



Community Development

Mailing Date:
Thursday, April 25, 2024

Coos County Community Development

ITEM Number: Agenda Item B
FILE NUMBER: AP-24-003 of ACU-23-058
HEARING DATE: Thursday, May 2, 2024
HEARING LOCATION: 201 N. Adams Street, Coquille Oregon 97423
This meeting can be attended virtually at:
https://meet.goto.com/940158709
You can also dial in using your phone.
Access Code: 940-158-709
United States: +1 (224) 501-3412
APPLICANT(S): Fritz & Sarah Hoffman
APPELANT(S): Anthony Culjis & Concerned Citizens
STAFF CONTACT: Crystal Orr, Associate Planner
Phone: 541-396-7770
Email: planning@co.coos.or.us
HEARINGS BODY: Planning Commission
RECORD: Record items can be viewed online at:
AP-24-003 Application File
ACU-23-058 - Application File
SUMMARY/REQUEST: This is an appeal of a request for an conditional use to allow the use of an existing Single Family Dwelling as Vacation/Short Term Rental.
SUBJECT PROPERTY DETAILS:
ACCOUNT NUMBER: 7537700
MAP NUMBER: 23S1208CD-01300
PROPERTY OWNER(S) HOFMANN, FRITZ & SARAH
23975 SE BOHNA PARK RD
DAMASCUS, OR 97089-9310
SITUS ADDRESS 100 N TENMILE LAKE LAKESIDE, OR 97449
71982 POTLATCH RD LAKESIDE, OR 97449
ACREAGE: 0.45 Acres
ZONING(S): RURAL RESIDENTIAL-2 (RR-2)
SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS: BIRD SITE MEETS GOAL 5C REQRMT (B5C)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
LAKESIDE CONICAL ZONE (ALC)
NATIONAL WETLAND INVENTORY (NWI)

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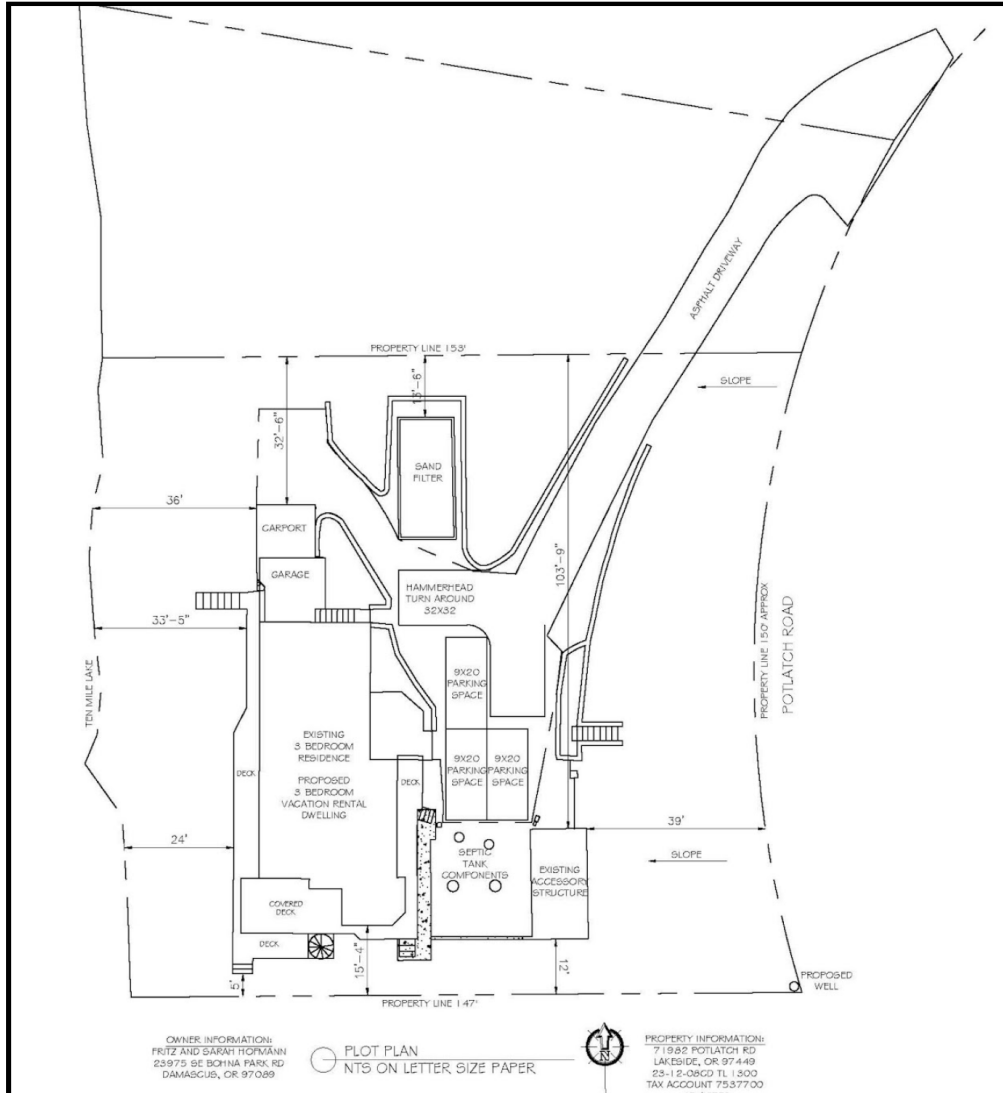
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Plot Plan and Subject Property Map
(not to scale)



PLOT PLAN

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I. APPLICABLE CRITERIA

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

CHAPTER IV - BALANCE OF COUNTY ZONES, OVERLAYS & SPECIAL CONSIDERATION

SECTIONS

- 4.3.200(64) – Use Table – Vacation Rentals
- 4.3.210(87) – Categories and Review Standards – Vacation Rentals
- 4.3.220(2) – Additional Conditional Use Requirements – Rural Residential (RR)

CHAPTER V – Administration

ARTICLE 5.8 APPEAL REQUIREMENTS

SECTIONS

- 5.8.100 Appeals General
- 5.8.150 Standing to Appeal a Planning Director’s Decision
- 5.8.170 Appeal Procedures
- 5.8.300 Record Presented to Hearings Body or Board of Commissioners

II. BASIC FINDINGS

LEGALLY CREATED UNITS OF LAND STATUS: The Coos County Zoning and Land Development Ordinances requires that property is legally created pursuant to Article 6.1 Lawfully Created Lots and Parcels ORS 92. Staff found that this unit of land was lawfully created through (e), prior to applicable partition ordinances that would have prohibited the creation (deed documents 71-71439 & 75-108924).

SITE DESCRIPTION AND LAND USE HISTORY: The subject property, situated east of the City of Lakeside, occupies approximately 0.45 acres and is accessible via Potlatch Road, a privately maintained public road. Constructed in 1976, the property features a Single-Family Dwelling with an attached carport and garage, along with a detached accessory structure and a dock. Surrounding parcels share similar zoning designations, approximate sizes, and predominantly residential land use. Over the years, the property has received several approvals, including zoning compliance letters for additions and repairs to the existing dwelling, as well as for the installation of a dock and septic system repair or replacement:

- 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.

Staff reached out to the Coos County Assessors Office prior to the release of the Notice of Decision for the Vacation Rental approval (ACU-23-058), at that time they stated that the detached Accessory Structure was sited in 1996. After the release of the Notice of Decision the Assessors Office sent an updated email letting Staff know that the detached Accessory Structure was sited in 1976.

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☑️ ☆ Coos County Zoning, 2022

- Commercial
- Controlled Development 10
- Controlled Development 5
- City Zoning
- City Estuary Plan - Aquatic
- City Estuary Plan - Shoreland
- Coos Bay Estuary Plan - Aquatic
- Coos Bay Estuary Plan - Shoreland
- Coquille River Estuary Plan - Aquatic
- Coquille River Estuary Plan - Shoreland
- Exclusive Farm Use
- Forest
- Industrial
- Minor Estuary and Shorelands
- Rural Center
- Recreation
- Rural Residential 2
- Rural Residential 5
- South Slough
- Urban Residential 1
- Urban Residential 2
- Urban Residential M



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APPEAL: The decision to allow the Vacation Rental within the existing Single Family Dwelling was appealed by abutting property owner, Anthony Culjis, as well as additional property owners within the vicinity. The property owners within the vicinity claim that a Vacation Rental is not compatible with the neighborhood.

