



**Coos County Community Development**  
Mailing Address: 250 N. Baxter, Coquille, Oregon  
Office Location: 60 E. Second St., Coquille OR 97423  
Planning, Building and Enforcement  
Phone: 541-396-7770

**NOTICE OF LAND USE DECISION**

**You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgage, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.**

**Monday, March 31, 2025**

**RE: ACU-24-051**

**Dear Recipient,**

This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period 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.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

**Subject Property Information**

Account Number: 7593800  
Map Number: 23S120800-00700

Property Owner: ROBBERS, KENNETH V & JULIE A  
EWING FAMILY TRUST BUYER  
PO BOX 4  
LAKESIDE, OR 97449-0004

Situs Address: 72317 POTLATCH RD LAKESIDE, OR 97449

Acreage: 6.00 Acres

Zoning: RECREATION (REC)

Special Development Considerations and Overlays: BIRD SITE MEETS GOAL 5C REQRMT (B5C)  
COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN 100 yr - 2018 (FP)  
FOREST MIXED USE (MU)  
LAKESIDE CONICAL ZONE (ALC)  
NATIONAL WETLAND INVENTORY (NWI)  
NH TSUNAMI (NHTHO)

This notice shall be posted from March 31, 2025 to April 15, 2025

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Decision: **Approved with Conditions.** All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Tuesday, April 15, 2025.** Appeals are based on the applicable land use criteria.

This decision complies with the Coos County Zoning and Land Development (CCZLDO), specifically

- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
- **Conditional Use Review:** 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.*

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Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The 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. 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.

The application, staff report, and any conditions can be found at the following link:

<https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

For more information, please contact Staff at (541) 396-7770.

Reviewed by: *Jill Rolfe*

Jill Rolfe, Planning Director

Date: **Monday, March 31, 2025**

This decision is authorized by the Planning Director 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

Exhibit C: Staff Report -Findings of Fact and Conclusions

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL FOR A VACATION RENTAL**

All applicable federal, state, and local permits must be obtained before commencing any development activity. If comments from other agencies were provided as part of this review, it is the property owner's responsibility to ensure compliance.

The applicant shall comply with the following conditions of approval. All costs associated with meeting these conditions are the responsibility of the applicant(s), who are not acting as agents of the county. Failure to comply with or maintain compliance with these conditions may result in the revocation of the permit, as allowed by the Coos County Zoning and Land Development Ordinance (CCZLDO).

Please read the following conditions carefully. If you have any questions, contact the planning staff.

**1. Compliance with Zoning Requirements**

Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter is required to confirm compliance with these conditions. The applicant shall submit a letter with the following information to request verification:

**a. Land Use Authorization and Transferability**

- The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title.
- A recorded deed covenant must be filed with the County Clerk, and a copy must be provided to the Planning Department.
- The property owner must provide a copy of the land use approval, including all conditions and restrictions, to any purchaser. The purchaser must acknowledge understanding of these obligations and agree to fulfill them unless a modification is approved under the ordinance.
- Per CCZLDO § 5.2.700, a land use approval obtained through a conditional use process is transferable, provided the transferor files a statement with the Planning Director, signed by the transferee. This statement must be recorded in the chain of title, indicating that the transferee has received a copy of the land use approval, understands the obligations, and agrees to comply unless a modification is approved.

**b. Compatibility and Nuisance Prevention**

To ensure compatibility with the neighborhood, the applicant shall:

- None of the other conditions can be submitted until a final Certificate of Occupancy is obtained for the Residential Dwelling.
- Submit a Nuisance Control Plan
  - The plan must include contact information for the property manager, noise restrictions, and emergency contact details.
  - The vacation rental advertisement must list the property manager's name and contact information. An example of a plan format is available on the page following Exhibit A (use of this format is optional).
- Provide a Rental Contract
  - The rental contract must include all required information and be filed with the Planning Department.
- Verify Utility Services
  - If the property receives public water or sewer services, a letter from the utility company must confirm that there are no service limitations.
- Limit Occupancy
  - The number of overnight occupants is limited by the number of bedrooms. The Dwelling to be used as a Vacation Rental has not been completed. The dwelling shall be limited to two (2) guests per bedroom.
- Regulate Vendor Access

