



## **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](mailto: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: **Tuesday, February 28, 2023**  
File No(s): ACU-22-046

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): Ewing Family Trust, Property Owner

Consultant(s): Sheri McGrath- Coos Curry Consulting

Staff Planner: Crystal Orr, Associate Planner

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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 5 p.m. on **Wednesday, March 15, 2023**. 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 (7) Recreation*. *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.**

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### **Property Information**

Account Numbers	7593900
Map Numbers	23S120800-00800
Property Owners	EWING FAMILY TRUST EWING, ELIZABETH B & GERALD L TTEE PO BOX 4 LAKESIDE, OR 97449-0004
Situs Addresses	135 N TENMILE LAKE LAKESIDE, OR 97449 72312 POTLATCH RD LAKESIDE, OR 97449
Acreages	5.44 Acres
Zoning(s)	RURAL RESIDENTIAL-2 (RR-2)
Special Development Considerations and Overlays	BIRD SITE MEETS GOAL 5C REQMT (B5C) COASTAL SHORELAND BOUNDARY (CSB) FLOODPLAIN (FP) FOREST MIXED USE (MU) LAKESIDE AIRPORT CONICAL ZONE (ALC) NATURAL HAZARD - TSUNAMI (NHTHO)

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This notice shall be posted from February 28, 2023 to March 15, 2023

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. **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: Tuesday, February 28, 2023**  
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 D: Comments

## **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**

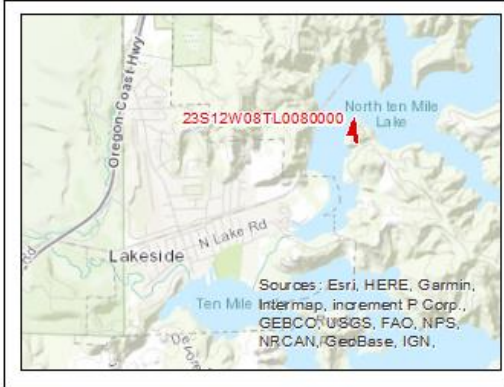
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter (ZCL) shall be required prior to the use of the dwelling as a *Vacation Rental* on the property; however, the following 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 portion of the Dwelling to be used as a Vacation Rental contains one (4) bedrooms and maximum capacity should be limited to six (8) 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 per to two (2) vehicles for guests and one (1) vehicle for employees.
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.
4. This dwelling was approved as a Single- Family Dwelling, converting to a vacation rental requires that the entire dwelling be rented out, rooms cannot be rented out separately, nor can the downstairs portion of the dwelling be rented while the upstairs portion of the dwelling is occupied by the property owner as that is not consistent of the intent or definition of Vacation Rental.
5. A copy of the Certification of Final Occupancy (CFO) for dwelling shall be submitted to staff with the request for a Zoning Compliance Letter to complete the process.

