

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: June 23, 2022

Type III Conditional Use Permit for 1388 Face Rock Drive (28S-15W-36BC, TL 108) – 22-047, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

ITEM NO: 5.1

The Planning Commission may choose to approve, approve with conditions, or deny the application. Staff recommends the following motion:

I move to approve application 22-047, a request for a Conditional Use Permit to operate a Vacation Rental Dwelling, with the conditions listed in the Staff Report.

SUBMITTED BY:



Dana Nichols, Planning Manager

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 22-047

LOCATION: 1388 Face Rock Drive
Map Number 28S-15W-36BC/TL 108

PROPERTY OWNER: Fred Mau
APPLICANT: David Reed

REQUEST: **Conditional Use Permit** Approval to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

REVIEWING BODY: City of Bandon Planning Commission

STAFF REPORT PREPARED BY: Henry O. Hearley, Associate Planner, Lane Council of Governments

NOTICE DATE: June 2, 2022

HEARING DATE: Thursday, June 23rd, 2022, at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
17.20 Controlled Development 1 Zone

I. Procedural – Required Burden of Proof

The property is located in the Controlled Development 1 Zone where Vacation Rental Dwellings are Listed as Conditional Uses (17.20.030). Because the single-family detached dwelling already exists, the Staff Report will review the criteria for conditional uses listed in Chapter 16.12 below.

Chapter 16.04 Administration & Enforcement

16.04.020 Types of Procedures and Actions.

A. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections (A) to (D) below.

3. *Type III Procedure: Type III decisions are made after a public hearing, with an opportunity for appeal to the City Council.* 4. *Type IV Procedure: The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy. Type IV reviews are considered by the Planning Commission, which makes a recommendation to the City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.*

FINDING: Consistent with Chapter 16.04 and Table 16.04.020, the City is processing the requested conditional use permit as a TYPE III application. A Type III application shall be reviewed by the Planning Commission with appeals heard by the City Council. Criterion met.

16.04.070 Type III Procedure

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. Application Forms. Applications requiring Quasi-Judicial review shall be made on forms provided by the Planning Department.

2. Submittal Information. The Planning Department shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information: a. The information requested on the application form; b. Plans and exhibits required for the specific approval(s) being sought; c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail; d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and e. The required fee.

FINDING: The application contained the necessary information for staff review. The application was deemed “complete” for processing by City staff on May 16, 2022.

B. Procedure.

1. Mailed and Posted Notice.

a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The Planning Department shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date Bandon Municipal Code, Title 16, Codified 06-03-2021 Page 9 of 60 that the notice was mailed. Notice shall be mailed to:

1) All owners of record of real property located within a minimum of 250 feet of the subject site;

2) Any person who submits a written request to receive a notice; and

3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the Planning Department shall notify the road authority if different than the City of Bandon. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

b. At least 14 days before the first hearing, the applicant or applicant's representative shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the Planning Department. The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.

c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.

FINDING: Notice was mailed to properties within 250-feet of the site on June 2, 2022. Additionally, posted notice on the city's website and posted at the site at least 14 days before the first hearing. Criterion met.

Chapter 16.12 – Conditional Uses

16.12.010 Authorization to grant or deny conditional uses

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.

FINDING: The applicant has requested to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone. This use is listed as a conditional use in the zone and the Planning Commission has the authority to review this application and determine if it may be approved, approved with conditions, or denied based on the criteria listed in the Bandon Municipal Code.

16.12.020 Authorization to impose conditions

In approving an application for a conditional use or the modification an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole. These conditions may include but are not limited to:

- A. *Changing the required lot size or yard dimensions;*
- B. *Limiting the height of the building(s);*
- C. *Controlling the location and number of vehicle access points;*

- D. *Requiring additional right-of-way areas or changing the street width;*
- E. *Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;*
- F. *Changing the number of off-street parking and loading spaces required;*
- G. *Limiting the number, size and location of signs;*
- H. *Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;*
- I. *Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;*
- J. *Limiting the hours, days, place and manner of operations;*
- K. *Limiting or setting standards for the location and intensity of outdoor lighting;*
- L. *Setting requirements on the number, size, location, height and lighting of signs;*
- M. *Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.*

FINDING: The Planning Commission may approve, approve with conditions, or deny the application. If additional conditions are needed to ensure this use fits in with the surrounding neighborhood, the Planning Commission may reference this list to impose such conditions.

16.12.040 Approval standards for conditional uses

The approval of all conditional uses shall be consistent with:

- A. *The comprehensive plan;*
- B. *The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;*
- C. *That the site size and dimensions provide adequate area for the needs of the proposed use;*
- D. *That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;*
- E. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;*
- F. *All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;*
- G. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;*
- H. *All other requirements of this title that apply.*

FINDING: The applicant provided Findings which staff concur with. The request is consistent with the comprehensive plan, the dimensional standards have been met as the house is already existing, the site is large enough to accommodate this use, and the property owners will ensure that renters are held to a high standard. Further, the site is suitable for this use as there are three vacation rental dwellings in nearby proximity, and the site is served by adequate utilities. If approved, this use will not limit or impair surrounding properties in their ability to continue to use their property for outright permitted uses.

16.12.090 Standards governing conditional uses

- K. Vacation Rental Dwelling. *Vacation rental dwellings (VRDs) are a conditional use in the CD-1, CD-2, and CD-3 zones, and are subject to the requirements of this chapter. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRDs are not an outright permitted use in the CD-Zones.*

All vacation rental dwellings shall comply with the following provisions:

1. *The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy;*

FINDING: The home is a detached, single-family dwelling constructed in 2006. Criterion met.

2. *Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's;*

FINDING: As seen on the Saturation Study for 1388 Face Rock Drive, there are presently 11 single-family dwelling, three of which are current vacation rental dwellings within 250-feet of the subject property. As such, this equates to a saturation rate of 27.27% (3 VRD/11 SFD = 0.2727*100 = 27.7% when rounded). Criterion met. See **Attachment B** for Saturation Map.

3. *In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;*

FINDING: The home is located in the CD-1 and in the Vacation Rental Dwelling Overlay.

4. *The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit;*

FINDING: Frederick Mau is the applicant of record and property owner, as seen on the application and Coos County GIS Parcel data. The VRD Conditional Use permit is only valid for the named applicant of record. Upon change in named applicant due to sale, transfer or other reason, the Conditional Use Permit shall become null and void.

5. *Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*

FINDING: The Tsunami Evacuation Route map shall be posted in the home in a conspicuous location.

6. *No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;*

FINDING: The property owner will contract with a local property management company to prevent any objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor; no more than a normal neighborhood dwelling. Additionally, the property contains four off-street parking spaces to accommodate the parking of visitor's vehicles. Criterion met.

7. *VRD's without private beach access shall provide written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken;*

FINDING: The subject property does not have private access or shared access to a beach. This criterion is not applicable.

8. *VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed vacation rental dwelling using the private access;*

FINDING: The home does not have a joint driveway. Criterion not applicable.

9. *VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;*

FINDING: The applicant states in the written narrative that the property management contractor will be tasked with maintaining the exterior of the residence, landscaping, signage equal to or above the level of the surrounding dwellings. Criterion met.

10. *VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking;*

FINDING: The subject home has three bedrooms. The property has four off-street parking spots, enough to cover the bedroom to parking space ratio. Criterion met.

11. *Evidence shall be provided ensuring that there is regular garbage removal from the premises;*

FINDING: The applicant has stated a contract for waste management and recycling services will be secured by the property owner within 10 business days of the VRD application receiving approval.

