



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E Second St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

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. (See attached vicinity map for the location of the subject property).

Date of Notice: **Friday, March 22, 2024**
File No(s): ACU-22-058

Proposal: Request for a Land Use Approval through an Administrative Conditional Use to change the use of a Single Family Dwelling to a Vacation/Short Term Rental.

Applicant(s): HOFMANN, FRITZ & SARAH

Consultant(s): Sheri McGrath- Coos Curry Consulting

Staff Planner: Crystal Orr, Associate Planner

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, April 08, 2024**. Appeals are based on the applicable land use criteria found in the Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and 6.1.125 Lawfully Created Lots or Parcels*. Vacation Rental reviews are subject to CCZLDO Use Table found in *Section 4.3.200(64) Vacation Rentals (in an existing dwelling) subject to an Administrative Conditional Use (ACU) subject to Section 4.3.210(87) Categories and Review Standards – Vacation Rental/short term rental and Section 4.3.220 Additional Conditional Use Review (2) Residential*. *Siting standards do not apply to this type of review because there are no new structures proposed with this review.* **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information, please contact the staff planner listed in this notice.**

Property Information

Account Number(s) 7537700
Map Number(s) 23S1208CD-01300

Property Owners HOFMANN, FRITZ & SARAH
23975 SE BOHNA PARK RD
DAMASCUS, OR 97089-9310

Situs Addresses 100 N TENMILE LAKE LAKESIDE, OR 97449
71982 POTLATCH RD LAKESIDE, OR 97449

Acreages 0.45 Acres

Zoning(s) RURAL RESIDENTIAL-2 (RR-2)

Special Development BIRD SITE MEETS GOAL 5C REQRMT (B5C)
Considerations and Overlays COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
LAKESIDE CONICAL ZONE (ALC)
NATIONAL WETLAND INVENTORY (NWI)
NH TSUNAMI (NHTHO)

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

This notice shall be posted from March 22, 2024 to April 8, 2024

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. **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.**

Staff tries to post all applications on the website at the following link:
<https://www.co.coos.or.us/community-dev/page/planning-department>

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, Associate Planner 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, March 22, 2024**
Crystal Orr, Associate Planner

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 "A"

The applicant (applicant includes property owner and any successor) 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

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a *Vacation Rental* on the property; however, the following conditions need to be submitted with a request for your ZCL:
 - a. The applicant shall complete the following to ensure compatibility:
 - i. 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.
 - ii. A contract that will be used for the rental shall contain all this information and shall be filed with the Planning Department.
 - iii. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service.
 - iv. The number of overnight occupants is limited by the number of bedrooms. The Dwelling to be used as a Vacation Rental contains three (3) bedrooms and maximum capacity should be limited to six (6) overnight guests.
 - v. Vendors shall be limited to cleaning and maintenance on a regular basis. If a special event is planned by a guest, it shall occur during the day and there may be vendors to serve that specific event.
 - b. 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.
 - c. 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. There will be a limit on how many vehicles can park onsite to two (2) vehicles for guests and one (1) vehicle for employees.
 - d. Must submit proof that the dock and boathouse is up to date on registration with the Department of State Lands.
 - e. Proof that permits were received for the Detached Accessory Structure, that the structure was sited prior to the ordinance, or an after the fact Compliance Determination must be submitted to Coos County Community Development.
3. 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. Renewals of your license shall be provided to the Planning Department to show the use remains in compliance.

