



# 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 04, 2021**

File No(s): ACU-21-004

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

Applicant(s): Scott Kusler  
155 SE Nueva Dr  
Myrtle Creek, OR 97457

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, June 21, 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 & Section 3.2.296 Uses, Activities and Special Conditions*. **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	338500
Map Numbers	25S1319DC-00500
Property Owners	KUSLER, SCOTT L 155 NUEVA DR MYRTLE CREEK, OR 97457-9536
Situs Addresses	64776 WYGANT RD COOS BAY, OR 97420
Acreage	0.18 Acres
Zoning(s)	COOS BAY ESTUARY (CBEMP) URBAN DEVELOPMENT (55-UD) URBAN RESIDENTIAL-1 (UR-1)
Special Development Considerations and Overlays	AIRPORT - NORTH BEND - CONICAL SURFACE (NBCS) FLOODPLAIN (FP) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - TSUNAMI (NHTHO)

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This notice shall be posted from June 4, 2021 to June 21, 2021

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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: Friday, June 04, 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: 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:

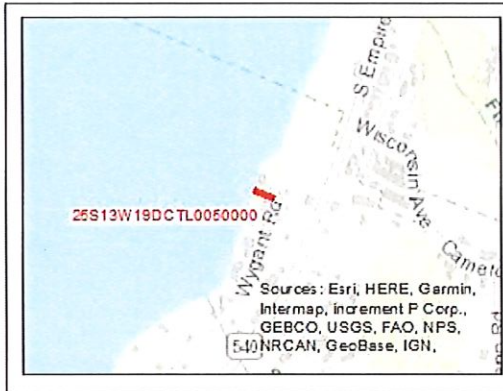
1. The applicant shall submit a plan to cover nuisance issues to ensure the use is compatible with the neighborhood. The plan shall consist of **contacts for the property manager to report problems to, noise restriction and emergency contact information. The advertisement for the rental shall include 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. 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**

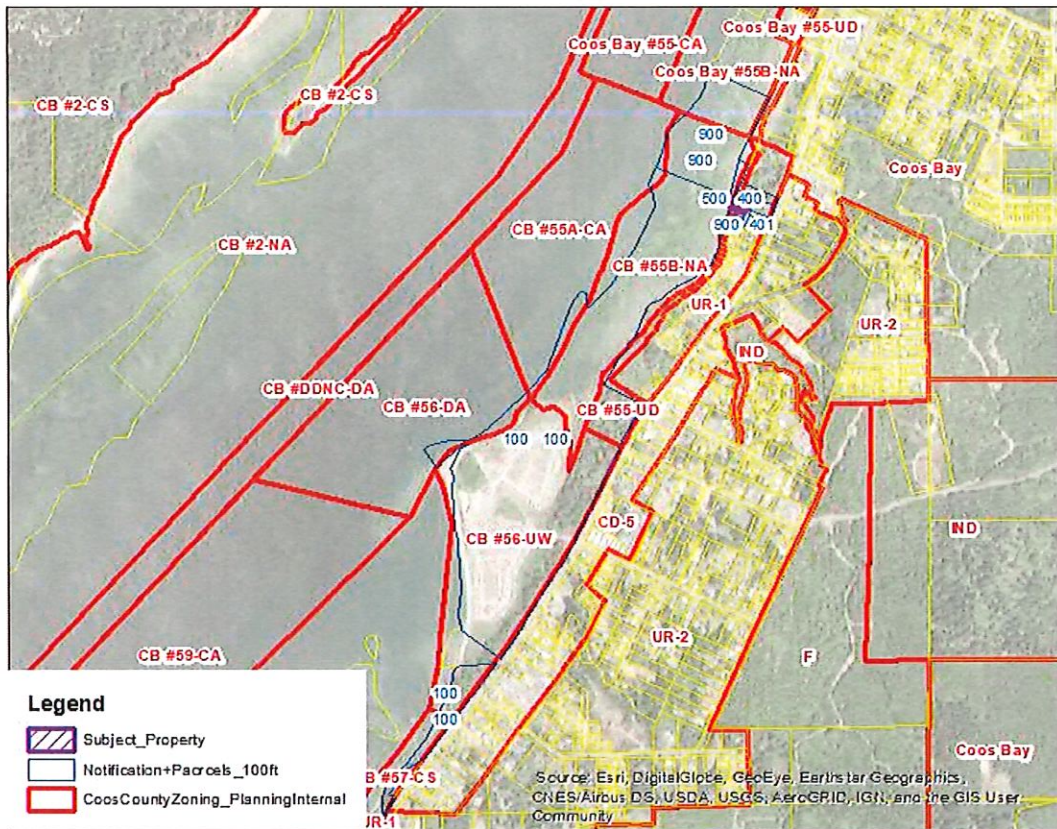


**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 225 N. Adams, Coquille, Oregon 97423  
 Physical Address: 60 E. Second, Coquille Oregon  
 Phone: (541) 396-7770  
 TDD (800) 735-2900