12. *There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. The name and contact information of the designated local management person shall be kept on file in the Police Department and Planning Department. The owner or management person shall be available by phone and physically able to respond to the VRD within a reasonable time period;*

FINDING: The applicant has stated that Sam Hernandez will be the designated local management person. The applicant will be contracting with a local property management company to handle complaints and problems on a 24-hour basis. The contact information of the designated representative will be made available to the Bandon Police Department and Planning Department upon approval of the VRD. Criterion met.

13. *Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements;*

FINDING: The applicant agrees to comply with all reporting and accounting requirements. Criterion met.

14. *If the VRD activity ceases for a period of one year, or fails to be rented for more than 10 nights within a calendar year, as determined by the transient occupancy tax receipts and rental documentation, the VRD permit becomes null and void with no further proceedings;*

FINDING: The applicant understands and agrees to the activity requirement. Criterion met.

15. *Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed;*

FINDING: The proposed vacation dwelling contains three bedrooms; the applicant is requesting a maximum occupancy of 9 persons. An occupancy of 9 persons is consistent with the ratio of persons to bedrooms. Criterion met.

16. *VRD's require a conditional use permit (CUP). All criteria for a CUP must be addressed and included as part of the application materials. The applicant shall also address the*

surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.

FINDING: The applicants' materials are sufficient to process the application and assess conformance with VRD requirements. The proposed VRD is located in a developing neighborhood having a mixture of both existing single-family residences and permitted vacation dwellings (see Saturation Map).

17. *The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the Conditional Use Permit.*

FINDING: The applicants agree to provide the annual report as necessary.

18. *Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.*

FINDING: The applicant has stated that the proposed vacation rental dwelling has smoke detectors located in all three bedrooms and where required by building code. Criterion met.

II. Recommendations

Staff recommends approval of the application with the following conditions:

1. All proposals of the applicant shall become conditions of approval unless otherwise modified by the Planning Commission.
2. Approval of the plan is based on information provided by the applicant. No other approvals are expressed or implied. Any changes to the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation.
3. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
4. The number of the 24-hour local contact shall be posted in a conspicuous place within the dwelling.
5. The Bandon Tsunami Route map shall be posted in a conspicuous location within the dwelling.
6. The number of guests is restricted to 9.
7. Trash shall be enclosed at all times.
8. Transient Occupancy Tax shall be paid, and annual reporting shall be completed as required; if the Transient Occupancy Tax account is not current, no rental shall be allowed while the account is in arrears.
9. Prior to advertisement or operation as a Vacation Rental Dwelling, the applicant shall provide a copy of their Traveler's Accommodations License, issued by Coos Health and Wellness, to the City of Bandon.

10. Use of the dwelling for transient occupancy prior to licensure by Coos Health and Wellness and registration with the City's Finance Department shall result in revocation of the Conditional Use permit.
11. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.

III. Attachments

Attachment A – Applicant Materials

Attachment B – Saturation Map

Attachment C – Notice Materials

ATTACHMENT A

II. PROJECT INFORMATION		
Street Address: 1388 FACE ROCK DRIVE		
Map Number / Tax Lot(s): 20515W36 BC 1 10E	Zone: CD-1	Floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was the property previously approved as a Vacation Rental Dwelling? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		
Please describe the residence, its existing and proposed use: THE CURRENT USE IS FOR USE AS A SINGLE FAMILY DWELLING, PROPOSED USE TO BE A VACATION RENTAL		
How many bedrooms will be provided? 3		
What is your requested occupancy? (max. of 10) 9		
How many off-street parking spaces are available? 4 Please provide a parking plan which shows the location, material, and dimensions of your proposed parking.		
Are there carbon monoxide and smoke detectors in the residence? YES <input checked="" type="checkbox"/> (please show in floor plan) NO <input type="checkbox"/>		
Does the property owner live within the city limits of Bandon? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If no, please provide contact information for the designated local management person living within Bandon city limits who will respond immediately to any emergency or complaint related to the vacation home rental.		
Manager's Name: SAM HERNANDEZ	Phone Number: 541-404-9244	
Email Address: MANAGER@VISITBANDON.COM		
Physical Address: 1212 ALABAMA		
City: BANDON	State: OR	Zip Code: 97411
Mailing Address (if different from Physical Address): EXCLUSIVE PROPERTY MGT		

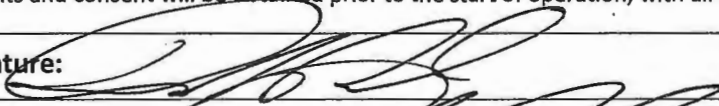
III. APPLICANT'S INFORMATION: (must be an individual)		
The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit.		
Applicant's Name: DAVID REED	Phone: 541-551-0057	E-Mail: INFO@WAYWARD3RD.COM
Applicant's Mailing Address: P.O. BOX 1300 BANDON OR 97411		

IV. PROPERTY OWNER'S INFORMATION		
<input type="checkbox"/> Property owner and applicant information is the same.		
Property Owner's Name: FRED MAU	Phone:	E-mail: FREDMAU47@GMAIL.COM
Mailing Address: 1388 FACE ROCK DRIVE, BANDON OR 97411		

V. CONSENT

- I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval.
- I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described herein.
- The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
- It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.
- It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.
- I authorize the individual(s) listed herein, to act as applicant, upon their consent, in regard to the attached application for the subject project described herein.
- I authorize the individual(s) listed herein, to act as representative, upon their consent, in regard to the attached application for the subject project described herein.
- I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of operation, with all conditions of approval adhered to.

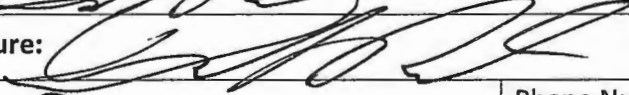
X Applicant's Signature:



Date:

4/20/22

X Representative's Signature:



Date:

4/20/22

Representative's Name:

David Reed

Phone Number:

541 551 2059

Mailing Address:

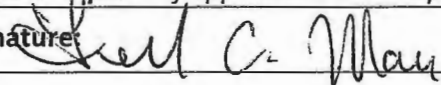
P.O. Box 1308 Bandon

Email Address:

INR@WAYWARDSCUP.CO.COM

Property owner's signature is required if applicant is not the property owner

X Property Owner's Signature:



Date:

4/20/22

In addition to this completed form, the applicant must provide the following:

- A written narrative that addresses all approval standards and provisions.
- A site plan that includes existing and proposed landscaping, drawn to scale.
- A parking plan that includes existing and proposed off-street parking, drawn to scale.
- Floor plans showing the size, function, and arrangement of interior rooms, drawn to scale.
- Digital photographs of the subject residence's interior and exterior.
- Other information deemed necessary by the Planning Director to review the applicant's proposal.
- Payment of applicable fees, which can be found in the City's fee schedule.

**AN ELECTRONIC COPY OF THIS FORM IS ACCEPTABLE FOR THE PURPOSE OF FILING AN APPLICATION.
HOWEVER, THE ORIGINAL WILL BE REQUIRED PRIOR TO FINAL APPROVAL.**



4-21-22

City of Bandon
Attn: Planning Department
555 Hwy 101
Bandon OR. 97411

To Whom it may concern,

The following is a brief narrative as required per the Conditional Use Application for Vacation Rental Dwelling. The proposed Vacation rental to be located in the existing residence located at 1388 Face Rock Drive for Fred Mau. The format of the narrative is consistent with the lettering designation shown on the application.

