<table>
<thead>
<tr>
<th>PLANNING COMMISSION AGENDA DOCUMENTATION</th>
<th>DATE: Jan. 23, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT: CONDITIONAL USE PERMIT – 19-126 – 1455 STRAWBERRY DRIVE; REQUEST TO CONTINUE OPERATION AS VRD</td>
<td>ITEM NO: 4.1</td>
</tr>
</tbody>
</table>

SUBMITTED BY:

Megan Lawrence, City Planner
An application for a Conditional Use permit, requesting approval to continue the operation of an approved Vacation Rental Dwelling under new property ownership, was received on November 19, 2019. The application was determined to be complete on November 19, 2019 and noticed in accordance with the requirements of Section 17.120.060 of the Bandon Municipal Code.

AUTHORITY:

The Planning Commission of the City of Bandon has been vested with the powers to rule on Conditional Use permit applications pursuant to Chapter 2.24.080 of the Bandon Municipal Code.

I. REQUEST:

To continue the operation of a Vacation Rental dwelling located at 1455 Strawberry Drive SW, property zoned CD-1 in the City of Bandon.

II. APPEAL PROCEDURE:

Pursuant to Chapter 17.124, any Applicant or any other person with standing may, within ten days after the Final Order of any decision of the Planning Commission has been mailed, file a written request with the City Recorder appealing the decision to the Council. The written request appealing the decision of the Planning Commission shall state specific reasons for the appeal based upon pertinent, applicable criteria contained in Chapter 17.124. The Conditional Use fee is $ 750.00. The fee for appeal of this decision would be $ 375.00.
BACKGROUND

A. General

The subject property is located at 1455 Strawberry Drive SW and is approximately 0.43 acres in size. A three bedrooms, 3 &1/2 bathrooms, two-story, single family dwelling with attached two car garage was built on the property in 1993. The property was designated by the City Council and has operated as a vacation rental dwelling, with no conditions of approval, under the same ownership since 1995. The property has recently sold to a new owner who would like to continue the operation of the property as a designated vacation rental.

The applicant states: “Known since 1985 as “Flora by the Sea”, this property has been a successful permitted vacation rental dwelling for nearly 25 years. We are requesting your consideration for a conditional use permit to continue to provide vacation rentals at the subject property. While we plan on spending significant periods of time on the property, we would also like to share this amazing home and oceanfront setting with others while we continue to be in busy Flagstaff.”

B. Characteristics of the Property

1. Location: Map 28-15-36CB, Tax Lot 2200. The subject property is located on the south side of Strawberry Drive SW, near the end of the western cul-de-sac.

2. Zoning and Plan Designation: The subject property is zoned Controlled Development 1 (CD-1). The purpose of the zone is: to recognize the scenic and unique qualities of Bandon’s ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. It is intended that a mix of uses would be permitted, including residential, tourist commercial and recreational. Future development is to be controlled in order to enhance and protect the area’s unique qualities.

3. Size: The subject property is approximately 0.43 acres in size.

4. Access: Access to the subject property is from Strawberry Drive SW.
5. **Public Utilities:** City water, sewer and electric are currently connected to the subject property.

6. **Natural Hazards:** The subject property is located on top of the Bandon Bluff and is identified on the local Bandon Bluff Inventory Map as property with known and expected landslide susceptibility.

7. **Existing Land Use:**
   a. **On Site:** The property is currently being used as a vacation rental dwelling.
   b. **Surrounding:** The subject property is surrounded by CD-1 zone properties of mixed residential and tourist commercial use.

8. **Land Use Designation:**
   a. **Comprehensive Plan:** Controlled Development 1
   b. **Zone District:** CD-1
   c. **Overlay:** VRD

9. **Notification:** All related public parties have been duly notified in accordance with Section 17.120.090 of the Bandon Municipal Code.

10. **Comments:** At the writing of this report there were no comments submitted.