File:	ACU-21-004
Applicant/ Owner:	Scott Kusler/ Sunset Beach House, LLC
Date:	May 11, 2021
Location:	Township 25S Range 13W Section 19DC TL 500
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:**  
There is a Single-Family Dwelling with an assessed year built of 2019 that was built with Coos County Planning approval (ZCL-17-417). There is also an Accessory Structure on the property that was given approval in 2018 (ZCL-18-325).
- 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 complying with The Coos County Zoning and Land Development Ordinance (CCZLDO).

**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 off of Wygant Road via Cape Arago Hwy.
- B.**
- C. ZONING:** The subject property is zoned Urban Residential-1 (UR-1).

**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.*

**D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:**

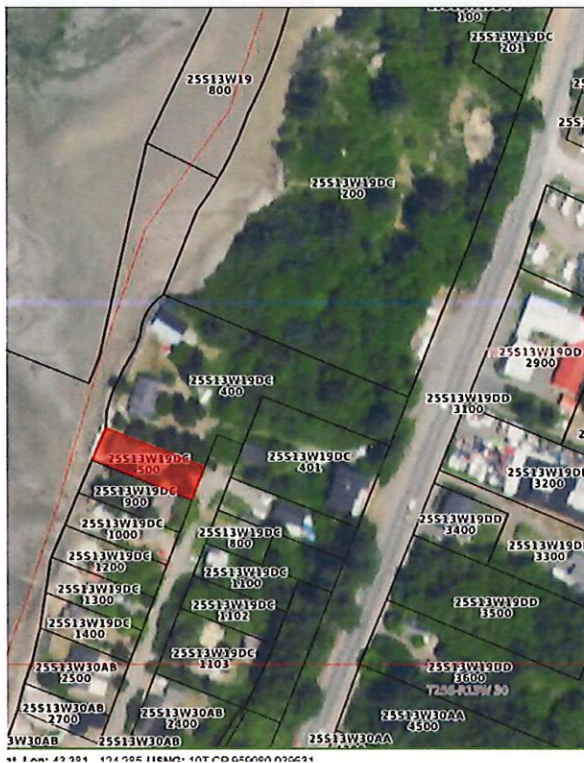
*SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should 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.

**E. SITE DESCRIPTION AND SURROUNDING USES**

The property is zoned Urban Residential-1 (UR-1) and Coos Bay Estuary Management Plan 55-UD and is surrounded by like zoning. The parcel is .18 acres in size and contains a dwelling with an assessed year built of 2019. The parcel is long and narrow and like size to most parcels within the area. There are some larger parcels to the north that are still within the same zoning district. Wygant Road abuts the property to the east and Coos Bay abuts the property to the west.



**F. 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.

**G. LAWFULLY CREATED UNIT OF LAND:** This tax lot was lawfully 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 ordinance or regulations that prohibited the creation (Deed Document # 71-256259).

### 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 3.2.296 Uses, Activities and Special Considerations within the Coos Bay Estuary Management Plan 55-UD.

*Table 55-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 55-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.*

##### A. Uses:

4. Commercial ACU-S, G

#### GENERAL CONDITIONS:

1. *All permitted uses in dune areas shall be consistent with the requirements of Policy #30.*
2. *All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.*
3. *On "medium" or "high" priority designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.*
4. *All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.*
5. *Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.*

**FINDING: Policy #30 does not apply as it pertains to the Beaches & Dunes Areas, this property is not within the Beaches & Dunes. The dwelling is located outside of the Floodplain. This property is not within a medium or high designated mitigation or restoration site. This proposal is consistent with policy #23 as there is no development proposed, so the riparian area should not be disturbed. There is no development, so policy #17 (protection of major marshes) and Policy 18 (protection of historical, cultural, and archaeological sites) does not apply.**