PUBLIC AGENCY COMMENTS: No public agency comments were required for this proposal as no development is proposed.

PUBLIC COMMENTS: The Planning Department mailed notice of the conditional use application to all property owners within 250 feet of the subject property on March 22, 2024. The applicant also complied with the posted notice requirements of Section 5.0.900. Public comments were received and are referenced and summarized below. The full comments can be found at Attachment B.

Anthony Culjis, representing property owners within the community, filed an appeal of the decision to approve a Vacation Rental on the subject property. Culjis's contention is that a Vacation Rental is not compatible with the neighborhood. This comment raises concerns about the perceived impact of the proposed Vacation Rental on the surrounding area and suggests a discrepancy between the intended use and the character of the neighborhood.

III. FINDINGS & CONCLUSIONS

Vacation Rentals

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.

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- “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		
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IND	AO	REC	SS	MES			
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	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 (2) Rural Residential. 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.

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;
 - 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
 - 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.

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FINDING: A Vacation Rental can only be established in an existing dwelling; the subject property contains an existing Single-Family Dwelling with an effective year built of 1976. The property is within a 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 the 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 residential use. Vacation Rentals are only permitted 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

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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 located within the dwelling are necessary, along with limiting traffic and parking volumes to the same level as a Single-Family Dwelling and limiting nuisances.

In determining how many people can be accommodated overnight, the calculation is based on the bedrooms within the Single-Family Dwelling. A bedroom (defined by ORS 90.262) has a minimum average of two occupants per bedroom. As this dwelling has three (3) bedrooms, staff will condition this approval to allow only six (6) overnight guests onsite. Additionally, vehicles onsite for the guests shall be limited to 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. Quiet times shall be established, and a clear sign with contact information for the rental service managing the vacation rental shall be posted so that neighbors with complaints may easily contact them.

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 purposes only. If a special event is planned by a guest, it must occur during the day, and vendors may be permitted to serve that specific event. The applicant has affirmed that the Vacation Rental will be regularly maintained, and all restrictions will be diligently enforced.

Furthermore, 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.

It's important to note that the Vacation Rental approval will not transfer to a subsequent owner without a Compliance Determination. Additionally, the applicant is required to record a deed restriction with the Coos

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County Clerk's Office, acknowledging that this is an accessory use to the approved residential use. This condition will be made part of the approval process, and all conditions must be complied with for final approval to be granted.

Staff found that with the inclusion of these conditions of approval, the proposal meets the necessary criteria. The notice of decision was mailed out to the neighboring property owners. An appeal was received. The appellant, in this case, is a group of concerned citizens that own property along the waterfront of Nordloch Lane and Potlatch Road. The appeal filed states that the vacation rental use is not compatible with the neighborhood. The appellants claim that they know that the use of the dwelling as a vacation rental will not be compatible as the property was illegally used as a vacation rental prior to Staff approval, and the renters were disruptive, parked on the road, etc. The appeal will be discussed under the next section in more detail.

The criteria for a Vacation Rental requires that the use be made compatible, this has been historically achieved through conditions of approval. To date Planning Staff has not received complaints about approved Vacation Rentals within Coos County.

ARTICLE 5.8 APPEAL REQUIREMENTS

APPEAL PROCESS:

SECTION 5.8.100 APPEALS GENERAL

Coos County has established an appeal period of fifteen (15) days from the date written notice of administrative or Planning Commission decision is mailed with the exception of Property Line Adjustments and lawfully created parcel determinations, which are subject to a twelve (12) day appeal period.

The Board of Commissioners or Hearings Body shall dismiss an appeal for failure to follow the requirements of this article. [OR 04 12 013PL 2/09/05]

SECTION 5.8.150 STANDING TO APPEAL A PLANNING DIRECTOR'S DECISION:

A decision by the Planning Director to approve or deny an application shall be appealed as identified in the Sections below. The appeal must be filed within the appeal period and meet one of the following criteria:


- 1. In the case of a decision by the Planning Director, the appellant was entitled to notice of the decision; or*
- 2. The person is aggrieved or has interests adversely affected by the decision.*

FINDING: The appellant submitted the appeal within the allowed timeframe. The appellant was entitled to, and received a notice of decision.

SECTION 5.8.170 APPEAL PROCEDURES:

An appellant shall file the appeal for review on the appropriate county form and the form shall be completely filled out as required by this section. If an appellant fails to correctly fill out the form, and there has already been a public hearing on the matter, the Board of Commissioners may deny the appeal based on failure to comply with this section. In the event the appeal is denied based on a failure to comply with this section, a refund of unexpended fees shall be returned to the appellant.

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The appeal form shall contain the following:

1. The name of the applicant and the County application file number;
2. The name and signature of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative;
3. The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160;
4. The date that the notice of the decision was mailed as written in the notice of decision;
5. The nature of the decision and the specific grounds for appeal citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule.
6. The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application.
7. Appeals of Planning Director's decision will be de novo;
8. Appeals of Planning Commission's or appointed Hearings Officer(s) decision shall be reviewed by the Board of Commissioners or Hearings Officer if the Board of Commissioners so chooses. The Board of Commissioners shall, provided there has been an initial evidentiary hearing:
 - a. Decline to hear the matter and enter an order affirming the lower decision; or
 - b. Accept the appeal and:
 - i. Make a decision on the record without argument;
 - ii. Make a decision on the record with argument;
 - iii. Conduct a hearing de novo; or
 - iv. Conduct a hearing limited to specific issues.
 - c. In the decision, the Board shall affirm, modify, or reverse the lower decision, and accept any or all of the findings and conditions in the Hearings Body decision, or modify or adopt new findings and conditions on a permit.
 - d. If the Board allows argument only on the record, no new evidence shall be submitted.
 - e. Any legal issues not specifically raised are considered waived for purposes of appeal to the Land Use Board of Appeals (LUBA).
 - f. Where a hearing is limited to specific issues, any evidence or argument submitted must be relevant to the specific issue.
 - g. All items to be submitted to the County must actually be received by the County Planning Department no later than 5:00 p.m. on the on the last day of the appeal period. If the last day of the appeal period falls on a weekend or County holiday, then the item must actually be received by the County Planning

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- Department no later than 12:00 p.m. on the next County business day following the deadline date. All items to be mailed to another party must be postmarked no later than the end of the appeal period.*
- h. The decision of the Board of Commissioners shall not be final for the purpose of appeal until reduced to writing and signed by the Board.*

FINDING: The appeal contained the necessary information listed within Section 5.8.170. This is an appeal of a Planning Director’s decision and will be processed as a de novo hearing.

SECTION 5.8.300 RECORD PRESENTED TO HEARINGS BODY OR BOARD OF COMMISSIONERS

After notice of intent to appeal has been filed pursuant to Section 5.8.200, then: [OR 96-06-007PL 9/4/96]


- 1. For appeals of administrative decisions, the Planning Director shall forward to the Hearings Body a copy of:
 - a. the application for the subject administrative permit; and*
 - b. the written findings establishing the basis for his decision; and*
 - c. the notice of intent to appeal.**
- 2. For appeals of Hearings Body decisions, the Planning Director shall forward to the Board of Commissioners a copy of:
 - a. the application for the requested action; and*
 - b. the staff report on the request; and*
 - c. the public hearing record of the Hearings Body’s decision; and,*
 - d. the notice of intent to appeal.**

FINDING: The Hearings Body in this case is the Planning Commission. The Planning Commission was provided a copy of the application (ACU-23-058), the Staff Report, as well as the Appeal (AP-24-003).

