

**CITY OF BANDON
PLANNING COMMISSION**

**THURSDAY, August 25th, 2022
Regular Meeting – 7:00 PM**

MEETING WILL BE HELD IN PERSON AT THE COUNCIL CHAMBERS AT CITY HALL

AND OVER ZOOM:

Link to meeting:

<https://us02web.zoom.us/j/2157059460>

Meeting ID: 215 705 9460

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA

3.1 Regular Meeting Minutes – July 21st, 2022

4. PUBLIC COMMENT

Comments from the Public on any item NOT on the agenda – limited to 3 minutes each

4.1 Susie Koharski

5. HEARINGS

5.1 **Type III Conditional Use Permit for 2131 Beach Loop Drive (28S-15W-36 BC, TL 208)**– 22-063, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

5.2 **Type III Conditional Use Permit for 1127 6th St SW (28S-15W-25BD, TL 9300)**– 22-066, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 2 Zone.

6. STAFF UPDATE/DISCUSSION

6.1 Coastal Erosion

6.2 Structures in required setbacks

6.3 Measuring height in the Floodplain

6.4 Planning Department Report

7. OPEN DISCUSSION

Commissioner Comments

Council Chamber is accessible to the disabled. For services contact City Hall at 347-2437; 711 TTR;

e-mail: citymanager@ci.bandon.or.us

City Web site: www.ci.bandon.or.us

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individuals with disabilities.

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: August 25, 2022

Regular Meeting Minutes July 21, 2022

ITEM NO: 3.1

Potential Motion: *"I move to (approve/deny/modify) the minutes from the July 21, 2022 meeting"*

SUBMITTED BY:



Dana Nichols, Planning Manager

Regular Meeting of the Planning Commission at Bandon City Hall and via Zoom Meetings July 21, 2022

COMMISSION:

- ☒ Sally Jurkowski, Commissioner
- ☒ Ed Landucci, Vice Chair
- ☒ Gordon Norman, Commissioner
- ☒ Tom Orsi, Commissioner
- ☒ Catherine Scobby, Commissioner
- ☒ Gerald Slothower, Commissioner
- ☒ Donald Starbuck Commissioner

STAFF:

- ☐ Dan Chandler, City Manager
- ☐ Shala Kudlac, City Attorney
- ☒ Dana Nichols, Planning Manager
- ☒ June Hinojosa, City Recorder

1.0 CALL TO ORDER

Serving as Acting Chair, Landucci called the meeting to order at 7:00 p.m.

2.0 ROLL CALL

Roll Call was taken as indicated above. Orsi joined using Zoom. All other Commissioners and Staff who attended were present in the Council Chambers.

3.0 CONSENT AGENDA

3.1 Regular Meeting Minutes – May 26, 2022

3.2 Regular Meeting Minutes – June 23, 2022

Starbuck moved to approve the May 26, 2022, Minutes and Jurkowski seconded the motion, which passed by voice vote (5:0:2, abstained: Orsi, Slothower).

Norman made a motion to approve the June 23, 2022, Minutes. Scobby seconded the motion, and it passed by unanimous voice vote (7:0).

4.0 ELECTIONS

4.1 Elect New Chair and Vice Chair

Jurkowski nominated Slothower for Chair and Landucci seconded the nomination. Norman nominated Landucci for Chair and Orsi seconded the nomination. While Landucci said he was indifferent to serving as Chair, Slothower expressed some interest the position. He complimented Landucci on the job he had done running an earlier meeting. Slothower was elected Chair by unanimous voice vote (7:0).

Norman nominated Jurkowski for Vice Chair. The nomination was seconded by Landucci and Jurkowski was elected Vice Chair by unanimous voice vote (7:0).

5.0 PUBLIC COMMENT – None

6.0 HEARINGS

6.1 Type III Conditional Use Permit for 25 Cleveland Ave. SW (28S-15W-25AD, TL 1600)

– #22-061, Request for a Conditional Use Permit to Operate a Vacation Rental Dwelling in the Marine Commercial (C3) Zone

Landucci opened the Public Hearing at 7:07 p.m. and read aloud the standard statement of Public Hearing rules and procedures.

Regarding ex parte contact or site visits, Landucci stated that he had “a chance encounter” the day before with Matt Winkel, who was present to speak on behalf of the applicant. Landucci said Winkel was probably the most knowledgeable man about the Bandon Municipal Code (BMC) and he thanked him for helping him understand how a Planning Commission should interpret the code. None of the Commissioners declared a conflict of interest, bias, or other reason to be disqualified from participating in the hearing.

Nichols introduced Henry Hearley, Associate Planner at Lane Council of Governments, who was contracted by the City of Bandon and had been assisting the Planning Department with Conditional Use Permit (CUP) applications. Joining the meeting via Zoom, Hearley presented the Staff Report.

Hearley reported that the subject property, located at the end of Cleveland Avenue SW in the C-3 Marine Commercial Zone, had frontage on the riverfront. The one-story, one-bedroom home was built in 1940 and was about 700 square feet in size.

Hearley said the property had functioned as a vacation rental for at least 20 years. The applicant had stated that in light of the historic nature and location of the home, and the investment put into it, the owners were concerned and committed to keeping the property well-maintained and compatible with the neighborhood. A designated local management person would be responsible for responding to any reported issues, 24 hours a day, 7 days a week.

Because the property was located at the end of a dead-end street, Hearley said the applicant had given special consideration to parking issues and had demonstrated in the application materials how a vehicle could back up safely without having an impact on existing on-street parking. There would be a 12-foot-wide “hammerhead” turnaround at the end of the street. No on-street parking would be required for the proposed VRD. Meeting the City’s standard of at least two off-street spaces, three spaces would be available, one of which would be shared with the VRD next door.

A map of VRD saturation showed one existing VRD out of four total single-family dwellings within 250 feet of the proposed VRD, yielding a 25 percent saturation rate, less than the maximum 30 percent rate.

Staff’s recommendation was for the Commission to approve the application, subject to the standard conditions for VRDs. The number of guests would be restricted to three, due to the home only having one bedroom.

Norman wondered if Hearley had ever been to the site of the proposed VRD, and Hearley replied that he had not. Norman pointed out that there had been considerable concern about traffic and parking at that location when the Planning Commission held a hearing for the adjacent VRD at 55 Cleveland Avenue SW. He asked Hearley if he thought the Commission should delve into those issues regarding the subject property.

Healey responded that the Commissioners could discuss parking and traffic, because a Conditional Use Permit took the neighborhood into consideration, but he noted that the applicant had satisfied the approval criterion requiring a minimum of two off-street parking spaces.

Landucci read aloud the procedures for testimony from the applicant and the public.

Sheri McGrath, P.O. Box 1548, Bandon, OR 97411

Matt Winkel, 999 Indiana Ave. SE, Bandon, OR 97411

McGrath said Winkel had prepared many of the findings in the application and would address some of the criteria for approval of the application. She told the Commissioners she had been working on the site of the proposed VRD for several years, after the current owner, David Gamble, purchased it. A site survey had been done by a professional land surveyor in 2014, and that had been used as the basis for the applicant's maps. McGrath added that the details for backing up vehicles and for parking spaces were based on what the City of Bandon stated as a safe street and backup with parking. She noted that the property manager for the VRD lived directly across the street and would be the emergency contact person.

Winkel sought to cover the major compliance issues involving the application and to answer any questions the Commissioners might have about them. He began by addressing the parking situation on the block of Cleveland Avenue SW where the subject property was located. He described the west side of the street as only having on-street parking, while parking on the east side was off the pavement but still within the City right-of-way. Winkel pointed out that approving the VRD permit would have the effect of reducing on-street parking, since VRDs were required to have two additional off-street spaces, unlike standard single-family residences.

Winkel suggested the proposed VRD project would serve in furtherance of the City's Comprehensive Plan (Comp Plan) goals, policies, and objectives, and would be appropriate under the purpose and dimensional standards of the Marine Commercial Zone. He noted that the Comp Plan specifically stated that the waterfront was the best location for vacation rentals, and the subject property fronted the Coquille River.

Winkel maintained that the single-family residence to be used as a VRD would be adequate for the limited occupancy being requested. He said the design and location of the house would have a positive impact on the surrounding properties, and he confirmed that adequate public facilities and services were available there. Constructed around 1940, the house had been compatible with the character of the other similar homes on a block known over the years as "Short Street" and "Little America."

In addition to the standard CUP requirements Winkel just covered, he went on to check off specific conditions for VRDs and how they were addressed by the applicant. Having existed for 82 years, the property surpassed the requirement to be a single-family detached dwelling that was at least three years old. The VRD saturation was less than 30 percent within 250 feet of the property, and VRDs were permitted in the C-3 Zone as a Conditional Use.

The owner of the subject property acknowledged that a VRD permit was in the name of the owner and not transferable to anyone who might purchase the property in the future.

Norman observed that the ownership of the home was listed as a family trust, and he wondered if all members of the trust understood that the VRD was in David Gamble's name.

Winkel believed David Gamble was executor of the trust and he thought the Commission could choose to specify that other members of the trust would need to acknowledge that the VRD was going to be in his name.

Winkel continued with the list of conditions, stating that the local management person would inform guests about the tsunami evacuation instructions and where to find them in the VRD.

Regarding the need to limit objectionable traffic and on-street parking, Winkel cited information from the Institute of Traffic Engineers that indicated a vacation rental generated less average daily traffic than a single-family residence or most other uses. He acknowledged that there had been concerns about parking and traffic at the hearing for the VRD application at 55 Cleveland Avenue SW, but he felt the situation was being improved by the applicant's parking solution. The same diagram shown by Hearley earlier in the meeting was used to illustrate that the driveway would accommodate parking that was outside the City's right-of-way and would offer the ability of vehicles to back out. There was a joint access agreement with the neighboring VRD for use of the parking spaces on the gravel driveway.

Winkel's presentation included photos of other locations around Bandon where there were VRDs on streets that were the same width as or narrower than Cleveland Avenue SW and required backing onto the street from the off-street parking. He emphasized that most single-family residences in Bandon had driveways that required vehicles to back out onto the street.

At the location of the proposed VRD, there would not be any beach access. Winkel said the local management person would advise guests to use public beach access points, and maps would be posted to show those locations.

Winkel stated that the property had been well-maintained and the local property manager would inspect the property regularly to ensure it would be maintained at or above the level of surrounding dwellings. The applicant planned to contract with Bandon Disposal for regular garbage service. Contact information for the local property manager would be provided to the City and the Police Department. The applicant agreed to comply with Bandon's Transient Occupancy Tax (TOT) reporting and accounting requirements. Under one condition of approval, if the VRD's activity ceased for a period of a year, or if it failed to be rented for more than 10 nights within a calendar year, as determined by TOT receipts and rental documentation, the VRD's permit would become null and void. The remaining conditions were not covered in Winkel's presentation.

Landucci told Winkel his previous reservations about vehicles backing out onto Cleveland Avenue SW had been addressed and he was satisfied that backing out was not an issue for the Commission to factor into its decision. With no members of the public requesting to give testimony, Landucci closed the hearing at 7:38 p.m.

Slothower wished to have a condition added that emphasized that the VRD permit was being issued to an individual, not a trust, and that the permit would go away if the individual who signed on behalf of the trust was no longer involved.

Nichols clarified that the code required the applicant on record to be an individual, so no additional language was necessary.

A motion was made by Starbuck and seconded by Slothower to approve the application with the conditions listed in the Staff Report. It passed by voice vote (6:0:1, abstaining: Norman).

7.0 STAFF UPDATE/DISCUSSION

7.1 Joint Council and Planning Commission Meeting: September 19 at 1:30 p.m.

Nichols expected the Joint Meeting to primarily focus on the City's view line ordinance and VRDs. She said the Council had attempted to take up an emergency VRD ordinance at its most recent meeting but decided not to discuss the issue at that time. At the Joint Meeting, several aspects of vacation rentals would be addressed, including the VRD saturation rate, garbage, parking, the local contact, the response time for local management, and the applicant of record. Nichols mentioned that

she had stayed in a vacation rental in another community the previous weekend, and she learned that other localities set a maximum amount of parking allowed, rather than requiring a minimum amount of parking, thus limiting the number of vehicles and the amount of traffic around a vacation rental. She asked the Commissioners for suggestions for the Joint Meeting agenda.

Norman commented that he was disturbed that the Commission continued to approved applications for vacation rentals owned by people who did not even live in Bandon, while the community continued to experience “a major workforce housing problem.” He felt the two small houses on Cleveland Avenue SW that were recently given VRD permits would have made perfect workforce housing, but in becoming vacation rentals they had been taken off the market. Norman thought this had become a nationwide trend, “as real estate went from being a shelter to an investment.”

Nichols observed, “I think that the vacation rental dwelling conversation has been really contentious over the years because it is the balance of someone’s right to use their property and economic development...all the things that come with living in a tourist community, balanced with the livability for everyone else that is here, and in particular the squeeze that we feel with affordable housing.” She noted that the 57 existing approved VRDs in Bandon represented about three percent of the City’s housing stock.

Norman wondered when the last time was that a housing unit was removed from VRD status.

Nichols responded that it happened somewhat frequently. She thought that three VRDs had come off the list in the preceding year or so, and after the more restrictive VRD ordinance had been passed in 2018, there had been little change in the total number of vacation rentals in Bandon.

Landucci pointed out that it was ultimately the City Council who would decide what changes would be made to Bandon’s VRD regulations.

Nichols emphasized that the Council was looking for feedback and advice from the Commission, considering that it was the body that had taken so much public input and conducted a number of hearings about vacation rentals.

Starbuck requested the treatment of nonconforming VRDs in VRD density calculations to be included in the Joint Meeting discussions.

Nichols assured him that would be part of the saturation rate discussion.

Norman wondered what the length of the meeting would be.

Hinojosa responded that the Council’s Work Sessions were typically one hour long, but she said this Joint Meeting was intended to be two hours.

Nichols reported that an application for a vacation rental at 1137 Three Wood Drive had been pulled from the current meeting’s agenda. She also shared that one citizen who had submitted a public comment to the City recently had included an image of a violation that was observed at a vacation rental. Nichols told the Commissioners and members of the public in attendance that conditions of approval for VRD permits, specified in the code, stated that VRD owners who violated any such condition could be brought before the Planning Commission for a Public Hearing and could have their permit revoked. She said the City was not always being notified of violations, and she encouraged everyone to speak up if they saw a VRD violation. “We can’t help you correct that,” Nichols advised, “unless we’re notified.”

Scobby noted that there was a sign in front of every VRD in Newport, Oregon, with a phone number to call to report violations.

Norman asked if there was any mention on the City's website that citizens could report VRD violations.

Nichols replied that there was nothing specific to VRDs on the website, but citizens could report their complaints to the Code Compliance Officer or the Police Department. She added that the City was working on establishing a hotline that the public could use to help resolve issues more quickly.

Jurkowski pointed out that people in a neighborhood might not necessarily know whether a vacation rental was approved by the City, so requiring VRDs to have a sign might help people recognize a vacation rental that was not legitimate.