**SPECIAL CONDITIONS:**

*Uses*

4.,6. *Commercial and industrial uses within the urban unincorporated communities are subject to Policy #16a.*

5. *Dryland moorage shall be allowed in this district if its water access is not from this district.*

*11a., 11b. Recreation activities requiring access to the water from this district shall be allowed only as permitted in District #55B.*

**FINDING: This property is not within an area that is reserved for only water dependent uses, which satisfies Policy #16a (Minimum Protected Acreage Required for County Estuarine Shorelands). The Vacation rental use does not require access to the water.**

*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	MFS		
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	400	Yes	Secondary Dwelling
25S13W19DC	401	No	Miscellaneous
25S13W19DC	600	Yes	Primary Dwelling
25S13W19DC	800	Yes	Secondary Dwelling
25S13W19DC	900	Yes	Primary Dwelling
25S13W19DC	1000	Yes	Secondary Dwelling
25S13W19DC	1100	Yes	Secondary Dwelling
25S13W19DC	1200	No	Vacant
25S13W19	900	No	Estuary
25S13W30	100	No	Estuary

The compatibility area for the Urban Residential zoning district is 100 feet. Within the notification area there are two (2) primary dwellings, four (4) secondary dwellings, one (1) parcel with a structure being taxed as “miscellaneous” and 2 properties are within the estuary. The applicant has addressed the criteria by explaining that the property is in an area used for recreation as it abuts Coos Bay, which is a valuable area for fishing, clamming, and crabbing There are other vacation rentals established on Wygant Road that are being used today. Wygant Road is not a thru street so there is minimal traffic and there is adequate parking on the property to support the vacation rental request. The house will be limited to 4-6 people with quiet hours established.

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.

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-1/ Coos Bay Estuary Management Plan 55-UD 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, Oregon International Port of Coos Bay, and Coos Bay-North Bend Water Board.

**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](mailto:PLANNING@CO.COOS.OR.US) PHONE: 541-396-7770

FILE NUMBER: \_\_\_\_\_

Date Received: 1/19/21 Receipt #: 220978 Received by: MB

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**

**A. Land Owner(s)** Scott Kusler

Mailing address: 155 SE Nueva Drive

Phone: 541-430-1149 or 541-863-2935 Email: scottkusler@gmail.com or dedek@rfpco.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>25S</u>	<u>13W</u>	<u>9</u>	<u>D</u>	<u>C</u>	<u>00500</u>
Select	Select	Select	Select	Select	

Tax Account Number(s): 338500 Zone: Select Zone Urban Residential-1 (UR-1)

Tax Account Number(s) \_\_\_\_\_ Please Select \_\_\_\_\_

**B. Applicant(s)** Sunset Beach House, LLC

Mailing address: 155 SE Nueva Drive

Phone: 541-430-1149 541-863-2935

**C. Consultant or Agent:** \_\_\_\_\_

Mailing Address \_\_\_\_\_

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

- Type of Application Requested**
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU | <input type="checkbox"/> Land Division - P, SUB or PUD    |
| <input type="checkbox"/> Text Amendment      | <input type="checkbox"/> Hearings Body Conditional Use Review - HBCU            | <input type="checkbox"/> Family/Medical Hardship Dwelling |
| <input type="checkbox"/> Map - Rezone        | <input type="checkbox"/> Variance - V   | <input type="checkbox"/> 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](#)

- 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.  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.
- II.  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
- III.  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.

Scott Kusler

Digitally signed by Scott Kusler  
Date: 2021.01.12 15:09:09 -08'00'

Deloris Kusler

Digitally signed by Deloris Kusler  
Date: 2021.01.12 15:10:12 -08'00'

**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: 64776 Wygant

Type of Access: County Road Name of Access: \_\_\_\_\_

Is this property in the Urban Growth Boundary? Select

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 his designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. I understand that I shall contact the Road Department to let them know when the improvements are ready to be inspected or Bonded. Contact by phone at 541-396-7600

