



City of Bandon

555 Hwy 101, PO Box 67
Bandon, OR 97411
(541) 347-2437

Bandon by the Sea

**MEETING AGENDA
CITY OF BANDON PLANNING COMMISSION
THURSDAY, MARCH 28TH, 2024 - 7:00 P.M**

**COUNCIL CHAMBERS, 555 HIGHWAY 101 BANDON, OR 97411
City Hall Open for Public Participation and by Zoom**

TO JOIN THE MEETING VIA ZOOM:

<https://Zoom.us/Join>

MEETING ID: 215 705 9460

TO CALL INTO THE MEETING (253) 215-8782

MEETING CITY OF BANDON PLANNING COMMISSION

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CONSENT AGENDA**
3.1 Regular Meeting Minutes – January 25th, 2024
- 4. PUBLIC COMMENT** - Comments from the Public on any item NOT on the agenda-
limited to 3 minutes each
- 5. HEARINGS**
5.1 24-005, 2885 Beach Loop Drive: Request for a Conditional Use Permit to operate
a Vacation Rental Dwelling in the CD-1 Zone.

5.2 24-009, 375 Lincoln Ave SW: Request for a Conditional Use Permit to operate a
Vacation Rental Dwelling in the CD-2 Zone.
- 6. STAFF UPDATE**
6.1 Planning Department Report
- 7. OPEN DISCUSSION**
Commissioner Comments
- 8. ADJOURN**

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PLANNING COMMISSION CONSENT AGENDA	DATE: 03/28/2024
SUBJECT: MEETING MINUTES	ITEM NO: 3.1

BACKGROUND:

These are minutes from the following meetings:

- Regular Meeting – January 25, 2024

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve the minutes as presented.

SUBMITTED BY:

Dana Nichols

Dana Nichols, Planning Director



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Bandon by the Sea

CITY OF BANDON PLANNING COMMISSION MEETING THURSDAY JANUARY 25TH, 7:00pm

CALL TO ORDER: 7:00 p.m. by Planning Commissioner Slothower

ROLL CALL: Taken by Director Dana Nichols

COMMISSIONER FREY: present
COMMISSIONER JURKOWSKI: present
COMMISSIONER NORMAN: present
COMMISSIONER ORSI: present
COMMISSIONER SCOBBY: joined meeting remotely
COMMISSIONER SLOTHOWER: present
COMMISSIONER STARBUCK: present

CITY STAFF PRESENT:

DANA NICHOLS, PLANNING DIRECTOR
NICOLETTE CLINE, PLANNING ASSISTANT
JUNE HINOJOSA, CITY RECORDER
SHAYLA KUDLAC, CITY ATTORNEY

3. CONSENT AGENDA

- 3.1 Regular Meeting October 5th, 2023
- 3.2 Special Meeting November 2nd, 2023
- 3.3 Regular Meeting November 16th, 2023

Commissioner Slothower asked the Commission if they read the previous agenda minutes. All Commissioners responded with yes. Slothower then asked if there were any changes and or objections. The Commissioners had no changes or objections to the minutes.

Commissioner Slothower moved and approved all minutes as written. Director Nichols explained we will be moving to action minutes.

4. PUBLIC COMMENT

A written comment by Barbara Stollberg was provided to and read by all commissioners. Norman, Slothower and Frey all agreed she made good points.

5. PUBLIC HEARING – opened by Commissioner Slothower at 7:05 p.m.

5.1 23-055 Heavy Industrial Code Amendment and Comprehensive Plan Update: Amend Regulations in Bandon Municipal Code Title 17.56 to allow for Aquaculture and residential uses in conjunction with permitted uses and Amend 17.76 (Shoreland Overlay Zone) to change management unit 8 to Industrial and allow Aquaculture and Amend the Comprehensive Plan to be consistent with the newly proposed land use.

Planning Director Dana Nichols gave background and a PowerPoint presentation on the proposed project, known as the Moore Mill property.