A. The Comprehensive Plan

The proposed Vacation Rental is located in West Bandon, in a Controlled Development Area (CDA) and is not identified in the comprehensive plan as a scenic resource. The house is located in a cluster of similar sized housing, out of view from both pedestrian and vehicular traffic.

B. Purpose and Dimensional Standards of the Zone

The proposed Vacation Rental is located in the Controlled Development (CD-1) zone. The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's oceanfront and control development while balancing a mix of permitted and conditional uses. The proposed vacation rental is one of the conditional uses of the CD-1 zone. The proposed vacation rental and site does conform with all of the requirements as identified in the CD-1 zone, chapter 17.20. The layout of the residence is a two story structure surrounded by like construction. The location of the structure does not obscure pedestrian or vehicular traffic passing the property along Face Rock Drive.

C. The Size and Dimensions provide adequate area for the needs of the proposed use

The proposed Vacation Rental has a total of 2,116 square feet. The floor plan includes 3 bedrooms, kitchen, dining room, and living room; it is more than adequate to meet the needs of the 9 occupants proposed.

D. The site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses.

The proposed vacation rental structure is designed architecturally to maintain cohesion with the surrounding residences in the neighborhood. Patio space is enclosed and located away from views into adjacent properties to maintain privacy and avoid adverse effects of use.

E. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features.

The proposed Vacation Rental is located "ideally" for the proposed use when considering its size, shape, and location; within walking distance to beach and viewing access.



F. All required public facilities and services have adequate capacity to serve the proposal and are available, or can be made available, by the applicant.

The proposed Vacation Rental has adequate capacity to serve the needs of the proposed occupancy. All additional services including waste disposal, recycling and property Management will be contracted by the owner within ten (10) business days of the Vacation Dwelling application approval.

G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the permitted uses listed in the underlying zone district.

The Proposed Vacation Rentals ingress and egress is located on site directly from Face Rock Drive. Exterior patios are accessible directly on site or from the interior of the residence. Neither access or entertaining spaces will impact the surrounding properties.

H. All other requirements of this title that apply.

(Responses to all provisions are italicized and in bold)

Bandon Municipal Code Section 17.92.090

1. The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy.
The proposed vacation rental was constructed in 2006.
2. Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's.
The proposed vacation rental is in a zone where VRD's are less than 30% (approximately 27%) of The single family detached dwellings within 250 feet of the subject property. (Saturation rate calculated from the city of Bandon VRD Rental list and corresponding map provided to applicant on 4-14-22)
3. In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD- overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones.
The proposed vacation rental is located in the VRD overlay zone
4. The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit.
The owner of the proposed Vacation rental understands that the VRD permit is not transferrable.
5. Tsunami Preparedness - all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling.
The proposed vacation rental will post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling.



6. No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling.

The owner will contract with a local property management company to prevent any objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor; no more than a normal neighborhood dwelling

7. VRD's without private beach access shall provide written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken.

Any future property management company shall provide information to notify renters of the location and required use of public beach access points

8. VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed vacation rental dwelling using the private access.

The proposed vacation rental does not use a joint access driveway

9. VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance.

Any future property management company shall maintain the exterior of the residence, landscaping and signage equal to or above the level of the surrounding dwellings.

10. VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking.

The proposed vacation rental has four off-street parking spaces and is applying for a permit to allow for three bedrooms.

11. Evidence shall be provided ensuring that there is regular garbage removal from the premises.

A contract for waste management and recycling services will be secured by the owner within ten (10) business days of the Vacation Dwelling application approval.

12. There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. The name and contact information of the designated local management person shall be kept on file in the Police Department and Planning Department. The owner \ or management person shall be available by phone and physically able to respond to the VRD within a reasonable time period.

The owner will contract with a local property management company. When approved, the designated representative will provide contact information to the Bandon police and Planning department

13. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements.

The proposed vacation rental will comply with all reporting and accounting requirements of the transient occupancy tax ordinance in accordance with the city of Bandon.



14. If the VRD activity ceases for a period of one year, or fails to be rented for more than 10 nights within a calendar year, as determined by the transient occupancy tax receipts and rental documentation, the VRD permit becomes null and void with no further proceedings.

The owner acknowledges the terms which would void the VRD permit

15. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed.

The proposed vacation rental has three bedrooms and the applicant is applying for a maximum occupancy of 9 people (three per bedroom).

16. VRD's require a conditional use permit (CUP). All criteria for a CUP must be addressed and included as part of the application materials. The applicant shall also address the surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.

The proposed vacation rental is located in a developing neighborhood having a mixture of both existing single family residences and permitted Vacation Dwellings. The mixture of both types of structures prevents oversaturation of either within the proximity of proposed vacation rental.

17. The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the Conditional Use Permit.

The owner will contract with a local property management company that shall provide annual reporting showing compliance with all conditions and ordinance requirements.

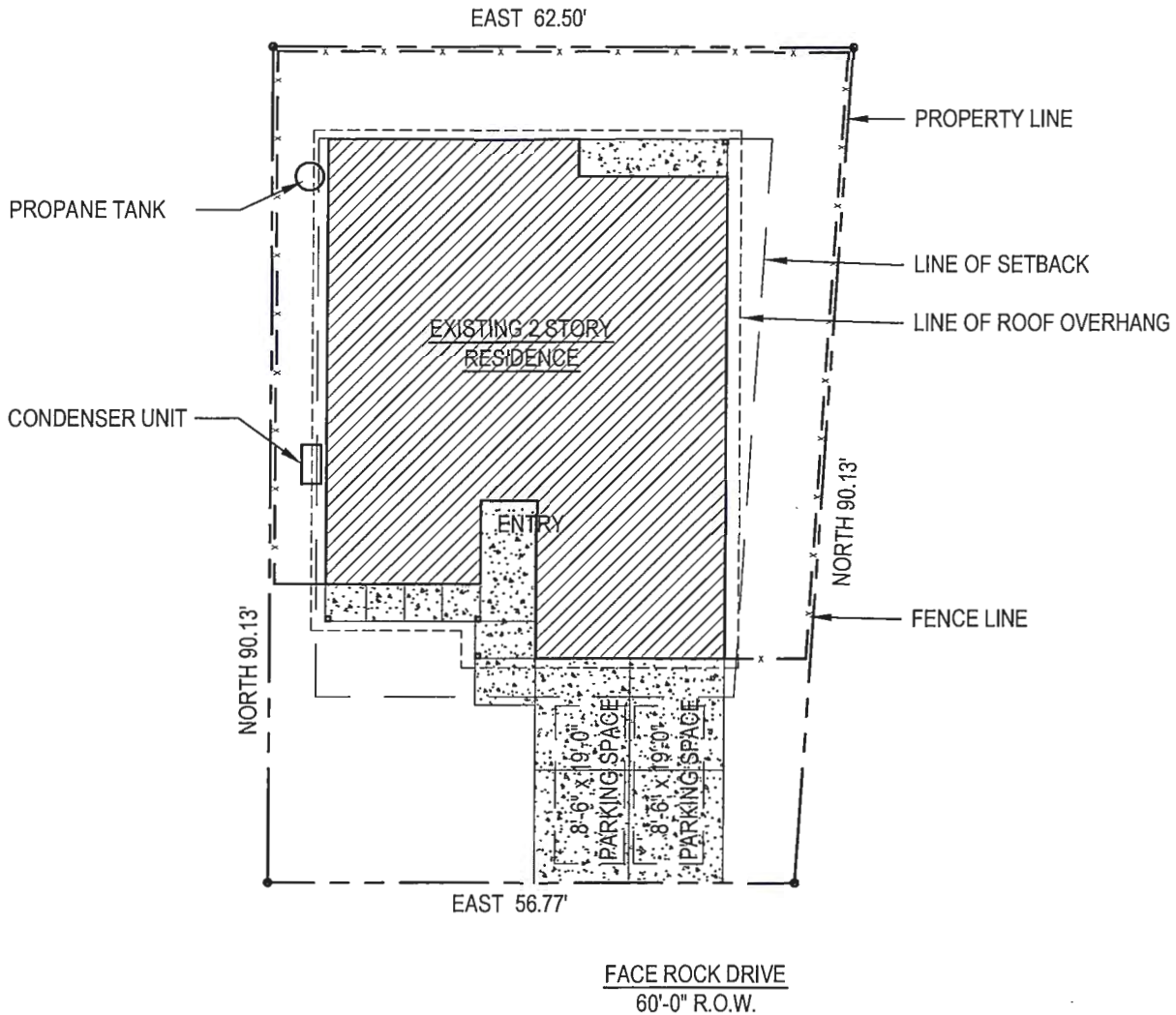
18. Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