**Conformance with Applicable Criteria and Required Burden of Proof**

The following are the criteria which are applicable to this application:

<table>
<thead>
<tr>
<th>Title 17 - Chapter 17.92 - Conditional Uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) 17.92.010 Authorization to grant or deny conditional uses.</td>
</tr>
<tr>
<td>(B) 17.92.020 Authorization to impose conditions.</td>
</tr>
<tr>
<td>(C) 17.92.030 Existing Uses</td>
</tr>
<tr>
<td>(D) 17.92.040 Approval standards for conditional uses. (Standards A-H)</td>
</tr>
<tr>
<td>(E) 17.92.090 (K) Standards governing conditional uses – Vacation Rental Dwellings</td>
</tr>
</tbody>
</table>

(A) 17.92.010, 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.

(B) 17.92.020, Authorization to impose conditions

The City of Bandon may impose additional conditions, unspecified in Title 17 of the Bandon Municipal Code, if the City considers the additional conditions necessary to assure that the requested conditional use is compatible with other uses in the vicinity, and to protect the city as a whole. Additional conditions may include (but are not limited to): changes in required lot size or yard dimensions; building height limitations, controlling the location and number of vehicle access points; requiring additional right-of-way areas or changing the street width; requiring public improvements such as street, sidewalks, water/sewer line extensions and/or bike paths; changing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring diking, fencing, screening or landscaping to protect adjacent or nearby property; requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust; limiting the hours, days, place and manner of operations; limiting or setting standards for the location and intensity of outdoor lighting; setting requirements on the number, size, location, height and lighting of signs; requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.

(C) 17.92.030, Existing Uses

In the case of a use existing prior to the effective date of the ordinance codified in this title and which is classified in this title as a conditional use, any alteration of the structure shall conform with the requirements dealing with conditional uses.

(D) Chapter 17.92.040, Approval standards for conditional uses

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.
Applicant states:
“A. This request for the conditional use permit does comply with the Comprehensive Plan.
B. The zoning at this location is CD-1, and the proposed use is consistent with the allowable provisions for CD-1 zoning.
C. The site and dimensions currently provide adequate area for the needs of the proposed use.
D. The site size and dimensions are currently adequate to mitigate any possible adverse effects from the use of surrounding properties and uses.
E. The characteristics of the site are suitable for the proposed use, including 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 applicant.
G. The proposed use will not alter the character of the surrounding area.
H. The proposed use appears to meet all other requirements of this title that apply.”

While the applicant has provided no specific details, to explain the property’s actual conformance with approval standards, as a long standing permitted vacation rental with no history of code compliance violations or neighborhood complaints, staff finds that the proposal is consistent with the Comprehensive Plan; the purpose and the dimensional standards of the General Commercial zone; that the site provides adequate area for the needs of the proposed use; that mitigation is not necessary; that the characteristics of the site are suitable for the proposed use; that all required public facilities and services have adequate capacity to serve the proposal; and that the proposed use will not alter the character of the surrounding area which would substantially preclude permitted uses of surrounding properties in the CD-1 zone.

(E) 17.92.090 (K), Standards governing conditional uses - Vacation Rental Dwellings

Vacation rental dwellings (VRDs) are a conditional use in the CD-1 and 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. VRD’s are not an outright permitted use in the CD-zones.

All vacation rental dwelling 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;

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;

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.

The applicant states:

“1. The dwelling is at least 3 years old (constructed in 1994).

2. Less than 30% of the single-family detached dwellings within 250 feet of this property are currently permitted for VRD. It is located in a zone which allows VRD’s (CD-1).

3. This location of this dwelling lies within the VRD overlay zone (overlay map is attached).

4. This residence is currently under contract with a pending sale date of December 30, 2019. The applicants fully acknowledge an existing Conditional Use Permit has been approved for the current owner, however a new CUP application must be submitted by the applicants and subsequently approved by the City of Bandon in order to continue use of this residence as a vacation rental dwelling.

5. A Bandon Tsunami Evacuation Route map will be posted on an interior wall near the front door. Guest will be given orientation regarding the possible threat and safety from a tsunami.

