



# 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: **Monday, March 08, 2021**

File No(s): ACU-21-001

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

Applicant(s): Voelpel Trust  
90876 Libby Lane  
Coos Bay, OR 97420

Staff Planner: Crystal Orr, Planner I

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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, March 08, 2021**. 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.**

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### Property Information

Account Numbers	378600
Map Numbers	25S1330AB-02700
Property Owners	VOELPEL TRUST VOLPEL, GUNTER E & CHRISTIANE M TTEE 90876 LIBBY LN COOS BAY, OR 97420
Situs Addresses	64736 WYGANT RD COOS BAY, OR 97420
Acreages	0.16 Acres
Zoning(s)	COOS BAY ESTUARY MNGMT PLAN (CBEMP) URBAN DEVELOPMENT (55-UD) URBAN RESIDENTIAL-1 (UR-1)
Special Development Considerations and Overlays	AIRPORT - NORTH BEND - CONICAL SURFACE (NBCS) ARCHAEOLOGICAL AREAS OF INTEREST (ARC)

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This notice shall be posted from December 11, 2020 to December 28, 2020

FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)  
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)  
NATURAL HAZARD - TSUNAMI (NHTHO)  
URBAN UNINCORPORATED COMMUNITY (UUC)

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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:

<https://www.co.coos.or.us/planning/page/applications-2021>

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. 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, Planner I 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:** \_\_\_\_\_ **Date:** Monday, March 08, 2021 .  
Crystal Orr, Planner I

**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 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 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. A contract that will be used for the rental shall contain all of this information and shall be filed with the Planning Department.**
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.
6. Staff must receive the Parking Plan review fee of \$153 along with a plot plan outlining the parking spaces. The parking and access shall be reviewed and signed off by the Coos County Road Department prior to receiving a Zoning Clearance Letter from staff.

**EXHIBIT "B"  
VICINITY MAP**



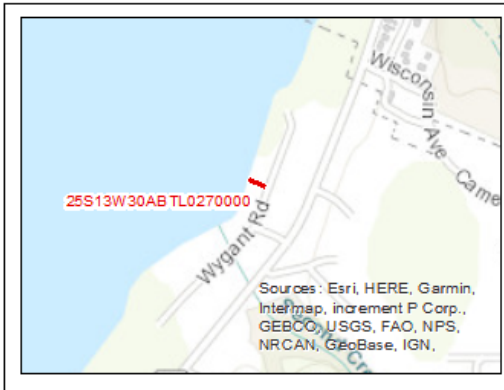
**COOS COUNTY PLANNING DEPARTMENT**

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



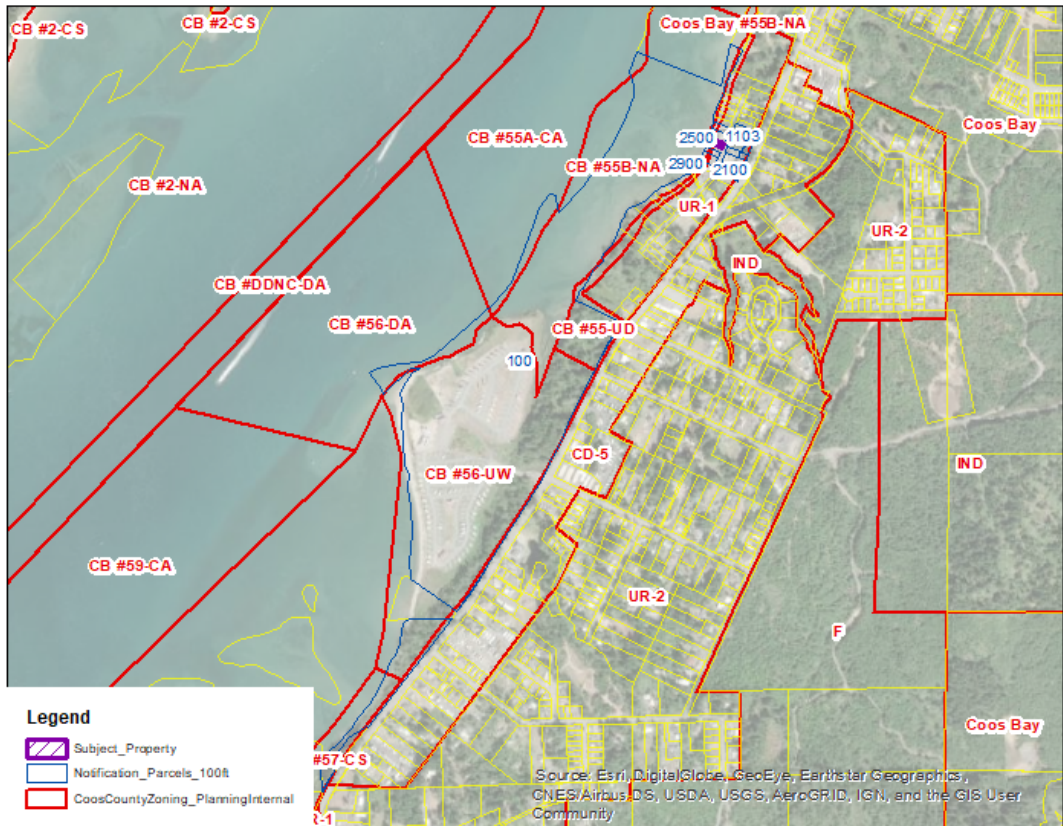
File: ACU-21-001

Applicant/  
Owner: Gunter & Christine Voelpel/  
Voelpel Trust

Date: March 8, 2021

Location: Township 25S Range 13W  
Section 30AB TL 2700

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:**  
The property has a Single Family Dwelling that was sited pre ordinance (1955); therefore, didn't require Coos County approval.
- C. **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 permit for construction or alteration of 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.**

Staff has reviewed the property history and county files to determine that at this time the property is in compliance.