7.2 Work Plan Discussion

At the conclusion of the fiscal year, Nichols offered the Commissioners a list of what they and the Planning Department had accomplished over the past 12 months:

- They worked on the Process Ordinance.
- Code Cleanup was passed along to the Council, which planned a Public Hearing in August.
- The Commission made recommendations about mobile food units, which the Council would probably address in an August Work Session.
- A grant was obtained for updating the City's Transportation System Plan, and a consultant to assist in that project had been selected.

Nichols provided the Commissioners with a printed copy of the Long Range Planning Work Program created last year, and she pointed out these items:

- One project not undertaken was to revise the formatting of the zoning code for ease of use, organizing the information more concisely in one table rather than spreading it out over numerous chapters dedicated to each zone.
- Another project would involve map amendments that could modify some zoning designations, such as the Seabird Drive area that was zoned CD-1.
- A Housing Affordability Project was already underway, with a consultant assisting in the preparation of a Buildable Lands Inventory and a Housing Needs Assessment.
- Nichols indicated a need to examine the Supplemental Provisions chapter in the code—specifically issues involving retaining walls and fences.
- In light of the increase in remote work, provisions for home occupations could be addressed by the Commission.
- Responding to a request from the Port of Bandon, uses allowed in the Marine Commercial Zone (C3) could be reviewed.
- In the Old Town Commercial Zone (C1), parking requirements, the Architectural Review Overlay design requirements, and other issues needed to be revisited.
- Staff had identified the need for a Commercial Planned Unit Development (PUD) provision that would allow larger-scale commercial developments which incorporated housing.

Nichols asked the Commissioners to look over the list and make note of anything that they thought should also be considered. Then, at their August meeting, they could discuss the Work Program and decide on one or two projects for the coming year.

7.3 Upcoming Agenda Topics (August)

- Coast Erosion Presentation**
- More VRD Applications**

Nichols briefly went over the August Planning Commission agenda. A presentation on coastal erosion was planned from the Department of Land Conservation and Development (DLCD) and DOGAMI (Department of Geology and Mineral Industries). This was intended to help answer questions that arose during the Commission's recent discussion of the City's view line regulations governing development near Bandon's coastal bluffs. There would also be two more VRD applications for the Commission to review in August.

7.4 Planning Department Report

Nichols stated that up to the date of the meeting the Planning Department had been less busy in 2022 than in the previous year. There had been 32 applications for single family dwellings, around 10 fewer than at the same time in 2021. She had heard that less construction could be attributed to fewer lots being available. However, an application had been received for Ocean Terrace Phase 4, a 10-lot subdivision south of Seacrest Drive. There had also been a pre-application for Seabird Village Phase 2, a 20-acre parcel to be subdivided and developed for single-family housing. So more buildable lots would be on the market soon.

Nichols reported the Planning Department had brought in more revenue than expected due to the type of applications it received, which had required more Staff time. Some applicants, such as the developers of the Bandon Beach Hotel and the Seabird Apartments developers, paid for previous work. Nichols said the Department had budgeted for the same amount in the coming year and had not made any changes to the Planning Fee Schedule, but some changes could be in store to "right-size" some of the applications. This would follow the pattern of the previous year, when the cost of accessory structure applications was lowered because they were not taking as much time to review as the fees would indicate.

The City had selected a consultant to assist with the Transportation System Plan, and Nichols expected the project begin on August 1. She invited any Commissioner with a passion for transportation matters to contact her about sitting on the Transportation Advisory Committee.

A Public Access Inventory project was underway, taking stock of Bandon's access points to the ocean, and Nichols indicated that the results would come to the Commission, prompting some code modifications. She said the State had also responded the City's request for help in updating its Shoreland Overlay Zone.

Jurkowski asked for updates on the Bandon Beach Hotel project and the Seabird Apartments project.

Nichols replied that the Bandon Beach Hotel's Zoning Compliance application had been approved in May, and the developers were in the process of obtaining the necessary State permits. However, they did not intend to break ground on the project until 2023. The Seabird Apartments' Zoning Compliance application had been deemed incomplete, and the developers had until late fall to provide the City with the missing information.

Slothower wanted to know how to add to the Bandon Municipal Code a requirement for a certain percentage of units in multiple-family housing—maybe 50 percent—to have electrical vehicle chargers, or at least a "stub-up" for accommodating a charger.

Norman asked what the cost of a home electric charger would be.

Slothower responded that he only needed to plug his hybrid vehicle into a 110-volt outlet in his garage, but the installed cost of a charger could be up to \$1,800. However, he thought it would be relatively inexpensive to install a charger if the garage was already wired for a 220-volt outlet. Slothower noted that rewiring was what took a lot of money and skill.

Norman observed that newer electric vehicles with larger batteries required more powerful charging stations.

Slothower added that it would take half the night to charge a vehicle with a 400-mile range on a 220-volt circuit.

Jurkowski inquired about the charging stations at the Bandon Shopping Center.

Norman stated that those were specifically designed to work with Teslas.

Nichols suggested Slothower could request to have the electric vehicle chargers added to the Long Range Planning Work Program or the Commission could direct Staff to begin the process of discussing Slothower's idea, through a Work Session or a Public Hearing.

Some of the Commissioners expressed interest in proceeding, but Norman voiced concern about the potential cost.

Slothower stressed that he would recommend requiring at least a stub-up.

Orsi agreed that it would not be expensive if done at the time of construction.

Nichols said Hinojosa reminded her that the City was installing chargers in the new parking lot in Old Town. She planned to provide the Commission with a brief memo at the next meeting that would include information on what other cities had done regarding vehicle chargers in new construction, as well as potential costs, to avoid overly burdening housing developers.

8.0 OPEN DISCUSSION

Commissioner Comments (none)

9.0 ADJOURN

Landucci adjourned the meeting at 8:07 p.m.

Planning Commission Regular Meeting Minutes
Submitted by Richard Taylor, Minutes Clerk

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: August 25, 2022

Public Comment

ITEM NO: 4.1

SUBMITTED BY:



Dana Nichols, Planning Manager

Dana Nichols

From: sailwmnow <sailwmnow@aol.com> on behalf of sailwmnow
Sent: Sunday, July 3, 2022 12:37 PM
To: planning@cityofbandon.org
Subject: Planning discussion of VRD

Dear Commissioner Jurkowski,

I support changing the VRD codes to make sure non-conforming VRDs are included in the ratio calculations.

I also want to say that from my perspective, to continue to increase the number of VRDs puts residents on notice that the city has no intention of really preserving the number of full time rentals or the quality of neighborhoods when \$\$\$ can be had.

VRD renters vary from quiet to obnoxious with no regard for owners of surrounding property. I have seen both behaviors. Keeping the ratio at it's current limit at least lets the neighbors try to develop and keep the caring neighborhood vibe going.

While the city may view VRDs as a cash cow, this sets us up for the same problem that other resort towns are already experiencing big time and we are also noticing: working residents cannot afford to rent here.

The increased number of people moving into Bandon to escape wherever they came from increases the need for services. As more 2nd home owners and investment oriented buyers ignore full time rental possibilities in favor of airbnbs and VRDs, the number of full time rentals decreases. As number of full time rentals goes down, the work force leaves, and local businesses and services cannot find workers and reduce services and hours or possibly close. This will be a challenge especially as gas prices prevent willing workers from traveling very far to work. If you want to preserve this town, you need to fight harder to keep workers in the area. People will always want to make money from their investments. They can still do that with full time rentals. Encouraging full time rentals will at least start to address this problem. I hear several work force housing ideas are on the table, but it may be quite a while until they are built, especially with increasing loan and building costs.

We cannot rely on tourism, especially if inflation continues and that 40% chance of a hard landing recession turns into 100%. Think it won't happen? We are difficult to get to and are not near any big metro cities. Nor do we have a close by airport, rail system or fast highway. Tourists will stay closer to home for their travels.

I urge the Planners and City Council in their VRD discussion to consider the long term consequences and prepare now to keep our town thriving with people who know and support their neighbors.

Thank you,
Susan Koharski
1275 Sandpiper Ln Sw

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: August 25, 2022

Public Hearing Type III Conditional Use Permit for 2131 Beach Loop Drive (28S-15W-36 BC, TL208)– 22-063, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone.

ITEM NO: 5.1

Potential Motion: *“I move to (approve/deny/modify) the request for a conditional use permit to operate a Vacation Rental Dwelling at 2131 Beach Loop Drive in the city of Bandon.”*

SUBMITTED BY:



Dana Nichols, Planning Manager

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



FILE NUMBER: 22-063

LOCATION: 2131 Beach Loop Drive, Bandon, OR 97411
Map Number 28S-15W-36BC/TL 00208

PROPERTY OWNER: Christopher and Renee Whitney
APPLICANT: Christopher and Renee Whitney

REQUEST: **Conditional Use Permit** Approval to operate a Vacation Rental Dwelling in the Controlled Development 1 Zone (CD-1)

REVIEWING BODY: City of Bandon Planning Commission

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

NOTICE DATE: July 27, 2022

HEARING DATE: Thursday, August 25, 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 (CD-1) 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 July 1, 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 July 27, 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, served by adequate facilities, and the property owners will ensure that renters are held to a high standard. 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. Based on the Coos County Assessor's Summary Report, the home was constructed in 1992. The subject dwelling is 1,947 square feet on a 0.17-acre lot.

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 2131 Beach Loop Drive, there are presently six single-family dwellings, one of which is a current vacation rental dwelling within 250-feet of the subject property. As such, this equates to a saturation rate of 16.67%. 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 Controlled Development 1 Zone. A VRD is a conditionally permitted use in the Controlled Development 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;*

FINDING: Mr. Christopher and Mrs. Renee Whitney will be the named applicants of record and are also the property owners. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. Criterion met.

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. Criterion addressed.

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 (Tracy Powers with Vacasa) 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 three off-street parking spaces (2-in the driveway and 1-in the garage). See applicant's site plan, as included in the application, showing off-street parking spaces. 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 beach access. The subject property is across the street from Face Rock Scenic Park. Guests will be able use the established public access to beach areas and public amenities. Maps and written instructions of this notice will be posted in the dwelling. Criterion 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 subject property does not utilize a joint access driveway. The existing single-family dwelling take its legal access directly from the City right-of-way into the property's driveway. The driveway used for access is the property owner's alone and not shared with an adjacent property or under the encumbrance of any easements. 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 owners have been and will continue to be very concerned about keeping the property clean and well-maintained. The property owners, in their statement, are committed to maintaining the VRD at or above the level of the surrounding dwellings in the neighborhood. The property owners have interior renovation plans in store for the property, as well plans for removing the hot tub and replacing it with a shuffleboard court. The Local Management Person will be tasked addressing any issues or concerns should they arise on a 24/7 basis. The applicant will be contracting out for regular landscaping and garbage service. 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, as such at the dwelling shall have at least three off-street parking spaces for vehicles. As seen in Image 1 below, the subject property has three off-street parking spaces. The off-street parking spaces are in the form of one vehicle in a garage and two vehicles in the driveway. The subject home can accommodate the full occupancy without the use of on-street parking. Criterion met.

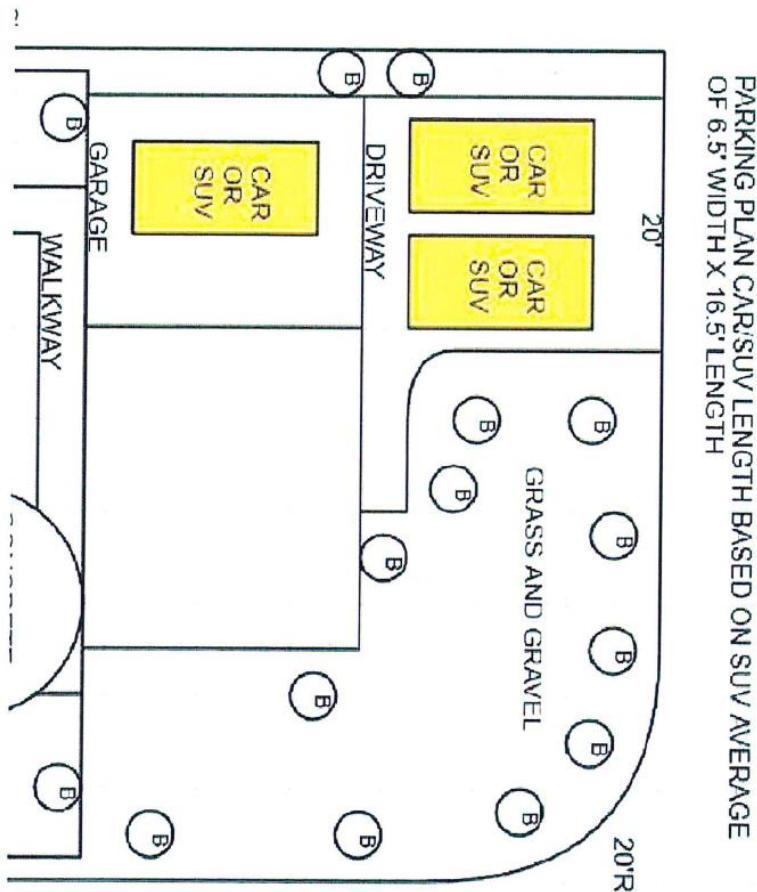


Image 1. Applicant's parking site plan. Three off-street parking spaces are provided.

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

FINDING: The applicant states that the property owner will contract with Bandon Disposal for regular garbage removal and disposal. Evidence of such regular service shall be provided to the City.

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 Tracy Powers of Vacasa 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 proposing a maximum occupancy of eight persons, which is below 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 applicant's materials are sufficient to process the application and assess conformance with VRD requirements. The proposed VRD is located in a neighborhood having a mixture of both existing single-family residences and permitted vacation dwellings (see Saturation Map). Criterion met.

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. Criterion met.

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 already has smoke detectors in place in each bedroom. The Local Management Person and property owner will be responsible for ensuring that detectors remain operational. 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 8.
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

22-063.

