plan ***MUST*** be drawn on white paper that is 8½" x 11". Multiple pages may be used. Please verify that your plot plan contains each of the following elements listed below.

**General Information**

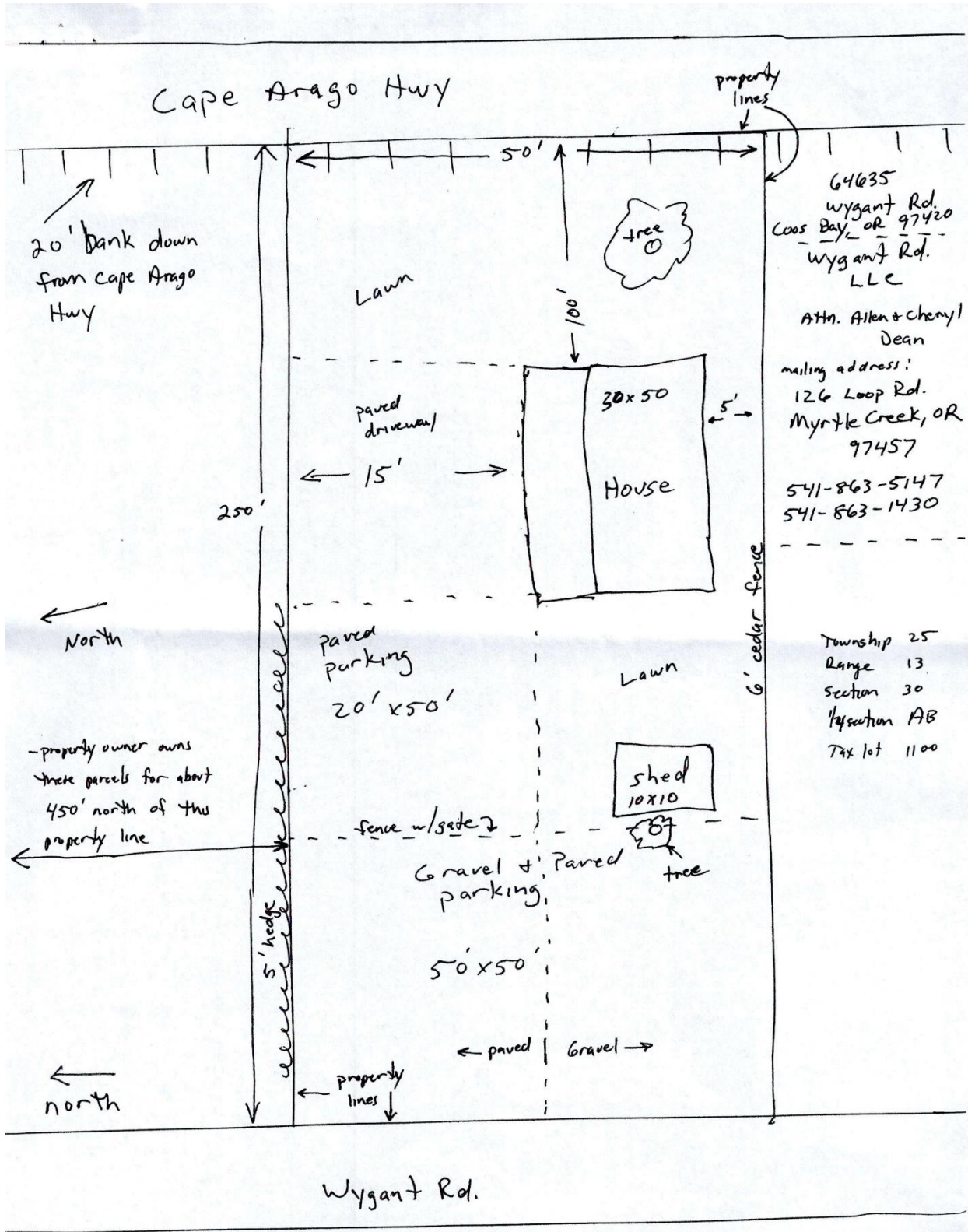
- 1.  Owner's name, address and phone number
- 2.  Assessor's map and tax lot number
- 3.  North arrow
- 4.  Scale – using standard engineering scale
- 5.  Accurate shape and dimensions of parcel or development site. Draw the property lines in a solid black line
- 6.  Lengths of all property lines
- 7.  Any adjacent public or private roads, all easements and/or driveway locations – including road names
- 8.  All natural features on the entire property, which may include but are not limited to creeks, rivers, ponds, lakes, wetlands, ravines, and slopes.
- 9.  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)

**Existing Structure(s)**

- 1.  Clearly label *all* existing structures on the property and indicate if these structures will remain or be removed. Existing Structures include: all commercial and non-commercial buildings, dwellings, shops, garages, barns, porches, barns, equine facilities, sheds, propane tanks, pump houses, etc.
- 2.  Show distances to all property lines. If you have a large property you may want to submit a insert map.
- 3.  Location of existing water source (ie. well, lake, pond, etc.) and distance from property lines and development.
- 4.  Location of existing sewage facility (ie. tank, lines, replacement area, etc.) and distance from property lines and development.
- 5.  Show the distances from all Natural Features to the existing development.