6. The applicants will be very selective in choosing renters. The applicants will also continuously monitor activity at this VRD and be responsive and respectful to the surrounding neighborhood to ensure there will be no more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor emitted from this vacation rental dwelling than a normal neighborhood dwelling.

7. There is no private beach access at this property. The staircase at Face Rock Scenic Viewpoint is located approximately 300’ north of the property. Adjacent to the residence along the west property boundary is a parcel which has been used in the past to allow residents beach access via a set of stairs which were maintained by the HOA. The applicants will ensure that renters are notified in writing that no beach access exists from either the residence or the adjacent parcel. Renters will be directed in writing, to use the Face Rock Scenic Viewpoint as well as nearby State and County parks for beach access.

8. There is no joint access driveway at this location.

9. This VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance. The only exterior signage will be the numerical street address.
10. There are 3 off-street parking spaces on the property in addition to the 2-car garage. This VRD currently has ample off-street parking to accommodate a minimum of three vehicles to comply with the one car per bedroom requirement. Please see the attached parking plan which illustrates the availability of existing off-street parking.

11. Immediately upon close of escrow, an account with Bandon Disposal & Recycle will be established in the applicant’s name. We are avid recyclers and will encourage renter to recycle into bins that will be provided for that purpose.

12. This VRD will be managed by Sam Hernandez, Exclusive Property Management, 1212 Alabama Ave. SE, Suite 14, Bandon, OR 97411, (541)347-3790, manager@visitbandon.com.

13. We will comply with all City of Bandon reporting and accounting requirements of the transient occupancy tax ordinance.

14. We will comply with the requirement to rent the property for a minimum of 10 nights per year. The current owner reports that a typical year will include 100 or more rental nights per year. Our goal is to continue that occupancy level. The applicants acknowledge that no rental activity for a period of one year, or a failure to rent more than 10 nights within a calendar year, will result in the VRD permit becoming null and void with no further proceedings.

15. We will comply with the maximum occupancy requirements as determined by the Planning Commission as part of the approval process.

16. We are applying for the CUP in full compliance with the applicable ordinances and guidelines. The location of this home lends itself to the natural beauty visitors seek when they arrive in Bandon. Beach Loop Drive and its public access is a segue to their time spent in our coastal community. This home was built to capture a spectacular view. The design and construction in a neighborhood setting provide families with appropriate space to enjoy time together while visiting our area.

17. We will provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements.

18. We will ensure that smoke detectors shall be provided and maintained in all potential and actual sleeping areas.”

Staff finds that the applicant has addressed all Vacation Rental Dwelling approval criteria sufficiently with the exception of the property’s parking. The subject property was granted a variance in 1982 to the City’s required 20-foot front yard setback, allowing for a 5-foot front yard setback. City records indicate that the home was constructed with a 5-foot front yard setback, which does not allow for any front yard off-street parking at the subject property without significant encroachment into the City’s right-of-way. However, one off-street parking space exists to the west of the attached two-car garage which provides a total of 3 off-street parking spaces for the subject property. With the off-street parking spaces and three bedrooms in the home, the Planning Commission may choose to allow a maximum occupancy of 9; however the applicant has requested an occupancy limit of 8 guests.
Recommendation

Staff recommends approval of Planning Permit #19-126; Lobrovich, Conditional Use Permit for 1455 Strawberry Drive SW, to continue its designation and operation as a Vacation Rental Dwelling with the following conditions:

Proposed Conditions of Approval:

1. That the plans submitted in this Conditional Use Permit shall be in substantial conformance with status as a Vacation Rental Dwelling.

2. Existing parking shall not be eliminated or reduced. The attached two-car garage must remain free and clear for use of guests.

3. No additional outdoor lighting, other than what is already in place, will be allowed. Lighting that will negatively impact neighboring properties or directed west or skyward is prohibited.

4. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them that the maximum occupancy shall be eight occupants and that it is a violation of the conditional use to allow more than the approved amount.

5. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them where the nearest public beach access point is located.

6. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them of the designated local management person immediately available to handle complaints and problems as they arise.

7. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them that all dogs must be kept on a leash per City code.