SECTION 5.7.300 QUASI-JUDICIAL LAND USE HEARINGS PROCEDURES

- 1. The presiding officer shall provide an opportunity for members to announce conflicts or abstain from participating and allow challenge to any member participating as a decision maker in a quasi-judicial hearing.*
- 2. At the beginning of a hearing under the Comprehensive Plan or land use regulations of Coos County, a statement shall be made to those in attendance that:
 - a. Lists the applicable substantive criteria;*
 - b. States that testimony and evidence must be directed toward the criteria listed or other criteria in the Plan or implementing ordinances which the person believes to apply to the decision; and*
 - c. States that failure to raise an issue with statements and evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals.**
- 3. Presentation of Testimony (for hearings other than appeals on the record):
 - a. For First Evidentiary Hearing including an appeal of a Planning Director’s decision:**

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- i. Staff Report;
- ii. Applicant;
- iii. Additional testimony by other parties in support of the application;
- iv. Testimony by opponents;
- v. Neutral parties;
- vi. Applicant's rebuttal arguments;
- vii. Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the record open, the Chair will close the public hearing. A request for continuance or an opportunity to submit additional evidence is subject to provisions of Section 5.7.400;
- viii. After closing the record, the Hearings Body will deliberate and reach a decision. The final decision will be reduced to writing and will include the findings upon which the decision is based. Notice of the decision will be mailed to all parties; and
- ix. Appeals of Planning Director's decision will be de novo and processed in accordance with § 5.7.300.


b. For Appeals of a Hearings Body decision (testimony may be limited to parties only):

- i. Staff Report;
- ii. Applicant or, in the case of an appeal of a prior decision, appellant;
- iii. Additional testimony by other parties in support of the application or appeal;
- iv. Testimony by opponents or, in the case of an appeal, the applicant and others in support of the application;
- v. Neutral parties;
- vi. Applicant's rebuttal arguments, or in the case of an appeal of a prior decision, appellant's rebuttal arguments;
- vii. Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the record open, the Chair will close the public hearing. A request for continuance or an opportunity to submit additional evidence is subject to provisions of Section 5.7.400; and
- viii. After closing the record, the Hearings Body will deliberate and reach a decision. The final decision will be reduced to writing and will include the findings upon which the decision is based. Notice of the decision will be mailed to all parties.

4. Representatives

- a. A party may represent themselves or be represented by an attorney. Consultants and other non-attorney professionals may appear as fact witnesses for any party, but may not appear as a legal representative.
 - i. Any person presenting written testimony on behalf of a group, company or any other organization, except an attorney, consultant, owner, officer, or employee of that group, company, or organization must enter written evidence into the record establishing that the person is authorized to appear on behalf of the organization. Such written authorization must:
 - ii. Be written on the group, company, or organization's official letterhead;
 - iii. Name the person authorized to appear on behalf of the group, company, or organization;
 - iv. Specify the scope of the authorization; and
 - v. Contain the signature of a person with authority to grant the authorization.

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Failure of a person to submit such written authorization shall cause the group, company, or organization to not achieve party status for the purposes of the proceeding and shall preclude the group, company, or organization from having standing to file an appeal.

- b. Any person presenting oral testimony on behalf of a group, company or any other organization, with the exception of an attorney, shall present a letter of authorization at that time to show that the person testifying does in fact represent that group, company or organization. If the letter is not presented at the time the hearings body or designee shall in its discretion, allow the person to submit that authorization prior to the close of the record.*

Failure to provide written proof of authorization to represent a group, company or organization shall result in the group, company or organization not having standing in the event of an appeal. The person who provided the testimony shall be the only one to achieve party status in the event of an appeal. The hearings body or designee has discretion to not consider the testimony as part of the record if a person presenting testimony on behalf of a group, company, or organization fails to comply with the rules of Section 4. If this is the decision of the hearings body or designee then it will be made part of the final order and decision. If the determination is made that testimony was disqualified under this subsection then standing has not been achieved. That party may not appeal the matter unless other forms of testimony accepted forms of testimony was received and granted them standing under CCZLDO Section 5.8.160.

5. Submission of Written Evidence

- a. Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.*
- b. Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy.*


The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.

- c. E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.*
- d. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.*
- e. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]*

6. Definitions: As used in this Article the following definitions shall apply:

- a. "Party" means any person, organization or agency who has established standing under the provisions of this Article 5.8.*

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- b. *“Witness” means any person who appears and is heard at a hearing and is not a “party”. A witness shall not be considered a “party” unless the Board of Commissioners determines that the person is a party in accordance with Article 5.8.*

FINDING: The process cited above will be followed.

APPEAL ISSUES AND RESPONSES :

Mr. Anthony Culjis filed the appeal with the department, along with the following appellants: Shireda Mckay, Keith Roberts, Renee Towan, Erik D. Klipfel, Margo Thomason, John & Linda Buday, Zane Thomas, Candice Dickstien, Liani Reeves, Richard Montgomery, Hayden & Nadja Jones, and Beverly Bare.

A vacation rental is defined as 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 encompasses dwelling(s) or dwelling unit(s) intended for rental or occupancy on a daily or weekly basis, advertised or listed by an agent as available for such use predominantly for periods less than 30 days. In the Rural Residential zone, it is treated similarly to a home occupation, which constitutes a limited commercial use occurring within a dwelling. The vacation rental criteria have been formulated to ensure compatibility with surrounding uses.


The appellants contend that this particular vacation rental has already demonstrated its inability to be compatible. However, this assertion pertains to its operation as a violation. A permitted vacation rental is subject to enforceable restrictions outlined in the conditions of approval. Limitations on the number of occupants and road usage are determined by the number of bedrooms in the dwelling. The fact is that a residential dwelling does not have the same limitations as a vacation rental and could potentially have a greater impact than this type of vacation rental.

The Planning Commission will not consider factors such as dock usage or other unrelated issues that cannot be directly attributed to a permitted vacation rental. Planning Staff have not received complaints about a permitted vacation rental, only about unpermitted ones or unrestricted nonconforming uses that are similar to vacation rentals. Providing commentary and evidence of past occurrences only demonstrates a history of unpermitted use and why it was necessary for the property owner to come into compliance but does not prove that a use cannot be made compatible through the implementation of appropriate conditions.

Staff did not find that the testimony received was compelling to show how the restrictions would not address the compatibility issues.

IV. STAFF RECOMMENDATIONS – Staff recommends that the Planning Commission uphold the decision to approve the Vacation Rental within the existing Single Family Dwelling with the conditions of approval listed within the Staff Report of ACU-23-058. The appeal is not valid as the property history as a Vacation Rental cannot be taken into consideration, the use was not previously approved, and therefore; did not require conditions of approval to remain compatible with the surrounding properties.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423


 541-396-7770

@ planning@co.coos.or.us



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**ATTACHMENT A
Record**



APPEAL OF A LAND USE DECISION

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 SECOND STREET OR
MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423.
EMAIL PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

Planning Director Appeal Fee \$250.00 / Hearings Body or Officer Appeal Fee \$2560.00

Date Received: 4/9/2024 Fee Received \$250.00 FILE # AP- 24-003

Receipt 153879097 via point & pay paid 4/4/2024
If the correct fee is not with the appeal it will not be processed. Application shall be filed electronically.

List the names and signatures of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative. This can be attached to this form marked as Attachment "A".

Appellant: ANTHONY COLSIS

Mailing address: P.O. BOX 304 LAKESIDE OR 97449

Phone: 541-404-2480 Email: INFO@NordLoch.com

Signature: _____

Appellant's Representative: I AM ACTING AS SPOKES PERSON FOR OUR COMMUNITY SEE ATTACHMENT A

Mailing address: _____

Phone: _____ Email: _____

Signature: _____

The name of the applicant: Fritz & Sarah Hoffman

County application file number being appealed: ACU-23-058

Planning Director's Decision (Fee \$250) Hearings Body or Hearings Officer Decision (Fee \$2560)

The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160:

All appellants have properties adjacent or nearby 71982 Potlatch Road. Additional appellants that share the access road that will be used use for accessing the Air BNB have grievances or have interests adversely affected by this decision. Many of the residents own the land the access road sits on and all appellants or collectively responsible financially and other wise for maintaining the road.

The appeal deadline, as stated in the Director's Decision: _____

The nature of the decision and the specific grounds for appeal, citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule. (This can be attached to this form marked as Attachment "B".)

The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (This can be attached to this form marked as Attachment "C".)