**Proposed Structure(s)**

- 1.  Location of proposed structure showing distances to property lines and natural features. These proposed structures can be shown by dashed lines. Indicate dimensions of structures.
- 2.  Distance of proposed development from roadways, water sources and sewage facilities.
- 3.  Location of the proposed structure from existing development.
- 4.  Direction and location of all slopes.
- 5.  Location and dimension of all proposed water sources and sewage facilities.
- 6.  Confirm that all setbacks have been met for the proposed development and project





After Recording Return to:  
Sarah C. Subias  
PO Box 10567  
Eugene, OR 97440

Coos County, Oregon  
\$96.00

2019-06406  
07/23/2019 10:55 AM  
Pgs=3



Debbie Heller, CCC, Coos County Clerk

Until a change is requested all tax statements shall be sent to the following address:  
Wygant Road, LLC  
126 Loop Road  
Myrtle Creek, OR 97457  
*64635 WY6ANT*

Consideration: \$0

**WARRANTY DEED - STATUTORY FORM**

Dean Logging, Inc., an Oregon corporation, Grantor, conveys and warrants to Wygant Road, LLC, an Oregon limited liability company, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

Legal description on attached Exhibit A.

Subject to: Easements, conditions, and restrictions, of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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 OR 215.010, 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, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND

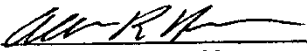
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 21 day of JULY, 2019.

Warranty Deed - 1

S:\WWYGANTR.LLC\001 GenBus\WarrantyDeed64635WygantRoad(061919).doc

Dean Logging, Inc., Grantor

By   
Allen R. Dean, President

STATE OF OREGON     )  
                                  ) ss.  
County of Douglas     )

This instrument was acknowledged before me on July 11, 2019, by Allen R. Dean, president, Dean Logging, Inc., Grantor

  
Notary Public – State of Oregon



**EXHIBIT A**

**Legal Description**

Lot 13, Block 5, Empire Homesites, Coos County, Oregon, being more particularly described as follows: Beginning at the Southeast corner of Lot 13, Block 5, unrecorded plat of Empire Homesites, said point being located on the Westerly boundary of the right of way of the Cape Arago section of the Oregon State Highway through the E. J. Foley Donation Land Claim No. 40 in Section 30, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, and said point also being located 1122.95 feet South and 2231.33 feet West of the Northeast corner of said Section 30; thence along the highway right of way North 37° 05' East a distance of 50 feet; thence North 52° 55' West a distance of 243.88 feet; thence South 37° 05' West a distance of 50 feet; thence South 52° 55' East a distance of 243.68 feet to the point of beginning, and being a portion of the E. J. Foley Donation Land Claim No. 40, in Section 30, Township 25 South, Range 13 West, Willamette Meridian, Coos County, Oregon.

---

Warranty Deed – Exhibit A - 1



64635 Wygant Rd  
Coos Bay, OR  
97420

- (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 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.

Vacation rental/short term rental - Subject to the following criteria:

- (a) Shall be found to be compatible with the surrounding area.

**RESPONSE:** There are 2 vacation rentals on Wygant Rd. now, addresses are 64664 and 64744 Wygant Rd. Crown Roofing is about 1/4 mile from this property. Several properties on Wygant Road are used by the owners for camping in the summer, no permanent residence. The property owner owns 3 other pieces of property on Wygant, all contiguous. Much vacant land across the street and to the south. This is a dead end street with minimal traffic. Only one neighboring property directly borders this property that the owner does not own. There is a large campground w/ rental units 3/8 mile down the Cape Arago Hwy.

- (b) Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;

**RESPONSE:** Will have yearly inspections as required.

- (c) Shall meet parking access, driveway and parking standards as identified in Chapter VII;

**RESPONSE:** All parking is to be on the property.

- (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

**RESPONSE:** The short term vacation rental is to be operated by the current owner only.

- (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.

**RESPONSE:** The property is currently a single residence, to be converted into a short term vacation rental.



**Urban Residential**) – The following conditional use review standards apply to all USES, ACTIVITIES and DEVELOPMENT in the UR zoning districts:

(a) Conditional Use Review Criteria - 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 surround area.

**RESPONSE:** See response to 87-a on previous page. Also, the remainder of the neighborhood is residential with a low density. No agriculture or timber harvest. The house will be limited to 10 people. Quiet hours are after 9:00 pm. It is anticipated that 90% of the vacationing will occur in the summer. Several neighbors allow camping for family + friends in the summer on vacant lots.

**Section 4.3.225 General Siting Standards (2 and 5 are the only criteria that applies to vacation rentals)**

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

- 2.) Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.

**RESPONSE:** 6' cedar fence on south property line. 5' hedge on north property line between the house and Wygant Rd. Entire 50' of road frontage on Wygant Rd. is open, gravelled or paved.

- 5.) Parking - Off-street access, parking and loading requirements per Chapter VII apply.

**RESPONSE:**

- There is no road access off the Cape Arago Hwy. There is a 20' ~~bank~~ bank from the hwy. down to the property. All access is off Wygant Rd. Wygant is all weather gravel road with excellent drainage and maintenance. There are only 9 homes on the 600' at the south end of Wygant Rd, and the property owner owns 3 of them.
- There is a 50' x 50' gravel and paved parking area adjacent to Wygant Rd. There is also a 20' x 50' paved parking area near the house, contiguous to the 50' x 50' area. The 20' x 50' parking area is behind a fence/gate for security.