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April 22, 2024

Coos County Planning Commission
60 E 2nd St
Coquille, OR 97423

RE: ACU-23-058 and AP-24-003

To Whom It May Concern,

I am writing today as a Fact Witness per CCZLDO 5.7.300 and to provide information for the record regarding the proposed vacation rental dwelling at 71982 Potlatch Road in Lakeside. I will be present at the hearing to summarize and address questions regarding the information in this document.

Upon the request of the property owners, our office submitted an application for the Vacation Rental use on October 16, 2023. They retained our services on August 26, 2023 when we started with a Site Survey, calls with DEQ and regulatory offices. We spoke to the Planning Department about the code compliance issues resulting from operating a VRD without a license. The Director chose not to charge the double permit fee for after the fact permitting because the owner ceased to rent on a short term basis and submitted a Conditional Use Permit application. Since our involvement, the site has been used by friends and family on rare occasions, but has not received compensation or advertised as a VRD. The updated rental agreement and local management contact information will be provided as a Condition of Approval. Previous rental arrangements were terminated when the vacation rental use ended in 2023.

As part of our application process, we submitted a driveway and parking plan to the Coos County Road Department who inspected the site and approved of the plan under permit DR-23-106. The requirements set forth in the CCZLDO for a Vacation Rental Dwelling with required parking, access and emergency vehicle turnaround were met.

Our application provided Findings of Fact which outlined the various sections of the CCZLDO that are relevant to the proposed use as a Vacation Rental. The additional criteria for Vacation

Rental Approval were met and concurred with by the Planning Department through the issuance of their Notice of Decision dated March 22, 2024.

CCZLDO 5.0.350(1) reads:

Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of the Ordinance, Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both the extent and amount to the anticipated impacts of the proposed use or development.

The Planning Department provided a list of conditions to ensure compatibility with the existing residential neighborhood. These conditions are consistent with those outlined in “An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon” which is a publication of Oregon Department of Land Conservation and Development. Chapter 6 covers Conditional Use Permits and the types of conditions used for compatibility. The County provides a standard list of conditions for all Vacation Rental Applications. To date the conditions have proven to be enough for compatibility, otherwise the County would have considered additional conditions to be added to their approvals. Coos County has approved other VRD uses that have Private Road easements which further proves that there was nothing particularly special or unique about the request the Hofmann Family made to operate as a VRD under the current regulations.

An appeal of the Decision was filed and evidence was submitted into the record. Comments from the property owners will be addressed below.

The appellants claim that the short term rental use is Commercial in nature and therefore not compatible with the residential neighborhood. Coos County does not classify short term rentals as commercial uses, in fact, the CCZLDO requires the use to be located solely within an existing residential structure. The VRD use is Accessory to the Main Residential Use (CCZLDO 4.3.200(64)).

CCZLDO 4.3.200(64)(87) reads:

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.

The conditions of approval were outlined in the Findings of Fact and concurred with by Planning Staff as evidenced in their Staff Report for the Notice of Decision. The proposed use as a Vacation Rental is considered an Accessory Use to the Main Residential Use.

The compliance issues with Vacation Rentals is not a new problem, nor is the Hofmann rental an isolated incident in the Potlatch neighborhood regarding the VRD use and operating without a license. As of April 22, 2024 the AirBnB website lists 6 vacation rentals on Nordloch/Potlatch roads. VRBO shows an additional 2 rentals off of Nordloch to the east. Only 1 of the AirBnB listings has a Tourist Facility License which is Potlatch Point Properties. Note that the Hofmann property is not shown on either website, nor is it being advertised for rent on any other site. The property is no longer in violation of the County or State permitting requirements.

Nuisance Plans are required as part of the Vacation Rental permit process. The County offices will have the name and contact person for the local management company. The new management company will be Vacasa, and their local representative has been extremely responsive and available for several licensed rentals. Previous issues with management and the rental violation that occurred are not relevant to the application and are not grounds for appeal.