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Attachment "A"
Appellant List for Application File # ACU-23-058 / DR-23-106

Shireda Mckay
PO Box X
Lakeside Oregon, 97449
541-404-6818
cpmshree@gmail.com

Keith Roberts
PO Box 275
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541-759-1066
keithroberts2020@gmail.com

Renee Towan
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renee_towan@yahoo.com

Erik D. Klipfel
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Margo Thomason
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gregmargo@charter.net

Anthony Culjis
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541-404-2480
infor@nordloch.com

John & Linda Buday
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83 North Tenmile Lake
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510-406-2532
lindabuday@sbcglobal.net

Zane Thomas
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Lakeside Oregon, 97449
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ztwaterproofing@gmail.com

Candice Dickstien
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ccdpnw@gmail.com

Liani Reeves
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liani.reeves@gmail.com
503-884-5607

Richard Montgomery
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541-602-1773
cm50crew@yahoo.com

Hayden & Nadja Jones
72550 Potlatch
2644 Meadowview Lane
Anaheim CA, 92804
714-831-4918
nadja1956@yahoo.com

Beverly Bare
Po Box 337
Lakeside Oregon, 97449
71671Sandhill willy
541-759-2200
Bev.bare@frontier.com

Attention: Coos County Planning Attachment "B"

Re: Conditions of Approval for Notice of Land Use Decision. For Application File # ACU-23-058 / DR-23-106

1. Operating the property at 71982 as a commercial Air BNB / Short Term Rental is "Not Compatible With the Neighborhood".

The property is located in a residential community along the lake front with small lots that have "ZERO" buffer zones. This makes it impossible to mitigate the "Nuisance "level. See further clarifications in section 2.

The adjacent and surrounding properties on the lake front are full time residents, this is their home, where many residents have lived for decades. Allowing this application to be approved deprives them of the ability to continue to utilize their properties in the manner that was intended when they originally purchased their properties. It's also creates and increases the potential for accidents and liability issues.

2. All Property Management efforts to "Mitigate the nuisance issues were unsuccessful".

The property at 71982 started operating as an Air BNB without a permit from Coos County in early 2022 and continued to operate until a "STOP WORK ORDER" was issued on 9/28/23.

During this time period our community suffered greatly from having a commercial operation running in a residential neighborhood.

During this period our community experienced a myriad of nuisance (sometimes dangerous with liability issues) activities that we were powerless to stop or intervene in.

Residents through their own research, found contact information for a Property Manager named Jim with ITRIPS <http://www6.itrips.net> 541-404-2668 , he was often non responsive and had little impact on mitigating the nuisance activity, even though he claimed that all Guests signed a contract before arrival, in which they would obey all rules, or be forced to leave. See additional document of Nuisance Activity and Grievances.

Guests using the property had absolutely no awareness, concern, compassion or common courtesy, that they were in a residential neighborhood where people lived, and that their actions were negatively impacting our lives on a daily basis.

I would imagine from the "Guests" prospective, (Regardless of any rules they agreed to in their contract) they paid for the right to do whatever they wanted to, as was witnessed, by their actions.

During the period the property at 71982 was operating, we had all become very disheartened and frustrated by the "Negative Element" that had invaded our once peaceful community.

Appellant's Name ANTHONY CULIC
Appellant's Signature [Signature] Date: 4/5/24

Nuisance Activity and Grievances: Attachment "C"

Below is a list of **just some** of the incidents that occurred **while the property at 71982 Potlatch (Marketed as the Lakeside Lodge)** was operating as an Air BNB. These activities during peak seasons occurred almost daily for long stretches, with very little break in between arrival of new guests. Also keep in mind the extremely close proximity of the water front properties and their docks. And the fact that sounds travels very easily over water, making the situation untenable.

1. Guests partying, obviously intoxicated, outdoors and indoors with very loud music, yelling, screaming, well into late night, sometimes into early morning hours, out on the dock as well. The primary function for most of the guests that arrived was to party, it was like living near a "Frat House".

2. While outdoors partying, guests would be yelling profanities, making it impossible for residents to enjoy their properties while outside, especially when children were present. Imagine having to go inside on a beautiful summer evening because you can no longer sit quietly, comfortably, in your own yard or out on your dock.

3. Guest bringing dogs, allowed their pets to roam freely, often times ending up on resident's properties, where we encountered animals barking at us on our own properties.

4. Guests allowed unattended minors and adults, to walk on large breakwater logs, weighing thousands of pounds, while they were rocking in the waves. This occurred in front of other residential properties, not part of the Air BNB.

*If a child or an adult were to fall in between the logs it could cause serious injury or death from drowning. This was a serious liability issue, however since guests were mostly intoxicated they showed no concern.

5. Guests bringing very large "Wake Boats" in, sometimes 3 or 4 at a time, tying up at the very small dock and boat house which is not intended for this purpose. Where guests and their visitors would sit and party on their boats, music blasting away, as if the boathouse was a public dock.

*The Guests with Wake Boats would then cruise slowly back and forth directly in front of all the resident's properties in the area creating massive wakes and blasting their music. This constant activity caused great damage to the docks and to the breakwater infrastructure. Leaving the residents to foot the bill for repairs to docks and the replacement of pilings.

*At least one resident's boat dock was damaged by the impact of a wave boat whose owner was one of the guests staying at the Air BNB. Unfortunately for the resident whose dock was impacted, they had no recourse and were told to call the Sheriff to complain.

* For the 2022 and 2023 seasons most residents no longer felt comfortable sitting on their docks. With all the noise and trash, beer cans, paper plates that ended up in the lake it was a sad time, and we were left to clean up the mess.

6. Guests firing off illegal fireworks, many that what sounded like M80s, or gunshots, in the middle of the night. Imagine being awaked from sleep from the sounds of explosions.

7. Guests trespassing on neighboring properties either on foot or in their vehicles. This was one the most intrusive, negative impacts on our community. During these incursions sometimes damage was done to our drive ways and yards.

*Often times these guests were coming in caravans of 2-3 vehicles at a time and sometimes towing very large Toy Haulers and Boat Trailers. Residents would have to go outside and help the guests figure out how to turn around, just to get them off their property and many times this was at night when residents were already in their homes

and not prepared, or comfortable to meet strangers in the dark. We have no idea who these people are, coming into our community.

8. After a short period the smell of raw sewage began emanating from the property, again making it uncomfortable and unhealthy, for the residents that were closest to the ongoing operation to enjoy their properties. This is when guests started posting and complaining online about the sewage issues and when Coos County investigators got involved.

9. Guests accessing the property at 71982 Potlatch use our community access road, NordLoch Lane, and Potlatch Road.

The roads are not maintained by Coos County. The road bed itself sits on property that is owned by many residents in our community. Collectively, all residents who own property on NordLoch Lane, Potlatch Road, Sandhill Willy Way and Dragon Fly Road, voluntarily pay into a yearly fund (NordLoch Road Fund) which is used to make repairs and maintain the road. Along with the fund, residents volunteer to do work on the road. There is an annual meeting of residents where we discuss issues regarding the road and our priorities on how the funds should be spent for improvements and maintenance.

During the period the property at 71982 Potlatch was operating as an Air BNB from early 2022 and continued to operate until 9/28/23, we experienced many issues and negative impacts on our road.

*Garbage and trash being dumped on the side of the road.

*Damage to the road especially on the shoulders of the roads, as guests would regularly bring in large Toy Haulers and Boat Trailers. Our road is a very narrow, mostly single lane road, with little room for this type of continuous traffic.

*Damage to the driveways and yards of residents who had the unfortunate experience of having this unwanted traffic on their property, guests who were lost or using a resident's property as a place to turn around.

*Unattended cars parked on the side of the road above the Air BNB property, some residents experienced encounters with guests/strangers that were volatile or intoxicated or both.

*Use of very large ATV/UTV vehicles on road at high speed headed towards the dunes driving illegally on North Lake road into lakeside. This is a major liability issue, and there were more than a few close encounters with vehicles and residents trying to enjoy walking down the road.

* Guests driving to and from the Air BNB at high speeds and not used to or familiar with driving on these types of country roads, not looking out for others coming around corners on a single lane road, resulted in many residents experiencing close encounters. We were fortunate that we had no accidents.

Summary:

During the period the Air BNB was in Operation, residents were forced to simply take the abuse. Many of our residents still work full time or simply don't have the resources to police the activities of a commercial operation. However, considering the Air BNB was shut down in September of 2023, imagine the amount of issues we would have over the years if this were a permanent situation. No one in our community feels we should have to.

We just want to live peacefully and enjoy our quiet community.