The proposed vacation rental has smoke detectors located in all bedrooms and where required by code

Enclosures:

1. Site plan
2. First Floor Plan
3. Second Floor Plan
4. Exterior Photographs (North/South/East/West)
5. Interior Photographs
6. Interior Photographs
6. Vacation Rental saturation study 4-20-22
7. Existing Vacation Rental Inventory list
(provided by the city of Bandon 4-14-22)

BLANCHARD
 VACATION RENTAL DWELLING
 1388 FACE ROCK DRIVE
 BANDON OR. 97411



SITE PLAN

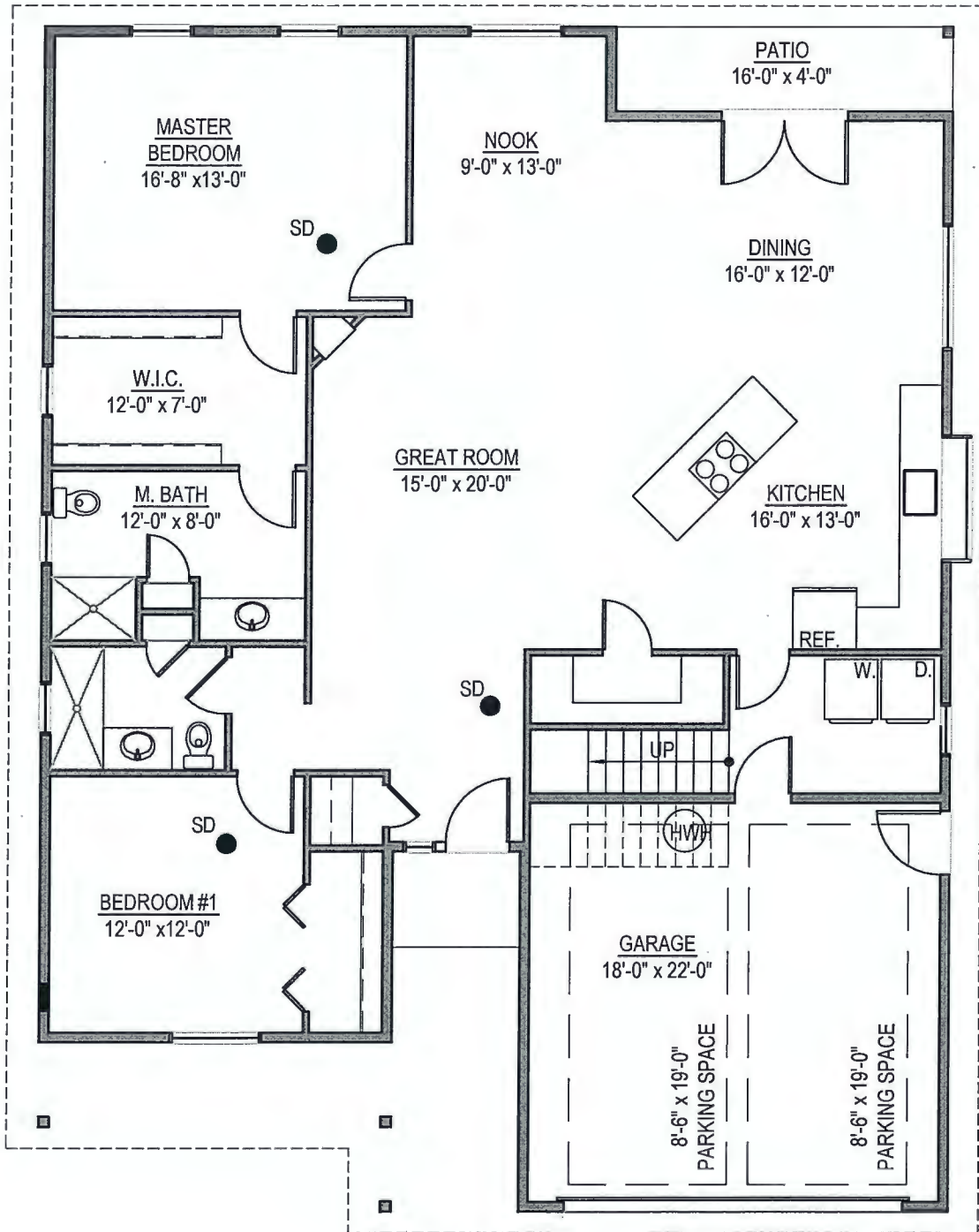
SCALE : 1"=20'-0"



SUMMARY TABLE	
<u>SITE DATA</u>	
MAP AND TAX LOT:	28S15W36BC LOTS 108
ZONING DISTRICT:	CD-1
LOT SIZE:	0.13 ACRES
SECOND FLOOR	226sf
FIRST FLOOR	1707sf
<u>GARAGE</u>	<u>402sf</u>
TOTAL	2335 sf

THE WAYWARD R STUDIO
 BANDON OREGON
 DAVID REED / 541-551-0057

BLANCHARD
VACATION RENTAL DWELLING
1388 FACE ROCK DRIVE
BANDON OR. 97411



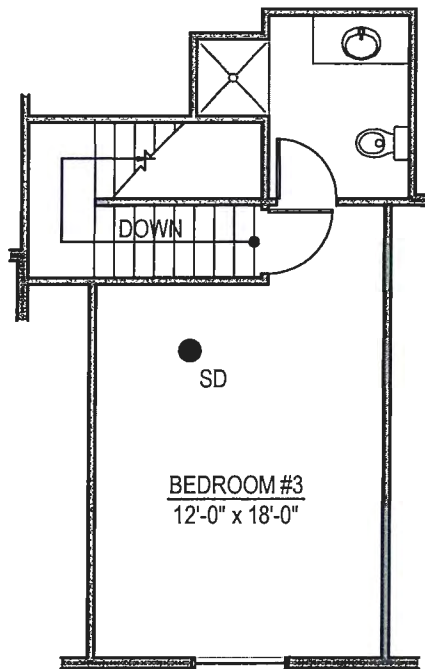
FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

THE WAYWARD R STUDIO
BANDON OREGON
DAVID REED / 541-551-0057

4-21-22

BLANCHARD
VACATION RENTAL DWELLING
1388 FACE ROCK DRIVE
BANDON OR. 97411



SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"

South Elevation (Front)



West Elevation (Side)



East Elevation (Side)



North Elevation (Rear)