**Coos County Road Department Use Only**

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

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

File Number: DR-20-

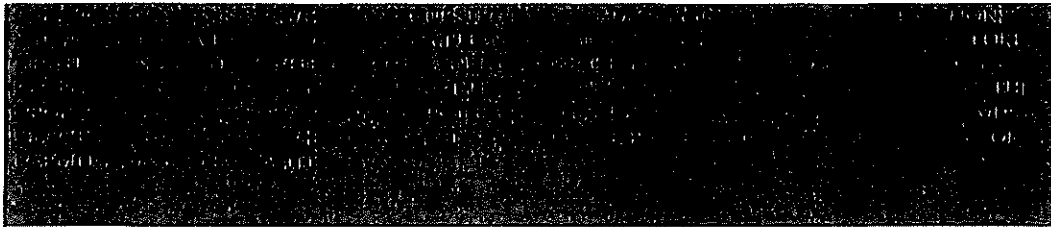


COOS COUNTY PLANNING DEPARTMENT  
 225 N. Adams, Coquille, Oregon 97423  
 Mailing Address: 250 N. Baxter, Coquille, Oregon 97423  
 (541) 396-7770/ TDD (800) 735-2900  
 FAX: (541) 396-1022

ZCL-18-200  
 DATE: 8/2/18  
 Valid for two years from this date

COOS COUNTY ZONING COMPLIANCE LETTER

APPLICANT				Scott Kusler			
APPLICANT ADDRESS				155 Nueva Dr			
CITY/STATE/ZIP				Myrtle Creek, OR 97457			
PHONE NUMBER OF APPLICANT				541-430-1149			
ACCOUNT #'S				338500			
TOWNSHIP	RANGE	SECTION	TAX LOT	25S1319DC-00500			
PROPERTY OWNER(S)				KUSLER, SCOTT L 155 NUEVA DR MYRTLE CREEK, OR 97457-9536			
SITUS ADDRESS				64776 WYGANT RD COOS BAY, OR 97420			
ACREAGE				0.18 Acres			
PROPERTY ZONING				COOS BAY ESTUARY MNGMT PLAN (CBEMP) URBAN DEVELOPMENT (55-UD) URBAN RESIDENTIAL-1 (UR-1)			
SPECIAL CONSIDERATIONS				AIRPORT - NORTH BEND - CONICAL SURFACE (NBCS) FLOODPLAIN (FP) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - TSUNAMI (NHTHO)			
<b>EXISTING DEVELOPMENT /IMPROVEMENTS</b>				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
RESIDENTIAL		OTHER		WATER SOURCE		SANITATION TYPE	
<input type="checkbox"/> CONVENTIONAL DWELLING	<input type="checkbox"/> MANUFACTURE/MOBILE	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> INDUSTRIAL	<input type="checkbox"/> WELL/SPRING	<input checked="" type="checkbox"/> PUBLIC WATER	<input type="checkbox"/> SEPTIC	<input checked="" type="checkbox"/> PUBLIC SANITATION
<input type="checkbox"/> ACCESSORY		<input type="checkbox"/> FARM/AG		<input type="checkbox"/> OTHER			
<b>SET BACK AND SPECIAL SITING REQUIREMENTS</b>							
<input checked="" type="checkbox"/> 50 FT RIPARIAN VEGETATION - ALL BUILDINGS SHALL MAINTAIN A 50 FT. MINIMUM SETBACK FROM ALL ESTUARINE WETLANDS, STREAMS, LAKES, OR RIVERS.							
<input type="checkbox"/> ALL BUILDINGS OR STRUCTURES WITH THE EXCEPTION OF FENCES SHALL BE SETBACK A MINIMUM OF 35 FT. FROM ANY ROAD RIGHT-OF-WAY CENTERLINE OR A MINIMUM OF 5 FT. FROM ANY ROAD RIGHT-OF-WAY LINE, WHICHEVER IS THE GREATER DISTANCE.							
<input checked="" type="checkbox"/> 20 FT FRONT (road from which you access your property)		<input checked="" type="checkbox"/> 5 FT SIDE		<input checked="" type="checkbox"/> 5 FT REAR			
<input type="checkbox"/> CORNER - IF PROPERTY IS A CORNER LOT THEN YOU MUST MAINTAIN 15 FT FROM THE SECONDARY ROAD (LANE, DRIVE, STREET OR ALLEY)							
<input type="checkbox"/> 30 FT - CONSTRUCT AND MAINTAIN A PRIMARY FIREBREAK OF AT LEAST 30FT. RADIUS AROUND ALL PROPOSED STRUCTURES (INCLUDING DECKS).							
<input type="checkbox"/> 100 FT - A SECONDARY FIREBREAK OF AT LEAST 100 FT. AROUND THE PRIMARY FIREBREAK.							
<input type="checkbox"/> 35 FT HEIGHT RESTRICTION (AIRPORT AND UGB)				<input type="checkbox"/> SLOPE			
<input checked="" type="checkbox"/> OTHER /COMMENT Please see comments (attached) from DSL, ODA, and local Indian tribes. This is an update to ZCL-17-417. The proposed structures are not located within the floodplain. The liquefaction has been taken off of the account as this parcel is not within the high or very high liquefaction special consideration and therefore does not require a geotechnical review pursuant to CCZLDO Section 4.11.125.7 Natural Hazards.							



DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OR SANITATION DISTRICTS	
<input type="checkbox"/> SITE EVALUATION ONLY	<input type="checkbox"/> INSTALL NEW /REPLACE /REPAIR SEPTIC
<input type="checkbox"/> CONNECT TO CHARLESTON SANITATION	<input type="checkbox"/> CONNECT TO BUNKER HILL SANITATION
<input type="checkbox"/> AS NEEDED FOR MEDICAL HARSHIP *	<input type="checkbox"/> OTHER:

STATE BUILDING CODES AGENCY PERMITS TO ALLOW	
<input checked="" type="checkbox"/> SINGLE FAMILY DWELLING or <input type="checkbox"/> MULTI FAMILY DWELLING	<input type="checkbox"/> New <input type="checkbox"/> Repair <input type="checkbox"/> Alter
<input type="checkbox"/> MANUFACTURE DWELLING/ MOBILE (NOT MANUFACTURE STRUCTURE)	
<input type="checkbox"/> HARSHIP - TEMPORARY - RV, MOBILE, MANUFACTURE, PARK MODEL. *	
<input type="checkbox"/> FARM/AG BUILDING	<input checked="" type="checkbox"/> ACCESSORY STRUCTURE <input checked="" type="checkbox"/> OTHER AS DEFINED IN NOTES

COOS COUNTY MAY PROVIDE CLEARANCE TO OBTAIN PERMITS FROM OTHER AGENCIES BUT THAT DOES NOT MEAN THAT IT IS A GUARANTEE THAT AGENCY WILL APPROVE YOUR PERMIT.

OTHER AGENCY REQUIREMENTS:	
ALL APPLICABLE FEDERAL, STATE, AND LOCAL PERMITS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITY.	
<input type="checkbox"/>	WETLAND DELINEATION - DEPARTMENT OF STATE LANDS (SEE ATTACHED COMMENTS)
<input type="checkbox"/>	COOS COUNTY ENVIRONMENTAL HEALTH LICENSE/PERMIT
<input type="checkbox"/>	OREGON DEPARTMENT OF AVIATION FORM (FAA Form 7460-1) (SEE ATTACHED COMMENTS)
<input type="checkbox"/>	1200 C PERMIT DEQ AND/OR STORM WATER PERMITS
<input type="checkbox"/>	STATE OF OREGON HISTORICAL PRESERVATION OFFICE
<input checked="" type="checkbox"/>	LOCAL TRIBES (SEE ATTACHED COMMENTS)
<input type="checkbox"/>	OREGON DEPARTMENT OF TRANSPORTATION (ODOT FOR ACCESS PERMITS/TRAFFIC IMPACT)

ACKNOWLEDGEMENT STATEMENT: THE APPLICANT ALREADY AGREED TO THE CONDITIONS IN WHICH THIS COMPLIANCE LETTER AUTHORIZES BY SIGNING THE COMPLIANCE DETERMINATION. IF CONDITIONS ARE NOT FOLLOWED THEN THIS ZONING COMPLIANCE LETTER CAN BE REVOKED.

**COOS COUNTY COMPLIANCE**  
 The Coos County Planning Department finds that the proposed uses comply with applicable provisions of the Coos County Zoning and Land Development Ordinance. The information contained on this form reflects the status of the subject property and land use regulations that exist at the time of issue.

AUTHORIZED SIGNATURE: *Capital One*  
 Title: Planning Specialist Date: 8/2/18

<input type="checkbox"/> Scan	<input type="checkbox"/> Assessor's office	<input type="checkbox"/> Logged on Helion	<input type="checkbox"/> DEQ	<input type="checkbox"/> Building Codes
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WETLAND LAND USE NOTIFICATION RESPONSE  
OREGON DEPARTMENT OF STATE LANDS  
775 Summer Street NE, Suite 100, Salem, OR 97301-1279  
Phone (503) 906-5200  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

DSL File Number: WN2017-0535

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. AMY DIBBLE from county of Coos submitted a WLUN pertaining to local case file #: CD-17-176.