Appellant Name ANTHONY CURTIS

Appellant Signature [Signature]

Date: 11/9/24

April, 22, 2024

Coos County Planning Commission,

We are writing with concern for our neighborhood due to the Administrative Conditional Use application (ACU-23-058) for 71982 Potlatch Rd., Lakeside, OR. We feel this is not compatible with the neighborhood.

We moved to Lakeside five years ago after seeking our retirement dream of "On Golden Pond", we found our home in a quiet, close-knit community on Potlatch Road. Upon meeting our neighbors, we were thrilled.

Two doors over lived the sweetest couple in their golden years. Unfortunately, the husband passed and the wife moved to be closer with family. The house was sold in 2021 and the new owners were here for weekends etc. They began to work on the property. Then things changed. The first weekend that things got out of hand, Jim dropped over to speak with the owners and was told that they were not there. The people said that they rented the home on a vacation rental site. What? There it began.

Our home is approximately 100 feet away from the property in question. We hear everything. For a couple of disturbing examples, one weeknight around 2 am, we had to go out to the dock and ask the renters who were kayaking and screaming obscenities to respect the neighbors. On another occasion our security camera on our driveway showed a young lady in the middle of the night stroll to our home carrying a "blow-up doll". How would a property manager negate these sorts of things?

Our one mile of gravel road is funded privately by us owners and is taking the toll. Who will negate that damage that is done by the renters?


On the application File number: ACU-23-058/DR-23-106, dated 10/16/23, page one, they fraudulently say; Water On-Site (well or spring). It does not. Does Coos Health and Wellness physically inspect this claim? The water is directly taken from North Tenmile Lake, which we have been told makes the house not legal to rent as a STVR. There was a subsequent application penned by Vacasa LLC, which I can no longer find on the County website that also fraudulently listed the water source as On-site well or spring ACU-21-050. I have attached the document.

We ask that the commission consider the incompatibility of the STVR in our quiet neighborhood.

Thank you,
Renee Towan
Jim Towan
72002 Potlatch Rd., Lakeside, OR 97449

Staff is not attaching the file referenced, ACU-21-050 as this is irrelevant to this application.

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April 20, 2024

Coos County Planning Commission:

Let me start off by saying I have this horrible fear of public speaking, so the fact that I'm up here should tell you just how important this appeal is to me.

My parents moved to Lakeside nearly 30 years ago and I've been coming here off and on since way back then. My husband and I were thrilled when the time came for us to be here to help care for them and especially since we were able to find our little paradise on the lake in such a peaceful inviting environment. We moved here from a 5 acre property with no neighbors nearby, but we were prepared for the adjustment in closer proximity to the neighbors. We are both retired full time residents here and have loved this thing called lake life where you know your neighbors and you feel comfortable being outside basking in the joys that this lifestyle can bring. This is what our version of retirement is supposed to be!

So imagine our surprise when our little world turned upside down and for 2 years we had to suffer the consequences of having this Air BnB thrust on us. We were never notified this was going to happen. The previous owner was never told this was their plan when they bought the home. All of a sudden we had kids on our property running up and down the stairs with no supervision. This is a huge liability for us.

We have also had numerous visits from unleashed, unsupervised dogs. We have even had them come up on our back deck to our sliding door. Our dog crashed thru the screen at one of them because he felt he was protecting his property. We also have cats. We don't know the personality of these, again, Unsupervised dogs and do not appreciate them wandering all over our property. No supervision so nobody to clean up any messes left for us either.

Another issue we have had is the number of guests that frequently rented the place. Their listings reflected it could sleep 14 people. Why wouldn't guests want to bring in lots of family and friends to offset the cost to them? Guests are there on vacation and expect to have fun. We understand that. But there's a difference between your neighbors that you know having a good time with company/family/pets versus people you have never seen before who are (most of the time from what we experienced) on the contentious side. It's like THEY resent YOU being there. They have shot off guns and fireworks with no regard to whether this would cause a fire (we are surrounded by wooded forest).

One particular time I was coming home on the road and right before I got to their driveway (my driveway is just past theirs), I had to pull over into the ditch to let a big rig go by. He stopped and told me I had to wait because there were 9 others behind him. They were all bigger vehicles, most likely headed out to the dunes, but all were guests. That's more than 14 people by my count.

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We have some serious concerns with not only the way they drive on our little road, but also with the damage they have done and are continuing to do to it. Most of these guests are not familiar with the courtesy of who should pull over at the narrow areas of our road, and I personally have experienced some close calls with these drivers. I have seen these cars at the Air BnB so yes they were guests. To get access to the house there is a hairpin turn off of Potlatch Rd into their driveway. Such a tight turn forces them to come down to our driveway to turn around and be able to get down in there. With their toy haulers and big rigs doing this, they're tearing up our driveway. Then some of them have to park at the top of their driveway on the soft shoulder causing drainage issues onto our property. The road maintenance fee paid by all homeowners only covers Nordloch Road. We had to pay extra this year because of additional damage and work that had to be done. This does not cover Potlatch Road and the damages mentioned here. I don't see any effort being done to rectify these damages by the owners.

Our calls to the property manager went nowhere. He was very rude to me and when my husband called he was very rude to him as well. He was busy and never offered to call us back. We were told to take videos and pics. Why should we have to do that? Now we're putting ourselves out there facing these guests taking pics and videos of them. We didn't sign up to be Air BnB Patrol.

When the septic people knocked on my door to let me know they saw red flags all over this unpermitted property after the septic failed (and we got to experience the horrible odors wafting our way). He advised me to work with the Coos County planning folks. Mike came out a few times and confirmed it was operating illegally as an Air BnB even after he was told by the owners that it wasn't. We have seen paperwork improperly or illegally filled out stating there was a well when there wasn't. We have heard enough untruths and seen enough to where we are completely fed up and do not trust these issues can be rectified. Previous guests that have stayed there know how big the house is and, we believe, will bring in more than the allotted amount of guests allowed. Had this been done on the up and up we might have more trust. At this point in time, absolutely not. My husband and I implore you to deny the use of this as a commercial rental property. Why should all of us have to adjust our lifestyles just so these owners can make money when they don't live locally, don't care if you have issues, and have and more than likely will continue to operate illegally. They cannot control what the guests are doing.

Thank you,

Keith & Laurie Roberts
72000 Potlatch Rd
Lakeside, OR. 97449



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WRITTEN TESTIMONY REGARDING APPEAL OF LAND USE DECISION APPLICATION FILE #ACU-23-058

Our family being property owners on Potlatch Loop for 53 years would like to express our concerns for all AIRBNB requests to be denied. This is our little "Slice of Heaven" that we want to preserve for another 50 years for our children and grandchildren's enjoyment. It has been our experience that many AIRBNB guests lack respect and common courtesy. The following is our personal experiences occurring on Potlatch Loop:

- Roadside damage and lane congestion related to large vehicles and/or toy haulers and boat trailers parking on Potlach Loop Road.
- Garbage cans are over full and surrounded by trash awaiting, garbage service pick-up (sometimes days away). This results in being unsightly and attracting wildlife, including bears.
- Utilizing our property and driveway as a large vehicle turn around point. This results in large ruts and property and driveway erosion.
- Unauthorized parking, including our property as well as other neighboring properties secondary to lack of adequate parking at the Airbnb location.
- Excessive noise over and above the usual and customary large group gathering. Often excessively loud music, sometimes until after 2:00 am.
- Loud explosive noises unknown if fireworks or gunshots also until early morning hours.

Additionally, we have suffered substantial property damage directly related to the guests of the Hofmann's property. On June 30, 2022, it was observed and documented that a "wake boat" operated by a guest of Fritz and Sarah Hofmann created a wake large enough to swamp our boat dock and caused severe damage. Upon notifying Mrs. Hofmann of our incident and concerns she suggested that we notify local police and file a report and offered no further resolution.

Margo A. Thomason
PO Box 433
Winchester, OR 97495
541-530-7913

Signature

Margo A. Thomason 4-21-2024

Below is an image of our boat dock before the incident involving the wake boat. Keep in mind our property is in the back of a cove, so we don't normally experience large waves generated by boats.

However, while the property at 71982 Potlatch was in operation, it was common for the guests staying at the Air BnB to drive their large wake boats up and down in front of all of the properties along our lakefront and even into the coves.



After the incident you can see the damage after this activity swamped our dock.