Planning Commissioner Slothower asked about the 10-acre language referenced in the presentation. Director Nichols responded by indicating that said number was arbitrary and could be amended.

Planning Commissioner Norman asked about the number of dwelling units proposed and the square footage of said units. Commissioner Norman proceeded to ask if the dwelling units were specific to the project and if said units will house workers and researchers.

Planning Commissioner Jurkowski asked City staff for clarification about the permitted density. Director Nichols indicated that density referenced in the report was an arbitrary starting point.

Planning Commissioner Frey asked City staff to clarify the language used to describe the dwelling units. Director Nichols informed the Planning Commission that the numbers are preliminary estimates and could be re-defined or changed by the Commission if deemed necessary.

Commissioner Slothower asked about the difference between the I Zone and HI zone, with Director Nichols responding accordingly. Commissioner Slothower also requested clarification regarding the inconsistency with the Airport designations on the Shoreland matrix. Director Nichols stated that it wasn't related to this proposed amendment.

Commissioner Norman had questions about whether the subject site was the same site as the truck shop. Norman also had questions about the housing language.

Commissioner Frey requested clarification on the Shoreland Map, which Director Nichols referenced in her explanation to the Commission.

The Planning Commission proceeded to discuss the ESWD land and water dependent uses. Commissioner Slothower indicated that Aquaculture would meet the ESWD permitted uses.

Commissioner Norman raised questions about the management units and requested an explanation between Aquaculture and Mariculture. Director Nichols responded accordingly.

Planning Commissioner Scobby asked if there was a private entity interested in the project or just a plan for future development. Scobby inquired with City Staff about the ability to

word the zoning regulations to encourage “dormitory” style housing. Director Nichols responded accordingly.

Slothower opened the Hearing to the public for comment.

- Jeff Griffin, the Port of Bandon Director, came up to speak. He discussed this proposed project, The Ports’ current use with Aquaculture and why it is important. He indicated the 10-acre threshold is reasonable. Commissioner Slothower asked if fresh water and brackish water would be an issue for Aquaculture moving up the river. Jeff stated that it would not. He was asked if the amount of housing units would be sufficient, and he responded it is too early to tell but would probably be enough.
- Director Nichols made a general statement about all the housing inquiries; Housing must be outright permitted in all zones, but the Commission could put conditions on what type of housing and make certain types a Conditional Use or a Type III decision.
- Sheri McGrath, Coos Curry Consulting, came up to speak. She addressed the housing concerns and the zoning language. She addressed the definition of Aquaculture and Mariculture and stated that it was set by the State. She doesn’t agree with restricting these properties even more regarding ESWD use. She was asked about Tax Lot 1500 and the sizes of the three lots on this site. The ArcGIS map was pulled up on the TV to clarify. She indicated using cluster housing as an option on this site.
- Director Nichols clarified the definition of dwelling versus dwelling unit and indicated that the Commission should designate which term to include in this amendment.
- Robert (Robin) S. Miller, representative of Moore Mill, came up to speak. He thanked Jeff Griffin, Sheri McGrath, Dana, Commissioners, and staff. He stated that the main concern right now just needs to be the zoning of this site. Any project is purely speculative at this point. Director Nichols clarified that the City Council had memorialized the findings that the zoning for this property is Heavy Industrial in Resolution 23-15.
- Planning Commissioner Starbuck asked if this was all just paperwork at this point. Director Nichols clarified that it was a change to the code pertaining to the zoning for the purposes of Aquaculture.

Public Comment period ended.

Commissioner Slothower stated he would like to open a discussion about the issues and details. He stated 1000 square feet per unit seems too small, and raised the question of whether residences are going to be outright permitted or conditional use. Commissioner Norman asked if they are approving a code change to allow aquaculture in Heavy Industrial Zoning. Commissioner Frey felt certain types of Aquacultures should be excluded and restrict this proposal to just on shore.