EXHIBIT "B"
VICINITY MAP & PLOT PLAN



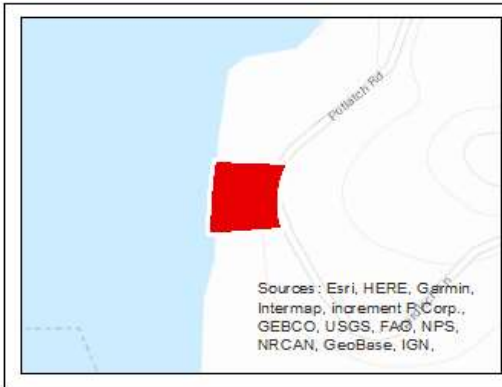
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900

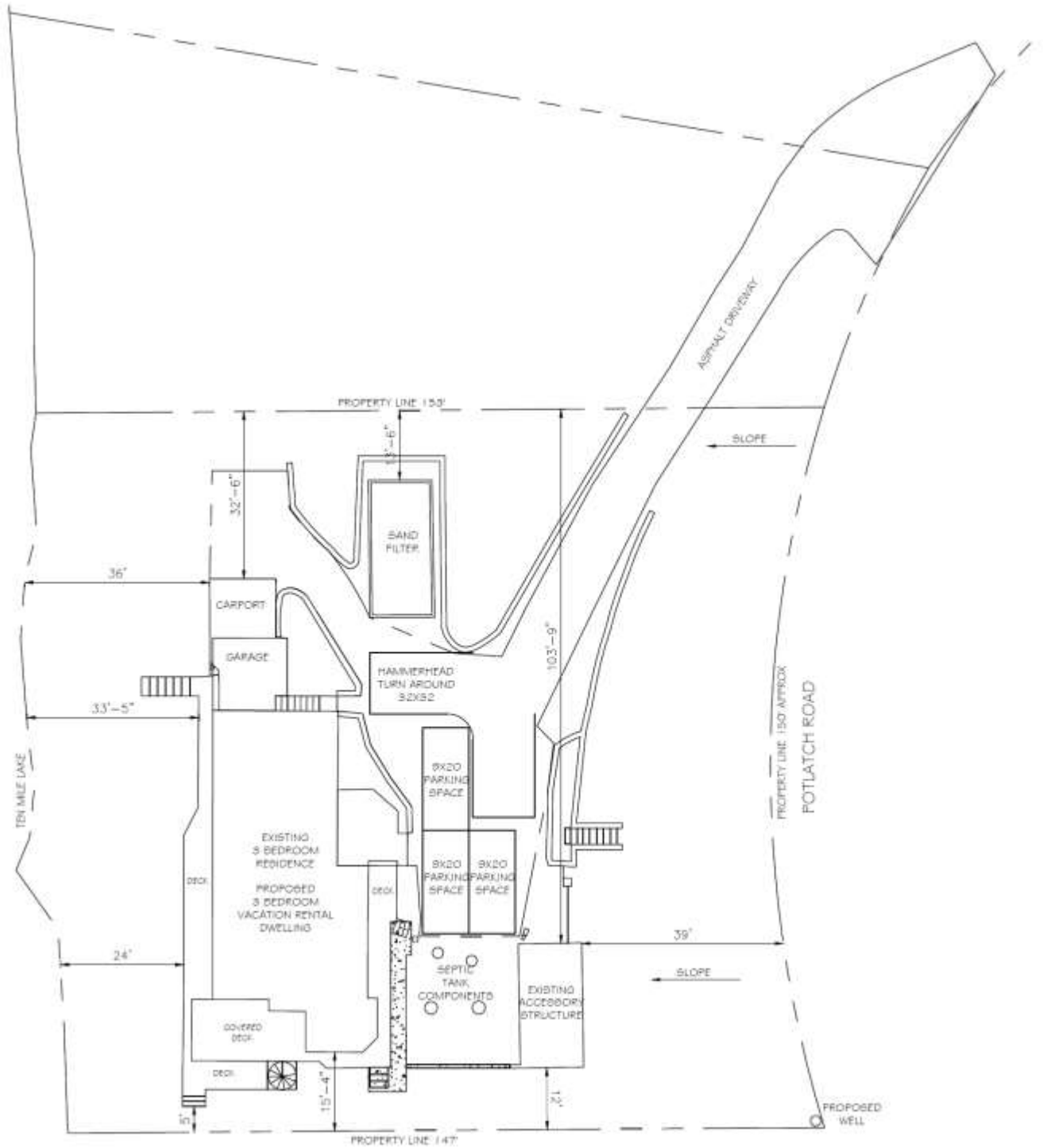


File:	ACU-23-058
Applicant/ Owner:	HOFMANN, FRITZ & SARAH Sheri McGrath
Date:	3/20/2024
Location:	Township 23S Range 12W Section 08CD TL 1300
Proposal:	Vacation Rental