**II. BASIC FINDINGS:**

- A. **LOCATION:** The subject property is located south of the City of Coos Bay in the Unincorporated Community of Barview off of Wygant Road. Wygant Road is accessed via Cape Arago Highway.
- B. **ZONING:** The subject property is zoned Urban Residential-1 (UR-1) and Coos Bay Estuary Management Plan 55-Urban Development. The Dwelling is located within the Urban Residential -1 (UR-1) zoning; therefore, staff will address the criteria within this district.

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

**SECTION 4.2.100 RESIDENTIAL**

*There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.*

*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 OVERALYS:**

*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 zoned Urban Residential-1 (UR-1) and is surrounded by like zoning. The parcel contains .16 of an acre and contains a Dwelling that is assessed as being built in 1955. The property abuts Wygant Road to the east and to the west is the bay. The property is within a well developed residential area. To the north is a residentially developed parcel and to the south is a public platted street named Peterson Avenue on the plat (the name is not an officially adopted road name).



**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 public 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:** This tax lot was lawfully created pursuant to 6.1.125.1.e by deed prior to applicable planning, zoning, subdivision or partition ordinances that would prohibit the creation (deed document number 79-50569).

**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	REC	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: A vacation rental can only be established in an existing dwelling. The subject property contains an existing dwelling. 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
25S13W19DC	1103	Yes	Primary Dwelling
25S13W19DC	1400	Yes	Secondary Dwelling
25S13W30AB	2100	Yes	Primary Dwelling
25S13W30AB	2300	Yes	Secondary Dwelling
25S13W30AB	2400	Yes	Secondary Dwelling
25S13W30AB	2500	Yes	Vacation Rental
25S13W30AB	2700	Yes	Applying Parcel
25S13W30AB	2800	Yes	Primary Dwelling
25S13W30AB	2900	Yes	Secondary Dwelling
25S13W30	100	Yes	Manufactured Housing/ RV Park

**The compatibility area for the Urban Residential zoning district is 100 feet. Within the notification area there are three (3) primary dwellings, four (4) secondary dwellings, one (1) approved vacation rental and one (1) high intensity recreational development (RV Park). The applicant has addressed the criteria by explaining that the property will be managed by Vacasa, which strictly enforces rules and regulations.**

**The applicant did not submit the fee for a Parking Plan, which is required; therefore, as a condition of approval the fee of \$153.00. The parking plan must be signed off by the Coos County Road Department as meeting standards prior to staff issuing the Zoning Clearance Letter approval. It does not appear staff received a plot plan outlining the parking plan; a new plot plan showing the parking spaces must be received.**

**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 has acknowledged that 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, this will be made a condition of approval. All conditions shall be complied with as final approval.**

**IV. DECISION:**

The proposed Vacation Rental/Short-Term Rental in the Urban Residential-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. 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.

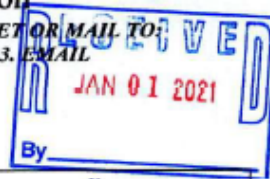
Special districts to receive notice: Charleston Rural Fire Protection District.

EXHIBIT "D"  
Application



Coos County Land Use Permit Application

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO  
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL  
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770



ACU-21-001  
FILE NUMBER:

Date Received: 1/4/21 Receipt #: 220962 Received by: JMB  
This application shall be filled out electronically. If you need assistance please contact staff.  
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)

LAND INFORMATION

VACATION Rental

A. Land Owner(s) Voelpel Trust; Gunter E. and Christiane M. Volpel

Mailing address: 90876 Libby Lane Coos Bay, OR 97420

Phone: 540-404-8766

Email: stagnic@hotmail.com

Township: Range: Section: 1/4 Section: 1/16 Section: Tax lots:

25S 13W 30 Select Select 2700

Select Select Select Select Select

Tax Account Number(s): 378600

Zone: Select Zone Urban Residential-1 (UR-1)

Tax Account Number(s)

Please Select

B. Applicant(s) Voelpel Trust; Gunter E. and Christiane M. Volpel

Mailing address: 90876 Libby Lane Coos Bay, OR 97420

Phone: 541-404-8766

C. Consultant or Agent:

Mailing Address

Phone #:

Email:

Type of Application Requested

- Comp Plan Amendment
- Text Amendment
- Map - Rezone

- Administrative Conditional Use Review - ACU
- Hearings Body Conditional Use Review - HBCU
- Variance - V

- Land Division - P, SUB or PUD
- Family/Medical Hardship Dwelling
- Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: Coos Bay - North Bend Water Board

Sewage Disposal Type: Charleston Sanitation

School District: Coos Bay

Fire District: Charleston RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)