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Here you can see pieces of the dock floating nearby.



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Our neighbor was fortunate enough to witness the incident and was able to take a picture of the boat that caused the damage.



Another neighbor was able to verify that the boat was indeed a guest at the “Lakeside Lodge” aka 71982 Potlatch. See image below of the same boat docked at the applicant’s dock.



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After the incident our entire dock had to be replaced. See below the new dock built by Lyon Construction in Lakeside.



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BEVERLY BARE
P.O. Box 337
71671 SANDHILL
LAKESIDE, OR
97449

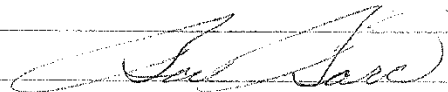
Coos County Planning Commission

NORDLOC HAS ONE WAY IN AND ONE WAY OUT FOR SANDHILL WILLY, POTLATCH, AND DRAGONFLY. WITH THE DAMAGE THAT SOME OF THE PATRONS THAT ARE RENTING THIS AIR BAND B HAVE CAUSED CAN'T KEEP HAPPENING.

I LIVE ON SANDHILL WILLY OVERLOOKING NORDLOC. HEARING AND SEEING HOW SOME DRIVE THIS ROAD, SHOWS THEY HAVE NO RESPECT FOR OUR PROPERTY OR US.

I MYSELF HAVE BEEN CUSSED, FLIPPED OFF AND ORDERED TO MOVE. I GOT OUT OF MY VEHICLE WALKED BACK TO THESE PEOPLE. I WAS TOLD, THAT THEY WERE TOLD THEY COULD DRIVE FROM HERE TO THE DUNES, BY THE OWNER OF THE AIR BAND B. THE DRIVER WAS INTOXICATED AND SLURRING HIS WORDS, DRIVING A RAIL THAT IS NOT STREET LEGAL. HE GOT OUT OF THE RAIL STUMBLED AND FLICKED A CIGARETTE IN THE BUSHES.

I'VE BEEN WAKE UP NUMEROUS TIMES WITH THEM RACING UP AND DOWN NORDLOC, BETWEEN THE HOUR OF 1 AND 5AM. OVER THE LAST TWO YEARS THIS ONCE QUIET AND PEACEFUL ROAD HAS BEEN TURNED INTO A CIRCUS



Keith and Laurie Roberts - Testimony for Appeal AP-24-003

72000 Potlatch Road

Let me start off by saying I have this horrible fear of public speaking, so the fact that I'm up here should tell you just how important this appeal is to me.

My parents moved to Lakeside nearly 30 years ago and I've been coming here off and on since way back then. My husband and I were thrilled when the time came for us to be here to help care for them and especially since we were able to find our little paradise on the lake in such a peaceful inviting environment. We moved here from a 5-acre property with no neighbors nearby, but we were prepared for the adjustment in closer proximity to the neighbors. We are both retired full time residents here and have loved this thing called lake life where you know your neighbors and you feel comfortable being outside basking in the joys that this lifestyle can bring. This is what our version of retirement is supposed to be!

So imagine our surprise when our little world turned upside down and for 2 years we had to suffer the consequences of having this Air BnB thrust on us. We were never notified this was going to happen. The previous owner was never told this was their plan when they bought the home. All of a sudden we had kids on our property running up and down the stairs with no supervision. This is a huge liability for us.


We have also had numerous visits from unleashed, unsupervised dogs. We have even had them come up on our back deck to our sliding door. Our dog crashed thru the screen at one of them because he felt he was protecting his property. We also have cats. We don't know the personality of these, again, Unsupervised dogs and do not appreciate them wandering all over our property. No supervision so nobody to clean up any messes left for us either.

Another issue we have had is the number of guests that frequently rented the place. Their listings reflected it could sleep 14 people. Why wouldn't guests want to bring in lots of family and friends to offset the cost to them? Guests are there on vacation and expect to have fun. We understand that. But there's a difference between your neighbors that you know having a good time with company/family/pets versus people you have never seen before who are (most of the time from what we experienced) on the contentious side. It's like THEY resent YOU being there. They have shot off guns and fireworks with no regard to whether this would cause a fire (we are surrounded by wooded forest).

One particular time I was coming home on the road and right before I got to their driveway (my driveway is just past theirs), I had to pull over into the ditch to let a big rig go by. He stopped and told me I had to wait because there were 9 others behind him. They were all bigger vehicles, most likely headed out to the dunes, but all were guests. That's more than 14 people by my count.

We have some serious concerns with not only the way they drive on our little road, but also with the damage they have done and are continuing to do to it. Most of these guests are not familiar with the courtesy of who should pull over at the narrow areas of our road, and I personally have experienced some close calls with these drivers. I have seen these cars at the Air BnB so yes they were guests.

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To get access to the house there is a hairpin turn off of Potlatch Rd into their driveway. Such a tight turn forces them to come down to our driveway to turn around and be able to get down in there. With their toy haulers and big rigs doing this, they're tearing up our driveway. Then some of them have to park at the top of their driveway on the soft shoulder causing drainage issues onto our property. The road maintenance fee paid by all homeowners barely covers Nordloch Road. We had to pay extra this year because of additional damage and work that had to be done. This does not cover Potlatch Road and the damages mentioned here. I don't see any effort being done to rectify these damages by the owners.

Our calls to the property manager went nowhere. He was very rude to me and when my husband called he was very rude to him as well. He was busy and never offered to call us back. We were told to take videos and pics. Why should we have to do that? Now we're putting ourselves out there facing these guests taking pics and videos of them. We didn't sign up to be Air BnB Patrol.

When the septic people knocked on my door to let me know they saw red flags all over this unpermitted property after the septic failed (and we got to experience the horrible odors wafting our way). He advised me to work with the Coos County planning folks. Mike came out a few times and confirmed it was operating illegally as an Air BnB even after he was told by the owners that it wasn't. We have seen paperwork improperly or illegally filled out stating there was a well when there wasn't. We have heard enough untruths and seen enough to where we are completely fed up and do not trust these issues can be rectified.

Previous guests that have stayed there know how big the house is and, we believe, will bring in more than the allotted amount of guests allowed. Had this been done on the up and up we might have more trust. At this point in time, absolutely not. My husband and I implore you to deny the use of this as a commercial rental property. Why should all of us have to adjust our lifestyles just so these owners can make money when they don't live locally, don't care if you have issues, and have and more than likely will continue to operate illegally. They cannot control what the guests are doing.

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Evidence from Keith and Laurie Roberts.

Because of the very small lots these homes are built on and the absolute lack of common courtesy from the guests, their dogs were allowed to roam freely. This creates major liability issues. Below are just a couple images out of many that we have. However, you can clearly see that our dog was rushing in to protect his home, while the guest's dog was next to our garage. We almost had a serious dog fight.



In this image the guest's German shepherd roams freely marking his new turf. You can also see in this image how close these properties are together. There is no buffer zone and no way this neighborhood will ever be compatible with having commercial enterprises next to these quiet residential properties.



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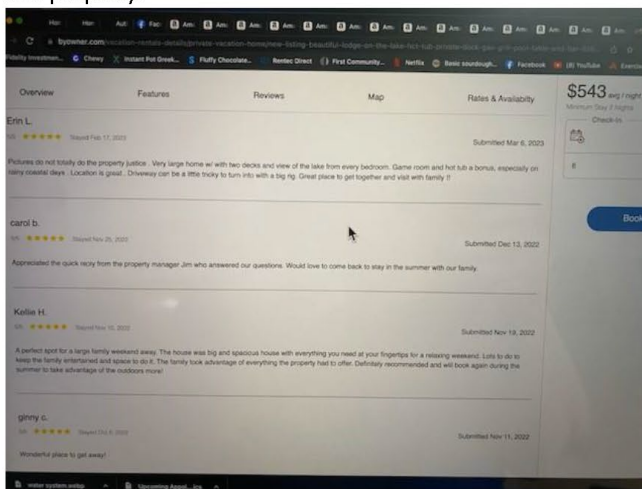


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Below is when the contractors (Ocean View Development) that work with the DEQ came by to inform us that yes the applicant's property was being shut down due to the issues with their septic system being overwhelmed and was the reason we were all smelling the raw sewage in the air. As soon as their work was done, the applicant went right back into business, again without a permit.