Jeff Griffin came up and spoke to those concerns. Jeff has a degree in marine biology, and he responded to the Commission that there is a lot of oversight for aquaculture which ensures environmental concerns are addressed. Director Nichols also responded that a LUCS form is needed, with her sign off, by outside agencies as an extra layer of

environmental protection. The discussion of size and types of housing was addressed by the Commissioners and Director Nichols.

A motion was made:

- **Recommend to the City Council approval of Amendments as presented, with the changes to Title 17.56.040, Limitations on maintained.**
- **Alternatively, an applicant may request additional dwellings through a Type II process.**
- **Stating that the total square footage of all residential uses must be less than 6000 sq ft.**
- **Adding in a requirement to #2D that crustacean and fin fish farming can only be permitted through a Type II process.**

Moved: Commissioner Norman

Seconded: Commissioner Jurkowski

Ayes: Commissioners Frey, Jurkowski, Norman, Orsi, Scobby and Starbuck

Nayes: None

Absent: None

Motion is passed by Commissioner Slothower, Hearing is closed at 8:40 P.M.

6. DISCUSSIONS

6.1 Work session to discuss lot lines on corner lots and the impact on fence placement. The background of Bandon Municipal Code Language relevant to this topic was discussed. Director Nichols discussed that corner lots are a particular ongoing issue and presented an example of a corner lot where the front lot is adjacent to the side yard and the side lot faces the front of the house. She proposed to the Commission an interpretation be made that the front yard fence and it's required height be placed where the front door is, and/or where the address of the property is. Commissioners all agreed to that interpretation; Commissioner Scobby referenced her own property as an example of this interpretation. Codifying this in a future code clean-up was also agreed on. Commissioner Norman wanted to clarify if this was a code amendment. Director Nichols clarified this was only changing the application of the code right now.

7. STAFF UPDATE

7.1 Planning Department Report

Director Nichols reports there are 3 single-family dwelling requests, and five requests for accessory dwelling units. Five out of the ten System Development Charges waivers have been taken up.

A work session took place between the City Council and the Planning Commission on Monday January 22nd regarding the Transportation System Plan.

The City Council did not take action on the Public Access Ordinance. City Attorney Shayla Kudlac gave a background and update on the recreational immunity that has affected the Public Access Ordinance.

A Vacation Rental Application will be brought to the Commission for the February Meeting.

Gravel Point Approval was appealed by two entities, and will be heard by the City Council on February 21st at 6:00 P.M.

The Planning Department is pursuing an inter-governmental agreement with the Lane Council of Governments to begin having a GIS program. A consultant will be hired to develop layer files and at the end of that there will be a public facing GIS mapping system that shows items like parcel zoning, storm drainage, utilities, and laterals.

City met with Regional Solutions (15 different entities from the State level that help with getting projects "unstuck") on January 24th to discuss challenges that Bandon is having regarding HWY 101 & TSP, Gorse Removal, lack of available housing, and infrastructure.

Dana mentioned setting up a Coastal Land Use Goals Presentation/Work Session with Meg Reed from the DLCD for the Commission.

8. OPEN DISCUSSIONS

8.1 Commissioner Comments

Commissioner Frey asked about the status of the Parametrix contract and their evaluation of the bike and walking paths. He also asked about the timetable on the recommendation from them. Director Nichols stated the survey response was low pertaining to that, so it is being kept open for an additional period. Planning Commissioner Orsi commented that he received an error message when trying to access that link for the TSP survey. Director Nichols responded she will look into that. There was a discussion on how to implement more public input on the survey. There will also be a public open house component to this.