Activity location:  
township: 25S      range: 13W      section: 19      quarter-quarter section: DC  
tax lot(s): 500  
street address: 64776 Wygant Rd  
city: Coos Bay      county: Coos  
latitude: 43.301285      longitude: -124.285084

**Mapped wetland/waterway features:**

- The national wetlands inventory shows a wetland/waterway on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes designated essential salmonid habitat.

**Oregon Removal-Fill requirement (s):**

- A state permit is required for any amount of fill, removal, and/or other ground alteration in essential salmonid habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Your activity:

**Contacts:**

- This is a preliminary jurisdictional determination and is advisory only.

Comments: Based on the available information, replacement of the home will not impact jurisdictional wetlands or waters provided that the replacement is not constructed seaward of the existing footprint. Best Management Practices for sediment and erosion control should be used during construction.



**Crystal Orr**

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**From:** Stacy Scott [sscott@ctclusi.org]  
**Sent:** Monday, October 30, 2017 2:22 PM  
**To:** Amy Dibble  
**Cc:** Planning Department  
**Subject:** RE: CD-17-176 Kusler - Request for Comments

Dear Ms. Dibble,

RE: CD-17-176 Kusler - Request for Comments

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have no objections to the proposed work. Please be aware that the proposed work area is in proximity to known cultural resource sites and so may contain as yet unlocated cultural resources. We request that we be contacted immediately if any known or suspected cultural resources are encountered during the work.

Please also be aware that federal and state laws prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation injury, destruction, or alteration of an archaeological site or object or removal of an archaeological object from public or private lands.

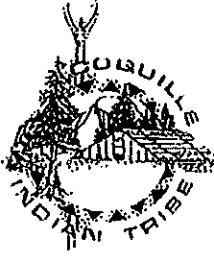
Please feel free to contact me if I may be of any further assistance.

Sincerely,  
Stacy

Stacy Scott, MA, RPA  
Tribal Historic Preservation Officer &  
Cultural Resources Protection Specialist  
Confederated Tribes of  
Coos, Lower Umpqua & Siuslaw Indians  
1245 Fulton Avenue  
Coos Bay, Oregon 97420  
541.888.7513 (office)  
541.297.5543 (cell)  
541.888.2853 (fax)  
[sscott@ctclusi.org](mailto:sscott@ctclusi.org)

**From:** Amy Dibble [mailto:adibble@co.coos.or.us]  
**Sent:** Tuesday, October 03, 2017 10:32 AM  
**To:** Stacy Scott <sscott@ctclusi.org>  
**Cc:** Planning Department <planning@co.coos.or.us>  
**Subject:** CD-17-176 Kusler - Request for Comments

Stacy,



## COQUILLE INDIAN TRIBE

3030 Tremont Ave. North Bend, OR 97459  
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847  
[www.coquilletribe.org](http://www.coquilletribe.org)

October 6, 2017

Coos County Planning Department  
250 N Baxter  
Coquille, OR 97429

Re: CD-17-176

Project location: 64776 Wygant Rd., Coos Bay, Oregon 97420

Thank you for the opportunity to comment on the proposal to rebuild a dwelling and accessory structure at the above referenced property. The Coquille Indian Tribe concurs with the anticipatory finding of no historic properties/cultural resources effected. Extreme caution is recommended. If any known or suspected cultural resources are encountered during the work, ground-disturbing activities should cease and the landowner or contractor should contact our office immediately.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or private lands. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me at (541) 808-5554 if you have any questions.

Best,

Todd Martin  
Tribal Historic Preservation Specialist

CRT15858

**From:** CAINES Jeff  
**To:** Amy Dibble  
**Subject:** RE: CD-17-176 Kusler - Request for Comments  
**Date:** Monday, November 06, 2017 3:59:06 PM

---

Amy:

ODA has reviewed the replacement dwelling proposal and have no comments. The replacement will not pose a hazard to air navigation.