The images below document the fact that the applicant's property was in business, and operating as is shown on the website below from byowner.com Of course this is already known and well documented by Mike Baumer , Enforcement Officer with Coos County. Mike was a great ally in helping us shut down this property.

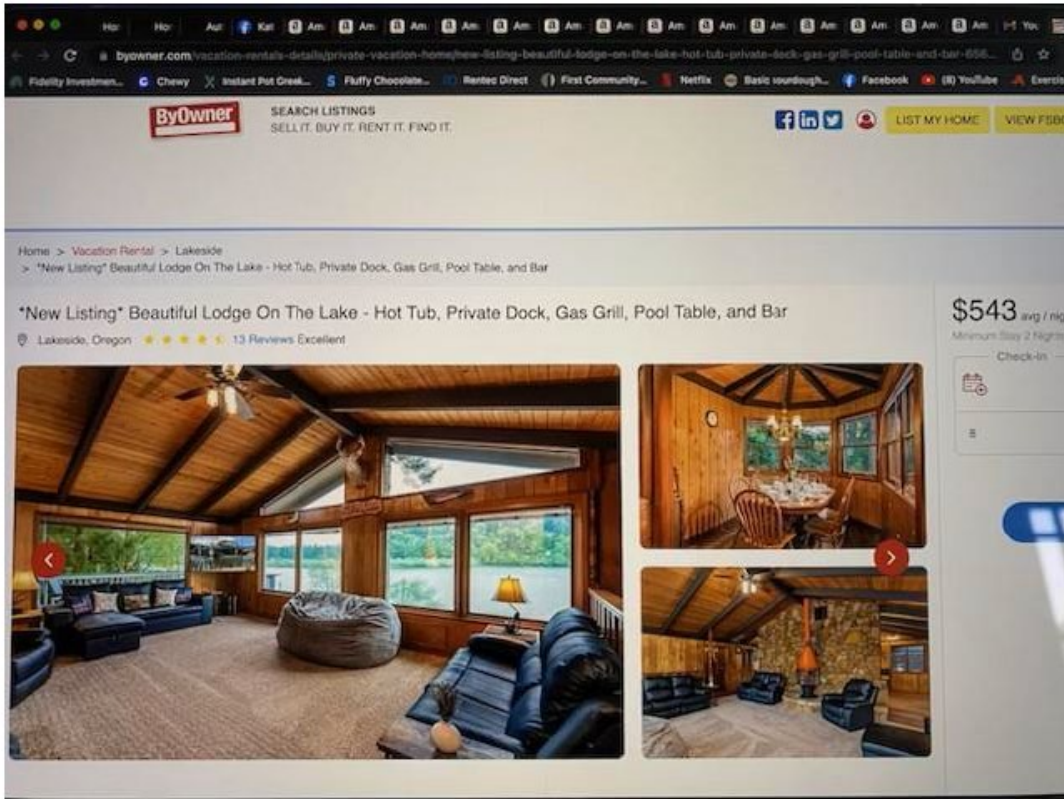


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Below are images showing vehicle overflow that ended up on the side of our common access road. They were usually the ones towing huge Toy Hauler trailers and large Boat Trailers. This traffic caused significant damage to our access road and to our driveways.

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Below is an image of a typical Toy Hauler, these rigs are not made for our single lane country road and caused many traffic issues while traveling in and out of our community. This one just decided to park at the top of the applicant's drive, as there was no room for them down there.

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Below are Images of the ATV's and UTV's that were constantly being hauled into the property. Many of which would drive directly to the Dunes using our access road and then travelling illegally on North Lake road into Lakeside. Again this creates a lot of liability and there were many close calls when encountering these vehicles on our access road.



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There were also Guests bringing in very large boats and trailers, again causing constant, unwanted traffic. Our roads are not meant for commercial traffic, and left us to foot the bill for repairs.



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Below was a typical day with the applicant's driveway packed and loud partying that went on for days. Again this image shows how close these properties are together. Having an Air BNB next to these properties is unacceptable.



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Of course we are also part of the community of Lakeside and Coos County. This is where we live, this is our home.

When my wife and I purchased our property on the lake 20 years ago it was the culmination of many years of hard work and determination to make our dream of living life on the lake a reality.

For many people, it's the classic American Dream. To have a place away from the noise, stress and the hustle and bustle of city life.

At that time, we looked forward to meeting our neighbors nearby, and becoming part of a close, tightknit neighborhood of families and homes along the waterfront.

And when I say close, I mean very close. The homes along the water front that are adjacent and nearby 71982 Potlatch have absolutely **"ZERO" buffer zones.**


They are smaller lots with the homes built very close together, in some cases closer than what you would find in an urban residential neighborhood.

However, when your neighbors are like family, there were never any issues, and if an issue did arise, you could sit down with them over a cup of coffee and talk.

So for my wife and I ... it has been the most wonderful experience of our lives living here, it was paradise. We have never felt more at "HOME" !

And for many of our residents the same could be said as well, as they have lived in our neighborhood, some for a few years and many others for a few decades.

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However, 2 years ago in early 2022 everything changed. Our neighborhood became inundated with strangers. People we did not know. People who were not part of our rural and very quiet residential neighborhood.

Most of these so called "Guests" had no respect for our lifestyle, or properties. This was an intrusive, invasion of our privacy and our way of life, and it brought a negative and unwanted element into our neighborhood and our community.

For many of us during this time period, there were tears shed, there was anxiety, there was frustration and a sense of helplessness and we were all disheartened by the entire situation that had become more of a nightmare than a dream come true.

Many of us lost the ability to enjoy our property as we intended when we originally purchased our homes.

Much of the negative impact we experienced is described in our appeal documents under the Attachment "C", titled Nuisance Activity and Grievances.

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When we purchased our homes, never in a million years did we think that someday **motels** would be allowed to open up in our neighborhood. With guests coming and going, along with all the associated, traffic, noise, trash, property damage and chaos that comes with a commercial enterprise open to the public.

And yes this is a commercial enterprise by all definitions. Its sole function is to generate income, at any cost. Investors coming from out of town or from out of state are not part of our community, they do not live here, to them this is simply another business enterprise, an investment, a way to generate revenue.

Imagine having a "FRAT HOUSE" in the middle of your neighborhood, this was our new reality.


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We **"KNOW"** it's not. We have had 2 years' worth of actual experiences in dealing with the issues that occurred while this property was operating without a permit as a commercial enterprise.

And unfortunately we are still dealing with it, as there is another water front property in our neighborhood that is still operating without a permit and has been for roughly the same time period.

Coos County is currently in the process of issuing a citation to this other property owner, and has asked us to be available for another hearing if necessary, of course we all agreed... we are ready.

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Again it's not that we "**THINK**" this is not possible, we "**KNOW**" it's not, we have already experienced it over the last 2 years.

As detailed in our appeal, there was a property management company involved during the period of time the property was being operated without a permit.

And it was not successful in mitigating the negative impact on our community for the following reasons.

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The question becomes, who will be policing the so called "GUESTS" 24 hours' a day, 7 days a week in some cases, during the entire rental season, which can last all year, in our temperate climate here on the coast.

Well... that now becomes our responsibility, our problem, the home owners, our neighborhood, we have to police this commercial property to ensure it's **in compliance** with the County and the applicants proposed rules and regulation.

The property manager isn't going to do it; they're not going to be onsite. They don't know what's going on unless we tell them!

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Which means ...

We have to call the property management company and complain. Or worse the sheriff's department, which is a very slow response given the nature of our rural location.

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We have to keep a lookout for unwanted activity that is not only dangerous, but has serious liability issues.

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And of course, none of the proposed mitigation of these issues would happen in real time, which means our community continues to suffer.

However, during the time, the property was operating without a permit, some of us did try, out of necessity, out of concern for safety for others and the outcome was very negative.

Some of us ended up in encounters with "GUEST" that resulted in retaliation type responses.

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Some of these guests were intoxicated, volatile or both.

We immediately stopped interacting with guests and settled into a state of frustration, powerless to intervene safely in our own neighborhood, the so called "Guests" had taken over.

Summary :

If this application is approved, we "The Appellants" will no longer be able to live the lifestyle we worked so hard to achieve. We will no longer feel safe in our own neighborhood knowing that literally anyone can show up in our neighborhood as a Guest or as an individual invited to the party by a guest.