**EXHIBIT "B"  
VICINITY MAP**

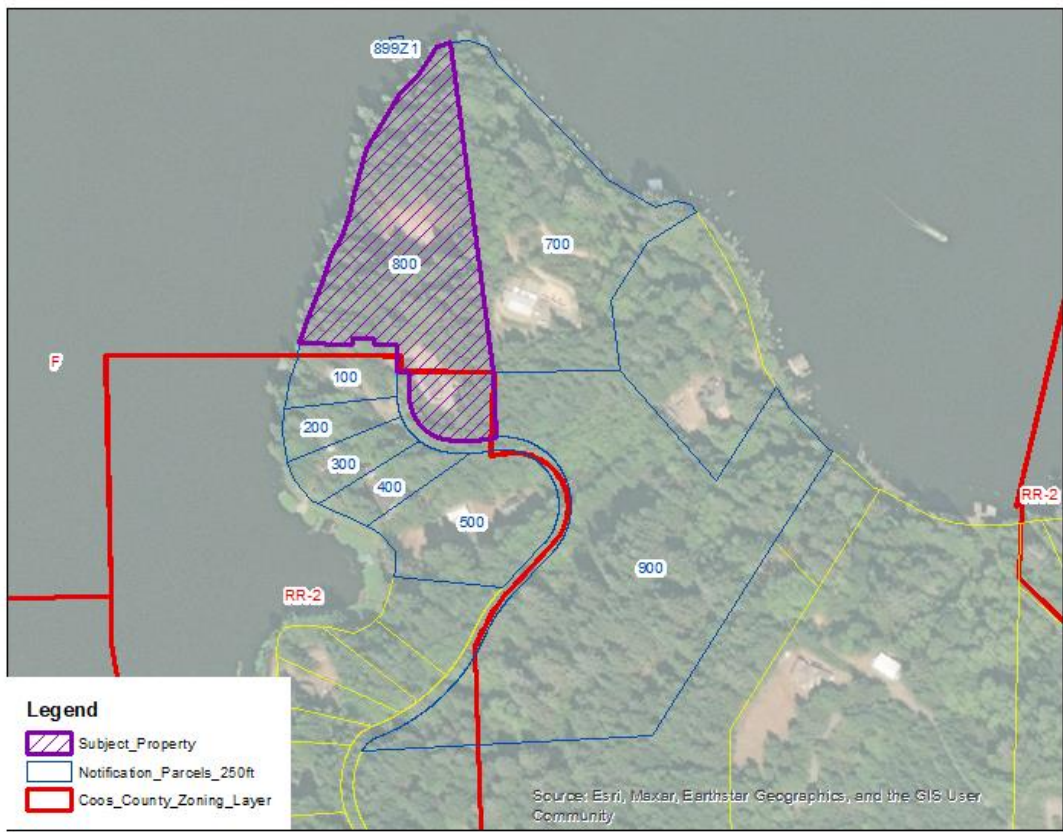


**COOS COUNTY PLANNING DEPARTMENT**

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-22-046  
 Owner: Ewing Family Trust  
 Date: February 7, 2023  
 Location: Township 23S Range 12W  
 Section 8 TL 800  
 Proposal: Administrative Conditional Use



**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 dock, shop, shed and Single-Family Dwelling. The Single-Family Dwelling has not received a certificate of occupancy according to County Building Codes at this time. The development was reviewed at the time the Amendment/Rezone (AM-22-003/RZ-22-003) application was approved. The rezone was approved to allow the portion of the property that was zoned Forest (F) to Recreation (REC).

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

- B. ZONING:** The subject property is split zoned Recreation (REC) and Rural Residential-2 (RR-2). The dwelling to be used as a vacation rental is within the Recreation (REC) zoning,

**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.*

**SECTION 4.2.400 OPEN SPACE AND NATURAL RESOURCE ZONING DISTRICTS**

***Recreation (REC)***

*The intent of the Recreation District is to designate recreation areas. The purpose of the “REC” district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as “Recreation” in the Comprehensive Plan, which include state,*

county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County’s Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

- a. **SITE DESCRIPTION AND SURROUNDING USES SITE DESCRIPTION AND SURROUNDING USES:** The majority of the subject property is zoned Recreation (REC) with approximately 0.70 acres zoned Rural Residential -2 (RR-2) which is located at the lower southern portion. The property is approximately 5.44 acres and is treed with a few cleared areas. The development on the property consists of a dwelling under construction, shed, shop, dock, and septic system. North Ten Mile Lake borders the property to the west and north. The adjacent properties to the east are zoned FMU and are treed with a cleared area around the residential development and the other is undeveloped. The properties to the south are zoned RR-2 and are treed and residentially developed



- 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 is complaint with the Coos County Zoning and Land Development Ordinance. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

**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 (a) through a prior land use decision (AM-22-003/RZ-22-002). Therefore, it is a lawfully created unit of land.**

### **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 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	MES	
63.	Retail Business	N	N	N	N	N	ACU	HBCU	CD	N	N	HBCU	N	N	(75)
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

**FINDING:** 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 (7) Recreation. Siting standards with the exception of parking do not apply to this type of review because there are no new structures proposed with this review.

**B. 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:

- Shall be found to be compatible with the surrounding area.
- Shall be licensed by the Coos Health & Wellness (CHW) in accordance with ORS 446.310-350;
- 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 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 Single-Family Dwelling or Dwelling Unit; the subject property contains a partially built *Single-Family Dwelling* and the property is in a zoning district that does allow for vacation rental if meets the discretionary criteria through an Administrative Conditional Use (ACU) process.**

Staff reached out to Coos County Building Codes for information on the number of bedrooms within the home, according to their records there are four (4) bedrooms. The Coos County Building Official also stated that the dwelling has not received an occupancy permit, which means the dwelling has not been completed. In order to apply for a Vacation Rental, the property must have an existing Single-Family Dwelling, for a dwelling to be existing, it must be fully permitted with Certificate of Final Occupancy (CFO). Staff has made a Condition of Approval that a CFO must be received prior to staff issuing a Zoning Clearance Letter for the use of the dwelling as a Vacation Rental to satisfy the criteria.

According to building plans on file with the County Building Department the dwelling has four (4) bedrooms. 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 property owners hired Coos Curry Consulting to prepare the application. In the original submittal the proposal was to rent out the bottom floor of the dwelling, and the property owners would be occupying the upstairs. Staff reached out to the consultant to clarify, as this is not permitted through a Vacation Rental approval. This would seem to be more consistent with a Bed & Breakfast and that is not a listed use in the REC Zone. The approval has been conditioned to clarify that the entire dwelling shall be available for rent.