9. ADJOURN: Commissioner Slothower adjourned the meeting at 9:06 P.M.

Planning Commission Meeting Minutes

Submitted by Nicolette Cline, Planning Assistant



City of Bandon

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Bandon by the Sea

AGENDA REPORT

TO: Planning Commission

FROM: Dana Nichols, Planning Director

DATE: March 28th, 2024

SUBJECT: **ITEM 5.1: 24-005, 2885 BEACH LOOP DRIVE: REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL DWELLING IN THE CD-1 ZONE.**

BACKGROUND:

The application materials and staff report are attached for the Planning Commission's consideration. The property owners at 2885 Beach Loop Drive have requested approval of a conditional use permit to operate a vacation rental dwelling zone in the Controlled Development 1 zone in the City of Bandon. The application was deemed complete on January 17th, 2024, and scheduled for the next available hearing.

The City has an Intergovernmental agreement with the Lane Council of Governments to support the Planning Department with current planning applications. Planner Henry Hearley prepared the attached procedural Staff Report dated March 28th, 2024, which analyzes the proposed activity with the relevant criteria in the Bandon Municipal Code.

ANALYSIS OF THE ISSUES:

Vacation Rentals in Bandon are required to comply with Chapter 16.12 of the Bandon Municipal Codes. These regulations were recently updated in 2023 to reflect the current needs and concerns of the community. The Ordinance strengthened City requirements around solid waste collections, health and life safety, and neighborhood saturation. Staff have found the application to meet all requirements of the code and recommend approval of the application with the conditions listed in the staff report.

RECOMMENDATION:

The following is recommended to the Planning Commission:

1. Review and discuss the information provided; and
2. Hold a public hearing to consider the request, then close the hearing and deliberate towards a decision; and
3. Make a motion to approve, approve with conditions, or deny the application; and

4. If appropriate, adopt findings reducing the Planning Commission's decision to writing.

Attachments:

1. Procedural Staff Report dated March 28th, 2024

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



FILE NUMBER: 24-005

LOCATION: 2885 Beach Loop Drive SW, Bandon, OR 97411
Map Number 28S-15W-36BC/TL 03304

PROPERTY OWNER: Greg Loper & Emily Loper
APPLICANT: Same as above

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: March 6, 2024

COMPLETENESS DATE: January 17, 2024

HEARING DATE: Thursday, March 28th, 2024, at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
16.12.100 Time Limitation

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.*

STAFF 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.*

STAFF FINDING: The application contained the necessary information for staff review. The application was deemed “complete” for processing by City staff on January 17, 2024. 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.

STAFF FINDING: Notice was mailed to properties within 250-feet of the site on March 1, 2024. Additionally, notice has been posted on the city's website and posted at the site at least 14 days before the first hearing. Criterion met.

II. Applicable Criteria Review

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.

STAFF 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. Criterion met.

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.*

STAFF 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. Criterion met.

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.*

STAFF 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, CD-3, and C-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.

Definitions: "Owner" for the purposes of this chapter, means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred their property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit. If the owner is a business entity such as a partnership, corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit.

1. All vacation rental dwellings shall comply with the following approval criteria:

a. VRDs are only allowed in single-family detached dwellings. Any dwelling proposed as a VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy from the City of Bandon;

STAFF FINDING: The home is a detached, single-family dwelling. Based on the Coos County Assessor's Summary Report, the home was constructed in 2003. The subject dwelling is 2,071 square feet on a 0.27-acre lot. Criterion met.

b. Including the subject property, the saturation rate within a 250- foot radius of the subject property must be less than 30%. The saturation rate is calculated using the following ratio:

Numerator: Subject Property + Permitted VRD units (each unit within a multi-family VRD is counted individually).

Denominator: Subject Property + eligible properties (single-family detached dwellings).

STAFF FINDING: City Staff completed a Saturation Study for the subject property on April 17, 2023. As seen in the Saturation Study Map, Figure 1, the saturation rate for the 250' radius is 21%. A saturation rate of 21% is below the maximum allowed with 250' of the subject property. Therefore this criterion is met.

