

Public Works and Community Development Department



541.269.8918/www.coosbay.org

NOTICE OF CITY COUNCIL DECISION (FINAL ORDER)

DATE: January 20, 2022
APPLICATION: 187-21-0000103-PLNG - CBMC Title 17 Amendments
APPLICANT: City of Coos Bay, 500 Central Avenue, Coos Bay, Oregon
LOCATION: City-wide

COUNCIL DECISION: City Council enactment of Ordinance 549 approving Type IV application #187-21-0000103 to amend Coos Bay Municipal Code (CBMC) Title 17 Development Code sections 17.130.090 (Procedures); 17.150 (Definitions); 17.333.060 Residential District signage; and the addition of new chapter 17.370 Vacation and Homestay standards.

The amendments and addition to CBMC Title 17 have been completed in compliance with State of Oregon and City of Coos Bay land use regulations. The subject Ordinance 549 CBMC Title 17 amendments shall be effective 30 days after the date of the enactment of the ordinance (January 18, 2022) which is 5:00 PM on February 17, 2022, unless an appeal is filed with LUBA within twenty-one (21) days (February 11, 2022) of this January 20, 2022 notice.

Consistent with CBMC section 17.130.110(5) Appeal of a Type IV Decision; *an application subject to a Type IV process is not subject to appeal or post-decision review before the city. For an appeal regarding a decision subject to a Type IV process, the applicant, the applicant's representative, any person, agency or firm on either side who offered oral or written testimony may appeal to the Land Use Board of Appeals (LUBA). The party must file a notice of intent to appeal with the Land Use Board of Appeals, with the required fees, within 21 days after the land use decision becomes final as described by OAR [661-010-0010](#)(3) and [661-010-0015](#)(1)(b). The scope of the review (the record) consists of the materials submitted to, and not rejected by, the decision makers in the course of the local proceedings. See page 2 for reference to materials considered throughout the amendment process which are a part of the project record.*

For general information about appeals, contact LUBA in person, via phone, email, or US Postal Service for general information about appeals. LUBA's address is 775 Summer Street NE #330, Salem, Oregon, 97301-1283. LUBA hours of operation are Monday through Friday from 8:30 AM to 5:30 PM (Closed noon to 1:00 p.m.). LUBA's phone contact number is 503-373-1265, and LUBA's email address for support is: LUBA.Support@luba.oregon.gov.

Carolyn Johnson, Community Development Administrator
City of Coos Bay, 500 Central Ave, Coos Bay Oregon 97420
cjohnson@coosbay.org or 541-269-8924

Attachment: Ordinance 549

CC: DLCD PAPA

Hui Rodomsky, DLCD South Coast Regional Representative

Rodger Craddock, Coos Bay City Manager, Nichole Rutherford, Coos Bay Assistant City Manager

Jim Hossley, Coos Bay Public Works and Community Development Director

CC: Persons who offered oral/ written testimony regarding amendments:

Behrends, Colvin, Sutton, Berkaw, Graalum, Graves, Nuez, Barter, Benton, Cynthia, Hatfield, Waddington, Perry, Donato, Tindell, Weir, Spier, Burles and Sokol, Fisher, Moffitt, Gonzales-Santos, Shoji, Stephens, Abma, Martin, Gardner, Leonard, West, Wilson/Saxton, Seth/Renee, Zensuni, Monohan, Raney, Abresch, Ortega, Donovan, Mattoon, Comfort, Ford, Stagner, Putman, Martin, Leed, Brown Alden. Letters & emails available at <http://coosbay.org/departments/community-development-department>

Access to links to staff reports of proceedings related to amendments; all of which are a part of the public record:

September 10, 2019 Planning Commission public hearing:

<http://coosbay.org/archive/agenda-details/planning-commission-meeting58>

October 8, 2019 Planning Commission public hearing:

<http://coosbay.org/archive/agenda-details/planning-commission-meeting60>

October 22, 2019 City Council work session:

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1433&MeetingID=226>

August 3, 2021 City Council meeting

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2446&MeetingID=421>

October 12, 2021 Planning Commission public hearing

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2551&MeetingID=476>

October 25, 2021 Planning Commission public hearing

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2593&MeetingID=509>

November 23, 2021 City Council work session

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2629&MeetingID=464>

December 14, 2021 Planning Commission meeting

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2649&MeetingID=478>

January 18, 2022 City Council public hearing

<https://coosbay.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2735&MeetingID=558>

ATTACHMENT

ORDINANCE NO. 549

AN ORDINANCE AMENDING ORDINANCE NO. 473 DEVELOPMENT CODE (CBMC CHAPTER 17) AS PREVIOUSLY AMENDED BY ORDINANCES 541, 540, 518, AND 503

The City of Coos Bay ordains as follows:

Section 1. CBMC 17.130.090 Type II procedure is hereby amended by adding the following underlined text to delineate special noticing for vacation rental land use permits:

(2) Notice of Application. Twenty days prior to the director's decision, the city shall provide written notice of the application within 150 feet of the application site; however, notification of a type II permit for a vacation rental as regulated by 17.370 shall require a written notice of LU application within 300 feet of the application site.

Section 2. CBMC 17.150, Definitions is hereby amended to add the following underlined text to identify a homestay definition.

Tourist Habitation

(i) Vacation Rental. A residential structure being rented for compensation for less than 30 days without concurrent occupation by the owner/operator.

(j) Homestay. A residential structure being rented for compensation for less than 30 days with owner / occupant concurrent occupation or residence in another dwelling on the same property.

Section 3. CBMC 17.333.060, Residential Zoning Districts is hereby amended to delete text limiting signage to low density residential zones only, add language regarding advertising of vacation rentals, and prohibit vision of a dwelling unit address.

(1) General. This section shall apply to all residential zones. ~~listed in CBDC 17.220.020, low density residential locational criteria.~~

(2) Size.

(a) Each dwelling unit, including home occupations, shall be allowed one sign with a maximum of two faces not to exceed two square feet in area per face. On-site sign advertising a vacation rental shall not exceed 11" x 18" in size and no more than one sign shall be permitted.

(3) Location.


(d) No sign in any residential zoning district shall inhibit vision of a dwelling unit address.

Section 4. 17.370 , Vacation Rental and Homestay is hereby added to the CBMC as found in Attachment A.


This ordinance shall take effect 30 days after enactment by the Council and signature of the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 18th day of January, 2022

Yes: Benetti, DiNovo, Kilmer, Matthews, Miles
No: Farmer, Stephens
Absent: None



Joe Benetti, Mayor
City of Coos Bay
Coos County, Oregon

ATTEST: 

Nichole Rutherford, Recorder
City of Coos Bay
Coos County, Oregon

ATTACHMENT A

Section 4. CBMC 17.370 Vacation Rentals and Homestays

17.370.010 Purpose and Intent. The purpose and intent of these regulations is to ensure that vacation rentals and homestays conform to and are compatible with the existing character of the area in which they are located and do not create an adverse impact on adjacent properties.

17.370.020 Applicability. Seventy-five (75) vacation rentals and an unlimited number of Homestays may be permitted in the SLR, LDR and MDR zoning districts consistent with underlying zoning district development and use standards and subsection 17.370.030.