8. Written notification regarding tsunami evacuation routes and supporting emergency information shall be posted in the subject property and provided to renters of the home.

9. The name and contact information of the property owner and/or designated local management person shall be kept on file in the Bandon Planning Department and Bandon Police Department. Any changes in this information must be immediately updated with the City offices.

10. The dwelling and landscaping must be maintained at or above the level of surrounding dwellings in the neighborhood. Carbon monoxide detectors shall be installed and maintained throughout the subject dwelling.

11. Garbage shall be removed from the premises on a regular basis.

12. The applicant is required to file all reporting and accounting requirements of the transient occupancy tax ordinance.
13. All proposals of the applicant shall become conditions of approval unless otherwise modified by the Planning Commission.

14. Any violation of conditions of approval may cause the Planning Commission to hold a Public Hearing to consider revocation of the Conditional Use.

15. The City has the right and authority to prosecute any violation of the conditions of approval as allowed by the Bandon Municipal Code.

16. All other City, State, and Federal rules and regulations must be adhered to.

Alternatively, the Planning Commission may wish to discuss the addition or amendment of staff’s proposed conditions of approval, or take additional action not listed herein.

**Suggested Motion:**
I move to approve Planning Permit #19-126; Lobrovich, Conditional Use Permit for 1455 Strawberry Drive SW, to continue its designation and operation as a Vacation Rental Dwelling with conditions of approval as listed by staff.
### II. PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>1455 STRAWBERRY DR. SW, BANDON, OR 97411</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Number / Tax Lot(s):</td>
<td>TRS Z85-15W-3B&lt;8 / 229D 2200</td>
</tr>
<tr>
<td>Zone:</td>
<td>CD-1</td>
</tr>
</tbody>
</table>
| Floodplain: | Yes  
| Was the property previously approved as a Vacation Rental Dwelling? | Yes  
| Please describe the residence, its existing and proposed use: | This is a 3 bedroom, 3½ bath two story 2,081 SF residence on a 48 acres, built in 1984. Currently being used as a VRD with a proposal to continue use 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 smoke detectors in the residence? | Yes  
| Does the property owner live within the city limits of Bandon? | Yes  
| Manager’s Name: |  EXCLUSIVE PROPERTY MANAGEMENT, INC. SAM HERNANDEZ |
| Phone Number: | (541) 347-3790 |
| Email Address: |  MANAGER@VISITBANDON.COM |
| Physical Address: | 1212 ALABAMA SUITE A |
| City: | BANDON |
| State: | OREGON |
| Zip Code: | 97411 |
| Mailing Address (if different from Physical Address): | P.O. BOX 979, BANDON, OR 97411 |

### III. APPLICANT’S INFORMATION: (must be an individual)

| Applicant’s Name: | JOHN LOBRONICHI |
| Phone: | (928) 606-6789 |
| E-Mail: | FORELORDO @ GMAIL.COM |
| Applicant’s Mailing Address: | 2900 S. WOODLANDS VILLAGE #210, #300-489 FLAGSTAFF, AZ 86001 |

### IV. PROPERTY OWNER’S INFORMATION

| Property Owner’s Name: | CINZIA ROMOLI |
| Phone: | (503) 975-8772 |
| E-mail: | ROMOLI @hotmail.com |
| Mailing Address: | 1455 STRAWBERRY DR. SW, BANDON, OR 97411 |
V. CONSENT

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

<table>
<thead>
<tr>
<th>Applicant's Signature:</th>
<th>Date: 11-19-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property owner's signature is required if applicant is not the property owner</td>
<td></td>
</tr>
</tbody>
</table>

| Property Owner's Signature: | Date: 11-18-19 |

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.
Written Narrative
Conditional Use Permit Application for a
Vacation Rental Dwelling (VRD)
For
1455 Strawberry Dr. SW,
Bandon, Oregon
“Flora by the Sea”

We are John and Karon Lobrovich with a permanent address of 2453 N. Carefree Cir., Flagstaff, AZ 86001. We are in contract to purchase 1455 Strawberry Dr. SW, Bandon, OR. Known since 1985 as “Flora by the Sea”, this property has been a successful permitted vacation rental dwelling for nearly 25 years. We are requesting your consideration for a conditional use permit to continue to provide vacation rentals at the subject property.