And yes **partying for days on end** is the primary function for most guests. Their Vacations are essentially the end of our ability to enjoy our boat docks, decks and yards with the privacy we are accustomed to and entitled to, and the reason we purchased our rural residential properties.

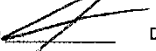
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This situation is like a bad marriage, it's not something that can be fixed, it either works or it doesn't.

Anthony Culjis
PO Box 304
95347 NordLoch Lane
Lakeside, Oregon 97449

Signature



Date

4/20/24

Phone: 541-404-2480

Email: info@nordloch.com

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April 19, 2024

Regarding the issue of a proposed AirBNB located at 71982 Potlatch Lane, Lakeside, Oregon.

I've lived at my residence for over 40 years. It was originally designed as a residential subdivision. Gradually, properties were purchased with the intent for either full time residence or summer home. I drive on Nordloch Lane to the intersection of Potlatch Loop. I know nearly everyone that resides there. I know none of my neighbors would ride on my bumper, honk at me and then flip me the middle finger as they are passing me in an area that was unsafe. Mind you, this is a gravel road that is maintained by us, the landowners.

Another time, as I was driving on Nordloch Lane to my home, again, someone was riding my bumper (the road is posted 15 miles per hour). As I reached my drive (at the intersection of Nordloch Lane and Potlatch Loop) this vehicle followed me down my drive into my parking area. I parked and got out of my car to ask where they were going. Thankfully, my neighbor was out and asked them if he could help them. Guess what, they were looking for the AirBNB. That was a very uncomfortable situation for me since I was alone.

In over 40 years, we didn't have a need to have signs posted on the entrance of our properties stating that we are Not An AirBNB. Still, with the signage that has been put up, we get people looking for an AirBNB at all times of the day and night.


This used to be a very serene, quiet neighborhood. Even tho there is a house between my house and 71982 Potlatch Loop aka Lakeside Lodge, the noise is very loud, sounds like they are in my yard. Having an AirBNB in a residential neighborhood is less than serene. Being out of the city limits, we have no rules or regulations so renters act like everything is allowed with no respect for the neighborhood.

71982 Potlatch Loop is not the place for an AirBNB, this is a residential neighborhood, not a Motel setting.

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Regarding the evidence of our suffering.

As far as proving that the property at 71982 was operating without a permit for an extended period of time, this is easily done by talking with the staff at the Planning Commission. They were well aware of the situation and took the appropriate action in shutting down the operation, and on 9/28/23 a stop work order was issued. **Without the great staff working there, we would have been hopeless and lost.**

As far as proving that our neighborhood and community suffered greatly from this commercial AIR BNB in the middle of a residential neighborhood, that is clearly spelled out in our appeal document.

Some of the neighbors did their best to capture some video or take a picture here and there when we could, however most of the time it was not possible or safe to do so. For example, in the middle of the night when people are partying or guests who are lost end up in your driveway.

Or when damage was done to our properties and the perpetrators leave before you can take their picture. It's not like they were concerned about us being able to document their actions. It became an exercise in futility.

One neighbor's game camera even captured a women running down our road with a blow up doll. None of us signed up for this madness.



In addition to that many of us work for a living, and those that are retired don't want to deal with documenting everything. Most people simply don't have the bandwidth or the desire to be a private investigator sneaking around in the bushes and taking pictures of strangers.

It's also dangerous because we experienced the wrath of guests that saw us doing so. So we quit doing it, it was bad idea.

60 E. Second St., Coquille OR | Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

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However, before we quit doing it we did get a few videos below documenting the type of behavior that essentially ruined our ability to sit outside and enjoy our properties. Keep in mind the videos really don't do justice to how loud and obnoxious this was, unless your actually onsite, dealing with it, day after day.

However, if you turn the volume up loud enough you will hear profanities being screamed. Not very child friendly and not an appealing environment for being outside on your own property. It was a sad couple of years.

We have a video of guests playing beer pong, this lasted for about 6 hours before the party moved to the dock and indoors, where we could them yelling from inside our own home, even with fans on!
This video was provided to Mike Baumer Coos County Enforcement Officer as evidence in 2023.

We have another video of guests getting loud and drunk and screaming foul language.
This video was provided to Mike Baumer Coos County Enforcement Officer as evidence in 2023


We also have another video of boats coming in from all of the guests staying at the property with very loud music coming from their boats.
This video was provided to Mike Baumer Coos County Enforcement Officer as evidence in 2023.

There is also a video still on You Tube that the "Property Manager" Jim used to market the "Lakeside Lodge". We never thought we would have a public Lodge in our neighborhood.
This video was provided to Mike Baumer Coos County Enforcement Officer as evidence in 2023.

Jim's contact info was phone number 541-246-2668- He also had website ITRIPS, however it appears to be abandoned with no website showing up anymore.
The website link was provided to Mike Baumer Coos County Enforcement Officer as evidence in 2023.

See image below, how guests typically ruined our ability to enjoy a peaceful evening on our dock. The applicant's dock was turned into a public boat dock. With very loud partying and music.

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See below as guests piled into the applicant's property, the driveway turned in to a camp site.



See comments below from guests, having visited the “Lakeside Lodge”, even they were fed up with the conditions of the property. Keep in mind the property was under “Management” at this time.

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Appeal Statement Document

RE: Fritz & Sarah Hofmann/Sheri McGrath request for AIR BNB Use of Single-Family Dwelling

AP-24-003

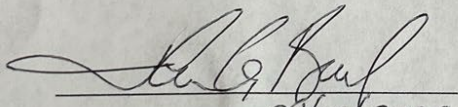
Appellant(s) John & Linda Buday
95352 Nordloch Lane, Dock 83
Lakeside, OR 97449
Coos County

My husband and I moved to our home in October 2017. It was a dream fulfilled to buy a home and retire in a quiet lakefront community. John is 82 and I am 70 and we have both worked fulltime since our teens. We are not temporary or summer only residents, this is our permanent year-round home. We love the different seasons, the awesome climates and fresh healthy air that living in Lakeside and the Oregon Coast offer. We are a quiet couple and cherish our privacy.

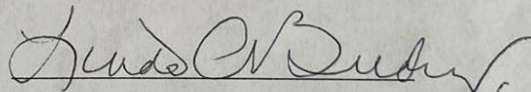
At our age, we did not plan on having to defend our quiet community and our only road access from those who have no invested interest. We never imagined having to deal with a homeowner who would turn their property and residence over to strangers whose mindset is typically: 'Hey it's not our home or neighbors, we can do anything we want.'

In short, our Nordloch Lane community cannot survive this type of indifferent and dangerous intrusion. We live in a fragile ecosystem here on North Ten-Mile Lake and our infrastructure cannot support the abuse that temporary, unsupervised guests will impose on us.

Sincerely and with our utmost respect,


John G. Buday 04/19/2024

510-410-2534


Linda A. Buday 04-15-2024

510-406-2532

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Candice Dickstein
P.O. Box 238 C72304 Pottlach Lp
Lakeside Oregon

I am a property owner living nearby the property at 71982 Pottlach Road.

When this property became an illegal VRBO in 2022, it became a hazard and negative force in our neighborhood. Tony (Anthony Cutler) listed accurately the many reasons why this has happened.

Many of these negative affects can be seen, categorized, and defined by the County's Code regulations.

There are other affects that can not be so easily defined.

They are just as real and detrimental. The stress, anxiety and deterioration of quality of life is real.

When the vacationers are here they are here for a good time and partying with a Do Not care attitudes, and why should they. It is not their road, not their lake or neighborhood community.

The very nature of this vacation rental is not compatible with a family neighborhood.

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4-16-24

Document # AP-24-003

Zane Thomas: Written Testimony for hearing
scheduled on May 2nd 2024 in Coquille Oregon.

I purchased my property on the lake to retire and enjoy my life. I lived here for over six years and I have lived next to a AIR BDB Short Term rental for 8 months. In the 8 months it like living next to a Hotel, Loud, Different people coming and going, All the traffic with trailers running the road. I moved here to get away from people not people to come to me. Not counting all the people partying and drinking.

P.S. It would be nice to have a normal neighbor.

72260 Potlatch Rd
Lakeside OR 97449

x Zane Thomas

x Zane Thomas

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