17.370.030 Performance Standards and Requirements

- 1) Authorization.** A Type II Land Use permit consistent with 17.130.090 is required; however recreational vehicles, travel trailers, tents, other temporary shelters, garages, accessory structures (including Accessory dwelling units) are not permitted for use as vacation rentals or homestays.
- 2) Joint driveway access.** If a joint driveway access is to be used for vacation rental or homestay use, all other property owners using the same private access must agree to the common use of the driveway.
- 3) Licensing and Taxes.** Owners and Operators of vacation rentals and homestays must secure a business license pursuant to the requirements of CBMC Chapter 5.05 and the payment of Transient Lodging taxes pursuant to the requirements of CBMC Section 3.55.
- 4) Business license application.** Each vacation rental or homestay owner/operator must submit with their business license application a Building Department building safety inspection safety report prepared noting Building Department review and authorization of the proposed vacation rental or homestay structure compliance.
- 5) Vacation Rental Written Notice.** Subject to Director approval, a written notice will be conspicuously posted inside each vacation rental setting forth the name, address and telephone number of the contact person required in 17.370.030(11). The notice shall also identify the address of the vacation rental, the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, the day(s) established for garbage collection, City noise regulations, a City approved tsunami evacuation map and a non-emergency number of the Coos Bay Police Department.
- 6) Carbon Monoxide and Smoke detector** A carbon monoxide (CO) and smoke detector devices must be installed in each bedroom for rent in a homestay or vacation rental.
- 7) Address numbers.** Address numbers on the vacation rental or homestay structure must be visible from the street.

Ordinance No. 549 - Page 3

8) Annual verification of contact information. The vacation rental owner/operator shall annually, at the time of renewal of the business license, verify the name, address and telephone number of the contact person required in 17.370.030(11).

9) Vacation Rental and Homestay compliance. Compliance with all CBMC regulations is required, including, but not limited to Title 8, Health and Safety; Title 9, Peace, Morals and Welfare; and Title 15, Buildings and Construction.

10) Homestay Advertising on-site. Homestay on-site advertising is permitted subject to the requirements of CBMC 17.333.060.

11) Contact Requirements – Vacation Rentals. A vacation rental owner and/or operator shall, at all times while a property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephonetwenty-four (24) hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person or entity shall respond, either in person or by return telephone call, with a proposed resolution to the complaint within three hours between seven a.m. and nine p.m., and within thirty (30) minutes between nine p.m. and seven a.m.

12) Limit of Occupants. The number of overnight occupants in a vacation rental shall be limited to no more than twopersons per bedroom and two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. A bedroom shall meet the minimum size requirements as defined in CBMC Title 15 (Building Code). Authorized occupancy may be determined by bedrooms, parking, overall home floor plan, site plan and neighborhood characteristics and may less than the maximum allowed.

13) Vacation Rental Location distance limitations in residential zones limit. Establishment of a vacation rental within three hundred (300) feet of an existing vacation rental is prohibited.

14) Parking Requirement.

(a) One (1) hard surfaced off-street parking space shall be provided for every guest room in a vacation rental.

(b) One (1) hard surfaced off-street parking space shall be provided for every guest room in a homestay exclusive of the two-parking space requirement for the property.

(c) In calculating the number of spaces required, the total shall be rounded up.

(d) Parking areas shall not be located in the front yard but may be located on the property's paved driveway.

(e) A parking diagram is to be posted on site & made available for vacation rental and homestay guests.

17.370.035 Criteria for approval

- (1) Compliance with 17.370.030 Performance Standards and Requirements
- (2) Compatibility with the surrounding neighborhood.

17.370.040 Violations and cessation of use.

- (1) Violation of the requirements specified in Section 17.370.030 shall constitute grounds for revocation of the Type II permit required for a vacation rental or homestay pursuant to Section 17.130.150.
- (2) Cessation of use of a vacation rental or homestay more than one year or failure to be rented less than ten nights in a calendar year (as determined by the City's Transient lodging receipts) the land use permit, subject to CBMC section 17.130.090(5) will be revoked.
- (3) The city, in addition to other remedies and those provided in chapter 8.10 CBMC, Public Nuisances, and Chapter 1.15 CBMC, General Penalty, may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove an unlawful location of a vacation rental or homestay in violation of CBMC 17.370. The owner of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject upon conviction to a fine of not more than \$500.00 each day under which the violation continues shall be considered a separate offense.

ATTACHMENT B

FINDINGS

Action to approve these amendments is subject to Council review of the following criteria **(in bold)** and formulation of findings pursuant to CBMC section 17.360.060 Approval criteria findings.

(a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map.