The County can create a Condition of Approval that the contact person and VRD signage be located at the driveway. This provides directional signage to the guests and a contact for guests or neighbors to have access to at all times. Further, the owner will add to the rental agreement that all complaints and causes of Nuisance result in a forfeit of the security deposit and damages could be charged. Quiet hours will be posted in the rental agreement and at the house. House rules regarding animals, children, outdoor amenities and the dock will be listed in the rental agreement and at the house. This further informs guests that they are expected to respect the

residential nature of the home and vicinity. Lastly, a maximum occupant load of 6 persons have been limited for this property. That will further control the nature of the use and eliminate a party atmosphere.

Ten Mile Lake is a well known location for boating and other water related activities. The property has a boathouse and a dock. Boats are only permitted at this rental via the water. Boat launching is not feasible from the subject site, nor are trailers going to be allowed on site. Any boating activity is considered a normal and expected use on the lake. Boating safety information can be posted at the rental along with rules for Nuisance control as listed above. Damages caused to owners regarding activities on the Lake are a civil matter, and are not related to the permit or license to operate as a Vacation Rental. The neighborhood may want to address a “no wake zone” with the appropriate jurisdiction.

Septic Systems fail. That is not specific to vacation rental use, but to the age of the system. The subject system was nearly 50 years old when it failed and a new system was installed in 2023. Additionally, licensed Vacation Rentals are required to meet the DEQ standards for transient occupancies and the additional daily flows per bedroom. The installed septic system was installed to meet the VRD standards that the DEQ office has in place. The owner will have to apply to DEQ for Authorization to Connect the VRD use which will have an associated fee and review period.

Potlatch is an open Public Road that is maintained by the adjoining property owners. This neighborhood has a maintenance agreement in place, and each owner pays a small amount each year for general maintenance. Any use or person that damages the road specifically is required to cover the additional costs of maintenance. Recently, a contractor for the Hofmann family damaged the road, and it was repaired as quickly as the work could be scheduled. Additionally, the Hofmann family is willing to pay four times their annual amount, or \$1000 per year, for their contribution once a Tourist Facility License is issued. Note that approval of the Conditional Use Permit is not the same as being licensed to operate. The additional maintenance fee will only be paid IF or WHEN the subject property is licensed to rent as a VRD.

As noted in the Vacation Rental Application, a short term rental generates less vehicular trips per day than a full time residence. The Institute of Transportation Engineers (ITE) publication “Trip Generation, 7th Edition” shows that Recreational/Vacation Homes generate a daily average of 3.16 trips per unit. In comparison, a full time Single Family Dwelling generates a daily average of 9.57 trips per day. Additionally, the Vacation Rental is required to restrict parking to two vehicles at a time and to enforce Quiet Hours. Coos County has these restrictions in place to ensure compatibility with the residential neighborhood that short term rentals are located within. Considering the low impact of rentals, and considering also that no other activity is proposed,

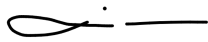
required or needed for the vacation rental use, joint use or sharing of the road will not be a likely problem.

Land Use	Units	Average Trip Generation Rate (Trips/unit)
Single Family Housing	Dwelling	9.57
Apartment, Low Rise	Dwelling	6.59
Apartment, High Rise	Dwelling	4.20
Condominium/Townhouse, General	Dwelling	5.86
Condominium/Townhouse, High Rise	Dwelling	4.18
Mobile Home Park	Dwelling	4.99
Senior Adult Housing – Detached	Dwelling	3.71
Senior Adult Housing – Attached	Dwelling	3.48
Congregate Care Facility	Dwelling	2.02
Recreational/Vacation Homes	Dwelling	3.16

ITE PUBLICATION “TRIP GENERATION, 7TH EDITION”

Thank you in advance for denying the appeal and upholding the decision made by the Planning Department. A decision that was based on Findings of Fact and criteria found in the CCZLDO.

Sincerely,



Sheri McGrath