- Regular cleaning and maintenance vendors are allowed.
- Vendors may provide services for special events held by guests, but events must occur during the day.
- Parking Restrictions
  - The property is limited to two (2) dedicated parking spaces for vacation rental guests.
  - Onsite parking is limited to two (2) vehicles for vacation rental use. A new plot plan shall be submitted showing the dedicated parking places. There shall be no more than two vehicles related to the vacation rental on site at any time.
- Urban Growth Boundary Considerations
  - If the property is within an Urban Growth Boundary, additional restrictions may apply based on city requirements.

## **2. Health Department Licensing**

Pursuant to CCZLDO § 4.3.110.10(a), the applicant must obtain a vacation rental license from the Coos County Health Department, in accordance with ORS 446.310-350. License renewals must be submitted to the Planning Department to demonstrate continued compliance.

## **3. Sanitation Requirements**

If the subject property has an onsite septic system further restriction may apply through the On-site program. The applicant shall check with the appropriate agency to verify the septic is equipped to handle a vacation rental.

## EXAMPLE

### Example Plan for Addressing Nuisance Issues and Ensuring Neighborhood Compatibility

#### Objective:

To minimize the potential for nuisance issues arising from the rental property, ensure compatibility with the neighborhood, and provide clear communication channels for resolving problems.

#### 1. Property Manager Contact Information:

- **Name:** [Property Manager Name]
- **Phone:** [Property Manager Phone Number]
- **Email:** [Property Manager Email Address]
- **Availability:**
  - Regular Business Hours: Monday to Friday, 8 AM to 6 PM
  - After-Hours Emergencies: 24/7 availability via phone.
- **Response Time:**
  - Non-Emergency: Within 24 hours.
  - Emergency: Immediate response for issues such as noise complaints, trespassing, or safety concerns.

#### 2. Noise Restrictions:

- **Quiet Hours:**
  - Weekdays: 10 PM to 7 AM
  - Weekends and Holidays: 11 PM to 8 AM
- **Prohibited Activities:**
  - Loud music, parties, or gatherings exceeding property capacity.
  - Use of outdoor amplified sound systems.
- **Monitoring:**
  - Installation of noise-detection devices to ensure compliance.
  - Regular site visits by the property manager to check adherence to rules.

#### 3. Emergency Contact Information:

- In case of an emergency, such as fire, medical needs, or criminal activity, tenants and neighbors should immediately call **911**.
- For non-life-threatening situations, such as noise complaints or parking violations, contact the property manager directly.

#### 4. Advertisement Requirements:

- All rental listings shall include the following information:
  - **Property Manager Name:** [Property Manager Name]
  - **Contact Phone Number:** [Property Manager Phone Number]
  - A statement that the rental complies with all local nuisance ordinances and neighborhood standards.
  - A reminder of the established quiet hours and other restrictions.

#### 5. Neighbor Communication:

- Distribution of a flyer or letter to surrounding properties providing:
  - Property Manager contact details.
  - Overview of the property's rules and restrictions (e.g., quiet hours).
  - Assurance of swift action in response to complaints.

#### 6. Enforcement Measures:

- Immediate intervention for reported issues, including warnings and documentation of incidents.
- Implementation of a **three-strike rule** for tenants:
  - First Incident: Verbal and written warning.
  - Second Incident: Fines or additional restrictions.
  - Third Incident: Termination of the rental agreement.

#### 7. Regular Review:

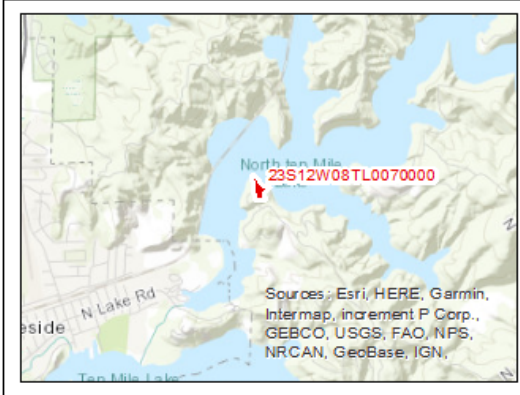
- Monthly review of complaint records to identify trends and address recurring issues.
- Annual update of the nuisance plan to incorporate lessons learned and improve processes.