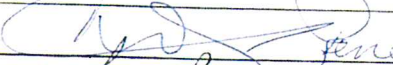
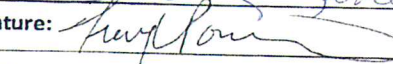

II. PROJECT INFORMATION			
Street Address: 2131 Beach Loop Drive, Bandon, Oregon 97411			
Map Number / Tax Lot(s): 28-15W-36BC	/00208	Zone: CD-1	Floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was the property previously approved as a Vacation Rental Dwelling? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>			
Please describe the residence, its existing and proposed use: 1947 sqft single family dwelling, on a .17 acre lot fronting to Beach Loop Drive, directly across from Face Rock Scenic Viewpoint. Currently unoccupied. We would like to operate the home as a VRD.			
How many bedrooms will be provided? 3			
What is your requested occupancy? (max. of 10) 8			
How many off-street parking spaces are available? 3			
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 type="checkbox"/> NO <input checked="" 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: Tracy Powers with Vacasa		Phone Number: 541-252-2475	
Email Address: tracy.powers@vacasa.com			
Physical Address: P.O. Box 612			
City: Bandon	State: Oregon	Zip Code: 97411	
Mailing Address (if different from Physical Address):			

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: Christopher Whitney and Renee Whitney	Phone: 775-772-2253/775-336-9342 E-Mail: chris.whitney@att.net
Applicant's Mailing Address: 714 Gold Run Court, Reno, NV 89521	

IV. PROPERTY OWNER'S INFORMATION	
<input checked="" type="checkbox"/> Property owner and applicant information is the same.	
Property Owner's Name:	Phone: E-mail:
Mailing Address:	

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: 5-23-22
X Representative's Signature: 		Date: 05/23/22
Representative's Name: Tracy Powers		Phone Number: 541-252-2475
Mailing Address: P.O. Box 612, Bandon OR 97411		Email Address: tracy.powers@vacasa.com
Property owner's signature is required if applicant is not the property owner		
X Property Owner's Signature: 		Date: 5-23-22

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.**

VRD Narrative for 2131 Beach Loop SW, Bandon Or, 97411

Dear Planning Commission,

Please let me re-introduce ourselves, my name is Christopher Whitney, and my wife is Renee Whitney. We currently live in Reno, Nevada and own a home in Bandon at 3356 Beach Loop SW. This home is currently a VRD that you recently graciously approved for us. We spent last winter working on updating, painting and creating our perfect vision of what we wanted our coastal home to be. If you would like to see the before and after pictures, Realtor.com has the original photos online from when we bought it, the photos of it now can be found on Vacasa.com under "Ocean Song", Bandon, OR. We wanted you to see these changes to 3356 Beach Loop SW, so you could get an idea of our plans for 2131 Beach Loop. On May 13, 2022, we were blessed to close escrow on this additional home that we felt was well suited to be a vacation home. 2131 Beach Loop sits directly across the street from one of the most recognizable jewels of Bandon, the Face Rock Scenic Viewpoint Park. The home is in great condition, beautifully landscaped, has a private spacious backyard and offers the required off street parking, as to not impact the neighborhood. Should we be granted the VRD approval, we are planning to spend this winter in our overalls updating, painting, and reflooring. Additionally, upon approval we will be removing the hot tub for the safety of small children and replacing it with a professional shuffleboard court that we currently own. This VRD will be known as "Ocean Aire" and we are looking forward to making this rental something special that vacationers will make beautiful memories of Bandon in. Over the last 23 years Renee and I have owned several homes and have developed a passion for remodeling, landscaping and creating homes that we have pride in. The reason we wanted to bring this to your attention is so you can get to know us and our intentions. Bandon has truly called out to us as a place we want to call home. Purchasing these homes is part of our strategic plan to get us in a position to be able to relocate ourselves, my mother and her husband to Bandon. My wife and I currently operate as a husband and wife realtor team in Reno. Presently both Renee and I have completed our Oregon Real Estate licensing education and are preparing to take the licensing exam. Last winter, Renee and my mother Joan, had a booth at the Farmer's Market for the month of December. They sold Christmas Wreaths, ornaments and sewing crafts. They both really enjoyed being part of Farmer's Market and met many people that we hope will be future friends. If we are in Bandon this winter, they plan on participating again. Creating these vacation rentals will provide us with a means of having an income to rely upon, as we establish ourselves in the community and build up a new circle of clients. We believe in supporting the community we live in and using local businesses. All labor and the vast majority of materials (paint, lumber, electrical supplies..etc) will be contracted with and purchased from local vendors. We have had great experiences with the following local businesses and plan on using them for this project as well: Ace Hardware for paint and supplies, Chip England for painting, Judah with Avery Plumbing, Benjamin with Oregon Coast Blinds, Jesse with Wilson Dunn Glass, Ruben Quiroga, General Contractor and Scott with High Tide Landscaping that maintains the landscaping at 3356 Beach Loop and will be maintaining 2131 Beach Loop as well. Our plans for the home at 2131 Beach Loop is to create a modern coastal home that offers a family fun backyard. Perfectly located across from public beach access, the Face Rock park and "Circles in the Sand", we believe this will be an ideal vacation rental. Currently Tracy Powers of Vacasa is our 24/7 onsite manager for the property at 3356 Beach Loop SW, she will be managing this home as well. Tracy and Vacasa do an outstanding job of managing

the home and tenants. We have been exceptionally impressed with the way they meticulously clean the home in between renters.

Thank you so much for reading our narrative. We hope it helps to give you some perspective relating to our plans for this vacation rental and us personally.

With gratitude,

Christopher and Renee Whitney

Detailed approval standards and provisions below:

A. Upon our review we believe this home and the site is consistent with the comprehensive plan.

B. The home is located within the CD-1 zone and we believe conforms with the dimensional standards without any modification to the home or grounds.

C. The lot size is .17 acres , with a concrete driveway that can accommodate 2 cars, plus a two-car garage. The home is 1947 Sqft, 3 bedrooms, with an office, 2.5 baths, large kitchen, living room, dining room, and laundry area. Maximum occupancy as a VRD would be 8 guests.

D. The home has adequate space between neighboring properties. No parties will be allowed. We take pride in being good neighbors in the homes we have owned and will ensure that our renters are held to the same standard.

F. The public facilities and services have adequate capacity to serve the needs of this added VRD to the community and will be available to VRD guests.

G. We plan on repainting the interior walls, replacing the baseboards/doors and molding, replacing the flooring with laminate hardwood. We will be removing the existing hot tub for the safety of young children. Adding a Shuffleboard court to the backyard and no other changes to the beautiful landscaping presenting there. The home as a VRD should have no effect, impairment, of the permitted use of surrounding properties.

H. We believe that all other requirements of this title will apply.

1. The home was built in 1992 (see included Assessor's Detail).

2. Currently there is a 16.67% saturation around the subject property. The only one other VRD is within the 250 foot radius (see included saturation survey).

3. The home is located in the CD-1 zone.

4. Christopher and Renee Whitney are the applicants and owners of the home. We understand that the conditional use permit is non-transferable.

5. The Tsunami Evacuation Route map will be posted in the home in a conspicuous location.
6. The home offers the required amount of off street parking - 2 car garage (functionally fits one large car or SUV) and two parking spaces in the driveway) and will not create any additional traffic, noise, smoke, litter, light or odor that would not be normal neighborhood dwelling.
7. This home sits directly on the other side of the road to the entrance to Face Rock Scenic Park. Guests would use the public access to enjoy the beach and public amenities.
8. This home does not have a joint driveway. The concrete driveway is solely on our parcel and owned by us.
9. The home and grounds are in exceptional shape, and the landscaping is being maintained monthly by High Tide Landscaping.
10. The property can easily accommodate 3 cars with off- street parking on this parcel (2 in the driveway and 1 in the garage).
11. Garbage removal by Vacasa's housekeeping team will be done after each guests' departure and as needed. Additionally, the home is serviced by Bandon Disposal weekly.
12. Tracy Powers with Vacasa will be our 24 hour/7day a week manager. She will be available on a 24 hour basis and handle all issues as needed.
13. We will comply with all reporting and accounting requirements or the Transient Tax Ordinance. All will be done in accordance with the City of Bandon requirements.
14. We understand that if the VRD fails to be rented more than 10 nights within a calendar evidenced by our transient occupancy receipts that the VRD will become null and void.
15. We are seeking to accommodate 8 guests maximum. The master bedroom has a king size bed and fold out twin futon, bedrooms 2 and 3, will be furnished with queen sized beds. Bedroom 2 will have an additional fold out twin futon.
16. Included and addressed in the application. Should further materials be required we will provide any item needed as requested.
17. I, Christopher Whitney will provide the annual report to the City of Bandon as required.
18. Smoke detectors are installed in each bedroom and will be maintained and replaced when needed.

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

NOT OFFICIAL VALUE

May 18, 2022 11:49:00 am

Account # 1053312
Map # 28S1536BC00208
Code - Tax # 5400-1053312

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name COLBERT, DOREEN M.

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser GORDON WEST

Mailing Address 2131 BEACH LOOP RD
BANDON, OR 97411-8825

Prop Class 101 MA SA NH Unit
RMV Class 101 06 23 BLD 18751-1

Situs Address(s)	Situs City
ID# 2131 BEACH LOOP DR SW	BANDON

Code Area	RMV	MAV	Value Summary	SAV	MSAV	RMV Exception	CPR %
5400 Land	227,810		AV			Land	0
Impr.	302,930					Impr.	0
Code Area Total	530,740	348,550	348,550	0	0		0
Grand Total	530,740	348,550	348,550	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	<input checked="" type="checkbox"/>		CD-1	Market	100	A	0.17	HS	001	227,810
Grand Total								0.17			227,810

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
5400	1	1992	141	One story-Class 4		100	1,947		302,930
Grand Total							1,947		302,930



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Christopher G. Whitney and Rence L. Whitney
714 Gold Run Court
Reno, NV 89521

Until a change is requested all tax statements shall be sent to the following address:

Christopher G. Whitney and Rence L. Whitney
714 Gold Run Court
Reno, NV 89521
File No. 535964AM

Coos County, Oregon **2022-04457**
\$96.00 Pgs=3 05/13/2022 09:16 AM
eRecorded by: AMERITITLE - ROSEBURG
Diris D. Murphy, Coos County Clerk

535964AM
AFTER RECORDING RETURN TO: AMERITITLE
1495 NW GARDEN VALLEY BLVD.
ROSEBURG, OR 97471

STATUTORY WARRANTY DEED

Doreen M. Colbert,

Grantor(s), hereby convey and warrant to

Christopher G. Whitney and Rence L. Whitney, as Tenants by the Entirety,

Grantee(s), the following described real property in the County of Coos and State of Oregon free of encumbrances except as specifically set forth herein:

See Attached Exhibit 'A'

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

28-15W-36BC-00208

The true and actual consideration for this conveyance is \$890,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 10 day of May, 2022.

Doreen M. Colbert
Doreen M. Colbert

State of Oregon } ss
County of Douglas }

On this 10th day of May, 2022, before me, Stefanie Maze a Notary Public in and for said state, personally appeared Doreen M. Colbert, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Stefanie Maze
Notary Public for the State of Oregon
Residing at: Roseburg, Oregon
Commission Expires: MAY 21, 2024



EXHIBIT 'A'

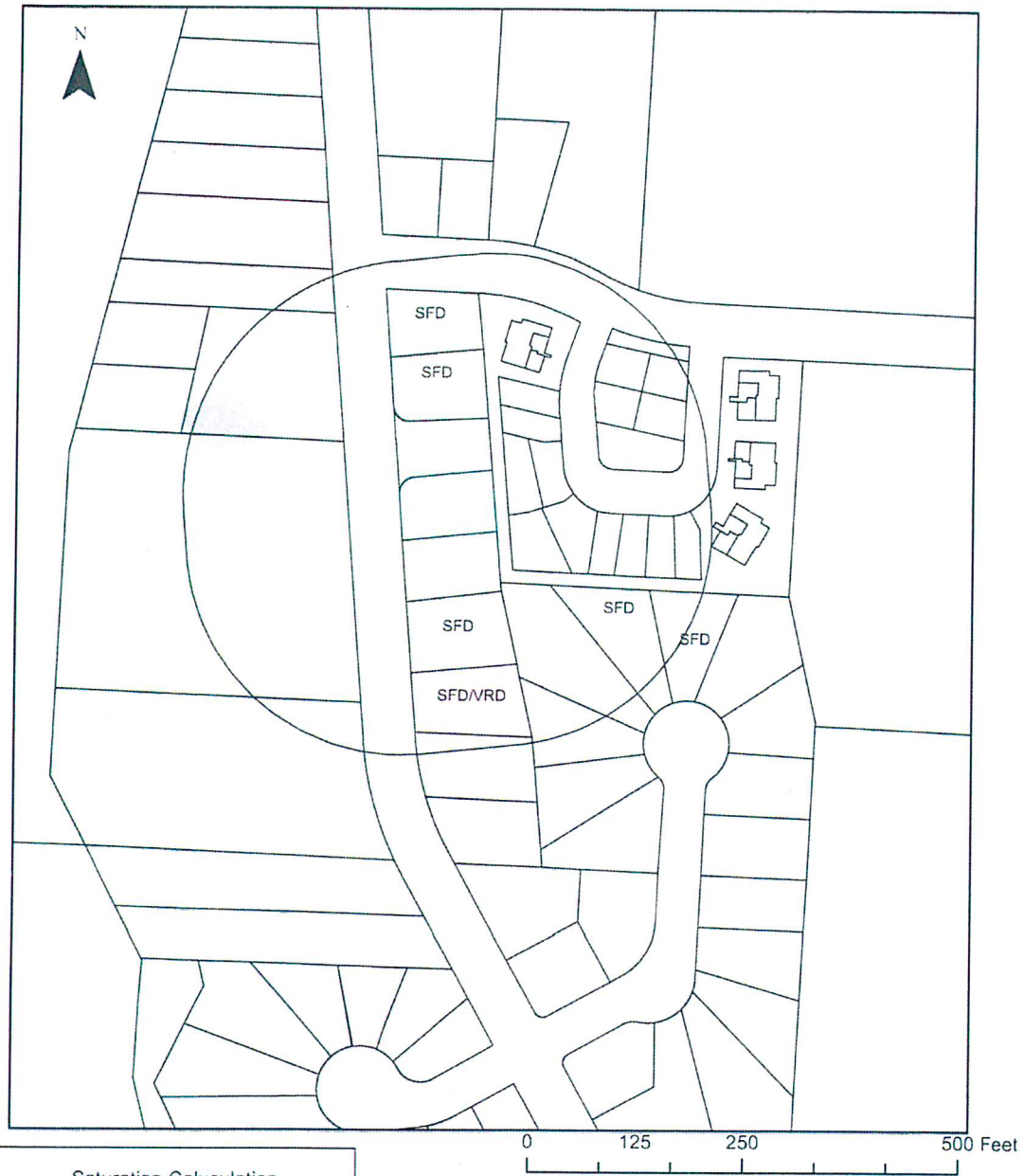
File No. 535964AM

Beginning at the Northeast corner of the South half of Government Lot 2 of Section 36, Township 28 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence Westerly along the North line of said South half of Government Lot 2 a distance of 870 feet, more or less, to the East right of way of Scenic Beach Loop Drive; thence South 7° 31' East along the East right of way of said Scenic Beach Loop Drive 290.00 feet to a 5/8 inch rod and the true point of beginning of this parcel, said point also being the Northwest corner of property conveyed, to Bruce Gettys, etux, in Instrument, Recorded September 18, 1986, bearing Microfilm Reel No. 86-4-7131, Records of Coos County, Oregon; thence North 82° 21' 16" East on a line perpendicular to said Scenic Beach Loop Drive 110.00 feet to a 5/8 inch rod at the Northeast corner of said Getty's property; thence North 07° 38' 44" West on a line parallel to said Scenic Beach Loop Drive 70.00 feet to a 5/8 inch rod; thence South 82° 21' 16" West on a line perpendicular to said Beach Loop Drive 90.00 feet to the beginning of a 20 foot radius curve left; thence along said curve to the left having a radius of 20 feet and a central angle of 90° and a length of 31.42 feet, more or less, to the East right of way of said Scenic Beach Loop Drive, at a point North 07° 38' 44" West 50.00 feet from the true point of beginning; thence South 07° 38' 44" East 50.00 feet to the true point of beginning.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