Jeff

Jeff Caines, AICP  
Oregon Department of Aviation  
Aviation Planner / SCIP Coordinator  
3040 25th St. SE | Salem, OR 97302  
Office: 503.370.2529  
Cell / Text: 503.507.6885  
Email: [Jeff.Caines@aviation.state.or.us](mailto:Jeff.Caines@aviation.state.or.us)

**From:** Amy Dibble [mailto:[adibble@co.coos.or.us](mailto:adibble@co.coos.or.us)]  
**Sent:** Tuesday, October 03, 2017 10:34 AM  
**To:** CAINES Jeff  
**Cc:** Planning Department  
**Subject:** CD-17-176 Kusler - Request for Comments

Jeff,

Attached please find a request for comments for CD-17-176 submitted by Scott Kusler. He is proposing to replace a dwelling that was destroyed by fire and replacing the existing accessory. He plans to increase the footprint of both. I have attached the application that includes a plot plan for your convenience.

Thank you,

*Amy Dibble*

Amy Dibble, Planner II  
Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423  
541-396-7770



EXHIBIT A

Beginning at a point in the E. J. Foley Donation Land Claim No. 40 in Section 19, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, from which the iron pipe at the Southeast corner of said Section 19 bears South 81° 31.7' East 1719.66 feet; thence South 20° 25' West 50.0 feet; thence North 69° 35' West 154.70 feet; thence North 22° 18' East 50.03 feet; thence South 69° 35' East 153.05 feet to the point of beginning, and being a portion of said E. J. Foley Donation Land Claim No. 40 in said Section 19.

Unofficial  
Copy



Sunset Beach House LLC  
155 SE Nueva Drive  
Myrtle Creek, OR 97457

1/12/2021

Crystal Orr  
Coos County Planning Department  
250 North Baxter  
Coquille, OR 97423

Dear Crystal:

We request to use our newly constructed dwelling as a vacation rental. We currently reside full time in Myrtle Creek, OR and this is a second home for us that is not our primary dwelling.

The property is located southwest of the City of Coos Bay in the Unincorporated Community of Barview. The property is accessed off Wygant Road via Cape Arago Highway. The original dwelling was destroyed by fire August 2017 and then reconstructed with a slightly larger footprint in 2018. I have attached some of the compliance documentation that was issued during the reconstruction process for you in an attempt to help with your review process.

We believe this request to be compatible with the surrounding area as there are other existing vacation rentals established on Wygant Road that are being used today. Wygant Road is not a thru street so there is minimal traffic and we believe there is adequate parking on the property to support our request. The house will be limited to 4-6 people with quiet hours established.

We thank you in advance for your consideration of this request and will be happy to provide any further needed information in this process.

Scott Kusler (541) 430-1149 or [scottkusler@gmail.com](mailto:scottkusler@gmail.com)  
Deloris (Dede) Kusler (541) 863-2935 or [dedek@rfpco.com](mailto:dedek@rfpco.com)