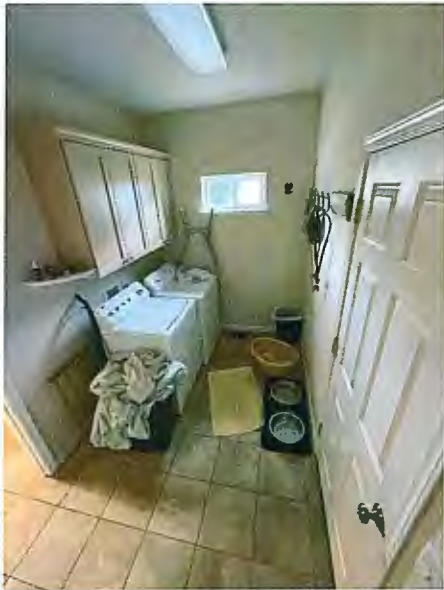




Entry



Living / Dining / Kitchen



Laundry



Bedroom #1



Master Bedroom



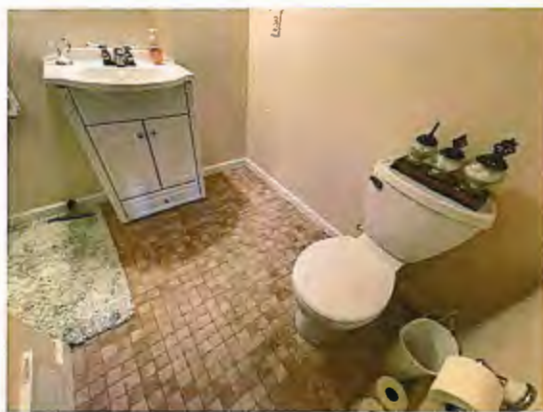
Master Bath



First Floor Bath

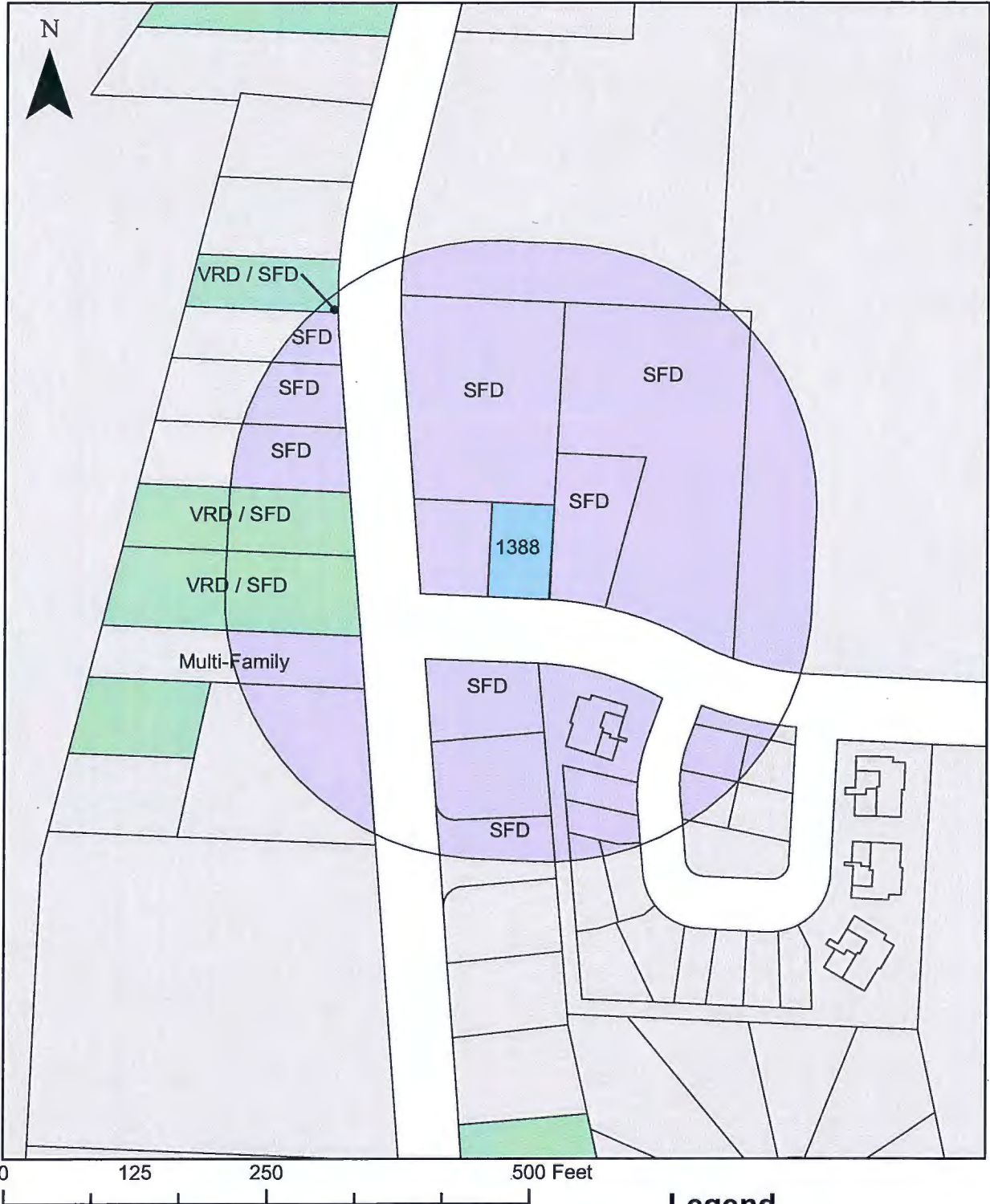


Second Floor Bedroom (Bedroom #2)