Legend

	Subject_Property
	Notification_Parcels



OWNER INFORMATION:
FRITZ AND SARAH FOPMANN
15075 89 STREET, S.W.

PLOT PLAN



PROPERTY INFORMATION:
71883 POTLATCH RD
LAKEMOOR, WA 97449

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

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** Request for a Land Use Approval through an Administrative Conditional Use to change the use of a Single Family Dwelling to a Vacation/Short Term Rental.

BACKGROUND/PROPERTY HISTORY: The current development according to the plot plan contains a Single-Family Dwelling sited in 1976 according to assessment information, Garage, Carport, and Accessory Structure. The following approvals were granted within Coos County Planning:

- March 25, 1996 a Zoning Compliance Letter (ZCL-96-100) was issued to allow an addition to the existing dwelling.
- August 6, 1999 a Zoning Compliance Letter (VL-99-364) was issued to repair and alter the existing dwelling.
- April 22, 2004 a Zoning Compliance Letter (ZCL-04-201) was issued to allow a dock after the fact.
- February 3, 2023 a Zoning Compliance Letter (ZCL-23-030) was issued to allow the septic system to be repaired or replaced.

There are no zoning compliance letters giving authorizations for the accessory structures onsite, but Staff can assume that the structures attached to the existing Single Family Dwelling (garage and carport) were sited with the Zoning Clearance Letters that allowed an addition to the existing dwelling. Staff cannot determine that the detached Accessory Structure was sited with permits, and the Coos County Assessor’s Office responded that the structure was sited in 1996, as a condition of approval proof that permits were received, or that the structure was sited prior to the ordinance, or an after the fact Compliance Determination must be submitted to Coos County Community Development. If the dock and boathouse is not currently in compliance with Oregon Department of State Lands registration requirements the Property Owner(s) must come into compliance by submitting the appropriate applications, this has been made a condition of approval.

LOCATION: The subject property is located east of the City of Lakeside and accessed off of Potlatch Road, which is a public privately maintained road.

- B. ZONING:** The subject property is zoned Rural Residential-2 (RR-2).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.100 RESIDENTIAL

Rural Residential (RR)

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the “RR-2” and “RR-5” districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

a. SITE DESCRIPTION AND SURROUNDING USES SITE DESCRIPTION AND

SURROUNDING USES: The property is approximately .45 of an acre and is residentially developed with tree vegetation surrounding the development. The development on the property consists of a dwelling with attached carport and garage, an accessory structure and a dock. North Ten Mile Lake borders the property to the west. The adjacent properties are zoned Rural Residential-2 (RR-2), and contain residential development.



C. COMMENTS: Comments were not required for this use as there is no development occurring.

II. PROPERTY COMPLIANCE:

A. 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 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.

FINDING: Staff has reviewed the property history and the county finds at the time of this report; the property may not be complaint with the Coos County Zoning and Land Development Ordinance. The report has been conditioned to bring the property into compliance.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

"Lawfully established unit of land" means: 1. The unit of land was created:

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*

- e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: This tax lot was lawfully created through (e) by deeds prior to applicable ordinances that would have prohibited the creation (deed documents 71-71439 & 75-108924).

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.

Dwelling: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. A dwelling shall consist of a kitchen, bathroom(s) and living space. Dwellings do not include a RV, tent, teepee, yurt, hotels, motels, vacation rentals or boarding houses.