**EXHIBIT "B"**  
**Vicinity Map**  
*(not to scale)*



**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423  
Physical Address: 60 E. Second, Coquille Oregon  
Phone: (541) 396-7770  
TDD (800) 735-2900



File: ACU-24-051  
Applicant/  
Owner: Sheri McGrath/  
Ewing Family Trust  
Date: March 31, 2025  
Location: Township 23S Range 12W  
Section 08 TL 700  
Proposal: Administrative Conditional Use



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

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:**

- A. PROPOSAL:** The applicant proposes to operate the single-family home currently under construction, located at 72317 Potlatch Road in the Recreation (REC) zoning district of Coos County, Oregon, as a furnished vacation rental dwelling. The property is six (6) acres in size. Existing developments include a Single Family Dwelling, two (2) Accessory Structures (shed and carport) and onsite septic system. The parcel is not used for farming or forestry due to its size. The dwelling’s water source is provided by Tenmile Lake.

Please note that a Certificate of Occupancy has not been issued for the dwelling at the time of this report. A condition of approval has been added to require that the property owners obtain the Certificate of Occupancy prior to the issuance of a Zoning Compliance Letter to move forward as this request is not valid until the time of an existing dwelling.

County regulations limit parking to two vehicles. Accordingly, a condition of approval has been added to limit onsite parking for vacation rental use to two (2) vehicles. The applicant is seeking an Administrative Conditional Use Permit for the vacation rental and has provided a proposed parking plan. The property will be managed by the property owner.

- B. BACKGROUND/PROPERTY HISTORY/SITE CONDITIONS:** The property has a history of the following zoning and development compliance activities:

On January 11, 1996, an Administrative Conditional Use (ACU-95-85) was approved to allow a property line adjustment with Tax Lot 600. It appears that an incorrect property line adjustment deed was filed with the Coos County Clerk’s Office, which created an illegal land division. This matter has since been resolved, as the two tax lots have been consolidated into one legal parcel.

In 2002, information was received from the Oregon Department of State Lands that a dock had been sited on the property without permits, creating a violation of the Coos County Zoning and Land Use Ordinance (CCZLDO). The property owners at the time resolved the issue by obtaining an after-the-fact Zoning Clearance Letter (ZCL-02-203). The violation was removed, and the dock was registered with the State.

In 2005, a pre-eligibility application was submitted for the subject property. Although it met the template requirements, the pre-eligibility was denied because the property line adjustment approved in 1996 had been recorded incorrectly, resulting in a division of the property rather than an adjustment. This issue was later resolved, and the two tax lots were consolidated into one legal parcel.

In 2008, a Conditional Use application (ACU-08-20) for a Forest Template Dwelling was submitted. Staff approved the request on June 27, 2008. On July 24, 2008, staff received a request from the applicants for reconsideration of the Conditional Use to adjust the dwelling location, as the Coos County Road Department determined that the proposed driveway would be too steep. On July 11, 2008, a reconsideration of ACU-08-20 was approved to allow the dwelling site to be altered due to slope issues.

On September 4, 2008, a Variance to the Coos County Road Standards (V-08-05) was approved to waive the 12% grade requirement. On May 23, 2012, a request for an extension and modification to the conditions of approval in V-08-05 was received. On June 7, 2012, staff approved the extension and explained that the

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<https://www.co.coos.or.us/community-dev>

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applicant could contact the Coos County Road Department regarding the modifications to the road requirements. Staff found a letter dated June 11, 2011, from John Rowe, Coos County Roadmaster, stating, “Due to the topography of the proposed driveway, a paved 11-foot surface and a 12-foot wide rock base, as quoted by Knife River Materials, would be sufficient.”

On July 16, 2014, an extension was approved, which extended the approval for ACU-08-20 until July 16, 2016. On December 3, 2015, a Zoning Clearance Letter (ZCL-15-340) was issued, giving clearance to site a single-family dwelling, accessory structure, and install septic. The letter stated that the administrative conditional use would expire on July 11, 2016, and that if the dwelling was not sited by that date, an extension must be submitted. The dwelling was not sited within the required timeframe, but it appears the accessory structure was constructed.