Second Floor Bath

Saturation Study: 1388 Face Rock Drive



Saturation Calculation

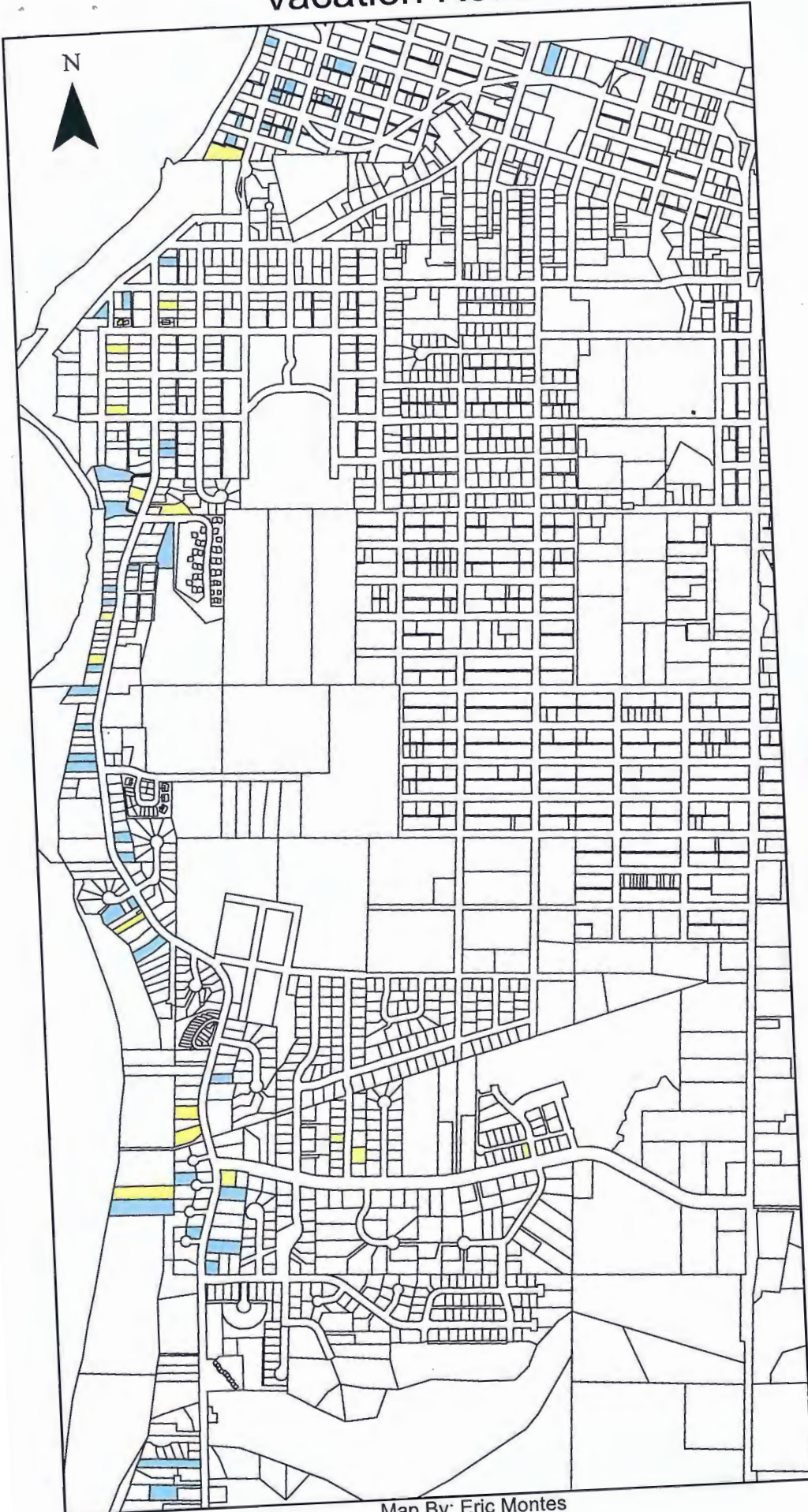
3 VRDs
11 SFDs

3 VRDs / 11 SFDs = 27.27%

Legend

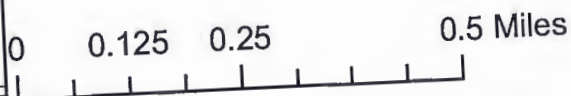
- 1388 Face Rock Drive
- VRDs
- 250' Buffer
- Properties within 250'

Vacation Rentals



Legend

- City of Bandon
- Vacation Rental Dwellings
- Nonconforming VRDs



Map By: Eric Montes

Address	Street	Business
1490	11th Street SW	Vacation Rental Dwelling
460	1st Street SW	Vacation Rental Dwelling
1050	3rd Street SW	Vacation Rental Dwelling
1165	4th Street SW	Vacation Rental Dwelling
1250	6th Street SW	Vacation Rental Dwelling
1265	6th Street SW	Vacation Rental Dwelling
1455	8th Street SW	Vacation Rental Dwelling
725	Beach Loop Drive SW	Vacation Rental Dwelling
835	Beach Loop Drive SW	Vacation Rental Dwelling
845	Beach Loop Drive SW	Vacation Rental Dwelling
897	Beach Loop Drive SW	Vacation Rental Dwelling
1175	Beach Loop Drive SW	Vacation Rental Dwelling
1183	Beach Loop Drive SW	Vacation Rental Dwelling
1260	Beach Loop Drive SW	Vacation Rental Dwelling
1275	Beach Loop Drive SW	Vacation Rental Dwelling
1337	Beach Loop Drive SW	Vacation Rental Dwelling
1445	Beach Loop Drive SW	Vacation Rental Dwelling
1530	Beach Loop Drive SW	Vacation Rental Dwelling
1600	Beach Loop Drive SW	Vacation Rental Dwelling
1750	Beach Loop Drive SW	Vacation Rental Dwelling
1755	Beach Loop Drive SW	Vacation Rental Dwelling
1760	Beach Loop Drive SW	Vacation Rental Dwelling
1812	Beach Loop Drive SW	Vacation Rental Dwelling
1920	Beach Loop Drive SW	Vacation Rental Dwelling
1950	Beach Loop Drive SW	Vacation Rental Dwelling
1980	Beach Loop Drive SW	Vacation Rental Dwelling
2179	Beach Loop Drive SW	Vacation Rental Dwelling
2295	Beach Loop Drive SW	Vacation Rental Dwelling
2480	Beach Loop Drive SW	Vacation Rental Dwelling
2482	Beach Loop Drive SW	Vacation Rental Dwelling
2490	Beach Loop Drive SW	Vacation Rental Dwelling
2885	Beach Loop Drive SW	Vacation Rental Dwelling
2930	Beach Loop Drive SW	Vacation Rental Dwelling
2990	Beach Loop Drive SW	Vacation Rental Dwelling
3010	Beach Loop Drive SW	Vacation Rental Dwelling
3022	Beach Loop Drive SW	Vacation Rental Dwelling
3055	Beach Loop Drive SW	Vacation Rental Dwelling
3160	Beach Loop Drive SW	Vacation Rental Dwelling
3177	Beach Loop Drive SW	Vacation Rental Dwelling
3620	Beach Loop Drive SW	Vacation Rental Dwelling
3802	Beach Loop Drive SW	Vacation Rental Dwelling
460	Highway 101	Vacation Rental Dwelling
650	Jetty Road	Vacation Rental Dwelling

447 Lincoln Ave SW	Vacation Rental Dwelling
560 Lincoln Ave SW	Vacation Rental Dwelling
300 Madison Ave SW	Vacation Rental Dwelling
437 Madison Ave SW	Vacation Rental Dwelling
475 Madison Ave SW	Vacation Rental Dwelling
583 Madison Ave SW	Vacation Rental Dwelling
646 Madison Ave SW	Vacation Rental Dwelling
850 Portland Ave SW	Vacation Rental Dwelling
877 Portland Ave SW	Vacation Rental Dwelling
943 Portland Ave SW	Vacation Rental Dwelling
1200 Queen Anne Court	Vacation Rental Dwelling
1324 Queen Anne Court	Vacation Rental Dwelling
608 Seabird Drive	Vacation Rental Dwelling
2952 Spinnaker Drive	Vacation Rental Dwelling
2967 Spinnaker Drive	Vacation Rental Dwelling
1411 Strawberry Drive	Vacation Rental Dwelling
1455 Strawberry Drive	Vacation Rental Dwelling
1247 Wavecrest	Vacation Rental Dwelling



3-308

Planning Fee Assessment Form

Planning Action:	CUP / VRD
Address:	1388 Face Rock Dr.
Last Name:	Biancard / Reed