28-15W-36BC-00208

Saturation Study: 2131 Beach Loop Drive SW



Saturation Calculation

SFDs: 6
VRDs: 1

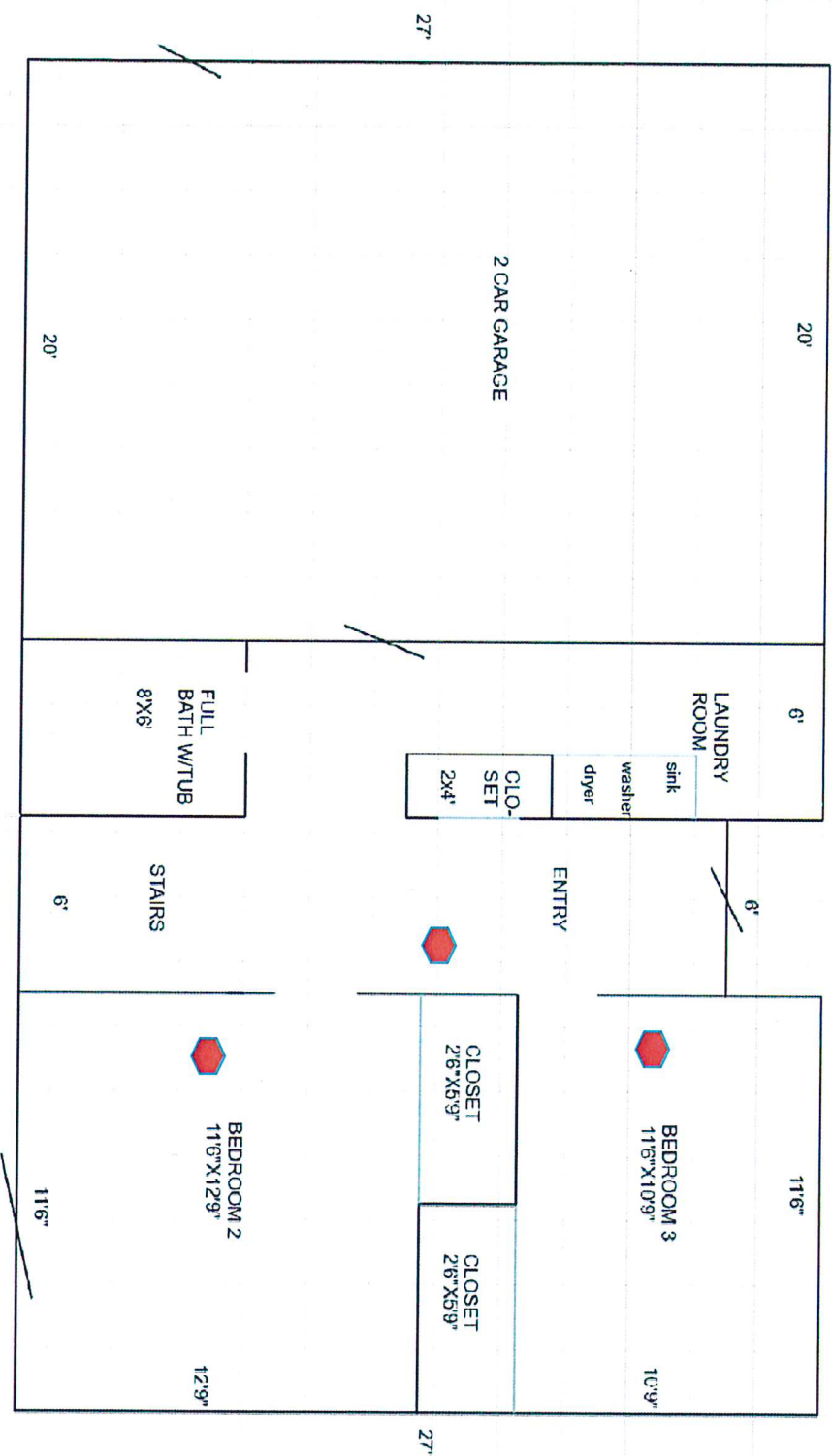
$1 \text{ VRD} / 6 \text{ SFD} = 16.67\% \text{ Saturation}$