According to aerial photos, there appears to be more development than what was listed on the original plot plan. The applicant was required to submit a corrected plot plan showing all development before receiving a Zoning Clearance Letter for additional development.

Staff did not receive an extension request prior to the expiration of the Conditional Use (ACU-08-20) on July 16, 2016. Therefore, the current property owners submitted a new Conditional Use application to request a Forest Template Dwelling.

On February 21, 2019, an Administrative Conditional Use (ACU-19-009) application was submitted for a Forest Template Dwelling. On May 9, 2019, the Notice of Decision and Staff Report were mailed. No appeals were received; therefore, the decision was deemed final on May 24, 2019. All conditions of approval were satisfied, and Zoning Clearance Letter ZCL-19-190 was issued, providing land use authorization to site a single-family dwelling (Forest Template Dwelling) and install septic.

August 25, 2022, AM-22-003/RZ-22-002 was approved through Ordinance Number 22-05-004PL to rezone this property from Forest Mixed Use to Recreational.

- C. **LOCATION:** The subject property is located southeast of the City of Lakeside off of Potlatch Road, which is accessed via Nord Loch Lane off of North Lake Lane.
- D. **ZONING:** - This property is zoned Recreation (REC).

**ARTICLE 4.2 – ZONING PURPOSE AND INTENT**

***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.***

- E. **COMMENTS:** There have been no comments received prior to this decision. The applicant will be required to obtain a license through Coos Health and Wellness, Environmental Health Department and a onsite sign off that the septic is adequate to serve the use.

## II. **GENERAL 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 permit for construction or alteration of 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 determined that, as of the date of this report, the property is in compliance with the Coos County Zoning and Land Development Ordinance.

**However, this determination does not preclude the possibility that additional information, unavailable at the time of this review, could later indicate non-compliance.**

### B. **SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

1. *The unit of land was created:*

- a. *Through an approved or pre-ordinance plat;*
- b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING:** The unit of land was created pursuant to 6.1.125.1.c in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created. (Roads End Subdivision 1st addition Lot 15) The current configuration was achieved through a Property Line Adjustment in 1995 (application number ACU-95-85).

## III. **STAFF FINDINGS AND CONCLUSIONS:**

### A. **SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

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*.

The applicable review criteria are found in Coos County Zoning and Land Development (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.

**B. KEY DEFINITIONS:**

- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *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.*
- *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 surrounding area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.*
- *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. VACATION/SHORT TERM RENTAL CRITERIA AND REVIEW STANDARDS**

***I. 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 ACU 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	REC	SS	MES		
64.	Vacation Rentals (in an existing dwelling)	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	ACU	N	N	(87)

**FINDING:** Vacation rental reviews are subject to the Coos County Zoning and Land Development Ordinance (CCZLDO) Use Table, as outlined in Section 4.3.200(64), which governs vacation rentals within an existing dwelling and requires an Administrative Conditional Use (ACU) review. This review is further subject to:

- Section 4.3.210(87) – Categories and Review Standards – Vacation Rental/Short-Term Rental
- Section 4.3.220 – Additional Conditional Use Review (7) – Recreation

Siting standards are not required for existing structures, except for those related to parking access, driveways, and parking standards, which are addressed in Chapter VII. Therefore, if the proposed use complies with the review standards outlined in the sections above, it is permitted.

Vacation rentals are only allowed within an existing dwelling. The property contains a partially constructed dwelling, and it appears that a Certificate of Occupancy has not been issued at the time of this report. A condition of approval has been added to require that the property owner(s) obtain a Certificate of Occupancy prior to the issuance of a Zoning Compliance Letter.

Therefore, if the use meets the review standards outlined in the sections above, it is permitted.

### 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.

**FINDING:** The primary criterion for this application is compatibility. As explained, compatibility means that the proposed use must be capable of existing alongside surrounding uses without discord or disharmony. The purpose of this zoning district is to accommodate recreational uses of areas with high recreational or open space value. Vacation Rentals, as a limited commercial use, are considered accessory to the residential use. They are permitted only within an existing dwelling and must demonstrate compatibility with existing residential uses in the surrounding area without causing discord or disharmony. This type of use, however, has the potential to increase traffic and create nuisance issues.