While we plan on spending significant periods of time on the property, we would also like to share this amazing home and oceanfront setting with others while we continue to be busy in Flagstaff. We feel it would be a shame for the home to sit empty, it should be enjoyed by as many people as possible as has been the case since 1985. The guests would be a contributing factor for the tourism of Bandon.

In accordance with the application instructions, this narrative address each of the approval standards and provisions for conditional use, as follows:

A. This request for the conditional use permit does comply with the Comprehensive Plan.
B. The zoning at this location is CD-1, and the proposed use is consistent with the allowable provisions for CD-1 zoning.
C. The site and dimensions currently provide adequate area for the needs of the proposed use.
D. The site size and dimensions are currently adequate to mitigate any possible adverse effects from the use of surrounding properties and uses.
E. The characteristics of the site are suitable for the proposed use, including 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 applicant.
G. The proposed use will not alter the character of the surrounding area.
H. The proposed use appears to meet all other requirements of this title that apply.

The applicants have confirmed the following provisions for a vacation rental dwelling are in compliance:

1. The dwelling is at least 3 years old (constructed in 1994).
2. Less than 30% of the single-family detached dwellings within 250 feet of this property are currently permitted for VRD. It is located in a zone which allows VRD’s (CD-1).
3. This location of this dwelling lies within the VRD overlay zone (overlay map is attached).
4. This residence is currently under contract with a pending sale date of December 30, 2019. The applicants fully acknowledge an existing Conditional Use Permit has been approved for the current owner, however a new CUP application must be submitted by the applicants and subsequently approved by the City of Bandon in order to continue use of this residence as a vacation rental dwelling.
5. A Bandon Tsunami Evacuation Route map will be posted on an interior wall near the front door. Guest will be given orientation regarding the possible threat and safety from a tsunami.
6. The applicants will be very selective in choosing renters. The applicants will also continuously monitor activity at this VRD and be responsive and respectful to the surrounding neighborhood to ensure there will be no more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor emitted from this vacation rental dwelling than a normal neighborhood dwelling.
7. There is no private beach access at this property. The staircase at Face Rock Scenic Viewpoint is located approximately 300’ north of the property. Adjacent to the residence along the west property boundary is a parcel which has been used in the past to allow residents beach access via a set of stairs which were maintained by the HOA. The applicants will ensure that renters are notified in writing that no beach access exists from either the residence or the adjacent parcel. Renters will be directed in writing, to use the Face Rock Scenic Viewpoint as well as nearby State and County parks for beach access.
8. There is no joint access driveway at this location.
9. This VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance. The only exterior signage will be the numerical street address.
10. There are 3 off-street parking spaces on the property in addition to the 2-car garage. This VRD currently has ample off-street parking to accommodate a minimum of three vehicles to comply with the one car per bedroom requirement. Please see the attached parking plan which illustrates the availability of existing off-street parking.
11. Immediately upon close of escrow, an account with Bandon Disposal & Recycle will be established in the applicant’s name. We are avid recyclers and will encourage renter to recycle into bins that will be provided for that purpose.
12. This VRD will be managed by Sam Hernandez, Exclusive Property Management, 1212 Alabama Ave. SE, Suite 14, Bandon, OR 97411, (541) 347-3790, manager@visitbandon.com.
13. We will comply with all City of Bandon reporting and accounting requirements of the transient occupancy tax ordinance.
14. We will comply with the requirement to rent the property for a minimum of 10 nights per year. The current owner reports that a typical year will include 100 or more rental nights per year. Our goal is to continue that occupancy level. The applicants acknowledge that no rental activity for a period of one year, or a failure to rent more than 10 nights within a calendar year, will result in the VRD permit becoming null and void with no further proceedings.
15. We will comply with the maximum occupancy requirements as determined by the Planning Commission as part of the approval process.
16. We are applying for the CUP in full compliance with the applicable ordinances and guidelines. The location of this home lends itself to the natural beauty visitors seek when they arrive in Bandon. Beach Loop Drive and its public access is a segue to their time spent in our coastal community. This home was built to capture a spectacular view. The design and construction in a neighborhood setting provide families with appropriate space to enjoy time together while visiting our area.
17. We will provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements.
18. We will ensure that smoke detectors shall be provided and maintained in all potential and actual sleeping areas.