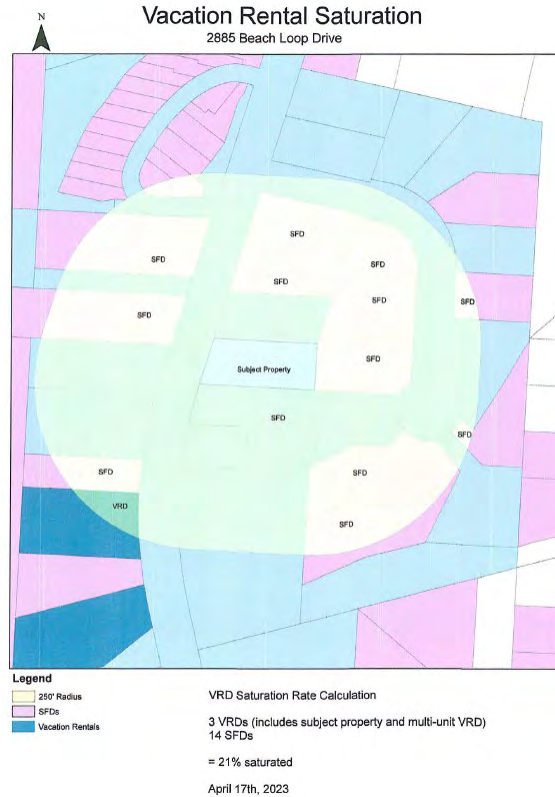


Figure 1. Saturation Study Map.

c. In the CD-1 zone, dwelling units 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;

STAFF FINDING: The home is located in Controlled Development 1 Zone. A VRD is a conditionally permitted use in the Controlled Development Zone. Criterion met.

d. The VRD Conditional Use Permit is valid for a specific owner of a specific dwelling and is not transferable. The permit shall become null and void when the owner sells or transfers the real property. No owner shall be issued a new VRD permit who holds another VRD permit;

STAFF FINDING: Greg and Emily Loper 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.

e. VRD's with shared 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;

STAFF FINDING: The subject property does not have private beach access. Visitors of the subject property may access Tish-A-Tang beach via a public footpath located off Beach Loop Drive. 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.

f. 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;

STAFF 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.

g. The applicant shall provide evidence that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

STAFF FINDING: As described in the written narrative, the owners are committed to maintaining the home to better or at current levels as the other homes in the vicinity. The owners have made several upgrades to the home, both exterior and interior, since first purchasing the property. Upgrades conducted on the home include new paint, replacing hardware, and thoroughly cleaning the home. The home is spaced well from neighboring properties and parties are forbidden. The owners of the home have designated Sam Hernandez of Exclusive Property Management as the local point of contact and designated individual to respond to issues on a 24/7 basis. Criterion met.

h. The applicant shall provide evidence that the property can accommodate one off-street parking space for each bedroom in the VRD, with a minimum of two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking. The Planning Commission may limit the allowable parking area and the number of parked cars on-site;

STAFF 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 Figure 2 below, the subject property has three off-street parking spaces. Criterion met.