The purpose of this zoning district is to provide for Recreational use. Vacation rentals are not considered a limited commercial use within a Single-Family Dwelling; therefore, the use must show they can be compatible with the surrounding area without discord or disharmony.

The notification area included one (1) vacant property, three (3) primary dwellings and two (2) secondary dwellings in the nearby vicinity.

Map No	Parcel No		Structure	Type
23S1208CD	100		Dwelling	Primary
23S1208CD	200		Dock	Secondary
23S1208CD	300		Dwelling	Secondary
23S1208CD	400		Dwelling	Primary
23S1208CD	500		Dwelling	Secondary
23S1208	700		Dwelling	Primary
23S1208	900		Vacant	Secondary

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 four (4) bedroom dwelling; therefore, staff will condition this approval that only eight (8) overnight guest 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 Recreation (REC) 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.

## EXHIBIT D COMMENTS

### Crystal Orr

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**From:** Richard Hallmark  
**Sent:** Friday, February 24, 2023 12:14 PM  
**To:** Crystal Orr  
**Cc:** Greg.ALTON@deq.oregon.gov; Jill Rolfe  
**Subject:** RE: Request for Comments ACU-22-046  
**Attachments:** algor. for TA.xls

Crystal, I'm hoping it's no longer possible for CHW to license a place as a vacation rental that is outside of the scope of the county zoning ordinance. If that is possible CHW would still expect (1) documentation showing planning/zoning is either satisfied or not relevant (2) the DEQ authorization notice & (3) public health satisfaction for potable water before considering a license application.

Occasionally an algorithm is helpful. The one that is attached is based on ORS 446 and used to determine if an intended use is exempt from public health licensing. Skimming the applicant's info, I don't think the info entirely satisfies the algorithm to determine whether exempt or not. From a public health agency perspective here is what I might question:

- IF the basement is an apartment separate from upstairs amenities CHW would consider a vacation rental license application.
- IF the owner will leave the premises during a complete rental period of any renting guest and allows the guest access to upstairs amenities CHW would consider a vacation rental license application.
- OTHERWISE, When the owner is on premises and if the guest is allowed upstairs to share space and amenities with the owner then the other questions in the algorithm are relevant to consider.

It seems logical to ask question about a kitchen, but it's not relevant to the ORS algorithm.

*Rick Hallmark, EHS*  
*Environmental Health Program Manager*  
*Coos Health & Wellness*  
*Together, inspiring healthier communities*  
281 LaClair St.  
Coos Bay, OR 97420  
**p.** 541-266-6744  
**f.** 541-888-8726

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**From:** Crystal Orr  
**Sent:** Friday, February 24, 2023 9:46 AM  
**To:** Richard Hallmark <Richard.Hallmark@chw.coos.or.us>  
**Cc:** Greg.ALTON@deq.oregon.gov; Jill Rolfe <jrolfe@co.coos.or.us>  
**Subject:** Request for Comments ACU-22-046

Hello,

I am reviewing a Vacation Rental and it appears comments were not requested, or not received. This is a tricky one, as the applicant applied to only rent out a portion of the dwelling (downstairs), but this wouldn't be permitted with Coos County Planning. In the original proposal it was stated the downstairs would not have a full kitchen, but would provide a

hot plate. I am not sure of the requirements for the health department for this type of use, but it wouldn't be permitted for Planning purposes for the property owner to occupy the space while its being rented. I reached out to the applicant and asked for clarification, and she sent new findings. I cant confirm on what they actually intend to do, I am just going to review on the new findings. Can you please give me comments on this as soon as possible. Appreciate your help. Original submittal and revised findings are attached.