Dwelling Types: Dwellings are separated into the following categories:

- a. *Single family dwelling: a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited.*

Vacation Rentals: A furnished apartment or house rented out on a temporary basis to tourists or guests as an alternative to a hotel/motel or group cottage. The definition includes dwelling(s) or dwelling unit(s) for the purpose of being rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis and are predominately rented out less than 30 days.

C. Criteria and standards for Vacation Rentals

I. Vacation Rentals

A. 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 a 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*

zoning district that allows for a Vacation Rental if it meets the discretionary criteria through an Administrative Conditional Use (ACU) process.

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 purpose of this zoning district is to provide for continued existence of family life and to provide a transition of densities between urban development and exclusive agricultural and forest uses. Vacation Rentals are a limited commercial use considered accessory to the residential use. Vacation Rentals are only permit to be operated within an existing Dwelling; therefore, the use must show they can be compatible with existing residential uses occurring within the surrounding area without discord or disharmony. This type of use has the possibility to increase traffic and nuisance issues.

The county has applied the notification boundary (250 feet) as adequate to justify the compatibility criteria. Within the notification area included one (1) vacant residential property, one (1) vacant forest property, one (1) vacation rental, one (1) secondary dwelling, and 3 primary dwellings. Just outside the 250 feet notification area there are multiple Vacation Rentals. Staff finds that the proposed Vacation Rental can be made compatible with conditions of approval.

Map No	Parcel No	Structure	Type	Zoning
23S1208CD	800	Vacant	Residential	RR-2
23S1208CD	900	Dwelling	Residential- Secondary	RR-2
23S1208CD	1000	Dwelling	Residential- Primary	RR-2
23S1208CD	1200	Dwelling	Residential- Primary	RR-2
23S1208CD	1300	Dwelling	Applicants Parcel	RR-2
23S1208CD	1400	3 Dwellings	Residential- Primary	RR-2
23S1208	900	Vacant	Forest	F
23S1208	1001	Dwelling	Vacation Rental	RR-2

The map below shows the Vacation Rentals within the subject area



Recreational opportunities within a mile of the subject property include Tenmile Lake, which offers camping, hiking, fishing and boating.

A Single-Family Dwelling unit provides complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation. A request to use the dwelling for transient occupancy for vacation purposes must not increase traffic, parking and related nuisance issues. Therefore, to make the use compatible limitations on occupancy based on the number of bedrooms that are located within the dwelling, limiting traffic and parking volumes to the same level as a Single-Family Dwelling and limiting nuisances will ensure the use is compatible.

In determining how many people can be accommodated overnight the calculation is made based on bedrooms within the Single-Family Dwelling. A bedroom (ORS 90.262) has a minimum average of two occupants per bedroom. This dwelling is a three (3) bedroom dwelling; therefore, staff will condition this approval that only six (6) overnight guests shall be onsite. Vehicles on site for the guest shall be no more than two vehicles. This does not account for cleaning service and other related maintenance service or when the property owner is using the dwelling. There shall be quiet times and a clear sign posted with the contact information so neighbors that have complaints may contact the rental service that is managing the vacation rental.

Typically, traffic counts are conducted for a Single-Family Dwelling based on two (2) vehicles; therefore, the Vacation Rental will be limited to two vehicles on site when the Dwelling used as a Vacation Rental. If the property is receiving public services for water or sewer a letter from those utility companies is required that there is no limitation on service. Vendors shall be limited to cleaning and maintenance. If a special event is planned by a guest, it shall occur during the day and there may be vendors to serve that specific event. The applicant has stated that Vacation Rental will be maintained regularly, and all restrictions will be enforced.

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 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.

C. *SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:*

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

FINDING: No structural or earth moving development is part of this request; therefore, additional review was not required.

IV. DECISION:

The proposed Vacation Rental/Short-Term Rental in the Rural Residential-2 (RR-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. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special districts, or parties: Lakeside RFPD

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, Assessor’s Office, 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.