CITY OF BANDON PLANNING
 P.O. BOX 67
 555 HWY 101
 BANDON, OR 97411
 P:(541) 347-2437
 F:(541)347-1415

APPLICATION TYPE	DEPOSIT OR BASE FEE	FEE ASSESSED
General		
<input type="checkbox"/> Records Request	Hourly Rate + Cost of materials	
<input type="checkbox"/> Research Request (greater than 5 minutes)	Hourly Rate + Cost of materials	
<input type="checkbox"/> Pre-Application Meeting	\$250	
<input type="checkbox"/> GIS Maps	\$25	
<input type="checkbox"/> Public Hearing Notices and Publication	Actual Cost	
<input type="checkbox"/> Third Party Review (Engineering, geotechnical or soils report, etc.)	Actual Cost	
<input type="checkbox"/> Permit Extension (Administrative Approval)	\$200	
<input type="checkbox"/> Re-Submittal Review Fee	30% of original application fee	
<input type="checkbox"/> Re-inspection Fee	\$50	
<input type="checkbox"/> After-the-fact Permit	\$500	
<input type="checkbox"/> Outside City Water Service Request	\$95	
<input type="checkbox"/> Vacation*	\$500	
<input type="checkbox"/> Street Opening*	\$500	
TYPE I		
Residential Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$50	
<input type="checkbox"/> Minor Decision -Type I	\$200	
<input type="checkbox"/> Residential Structure Under 1500 square feet	\$500	
<input type="checkbox"/> Residential Structure 1501 - 2500 square feet	\$750	
<input type="checkbox"/> Residential Structure 2501 - 3499	\$1,250	
<input type="checkbox"/> Residential Structure 3500 square feet and up	\$2,500	
Commercial Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$75	
<input type="checkbox"/> Accessory Structure/Remodel Under 200 square feet	\$300	
<input type="checkbox"/> Accessory Structure/Remodel Over 200 square feet – or new connections	\$500	
<input type="checkbox"/> Commercial Structure Up to 3500 square feet	\$2,000	
<input type="checkbox"/> Commercial Structure 3501 – 10,000 square feet	\$2,500	
<input type="checkbox"/> Commercial Structure 10,001 or more	\$3,000	
<input type="checkbox"/> Home Occupation Permit	\$300	
<input type="checkbox"/> Sign Permit	\$100	

CITY OF BANDON
PO BOX 67
555 HIGHWAY 101
BANDON OR 97411 541-347-2437

Receipt No: 9.128047 Apr 21, 2022

677 HARRISON AVE - REED/HARMON

Previous Balance:	.00
LICENSES AND PERMITS	
ZC - MINOR DECISION TYPE	200.00
1	
100-413-09	
PLANNING PERMIT FEES	
Total:	200.00

1388 FACE ROCK DR - BLANCHARD/REED

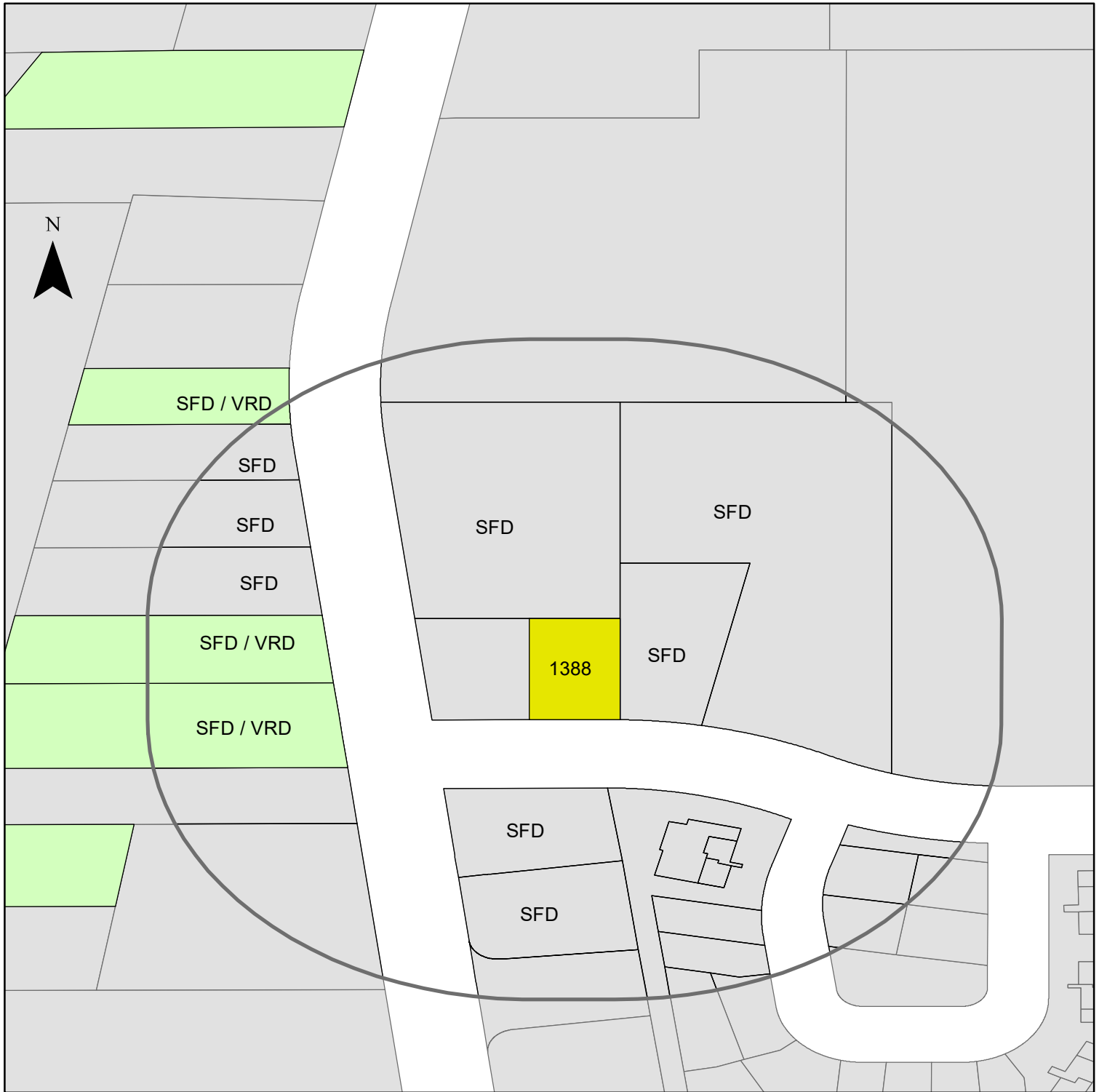
Previous Balance:	.00
LICENSES AND PERMITS	
CONDITIONAL USE	1,000.00
100-413-09	
PLANNING PERMIT FEES	
Total:	1,000.00

CHECK	
Check No: 1252	1,200.00
Payor:	
WAYWARD R STUDIO	
Total Applied:	1,200.00
Change Tendered:	.00

04/21/2022 2:39 PM

ATTACHMENT B

Saturation Study: 1388 Face Rock Drive



Saturation Calculation
3 VRDs
11 SFDs
3 VRDs/11SFDs = 27.27%

Legend

- Properties within 250'
- VRDs
- 1388 Face Rock Drive
- 250' Buffer



ATTACHMENT C

NOTICE OF PUBLIC HEARING CITY OF BANDON PLANNING COMMISSION

Notice is hereby given that a Public Hearing has been set before the Planning Commission of the City of Bandon, regarding application #22-047, request for a conditional use permit to operate a Vacation Rental Dwelling on property zoned CD-1 in the City of Bandon. You have received this notice because your property is located within 250 feet of the subject property.