Legend

- 2131 Beach Loop Drive SW
- 250' Buffer
- Current VRDS

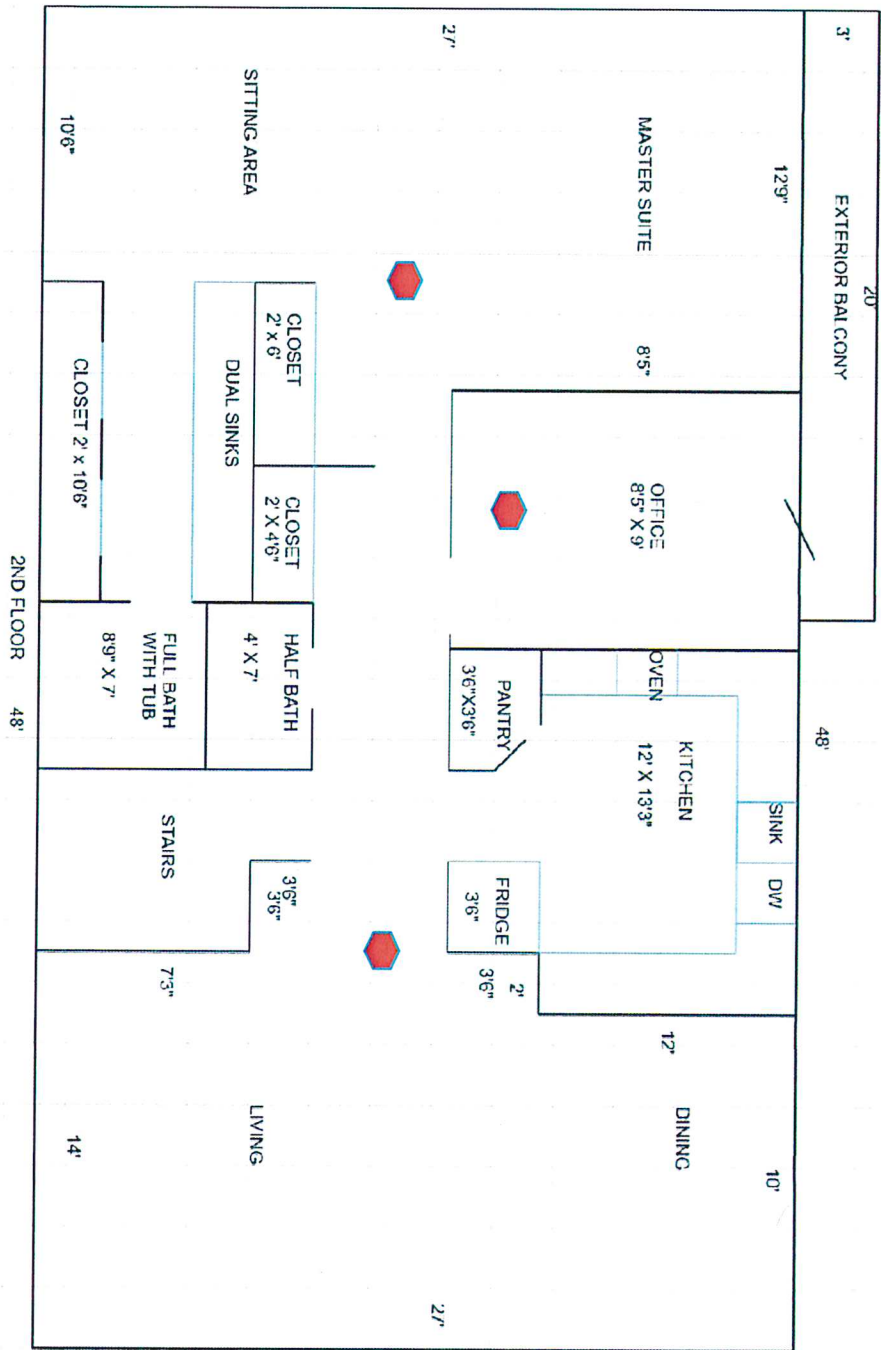
Map by: Eric Montes

1st Floor Diagram



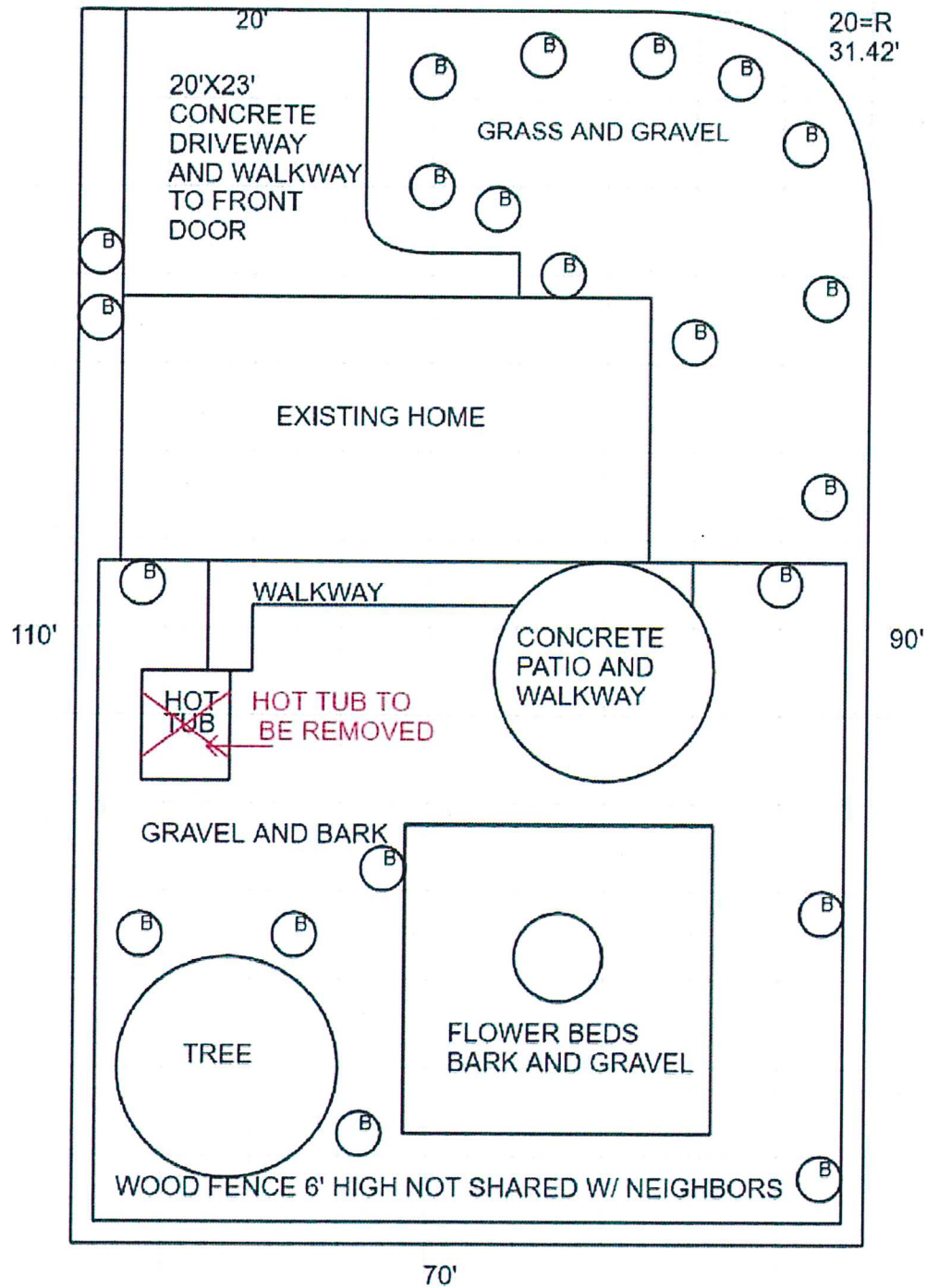
 = Smoke Detector

2nd Floor Diagram



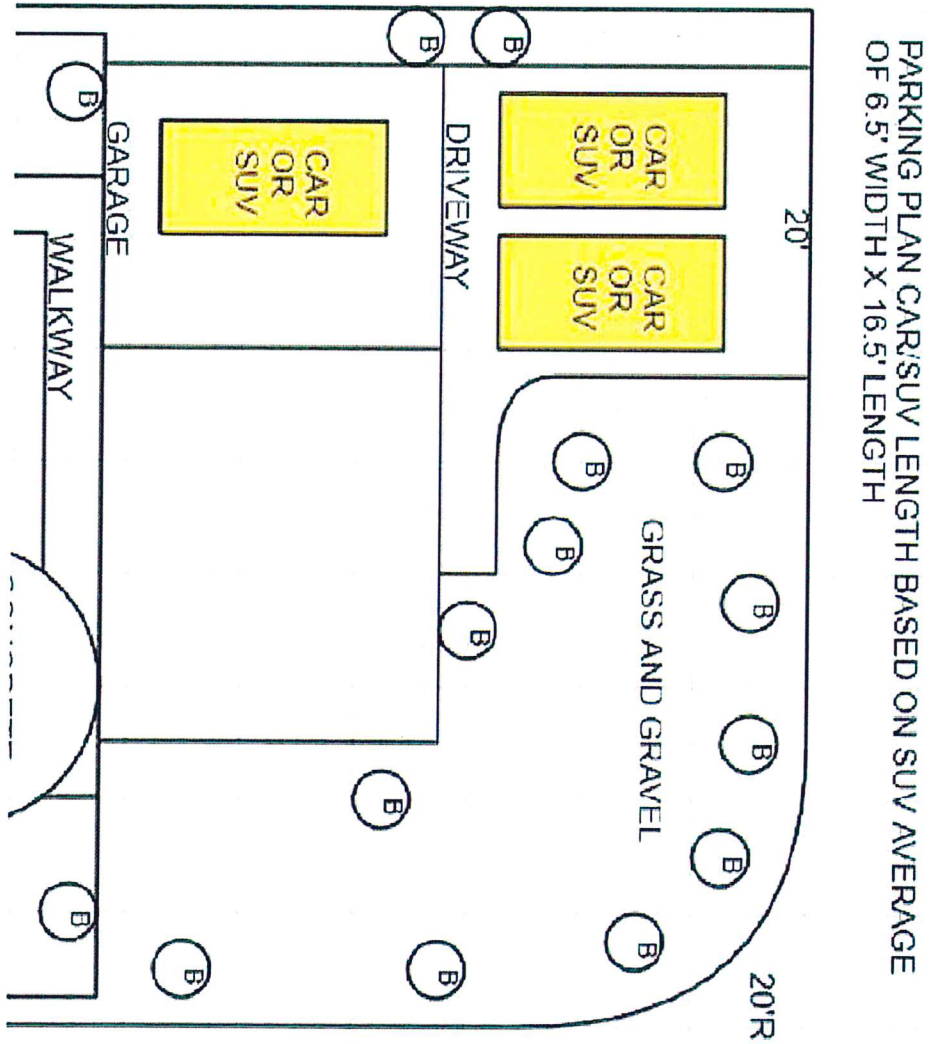
 = Smoke Detector

Existing Plot, Fencing, and Landscaping Layout



LEGEND - B=BUSH/SHRUB

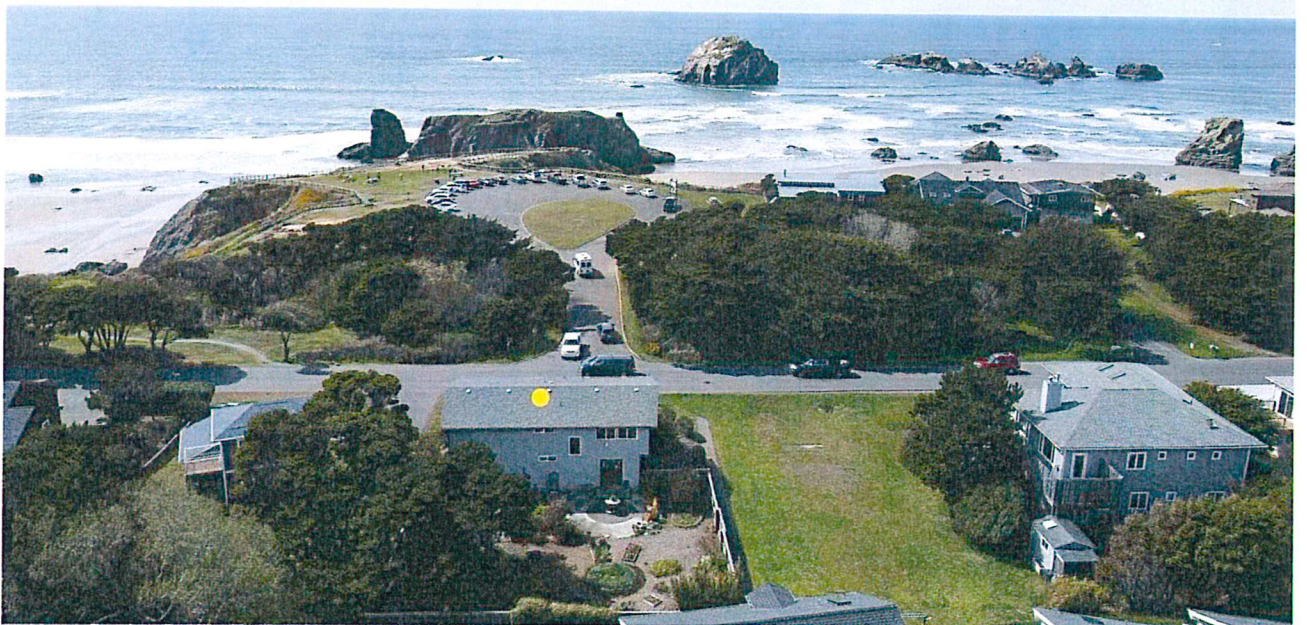
Parking Diagram – 3 Cars on Site, 1 in the Garage and 2 in the Driveway



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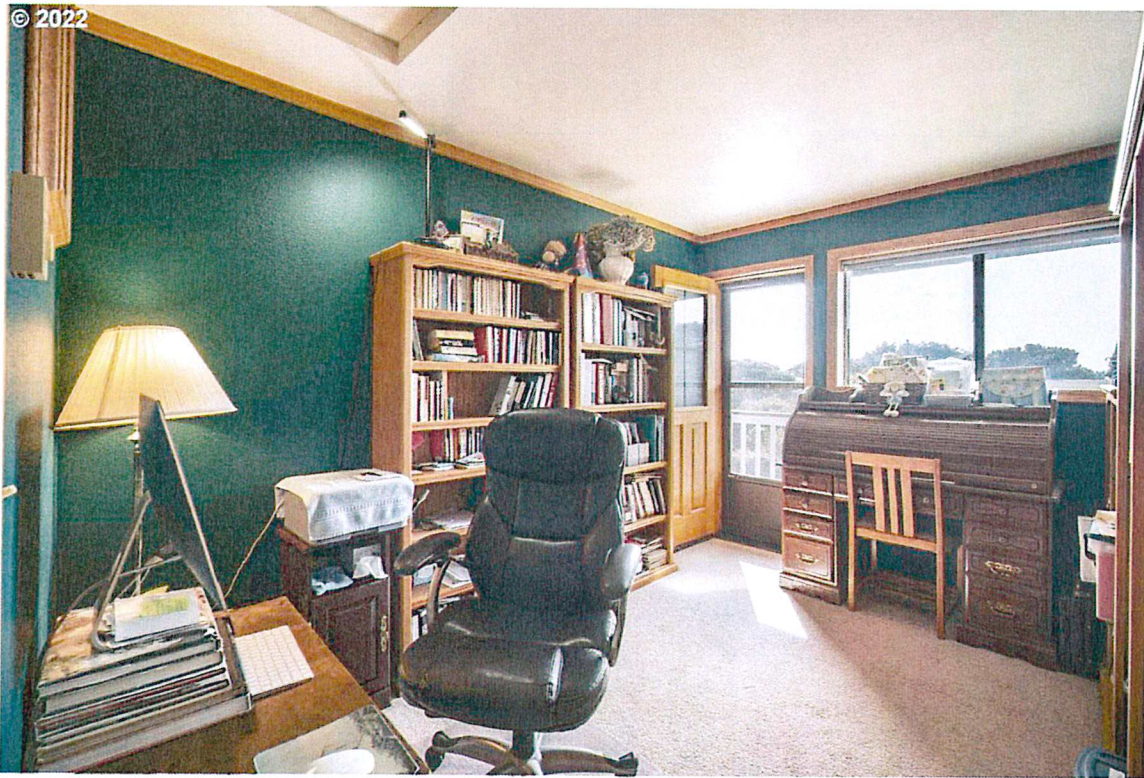


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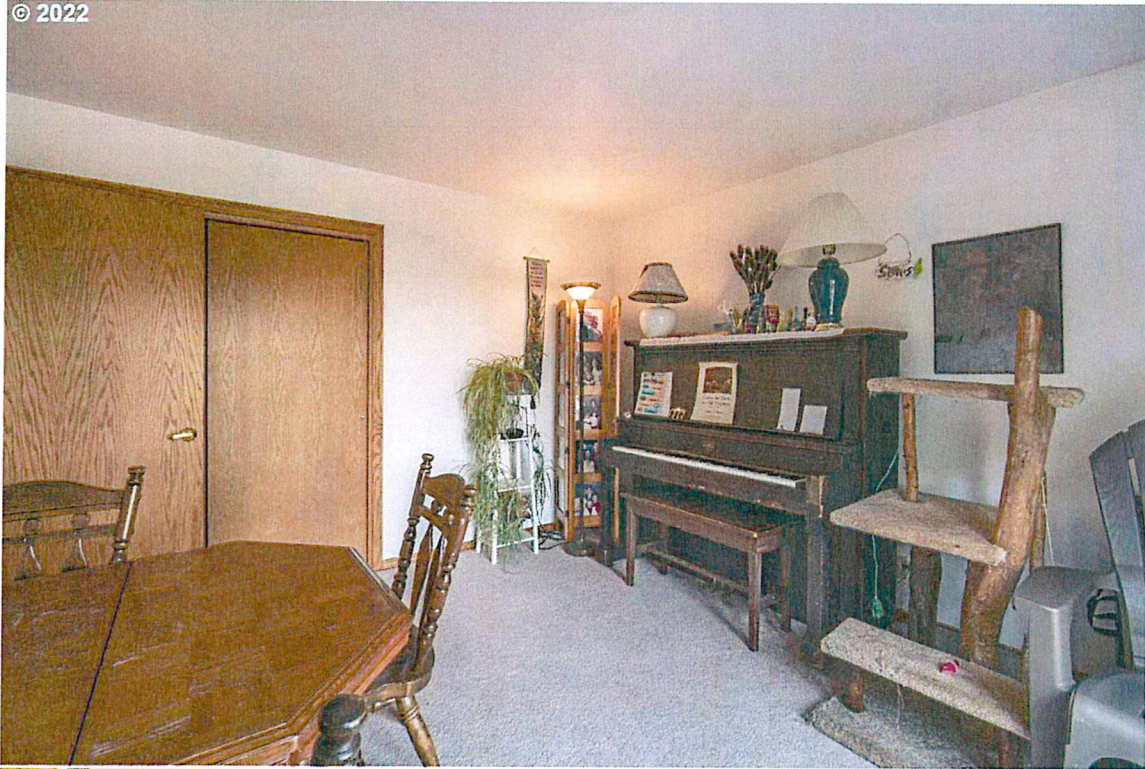
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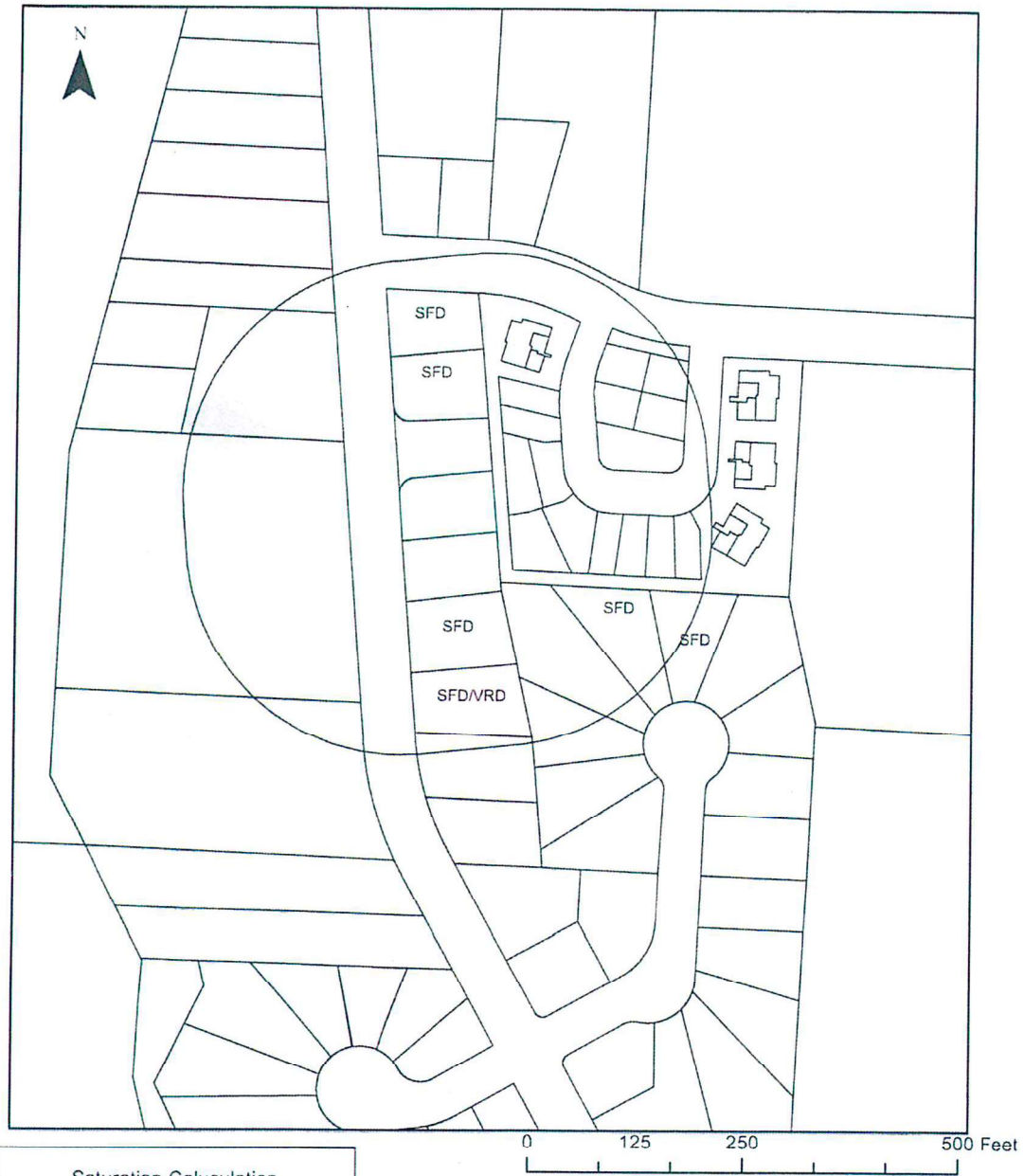
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Saturation Study: 2131 Beach Loop Drive SW



Saturation Caluculation

SFDs: 6
VRDs: 1

1 VRD / 6 SFD = 16.67% Saturation

Legend

- 2131 Beach Loop Drive SW
- 250' Buffer
- Current VRDS



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 #22-063, 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:	Christopher and Renee
Applicant(s):	Christopher and Renee
Property Location:	28S-15W-36BC/ TL 00208, 2131 Beach Loop Drive, Bandon, OR 97411
Lead Staff:	Henry O. Hearley, Associate Planner, Lane Council of Governments
Meeting Date:	Thursday, August 25, 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, August 25, 2022, at 7:00 p.m.** and will be conducted through a Zoom Webinar.