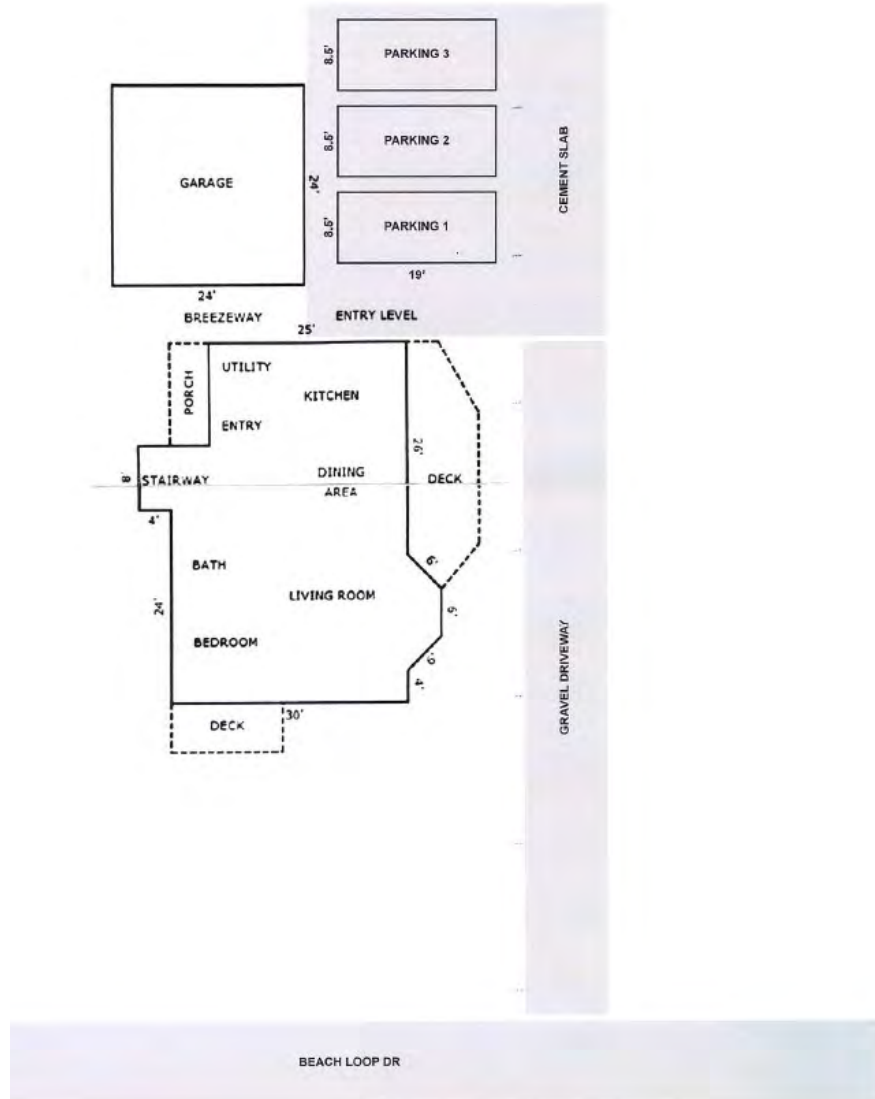


Figure 2. Applicant's parking site plan. Three off-street parking spaces are provided.

i. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The occupancy determined by the Planning Commission may be less than the maximum allowed;

STAFF 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.

j. Property owners shall be required to comply with the requirements of all other permitting agencies.

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

2. General Regulations:

a. There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. Contact information of the designated local management person shall be updated annually and kept on file in the 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;

STAFF FINDING: The owners of the home have designated Sam Hernandez of Exclusive Property Management as the local point of contact and designated individual to respond to issues on a 24/7 basis. The owners understand that the contact information of the designated local management person shall be updated annually and kept on file in the Bandon Planning Department. This shall be a condition of approval. Criterion met.

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

STAFF FINDING: The owners understand the reporting and accountability requirements and will comply. This shall be a condition of approval. Criterion met.

c. 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 becomes null and void;

STAFF FINDING: 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 becomes null and void. This shall be a condition of approval.

d. Carbon monoxide and smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

STAFF FINDING: The applicant states in their application narrative that smoke detectors are in each room and that the home has carbon monoxide detectors, but the locations of the carbon monoxide detectors is unknown. Prior to first occupancy of the dwelling as a VRD, the applicant shall furnish an updated floor plan map to the Bandon Planning Department clearly showing the locations of all smoke

detectors and carbon monoxide detectors in potential and actual sleeping areas. Criterion conditionally met.

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

STAFF FINDING: The characteristics of the site are suitable for the proposed VRD. The property previously operated as an approved VRD. The owners are committed to providing a VRD that is in harmony with the neighborhood and creates no more nuisance than a normal neighborhood dwelling. Criterion met.

f. Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental pursuant to this chapter. The property must provide a 96-gallon receptacle for solid waste. Receptacles must be removed from the City right-of-way within 24 hours after pick up.