Thank you for your consideration of our application.

John & Karon Lobrovich
(3) OFF-STREET STALLS (ALONG PROPERTY LINE)

(3) RESIDENTIAL PARKING STALLS

(2) PARKING STALLS ALONG VACANT LOT

RESIDENCE

PARKING PLAN

1455 STRAWBERRY DRIVE SW
BANDON, OREGON

SCALE: 1" = 20'-0"
LEGEND:
- HARDSCAPE
- LAWN
- PAMPAS GRASS
- NATIVE PLANTING
- PROPERTY LINE

SITE & LANDSCAPE PLAN
1455 STRAWBERRY DRIVE SW
BANDON, OREGON
SCALE: 1" = 70'-0"
Vacation Rental Dwelling Overlay in the CD-1 Zone

Legend
- VRD Overlay
- CD-1 Zone

Map showing the vacation rental dwelling overlay in the CD-1 zone.
February 19, 1982

Mr. David L. Davis
P. O. Box 1313
Bandon, OR 97411

Dear David:

RE: Variance Approvals for Strawberry Point Subdivision

The Planning Commission, pursuant to your request, granted variances on Strawberry Point Subdivision on February 10, 1982. The variances granted were as follows:

1. Lot 1 set-back on the south side can be 10 foot, not the 15 feet required by the Code.

2. Lots 1 through 6 are allowed to have a 20 foot set-back from the street as opposed to the place on the lots where the lot width equals 50 feet.

3. Lot 8 is allowed to have a set-back of 5 feet from Strawberry Drive and 3 feet on its east property line. However, Lot 9 is required to have a minimum of a 7 foot set-back from its west property line so a minimum of 10 feet from dwellings can be maintained.

Please make sure the buyers of all properties are aware of these variances so that problems can be eliminated.

Sincerely yours,

CITY OF BANDON

Ben M. McMakin
City Manager

BMM/cjd
It was noted that, although the subdivision was created with larger lots, the developer had put in numerous utility connections, in anticipation of future partitioning.

Mrs. Duvall was concerned that the Planning Commission would be setting a bad precedent if it were to allow this minor partition. She pointed out that, if the Commission ignores existing requirements (the non-division condition, in this case), future applicants in similar circumstances will expect special treatment.

Noting that the sewer pipes are in, the streets are paved, DEQ has no objection to the partition, and it has been determined that the two parcels created are septic tank-sized parcels, the Commission decided, on a 6-1 vote, to allow the minor partition, on the condition that the undeveloped parcel cannot be built on until the City sewer there is operational.

PLAN REVIEW--MATTICKS--LOT 10, FACE ROCK #2 (1349 STRAWBERRY DR)

The matticks wish to construct a fence to enclose the side yards and back yard. The portions near the street would be three feet high, and the rest will be six feet high.

It was noted that this residence is the farthest back of any in the subdivision, and the fence would not presently block anyone’s view.

The request was approved.

PLAN REVIEW--HAMMER (BEYER)--LOT 3, STRAWBERRY POINT

The request was to build a three-bedroom single-family residence. Mr. Gaber’s memo indicated that the property is not within the bluff hazard area and the proposed residence meets ordinance requirements.

Mr. Beyer stated that the property had received DEQ approval for a holding tank.

The request was approved.

PLAN REVIEW--BEYER--BEACH LOOP (28-15-25GC; 3400)

It was explained that the proposed single-family residence would be on the east side of Beach Loop, and that it would meet all ordinance requirements.
MLS#: 19684455 (1455 STRAWBERRY DR, Bandon, OR 97411)