Property Owner:	Fred Mau
Applicant(s):	David Reed
Property Location:	28S-15W-36BC/ TL 108, 1388 Face Rock Drive
Lead Staff:	Henry O. Hearley, Associate Planner, Lane Council of Governments
Meeting Date:	Thursday, June 23rd, 2022 at 7:00 PM
Proposal:	Conditional use permit to operate a Vacation Rental Dwelling in the CD-1, Controlled Development 1 Zone
Applicable Criteria List: (Bandon Municipal Code)	16.04 Administration and Enforcement 16.12 Conditional Uses 17.20 Controlled Development 1 Zone

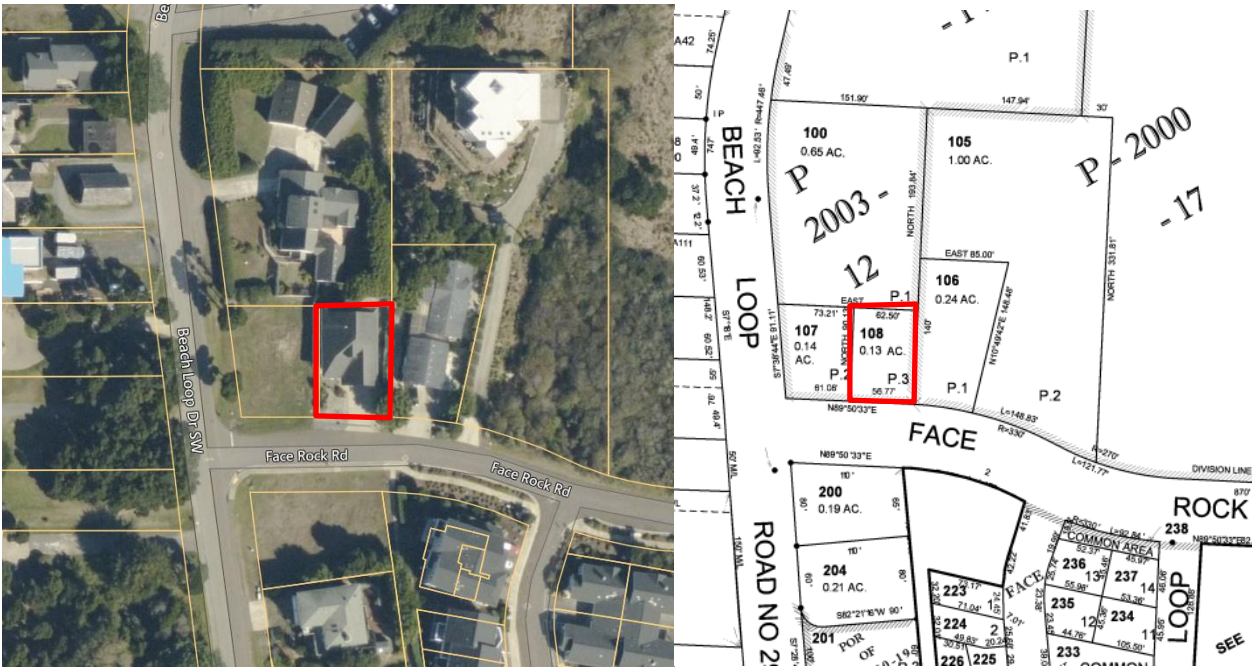
The hearing has been set for **Thursday, June 23 at 7:00 p.m.** and will be conducted through a Zoom Webinar.

All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public and will follow requirements of the Oregon Health Authority. You may also access the meeting online using the following information:

Meeting Link: <https://us02web.zoom.us/j/2157059460>
Meeting ID: 215 705 9460

Time will be allowed for your verbal testimony at the hearing. It is recommended that testimony also be presented in written form. Testimony may be submitted in person, by mail, or may be electronically submitted to planning@cityofbandon.org. Please note the deadlines below for submitting testimony:

- **5:00 pm, June 15, 2022: Deadline for inclusion of testimony in meeting packet.**
- **5:00 pm, June 22, 2022: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 5:00 pm on June 22, 2022: Testimony must be presented verbally at the public hearing.**



The ordinance criteria applicable to this application is available to review in the Bandon Municipal Code, which can be found online in the Bandon Municipal Code at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria will be available for review on the City's website www.cityofbandon.org, and will be provided at cost, if requested. A copy of the Staff Report will be available for inspection ten days prior to the hearing and will be provided at cost, if requested. All materials are available online and at the Bandon Planning Department, 555 Hwy 101, and Bandon, Oregon 97411. During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria.

If you have questions concerning this request, please contact the Planning Department at Planning@cityofbandon.org or (541) 347-7922.

JUN 02 2022

AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS
859 Willamette Street, Suite 500
Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on JUNE 2, 2022, a notice of Conditional Use Permit for a Vacation Rental Dwelling (File # 22-047 (Face Rock CUP)) in the City of Bandon to the addresses contained herein.



Signature

Henry Hearley

Print Name

PLUS: Felice, Charles P. & Julie R.
5752 S Blake DR
Taylorsville, UT 84129

JUN 02 2022

INMAN, TERAH J
PO BOX 733
COOS BAY OR 97420

DENSMORE FAMILY, LLC
PO BOX 373
BANDON OR 97411

LINDSAY FAMILY TRUST
PO BOX 1893
BANDON OR 97411

KESSLER, JOHN R.; ETAL
PO BOX 894
BANDON OR 97411

REED FAMILY TRUST
1380 FACEROCK DR
BANDON OR 97411

SHORT, STEPHEN L & DELANA
925 JACKSON AVE SW
BANDON OR 97411

MAU, FREDERICK C ET AL
1388 FACE ROCK DR
BANDON OR 97411

COWLES, STEPHEN C
PO BOX 1052
BANDON OR 97411

MOORE, BRUCE C.
PO BOX 11833
EUGENE OR 97440

BRUCE J. NOVOTNY & MARCIA J.
CONWA ET AL
PO BOX 1270
BANDON OR 97411

WHITMORE, BRAD & SUSAN
676 CHERRY LN
ASHLAND OR 97520

AGOSTI, GARY
1010 W ARUBA DR
GILBERT AZ 85233

STARK, JAMES GORDON
1375 VILLAGE LOOP
BANDON OR 97411

IVERSON, RICHARD D.
PO BOX 95
BANDON OR 97411

FACE ROCK VILLAGE PLANNED COMM.
ASSOC
1386 VILLAGE LP
BANDON OR 97411

FACE ROCK VILLAGE HOA
1386 VILLAGE LOOP DR
BANDON OR 97411

SCHULHAUSER, RANDAL C & LYNN E M
2429 E SAPIUM WAY
PHOENIX AZ 85048

WORSLEY, FRED & IAMBIE
150 AKIN LN
ROSEBURG OR 97471

FACE ROCK VILLAGE PLANNED COMM.
ASSOC
1336 VILLAGE LP
BANDON OR 97411

THORN, CRAIG
7554 W TIERRA BUENA LN
PEORIA AZ 97411

LELAND FAMILY PROPERTIES, LLC I
54991 BEAR CREEK RD
BANDON OR 97411

WRIGHT LOVING TRUST
PO BOX 1442
COOS BAY OR 97420

LJB OREGON, LLC
33717 N SCOTTSDALE RD STE 120
SCOTTSDALE AZ 85266

GRIEVE, WILLIAM G., III
690 FAIR OAKS DR
EUGENE OR 97401

FOX THORN LLC
2517 NUMBER 2 CANYON RD
WENATCHEE WA 98801

LEWIS, LINDA L.
PO BOX 5758
KETCHIKAN AK 97070

GALLIER TRUST
32391 SW LAKE DR
WILSONVILLE OR 97411

FACE ROCK VILLAGE PLANNED COMM.
ASSOC
1336 VILLAGE LP
BANDON OR 97411

KRONSER, DAVID KEITH & KELLY LYNN
1395 VILLAGE LOOP
BANDON OR 97411

POLEQUAPTEWA, HONANI & JEAN
1397 VILLAGE LOOP
BANDON OR 97411