Thank You,

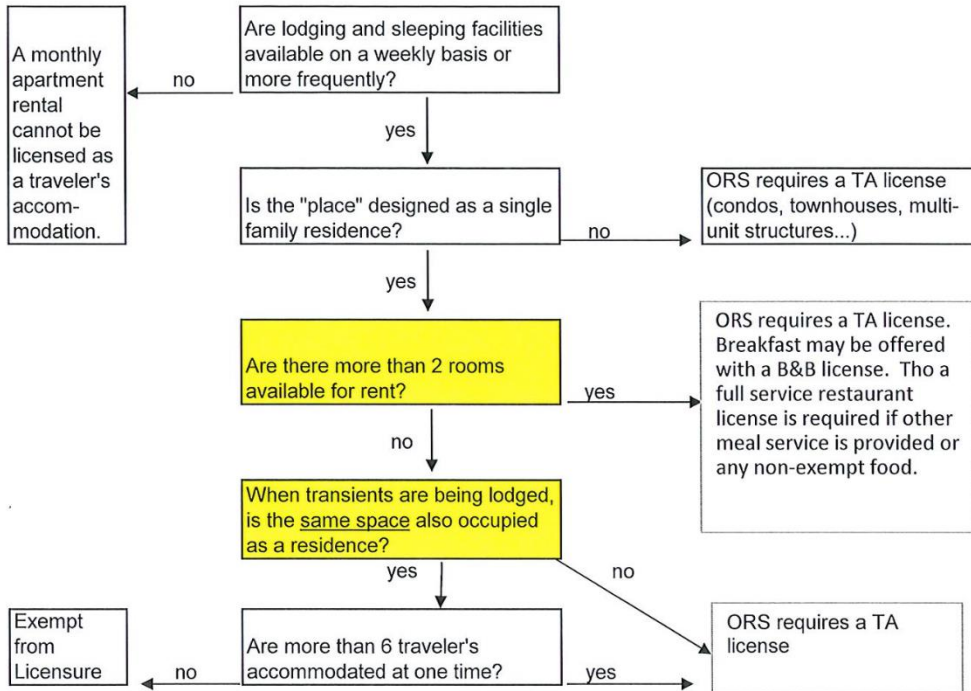
*Crystal Orr*

Associate Planner

Coos County Community Development

Planning Department

WHEN DOES ORS 446.310-350 REQUIRE A TRAVELER'S ACCOMMODATION LICENSE FOR LODGING?



ORS 446.310(12) "Travelers' accommodation" includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge ...

ORS 445.325 [Licensure of Traveler's Accommodations does not apply to any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of 6 travelers at any one time for a charge...]

ORS 446.310(6) "Hostel" means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge ... that is ... under the sponsorship of a nonprofit organization ...

ORS 624.10(1) "Bed and Breakfast Facility" means any establishment in a structure designed for a single family residence ... regardless of whether the owner ... resides in any of the [appurtenant] structures, which has more than two rooms for rent on a daily basis ... and offers a breakfast meal as part of the cost of the room (to guests, staff and owners, only).

**For plan review of a HOT TUB where an annual license is required call (971) 673-0448**

**WATER** For water system plan review call (971) 673-0408

Any licensed facility, such as a Traveler's Accommodation or Bed and Breakfast, is required to have approved potable water. This means a facility not connected to an approved [municipal] system needs to go through the state's plan review process to assure a safe source and must maintain a minimum sampling regiment including: coliform bacteria - quarterly, nitrates - annually and inorganics - once (OAR 333-029-

**Crystal Orr**

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**From:** ALTON Greg \* DEQ <Greg.ALTON@deq.oregon.gov>  
**Sent:** Friday, February 24, 2023 2:25 PM  
**To:** Crystal Orr; Hallmark Richard  
**Cc:** Jill Rolfe  
**Subject:** RE: Request for Comments ACU-22-046

This Message originated outside your organization.

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Hi Crystal,  
I took a look at the septic records. On face value it looks supportable through the DEQ AN application process.  
Take Care, Greg

Gregory H Alton REHS  
Regional Onsite Wastewater Specialist  
465 Elrod Ave, Suite 201  
Coos Bay, OR 97420  
541-269-2721



**From:** Crystal Orr <corr@co.coos.or.us>  
**Sent:** Friday, February 24, 2023 9:46 AM  
**To:** Hallmark Richard <Richard.HallMark@dhsoha.state.or.us>  
**Cc:** ALTON Greg \* DEQ <Greg.ALTON@deq.oregon.gov>; Jill Rolfe <jrolfe@co.coos.or.us>  
**Subject:** Request for Comments ACU-22-046

Hello,

I am reviewing a Vacation Rental and it appears comments were not requested, or not received. This is a tricky one, as the applicant applied to only rent out a portion of the dwelling (downstairs), but this wouldn't be permitted with Coos County Planning. In the original proposal it was stated the downstairs would not have a full kitchen, but would provide a hot plate. I am not sure of the requirements for the health department for this type of use, but it wouldn't be permitted for Planning purposes for the property owner to occupy the space while its being rented. I reached out to the applicant and asked for clarification, and she sent new findings. I cant confirm on what they actually intend to do, I am just going to review on the new findings. Can you please give me comments on this as soon as possible. Appreciate your help. Original submittal and revised findings are attached.

Thank You,  
*Crystal Orr*  
Associate Planner  
Coos County Community Development  
Planning Department

**Disclaimer**