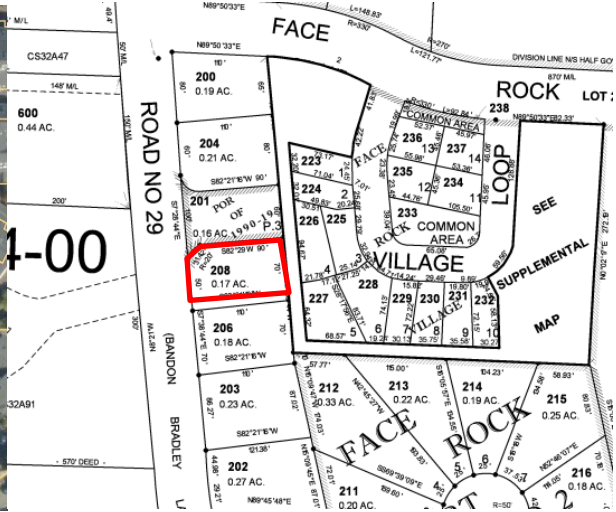
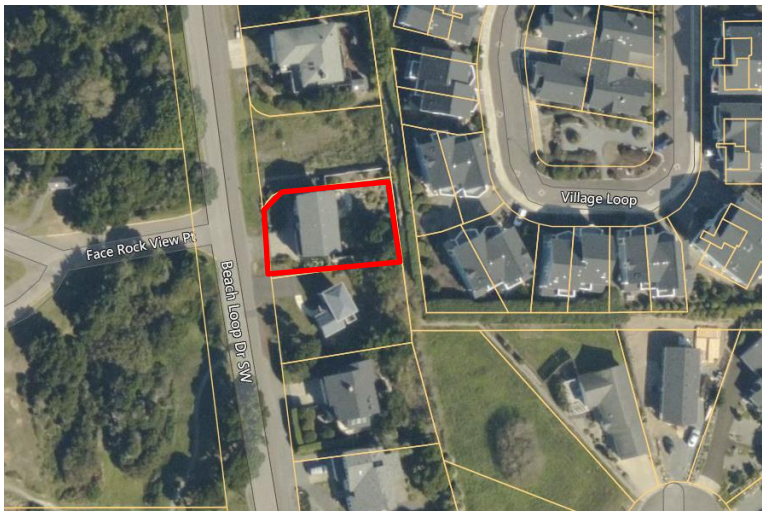
All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public and will follow requirements of the Oregon Health Authority. You may also access the meeting online using the following information:

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, August 17, 2022: Deadline for inclusion of testimony in meeting packet.**
- **5:00 pm, August 24, 2022: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 5:00 pm on August 24, 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.

COWLES, STEPHEN C
PO BOX 1052
BANDON OR 97411

MOORE, BRUCE C.
PO BOX 11833
EUGENE OR 97440

KELSAY, WILLIAM M.; ETAL
6068 GRAYSTONE LOOP
SPRINGFIELD OR 97478

HICKOX, HENRY A. & JOHNNA M.
2165 BEACH LOOP RD
BANDON OR 97411

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

JUDITH M STRATTON TRUST
ET AL
PO BOX 214
JACKSONVILLE OR 97530

POST, MARK & POST,
NANCY NOBLE
4456 GREENBRIAR BLVD
BOULDER CO 80305

COLBERT, DOREEN M.
2131 BEACH LOOP RD
BANDON OR 97411

P. F. EVENSON TRUST
149 IRON MOUNTAIN BLVD
LAKE OSWEGO OR 97034

WILLOUGHBY, GARY M.
2530 ROLLING HILLS LN
LA CRUCES NM 88011

PAUL L & BARBARA I MILLER REV LVG
TRUST
PO BOX 130
IONE CA 95640

DAUBY, GERALDINE J &
MOLAMPHY, ANDREW A
20576 E PRINCETON PL
AURORA CO 80013

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

HAAS, ROBERT G & NANCY L
65821 CORI WAY
BEND OR 97703

MEUNIER, GARY
28904 5TH AVE S
FEDERAL WAY WA 98003

CAMPBELL, ROBERT EARL & PATRICIA
KAY
2370 BLUE SKY LN
ASHLAND OR 97520

SCALA, THOMAS A. & TRACIE L.
1357 VILLAGE LOOP
BANDON OR 97411

LARRY NORDHOLM
REVOCABLE LIVING TRUST
1345 VILLAGE LOOP
BANDON OR 97411

KENNEDY JUDITH M
1343 VILLAGE LOOP
BANDON OR 97411

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

STAFFORD, KAREN TOMLIN
1324 VILLAGE LOOP
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 80548

WORSLEY, FRED & IAMBIE
150 AKIN LN
ROSEBURG OR 97471

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

STATE OF OREGON
725 SUMMER ST NE STE C
SALEM OR 97301

THORN, CRAIG
7554 W TIERRA BUENA LN
PEORIA AZ 85382

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

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

POLEQUAPTEWA, HONANI & JEAN
1397 VILLAGE LOOP
BANDON OR 97411

FELICE, CHARLES P. & JULIE R.
5752 S BLAKE DR
TAYLORSVILLE UT 84129

JUL 27 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 **JULY 27, 2022**, a notice of **Conditional Use Permit for a Vacation Rental Dwelling (File # 22-063 (2131 Beach Loop Drive VRD CUP))** in the City of Bandon to the addresses contained herein.



Signature



Print Name

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: August 25, 2022

Public Hearing Type III Conditional Use Permit for 1127 6th St SW (28S-15W-25BD, TL 9300)– 22-066, Request for a Conditional Use Permit to operate a Vacation Rental Dwelling in the Controlled Development 2 Zone..

ITEM NO: 5.2

Potential Motion: *"I move to (approve/deny/modify) the request for a conditional use permit to operate a Vacation Rental Dwelling at 1127 6th St SW in the city of Bandon."*

SUBMITTED BY:



Dana Nichols, Planning Manager

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



FILE NUMBER: 22-066

LOCATION: 1127 6th Street
Map Number 28S-15W-25BD/TL 9300

PROPERTY OWNER: Kyle and Jessica Mudder
Trust

APPLICANT: Jessica Mudder

REQUEST: **Conditional Use Permit** Approval to operate a Vacation Rental Dwelling in the Controlled Development 2 Zone (CD-2)

REVIEWING BODY: City of Bandon Planning Commission

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

NOTICE DATE: July 27, 2022

HEARING DATE: Thursday, August 25th, 2022, at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
17.24 Controlled Development 2 Zone

I. Procedural – Required Burden of Proof

The property is located in the Controlled Development 2 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 July 2nd, 2022. Criterion met.

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 July 27, 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 2 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. Criterion addressed.

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, served by adequate facilities, and the property owners will ensure that renters are held to a high standard. If approved, this use will not limit or impair surrounding properties in their ability to continue to use their property for outright permitted uses. Criterion met.

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, with certificates of occupancy issued that same year. 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 1127 6th Street, there are presently nine single-family dwellings, two of which are current vacation rental dwellings within 250-feet of the subject property. As such, this equates to a saturation rate of 22.22%. 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 Controlled Development 2 Zone. A VRD is a conditionally permitted use in the Controlled Development 2 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;*

FINDING: Mr. and Mrs. Kyle and Jessica Mudder will be the named applicants of record for the proposed VRD. Upon change in the named applicant due to sale, transfer, or other reason, the CUP shall become null and void. Criterion met.

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, Peggy of Peggy's House Cleaning Services, who will be available in cases when someone is urgently needed at the subject property. The property owners, live in Eugene, which is about a 2.5-hour drive from the property. The property owners will be available 24/7 by phone and can be in Bandon within 2.5 hours. The subject property contains adequate off-street parking provisions. The proposed VRD will not create any more objectionable traffic, on-street parking, noise, smoke, light, dust or litter than is emitted from a normal neighborhood dwelling. The property owners will be contracting with a landscaping contractor and sanitary services. Criterion addressed.

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 beach access. Public beach access is located approximately 2 blocks from the subject property. The property owners will provide instructions to guests about utilizing public beach access points. Criterion addressed.

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: Staff have reviewed the plat map of the subject property and have found no joint access easements for the subject property. Further, the property owner states there is no joint driveway access at the subject property. 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 owners have been and will continue to be very concerned about keeping the property clean and well-maintained. The property owners, in their statement, are committed to maintaining the VRD at or above the level of the surrounding dwellings in the neighborhood. A professional landscaping maintenance company will be contracted with to provide routine landscaping maintenance. 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 dwelling has three bedrooms. The applicant has shown in Image 1 below, that the property has sufficient parking to accommodate at least one off-street parking space per bedroom. As seen in Image 1, the applicant has shown the property can accommodate three off-street parking spaces; the carport and garage are also available for parking of vehicles. No on-street parking is necessary for the proposed VRD. Criterion met.

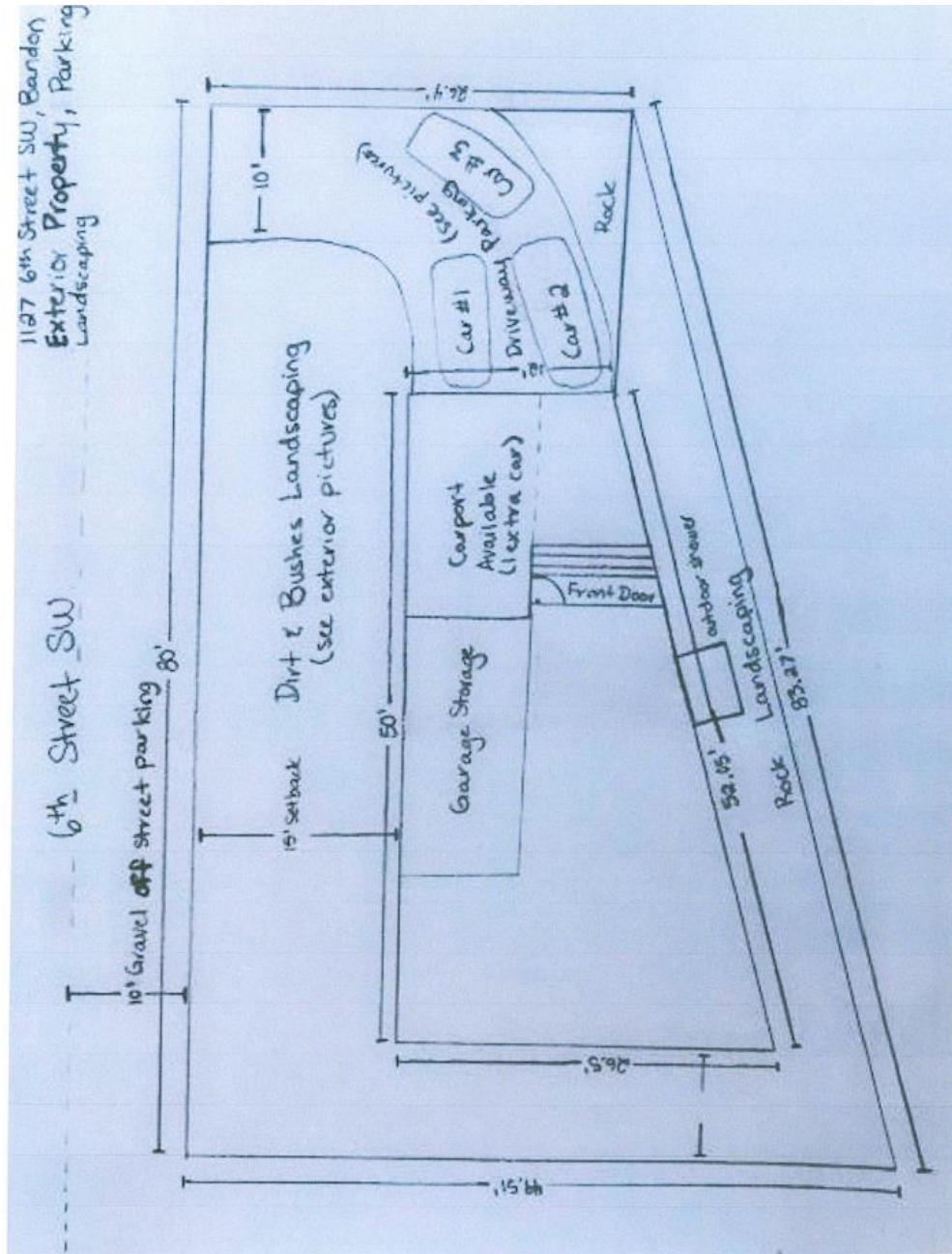


Image 1. Off-street parking plan. Three off-street parking spaces provided.

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

FINDING: The applicant states that the property owner will contract with Les' Sanitary Service for regular garbage removal and disposal. Evidence of such regular service shall be provided to the City. Criterion met.

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 Peggy from Peggy's Cleaning Services will be the designated Dana Local Management Person. In addition to Peggy, the applicant/property owner will also be available via phone for emergencies and is able to travel 2.5 hours via car from Eugene to Bandon. Peggy will be available as the Local Management Person, with the property owner also being available if needed. The contact information of the designated representative and property owners shall 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 one three bedrooms. The maximum allowed occupancy, based on the ratio of three persons per bedroom, shall be nine persons. However, the applicant is proposing a maximum of eight guests, one below the maximum allowed. 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 applicant's materials are sufficient to process the application and assess conformance with VRD requirements. The proposed VRD is located in a neighborhood having a mixture of both existing single-family residences and a permitted vacation dwelling (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 and carbon monoxide detectors in every bedroom and the main living areas. See site plan for locations. 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 8.

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

II. PROJECT INFORMATION		
Street Address: 1127 6th Street SW, Bandon, OR 97411		
Map Number / Tax Lot(s): 9300 / Lots 1 and 2, Block 30 /	Zone: CD-2	Floodplain: <input checked="" type="checkbox"/> Yes <input 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: This is a house that has been in our extended family for 10 years, we purchased it from our parents to continue to enjoy Bandon as our family's vacation home and to share as a VRD with other visitors when we are not using it for our family.		
How many bedrooms will be provided? 3 bedrooms, enough beds to sleep 8		
What is your requested occupancy? (max. of 10) 8 people		
How many off-street parking spaces are available? 3+ parking spaces in driveway (see pictures) and carport 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 type="checkbox"/> NO <input checked="" type="checkbox"/> Please see attached for details. 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: Kyle and Jessica Mudder	Phone Number: 541-520-4538 and 541-954-4528	
Email Address: kmudder@gmail.com		
Physical Address: 2894 Martinique Avenue		
City: Eugene	State: OR	Zip Code: 97408
Mailing Address (if different from Physical Address): Same		

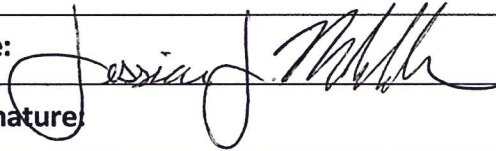
III. APPLICANT'S INFORMATION: (must be an individual)	
The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit.	
Applicant's Name: Jessica Mudder	Phone: 541-520-4538
	E-Mail: kmudder@gmail.com
Applicant's Mailing Address: 2894 Martinique Avenue, Eugene, OR 97408	

IV. PROPERTY OWNER'S INFORMATION	
<input checked="" type="checkbox"/> Property owner and applicant information is the same.	
Property Owner's Name:	Phone:
	E-mail:
Mailing Address:	

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:

6/1/22

X Representative's Signature:

Date:

Representative's Name:

Phone Number:

Mailing Address:

Email Address:

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

X Property Owner's Signature:

Date:

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.**

VRD Conditional Use Permit for 1127 6th Street SW, Bandon, OR 97411:

Please see bold for answers to all requirements.

Approval standards for conditional uses (BMC 16.12.040)

The approval of all conditional uses shall be consistent with:

A. The Comprehensive Plan:

A. ANSWER

We are applying for a conditional use permit for our vacation home to be approved as a Vacation Rental Dwelling when we are not using it for our family so other vacationers can enjoy it as well.

B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit.

B. ANSWER

Our home is located in the CD-2 Zone in Bandon.