STAFF FINDING: In a February 8, 2024, email to staff, the applicant confirmed they will be contracting for regular garbage service through Les's Sanitary Services. Evidence of weekly service shall be provided to the City. This shall be a condition of approval and met before first occupancy of the VRD.

g. Tsunami preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route Map in a conspicuous location within the dwelling.

STAFF FINDING: The applicant has stated in their application narrative that the Bandon Tsunami Evacuation Route Map will be posted in the VRD in a conspicuous location. Criterion met.

h. At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner.

STAFF FINDING: Compliance with BMC 16.12.090(K)(2)(h) shall be a condition of approval.

i. A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name, address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number.

STAFF FINDING: Compliance with BMC 16.12.090(K)(2)(i) shall be a condition of approval and shall be implemented prior to the first occupancy of the dwelling as a VRD.

3. Compliance

a. Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance.

b. Violation of the requirements specified herein shall constitute grounds for revocation of the permit. Additionally, the city may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove any unlawful location or a vacation rental dwelling in violation of this chapter. The owner(s) of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject to conviction of a fine of \$750, per BMC 1.04. Each day under which the violation constitutes shall be considered a separate offense.

STAFF FINDING: Compliance with BMC 16.12.090(K)(3)(a) & (b) shall be conditions of approval.

16.12.100 Time Limitation

A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.

B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.

C. A conditional use permit shall become void if the use is discontinued for a period of one year.

STAFF FINDING: Consistent with the provisions of BMC 16.12.100(A-C), a conditional use permit shall become void one (1) year after approval. Extensions may be granted pursuant to BMC 16.12.100(B). This will be a condition of approval.

III. Recommendations and Conditions of Approval

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. 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.
5. 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.
6. The Bandon Tsunami Route map shall be posted in a conspicuous location within the dwelling.
7. The number of guests is restricted to 8.
8. Trash shall be enclosed at all times.
9. The name and contact information for the Local Management Person shall be updated annually and kept on file in the Bandon Planning Department.
10. Property owner shall comply with all reporting and accounting requirements of the transient occupancy tax ordinance, in accordance with the City of Bandon requirements. If the Transient Occupancy Tax account is not current, no rental shall be allowed while the account is in arrears.
11. 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 becomes null and void.
12. Prior to first occupancy of the dwelling as a VRD, applicant shall furnish an updated floor plan map to the Bandon Planning Department that clearly shows the locations of all smoke detectors and carbon monoxide detectors in potential and actual sleeping areas.
13. Prior to first occupancy of the dwelling as a VRD, applicant shall furnish evidence of weekly solid waste collection service to the Bandon Planning Department. Minimum size of solid waste collection receptacle shall be 96-gallons.
14. At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner.
15. Prior to first occupancy of the dwelling as a VRD, A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number.
16. Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance.

17. Violation of the requirements specified herein shall constitute grounds for revocation of the permit. Additionally, the city may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove any unlawful location or a vacation rental dwelling in violation of this chapter. The owner(s) of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject to conviction of a fine of \$750, per BMC 1.04. Each day under which the violation constitutes shall be considered a separate offense.
18. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.
19. A conditional use permit shall become void if the use is discontinued for a period of one year.
20. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.

IV. Attachments

Attachment A – Applicant Materials

Attachment B – Photos



LAND USE APPLICATION

OFFICIAL USE ONLY	
DATE RECEIVED:	<u>1/17/24</u>
PLANNING FILE #:	<u>24-005</u>
APPLICATION COMPLETE:	_____

APPLICATION CHECKLIST

The following materials must be submitted with your application, or it will not be accepted at the counter.