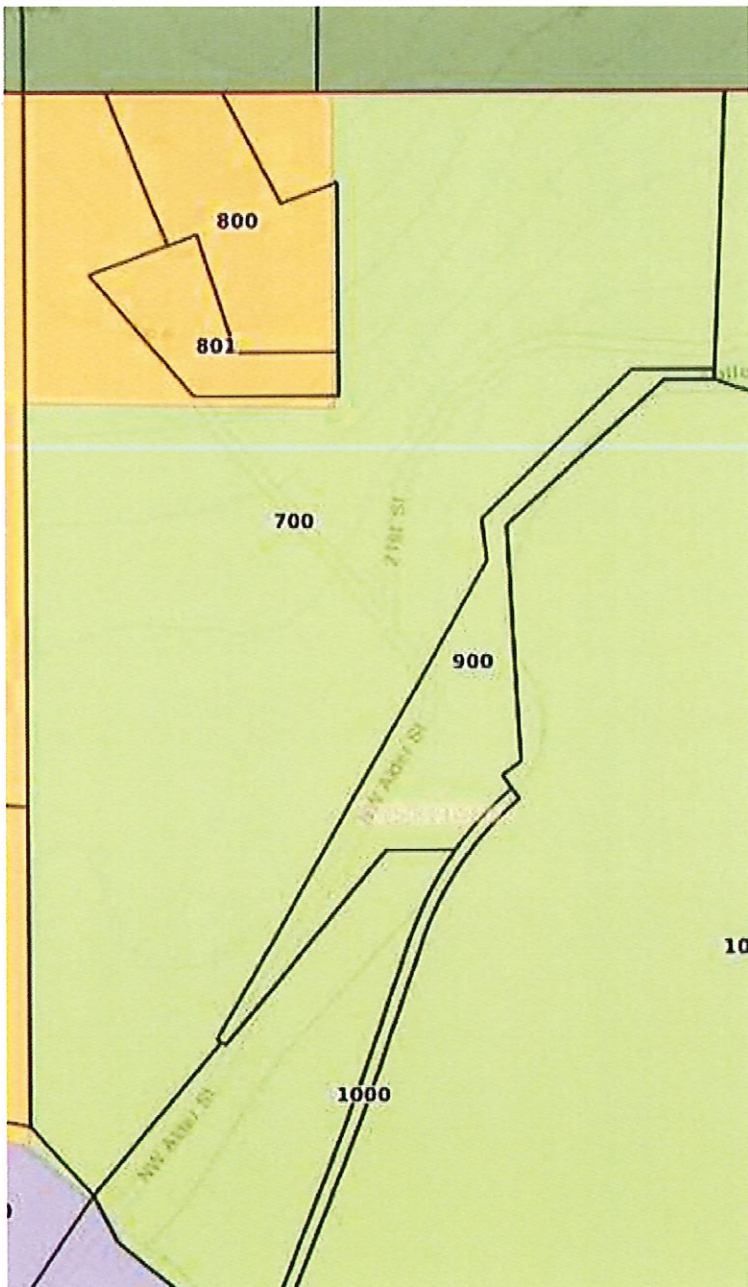
**Michelle Berglund**

---

**From:** Crystal Orr  
**Sent:** Thursday, June 03, 2021 10:48 AM  
**To:** Chuck Tatum  
**Cc:** Planning Department  
**Subject:** RE: Property adjustment

I apologize, I skipped over your reply email. This property is zoned Exclusive Farm Use and is already below the minimum lot size (80 acres) and cannot be divided.

The property does have a small portion of property that is zoned RR-5 that can be divided off of though. It is located in the northwest corner of the lot. See below map, the RR portion is orange.



*Crystal Orr*



**Planner I**  
**Coos County Planning**  
**60 E Second St, Coquille, OR 97423 (Physical address)**  
**225 N Adams St, Coquille, OR 97423 (Mailing Address)**  
**541-396-7770**

---

**From:** Chuck Tatum <[chuck97423@frontier.com](mailto:chuck97423@frontier.com)>  
**Sent:** Thursday, June 3, 2021 6:58 AM  
**To:** Crystal Orr <[corr@co.coos.or.us](mailto:corr@co.coos.or.us)>  
**Subject:** Re: Property adjustment

This Message originated outside your organization.

---

Did you receive the last information?

Sent from my iPhone

On May 24, 2021, at 06:42, Crystal Orr <[corr@co.coos.or.us](mailto:corr@co.coos.or.us)> wrote:

DO you happen to have property information? We are not making appointments for in person just yet, but I can still help you. Are you able to provide a map showing what adjustment you would like to do? It can be simple. Typically for a property line adjustment you would hire a surveyor to do all of the work for you.

*Crystal Orr*

**Planner I**  
**Coos County Planning**  
**60 E Second St, Coquille, OR 97423 (Physical address)**  
**225 N Adams St, Coquille, OR 97423 (Mailing Address)**  
**541-396-7770**

---

**From:** Chuck Tatum <[chuck97423@frontier.com](mailto:chuck97423@frontier.com)>  
**Sent:** Friday, May 21, 2021 6:52 PM  
**To:** Crystal Orr <[corr@co.coos.or.us](mailto:corr@co.coos.or.us)>  
**Subject:** Re: Property adjustment

This Message originated outside your organization.

---

It's my mother in-laws land.

Sent from my iPhone

On May 21, 2021, at 15:59, Crystal Orr <[corr@co.coos.or.us](mailto:corr@co.coos.or.us)> wrote:

Hello,

Can you please explain further what you would like to go over? I don't show that I have a Property Line Adjustment Application from you? We have completed the one we

received. Are you talking about your land division?

Crystal Orr  
Planner I  
Coos County Planning  
60 E Second St, Coquille, OR 97423 (Physical address)  
225 N Adams St, Coquille, OR 97423 (Mailing Address)  
541-396-7770

-----Original Message-----

From: Chuck Tatum <[chuck97423@frontier.com](mailto:chuck97423@frontier.com)>  
Sent: Friday, May 21, 2021 8:23 AM  
To: Planning Department <[planning@co.coos.or.us](mailto:planning@co.coos.or.us)>  
Subject: Property adjustment

This Message originated outside your organization.

Would like to make an appointment to go over my property adjustment. 541-297-7238

Sent from my iPhone

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