C. That the site size and dimensions provide adequate area for the needs of the proposed use;

C. ANSWER

Please see attached site maps.

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;

D. ANSWER

Please see below for neighborhood and neighbors as well as attached site maps and pictures.

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

E. ANSWER

Yes, the characteristics of the site are suitable for the proposed use. Please see below and attached site maps for being an ideal home for a VRD.

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;

F. ANSWER

Yes, we currently have utility services including electric, water, and sewer through the City of Bandon, weekly garbage pick-up through Les' Sanitary Service, and propane services through Ferrellgas Propane. All services in and for home are in excellent working condition and would have adequate capacity for 8 people.

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;

G. ANSWER

Being approved for a VRD will not alter the surrounding area in any way.

H. All other requirements of this title that apply.

H. ANSWER

All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

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;

1. ANSWER

This house was built in 2006 with occupancy issued that year.

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;

2. ANSWER

We have attached the vacation rental dwelling saturation map for our property that was done by the City of Bandon.

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;

3. ANSWER

1127 6th Street SW is located in the CD-2 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;

4. ANSWER

We are the property owners and main contact for this home and VRD.

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

5. ANSWER

We have the Bandon Tsunami Evacuation Route map framed and hung in the home easy visible to all residents and guests who enter/exit at the main and only entrance/exit of the home.

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;

6. ANSWER

We plan to have and enforce very strict rules for our VRD to not disturb the neighbors or neighborhood and will not have objectionable traffic, on-street parking, excessive noise, smoke, light, dust, litter or odor coming from our VRD than a normal dwelling. We have taken precautionary steps to ensure a healthy, clean, and independent VRD to preserve our home and relations especially with our neighbors/neighborhood and the City of Bandon.

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;

7. ANSWER

We have a public beach access 2 blocks from the residence with instructions for our VRD guests to use.

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;

8. ANSWER

We do not have a joint access driveway at our residence.

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

9. ANSWER

We maintain and upkeep our property above the level of surrounding dwellings in the neighborhood and will continue to do so with our landscaping, signage, and exterior maintenance.

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;

10. ANSWER

Our house has plenty of parking with space for 3 cars in the driveway, as well as an undercover carport, and if needed available parking in front of the house in the off street gravel portion in front of our home.

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

11. ANSWER

We have garbage service through Les' Sanitary Service that is picked up weekly.

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;

12. ANSWER

We, Kyle and Jessica Mudder, are the property owners and will be available 24/7 by phone for any complaints and problems with our home. We live in Eugene and can be here within 2.5 hours for any emergency that requires us to be here in person in a reasonable period of time. We also will be working closely with Peggy (a Bandon local resident) from Peggy's House Cleaning Services who will be available in case we need someone in town for an emergency before we get there.

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;

13. ANSWER

We will follow all reporting and accounting requirements of the transient occupancy tax ordinance according to the City of Bandon requirements.

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;

14. ANSWER

We understand and are aware of this rule.

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

15. ANSWER

Our home is 3 bedrooms and 2 bathrooms, with enough room to sleep 8 people.

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.

16. ANSWER

Our neighborhood is a mix of full-time residences, vacation homes, and VRDs. There is less than 30% VRD within 250 feet of our home and with being walking distance to the public beach access and the Jetty it is the perfect location for out of town visitors to experience everything Bandon has to offer. Our home is only bordered by one neighbor to the West with no other neighbors behind our home (South) or to the East of our home. The City public road is located on the North side of our home. Our guests will have access to outdoor space without being a burden to our neighbors.

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.

17. ANSWER

We will provide an annual report to the Bandon Planning Department to show we are in compliance.

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

18. ANSWER

Smoke / Carbon Monoxide Detectors are in every bedroom and main living areas in our home as shown in the site plan drawing.

Saturation Study: 1127 6th St SW

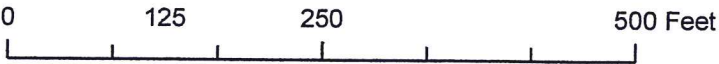


Saturation Calculation

9- Single-Family Dwellings (Vacation Rental Dwellings)

2- Vacation Rental Dwellings (VRDs)

2 / 9 = 22.22% Saturation Rate



Legend

1127 6th St SW

250' Buffer

VRDs

PACIFIC CITY

TIDE

TAX LOTTED ON MAP 28 15 25

4TH.

5TH.

6TH.