Finding: The City Council finds that the proposed amendment is consistent with applicable policies of the comprehensive plan, noting that *"As Coos Bay plans for future economic development, these assets present the area with key opportunities for economic growth, including: greater activity at the Port of Coos Bay, with increased bulk container shipments and an increase in tourism capitalizing on the area's natural beauty and outdoor recreation and growth in the healthcare sector building on the Bay Area Hospital and other local medical care providers, as well as the aging population in the region."*

The City's six economic development goals include encouraging and supporting economic growth, maintaining and expanding a diversified economy, recruiting businesses, working to retain, expand and strengthen local businesses, recruit sustainable industries and industries that provide "green-collar" jobs, and maximize use of Coos Bay's unique geographic and recreational assets and cultural heritage. These goals must be balanced with the communities need for housing on a permanent and temporary basis for individuals and families seeking temporary shelter while working in or visiting the City. The amendments will provide the needed parameters for vacation rentals and homestay uses to safely co-exist with long term residents.

(b) The proposed amendment is in the public interest;

Finding: The City Council finds the amendment is in the public's interest to support economic development while protecting long – term residential land uses. The City's authorizations for vacation rentals heretofore have included general health and safety standards warranting expansion to maximize the comfort of long- term residents for co-existence with 75 authorized vacation rentals in the City and an unlimited number of homestays. The introduction of the standards and limitations on vacation rentals and homestays presented in this amendment as well as related amendments to the Development Code will allow for support of the City's economic development goals while protecting existing housing for long term residential use.

(c) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services; (d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan; (e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and (f) The proposed amendment shall be consistent with the OAR 660-012-0060 requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation

with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.

Finding: The City Council finds the amendment will not decrease the level of service for capital facilities and services, is consistent with the Coos Bay transportation system as described within the transportation system plan; and will facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and the amendment is consistent OAR 660-012-0060 requirements.

ATTACHMENT C
PROOF OF PUBLICATION – JANUARY 4, 2022

RECEIVED
JAN 06 2022
City of Coos Bay
AFFIDAVIT OF PUBLICATION

The World

Country Media Inc - Coos County
172 Anderson Avenue, Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

STATE OF OREGON - COUNTY OF COOS

City of Coos Bay
500 Central Ave.,
Coos Bay, OR 97420

REFERENCE: 39789/ 333579

I, Dawn Smith, first duly sworn,
deposed and say that I am the Legal
Advertising Clerk for THE WORLD, a
newspaper of general circulation
published at Coos Bay, Oregon, in the
aforesaid county and state; that I know
from my personal knowledge that the
Public Hearing Notice copy was
published in the entire issue of said
newspaper one time(s) in the following
issue(s):

PUBLISHED: January 4, 2022

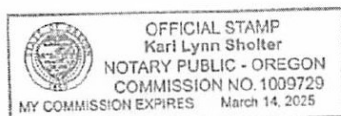
Total Cost: \$85.59



Legal Clerk, Dawn Smith, Subscribed and
sworn before on this 4th of January 2022



Notary Public of Oregon-My Commission
expires March 14, 2025



City of Coos Bay Public
Hearing Notice
Tuesday, January 18, 2022
at 7 PM
500 Central Ave in the City
Council chambers
The Coos Bay City Council
will hold a public hearing on a
Municipal Code amendment
to add standards in the code
for vacation rentals and
homestays and refine land
use allowances in residential
districts to allow homestays.
(187-19-0000051). A second
amendment would prohibit
marijuana businesses in
the Waterfront Heritage,
Hollering Place, Urban Public
and Medical Park zoning
districts. (187-21-0000103)
Amendment(s) staff reports
will be posted at coosbay.org
on January 11, 2022 by 5:00
PM. Comments for Council
consideration and further
information may be sent to
Carolyn Johnson, Community
Development Administrator by
calling 541-269-1181 extension
2287; emailing to cjohnson@coosbay.org; or a letter by US
mail or in person delivery to
the Community Development
Department, City Hall, 500
Central Ave, Coos Bay. The
City Council's final decisions
may be appealed to the Land
Use Board of Appeals pursuant
to ORS 197.830.
Published: January 4, 2022
The World & ONPA (ID:333579)

Ordinance No. 549 - Page 8