The County has applied a notification boundary of 250 feet to assess compatibility criteria. Within this notification area, the surrounding properties include:

- One (1) Vacation Rental
- Two (2) Single Family Primary Dwellings
- Two (2) Undeveloped lots/ parcels
- Three (3) Single Family Secondary Dwellings

The subject property abuts Tenmile Lakes, which is the fourth largest lake in the State of Oregon. Tenmile Lakes are one of the most used bodies of water in Coos County and the fifth heavily used lake in the state. The lake provides recreational opportunities such as fishing, hiking, water skiing, swimming and boating.



Staff find that the proposed Vacation Rental can be made compatible with the surrounding area when conditions of approval are applied.

A Single-Family Dwelling unit provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A request to use the dwelling for transient occupancy for vacation purposes must not increase traffic, parking, or related nuisance issues. Therefore, to ensure compatibility, limitations on occupancy based on the number of bedrooms within the dwelling, as well as restrictions on traffic and parking volumes to align with those of a Single-Family Dwelling, will minimize nuisances and ensure the use is compatible.

In determining the number of people who can be accommodated overnight, the calculation is based on the number of bedrooms within the Single-Family Dwelling. Per ORS 90.262, a bedroom accommodates a minimum average of two occupants. This dwelling has not been completed yet; therefore, staff will condition this approval to allow a maximum of two (2) overnight guests per bedroom and limit guest parking to two (2) vehicles. These measures will minimize traffic and impact on the road and neighborhood. Vendors shall be limited to cleaning and maintenance services.

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. Additionally, the Vacation Rental approval will not be transferred to a subsequent owner without a Compliance Determination.

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<https://www.co.coos.or.us/community-dev>

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To ensure compliance with legal requirements and compatibility, the following limitations and conditions will be applied:

**1. Certificate of Occupancy Requirement**

- The dwelling must be completed, and a Certificate of Occupancy issued before a Zoning Compliance Letter will be granted.
- Until the dwelling is officially recognized as an existing structure, vacation rental approval cannot take effect.

**2. Occupancy Limits**

- The number of overnight guests will be based on the number of bedrooms within the dwelling.
- Per ORS 90.262, each bedroom is considered to accommodate two occupants.
- The dwelling, once constructed, will contain three (3) bedrooms according to the application, and the occupancy will be limited to six (6) overnight guests.

**3. Parking Restrictions**

- Guest parking will be limited to two (2) vehicles, ensuring that traffic and parking demands remain consistent with single-family residential use.
- The Road Department shall verify compliance with Chapter VII as part of the conditions of approval.
- Vendors shall be limited to cleaning and maintenance services only, preventing commercial-scale operations on-site.

**4. Regulatory Compliance**

- The applicant has acknowledged that a license and required inspections will be completed by Coos Health & Wellness (CHW), in accordance with ORS 446.310 - 446.350.
- The vacation rental approval will not be transferred to a subsequent property owner without the submission of a Compliance Determination Application.

**5. Deed Restriction Requirement**

- A deed restriction must be recorded with the Coos County Clerk's Office, acknowledging that the vacation rental is an accessory use to the approved residential dwelling.
- This requirement will be enforced as a condition of approval.

**II. DECISION**

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been addressed or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed Vacation Rental meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

**III. EXPIRATION:**

Once this application is implemented, it does not expire under current law. However, it cannot be transferred to another owner unless a Compliance Determination has been filed.

**VII. 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.

- **A Notice of Decision and Staff Report will be provided to the following:**

Mailed Copies: Applicants/Owners, Consultant


Emailed Copies: Department of Land Conservation and Development, Coos County Assessor's Office, Planning Commission and Board of Commissioners.

- **A Notice of Decision only**

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.

Special Districts: Lakeside Rural Fire Department

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

 541-396-7770

@ [planning@co.coos.or.us](mailto:planning@co.coos.or.us)



<https://www.co.coos.or.us/community-dev>

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