MADISON

ST. W

LINCOLN

SHORE LINE

BANDON

PROJECTED FROM VEGETATION LINE

GLO

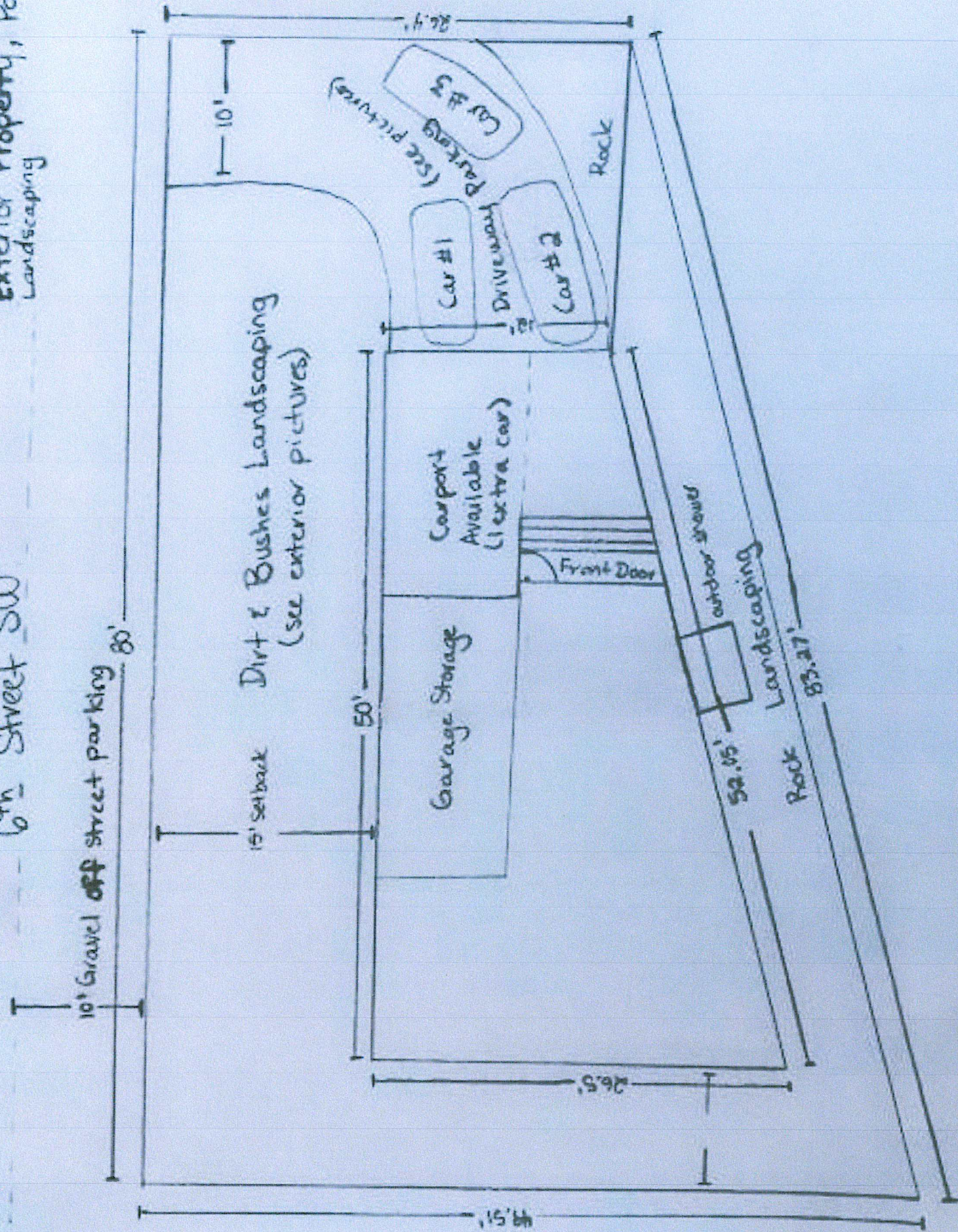
SIL BREAKWATER A

SEE MAP 285

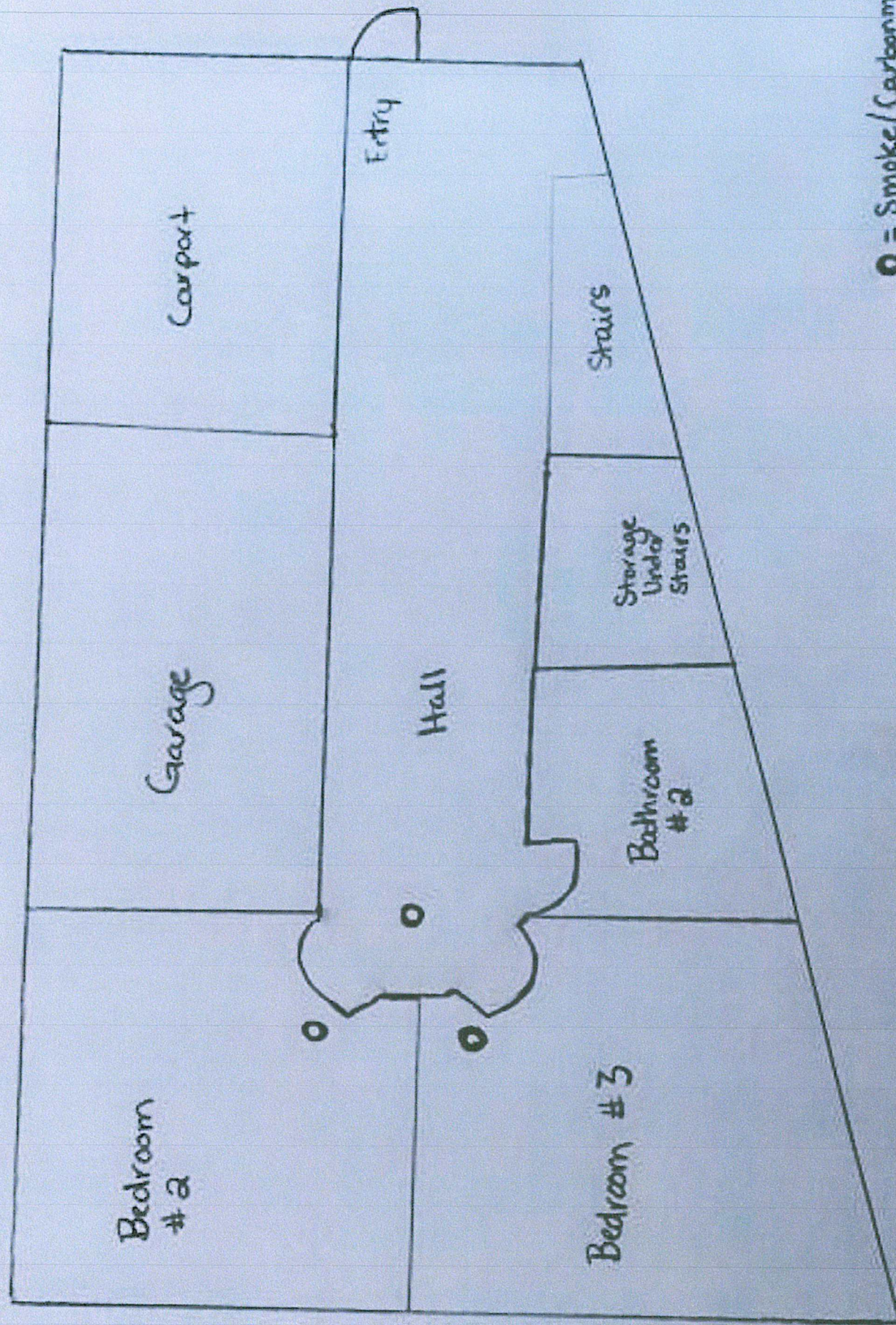


1127 6th Street SW, Bandon
Exterior Property, Parking
Landscaping

6th Street SW

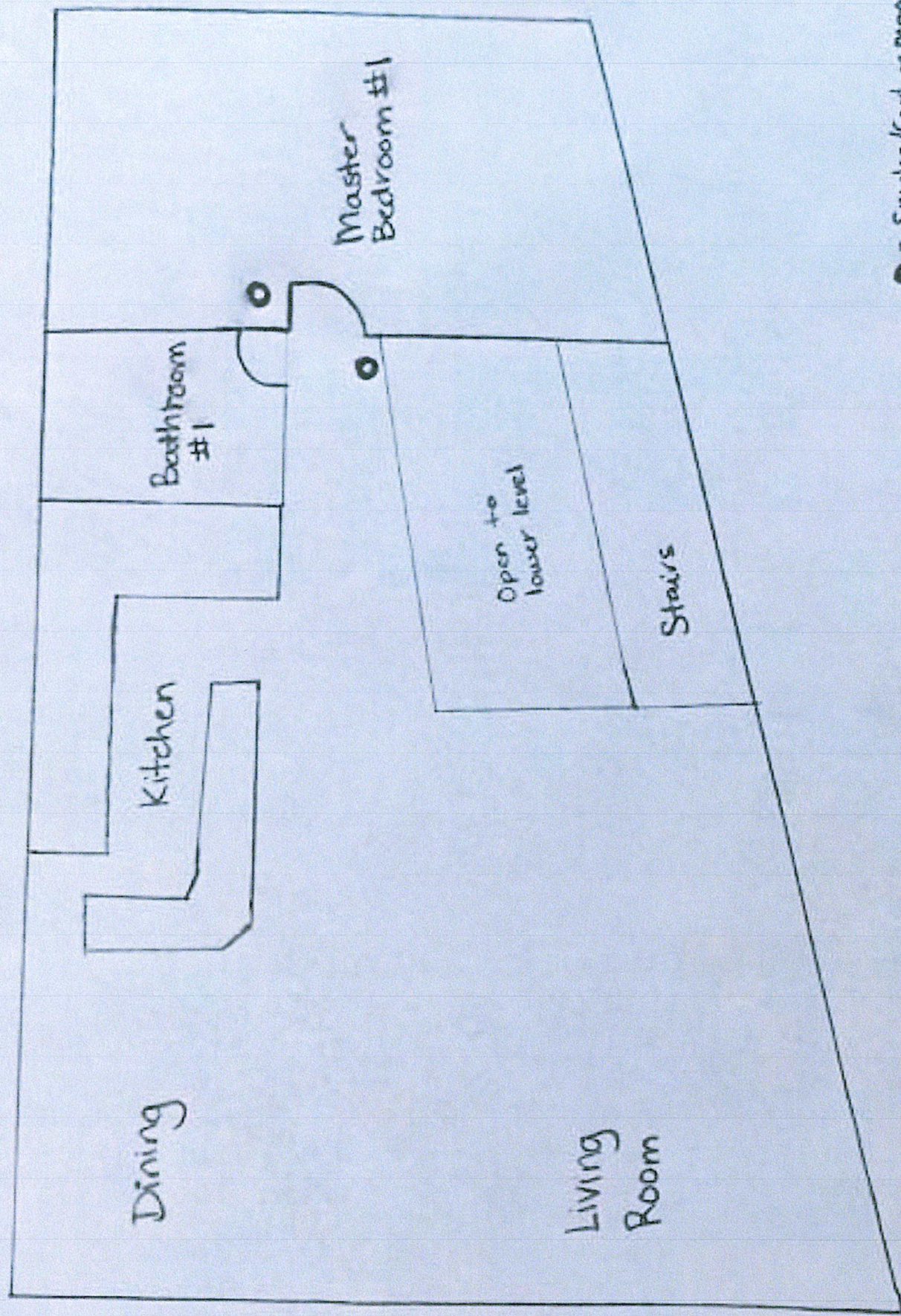


Downstairs Site Plan
1127 6th Street SW, Bandon



○ = Smoke/Carbon monoxide Detectors

Upstairs Site Plan
1127 6th Street SW, Bandon



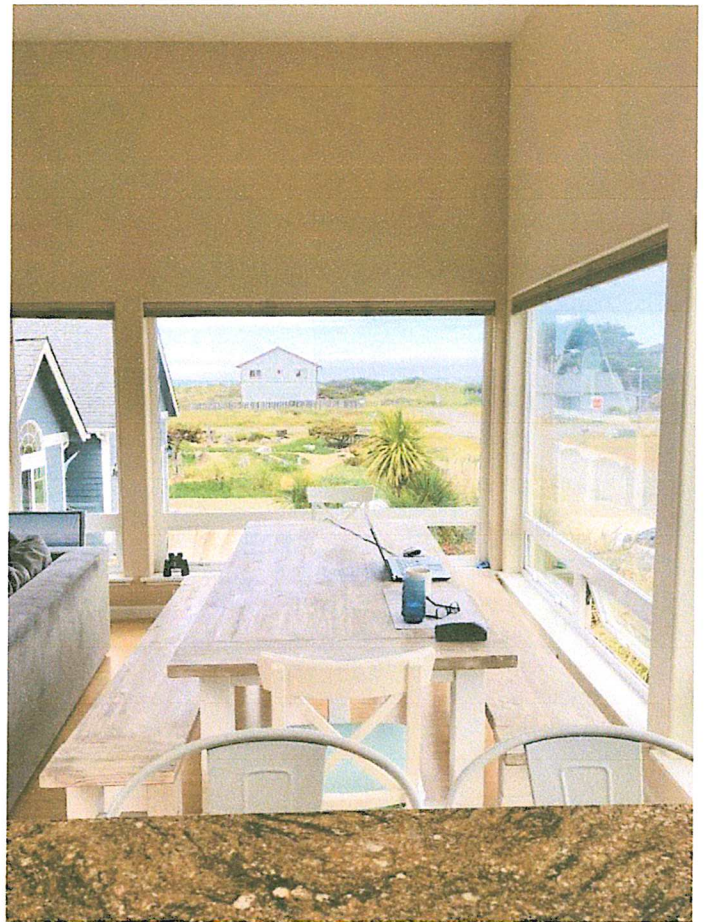
1127 6th Street SW, Bandon - Exterior

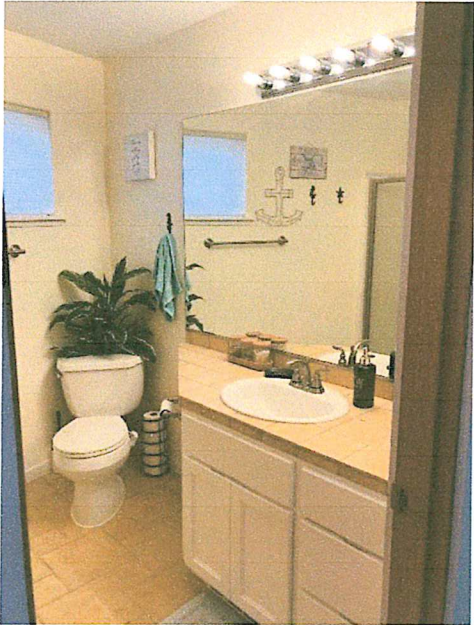


Parking/Driveway – 3+ cars fit, plus carport if needed



1127 6th Street SW, Bandon - Interior







3-308

Planning Fee Assessment Form

Planning Action:	
Address:	1127 6 th St SW
Last Name:	Mudder

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
555 Hwy 101 | PO Box 67
Bandon, OR 97411
(541) 347-2437
payments@cityofbandon.org

XBP Confirmation Number: 121801325

Transaction detail for payment to City of Bandon.		Date: 06/02/2022 - 3:15:50 PM MT	
Transaction Number: 174241126XA eCheck - CheckingXXXXX3504 Status: Successful			
Account #	Item	Quantity	Item Amount
mudder-jessica	A - Planning Fees	1	\$1000.00
Notes: Thank you for using our online payment option. If you use your browser's auto fill capabilities, please ensure your information is correct in all fields. Please enter the description of the planning fee you are paying in the appropriate field. If you have any questions, please contact our office at 541-347-2437 during regular business hours, 7:30am - 5:00pm, Monday - Thursday.			

TOTAL: \$1000.00

Billing Information

jessica mudder
1127 6th st sw
bandon, or 97411
(541) 520-4538

Transaction taken by: Admin leickhoff



Conditional Use Permit Application for Vacation Rental Dwelling (VRD)

CITY OF BANDON PLANNING
P.O. BOX 67
555 HWY 101
BANDON, OR 97411
P:(541) 347-7922
F:(541) 347-1415

Conditional uses (*Bandon Municipal Code; Chapter 16.12*) 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 conditional uses may be granted, granted with modifications or denied by the Planning Commission in accordance with the standards and procedures set forth in chapter 16.12 of the Bandon Municipal Code. Vacation Rental Dwellings (VRDs) are a conditional use in the CD-1 and CD-2, CD-3 and C-3 zones, and are subject to the requirements of chapter 16.12 of the Bandon Municipal Code.

Conditional Use Permit applications must be submitted to the City of Bandon at least 30 days before the next regularly scheduled Planning Commission meeting. An application will only be scheduled for a public hearing once it has been deemed complete.

I. NARRATIVE: Your written response to each of the following standards and provisions must be included with your application submission. Failure to include your written response will result in your application being deemed incomplete and may delay scheduling of the required public hearing.

Approval standards for conditional uses (BMC 16.12.040)

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.

All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

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;
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;

285 15W25BD

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;
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;
5. Tsunami Preparedness - all VRD's shall 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;
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;
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;
9. VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;
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;
11. Evidence shall be provided ensuring that there is regular garbage removal from the premises;
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;
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;
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;
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
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.
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.
18. Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

Saturation Study: 1127 6th St SW



Saturation Calculation

9- Single-Family Dwellings (Vacation Rental Dwellings)
2- Vacation Rental Dwellings (VRDs)

$2 / 9 = 22.22\%$ Saturation Rate

Legend

- 1127 6th St SW
- 250' Buffer
- VRDs



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 #22-066, request for a conditional use permit to operate a Vacation Rental Dwelling on property zoned CD-2 in the City of Bandon. You have received this notice because your property is located within 250 feet of the subject property.

Property Owner:	Kyle and Jessica Mudder Trust
Applicant(s):	Jessica Mudder
Property Location:	28S-15W-25BD/ TL 9300, 1127 6 th Street
Lead Staff:	Henry O. Hearley, Associate Planner, Lane Council of Governments
Meeting Date:	Thursday, August 25, 2022, at 7:00 PM
Proposal:	Conditional use permit to operate a Vacation Rental Dwelling in the CD-2, Controlled Development-2 Zone.
Applicable Criteria List: (Bandon Municipal Code)	16.04 Administration and Enforcement 16.12 Conditional Uses 17.24 Controlled Development 2 Zone

The hearing has been set for **Thursday, August 25, 2022, at 7:00 p.m.** and will be conducted through a Zoom Webinar.

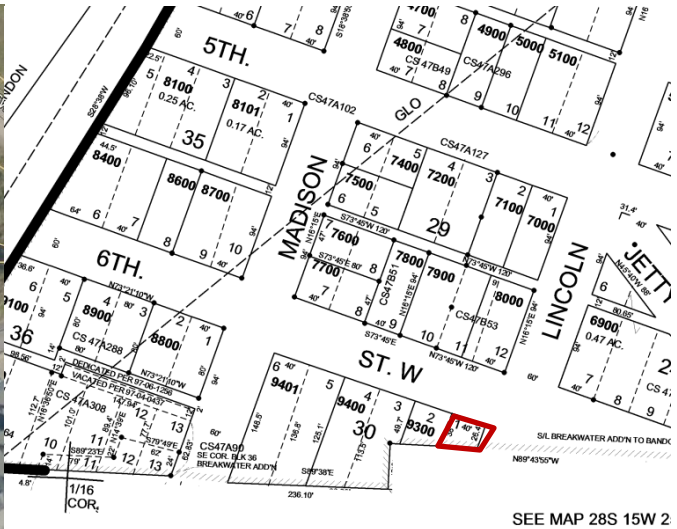
All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public and will follow requirements of the Oregon Health Authority. You may also access the meeting online using the following information:

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, August 17, 2022: Deadline for inclusion of testimony in meeting packet.**
- **5:00 pm, August 24, 2022: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 5:00 pm on August 24, 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.

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3050 TREMONT ST
NORTH BEND OR 97459

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BANDON OR 97411

MARY H. HEDGES TRUST
PO BOX 1296
BANDON OR 97411

ROWE, VIVIAN
585 MADISON AVE SW
BANDON OR 97411

GEORGE, ANDREW E
585 MADISON AVE SW
BANDON OR 97411

YOUNG & VILE JT LIVING TRUST
710 SW 4TH ST
BANDON OR 97411

MORGAN, AUDRA LAYNE & JONATHAN
RAYMOND
707 SW 28TH ST
PENDLETON OR 97801

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SIMI VALLEY CA 93065

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BANDON COASTAL VENTURES, LLC
68360 CLOVERDALE RD
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FREDERICK FAMILY TRUST
1127 SW 6TH ST
BANDON OR 97411

CURRENT FAMILY REVOCABLE TRUST
1155 6TH ST SW
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UNITED STATES OF AMERICA
560 1ST ST 104
LAKE OSWEGO OR 97034

SEELEY, WILMA R
667 MADISON AVE SW
BANDON OR 97411

DRP BANDON, LLC
4518 N 32ND ST
PHOENIX AZ 85018

YONG SUK KO REVOCABLE TRUST
PO BOX 374
BANDON OR 97411

JUL 27 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 **JULY 27, 2022**, a notice of **Conditional Use Permit for a Vacation Rental Dwelling (File # 22-066 (1127 6th Street VRD CUP)** in the City of Bandon to the addresses contained herein.



Signature



Print Name

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: August 25, 2022

Planning Department Report

ITEM NO: 6.4

SUBMITTED BY:



Dana Nichols, Planning Manager



City of Bandon Planning Department
Bandon, Oregon 97411
Phone: 541-347-7922
Email: Planning@cityofbandon.org

MEMORANDUM

TO: Planning Commission
FROM: Dana Nichols, Planning Manager
DATE: August 25th, 2022
RE: Planning Department Report

The purpose of this memorandum is to provide a summary report to the Commission about Planning Department activities, including details about on-going projects and changes to practice in the Department.

Planning Applications

Received as of August 18th, 2022 (YTD):

Single Family Dwelling ZC	Accessory Structures ZC	Conditional Use Permit	Land Divisions	GAR	Other
36	15	9	6	5	18

Materials and information about pending Land Use decisions:

<https://www.cityofbandon.org/planning/page/pending-land-use-decisions>

Materials and information about recent Land Use decisions:

<https://www.cityofbandon.org/planning/page/recent-land-use-decisions>

Year-to-date the Planning Department has received 89 applications, thirty-six (36) of which are for new single-family dwellings. We've also received two applications for multi-family dwellings, as well as quite a few accessory dwelling units. Housing production remains steady in Bandon, though we know we are still under-performing to meet the need. Staff also remains busy processing additions, Conditional Use Permits, and geologic assessment reviews.

Planning Fees Collected in FY22

	July - December	January	February	March	April	May	June	YTD
Total Fees	\$62,890.55	\$8,370	\$13,725	\$10,870	\$6,050	\$11,950	\$13,592	\$128,247

The Planning Department ended the year with 135% of expected revenue collected. The City's right-sized permit fees were intended to cover the costs required to process applications. Revenue received covered about 50% of personnel services. We intend to review the Planning Fee Schedule again in the coming months to modify any fees that may not be accounted for, or that make be too high or too low for the amount of work required to process. We would also like to make deposits non-refundable, as there is considerable staff time required to receive and reimburse fees.



City of Bandon Planning Department

Bandon, Oregon 97411

Phone: 541-347-7922

Email: Planning@cityofbandon.org

Project Updates

- Staffing Changes: The Planning Department hired a new Planner I. Kristan Liechti has joined the team and hails most recently from the City of Seattle. Please stop by City Hall to give Kristan a warm welcome.
- Grants: Staff met with FCS Group, the consultants on the Housing Needs Analysis. The team is in the process of gathering the data required to conduct a Buildable lands Inventory. Once the data is gathered, the Housing Advisory Team will be convened to review the data and provide input. Essentially, the data collected will tell us how much land we have available for housing, taking into account certain constraints such as natural hazards, land that is already contracted for development, and land that we do not reasonably see as developable over the 20 year timeframe.
- Joint Council/Commission Meeting: Staff have tentatively scheduled a Joint Council/Commission meeting for you on September 19th at 1:30 PM. We hope to have you discuss an update to your work plan, as well as some of the recent hot topics, the view line and the vacation rental dwelling ordinance. If there are other topics you would like to discuss, please let staff know ahead of the meeting so we can coordinate and prepare.
- Bandon Coastal Public Access Project: Staff received funding from the Department of Land Conservation and Development to update Bandon's public access inventory and review and recommend policy and code changes to support protecting and improving coastal public access points. The inventory is nearly complete and now staff are working to identify code references to public access that may be updated to reflect modern public access needs. These might include strengthening protections of existing access points, providing alternative locations for those prone to impacts from natural events, or provisions for adding new access points. Other policies may be recommended such as considerations for ADA access, climate change protection measures, and developing future access points.
- Shoreland Overlay Update: The Department of Land Conservation and Development would like to fund an effort to update the City's Shoreland Overlay. This section of our code and comprehensive plan deal with the areas along bodies of water, which is primarily focused along the estuary. This work is perfectly timed with the update to the Coquille River Estuary Resilience Action Plan and the Public Access Inventory. Staff will provide more detail on the project as it becomes available.
- Other: Planning Commission iPads have arrived. They are currently being set up by our contracted tech support and will be available soon! Staff will contact you when they are ready to be picked up at City Hall.