- Complete signed Land Use Application
- Survey (if applicable)
- One set of to-scale plans (paper or digital)
- Evidence of ownership and/or written statement authorizing representation
- Fee
- Supplemental forms and findings
- Consolidation request form (if applicable)

TYPE OF APPLICATION (check all that apply):

TYPE I	TYPE II	TYPE III	TYPE IV
<input type="checkbox"/> Zoning Compliance <input type="checkbox"/> COA <input type="checkbox"/> Floodplain Development <input type="checkbox"/> Home Occupation <input type="checkbox"/> Final Plat <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Sign	<input type="checkbox"/> Adjustment <input type="checkbox"/> COA <input type="checkbox"/> Preliminary Plat (Partition & Subdivision) <input type="checkbox"/> Plan Review <input type="checkbox"/> Geologic Assessment Review	<input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> PUD Preliminary Plat <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Map Change	<input type="checkbox"/> Annexation <input type="checkbox"/> Comp Plan Amendment <input type="checkbox"/> Zoning Map Change

Description of proposal:

seeking a conditional use permit for a Vacation Rental Dwelling (VRD).

PROPERTY DESCRIPTION (attach more pages as necessary):

Coos County Assessor's Map Number	Tax Lot(s)	Size (acres or sq)	Zone
28515W36CC	03304	0.27	CD-1
Physical Address(es): 2885 Beach Loop Drive SW, Bandon, OR 97411			

APPLICANT/OWNER(S):

Applicant/Owner Name(s) (Printed): Greg & Emily Loper

Applicant/Owner Signature: [Signatures] Date: 1/10/2024

Mailing Address: 2273 NW Torrey Pines Dr, Bend, OR 97703

Phone: 408-529-7073 (Greg) Email: gregjloper@gmail.com
408-529-9956 (Emily) emilyjpapp@gmail.com

APPLICANT'S REPRESENTATIVE(S):

Representative Name (Printed): _____

Representative Signature: _____ Date: _____

Mailing Address: _____

Phone: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.



Vacation Rental Dwelling Addendum

OFFICIAL USE ONLY

DATE RECEIVED: _____
 PLANNING FILE #: _____
 APPLICATION COMPLETE: _____

APPLICATION CHECKLIST

The following materials must be submitted with your application, or it will not be accepted at the counter.

- Complete signed Land Use Application
- Floor plan and parking plan
- Written findings addressing the criteria
- Digital photos of residence

I. PROJECT INFORMATION	
Street Address for proposed VRD: <u>2885 Beach Loop Dr SW</u> <u>Bandon, OR 97411</u>	
Zone: <input type="checkbox"/> C-3 <input checked="" type="checkbox"/> CD-1 <input type="checkbox"/> CD-2 <input type="checkbox"/> CD-3	
Number of bedrooms (enclosed sleeping area with closet): <u>3</u>	
Requested occupancy (max. of 10, 3 per bedroom): <u>8</u>	
Number of parking spaces (8.5' x 19' – must show on parking plan): <u>3</u>	
Are there carbon monoxide and smoke detectors in the residence? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
II. CONTACT INFORMATION	
Designated Local Manager's Name: <u>Exclusive Property Mgmt - Sam Hernandez</u>	Phone Number: <u>541-347-3790</u>
Email Address: <u>manager@visitbandon.com</u>	
Mailing Address: <u>1212 Alabama Ave SE #14, Bandon, OR 97411</u>	
III. OWNER	
<small>Defined as: the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred their property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit. If the owner is a business entity such as a partnership, corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit.</small>	
Owner's Name(s): <u>Greg & Emily Loper</u>	Phone Number(s): <u>408-529-7073 (Greg)</u> <u>408-529-9956 (Emily)</u>
Email Address(es): <u>gregjloper@gmail.com / emilyjpapp@gmail.com</u>	
Mailing Address(es): <u>2273 NW Torrey Pines Dr, Bend, OR 97703</u>	

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.

IV. 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 effects 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.

Approval standards for Vacation Rentals: (BMC 16.12.090 (K)(1))

- a. VRDs are only allowed in single-family detached dwellings. Any dwelling proposed as a VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy from the City of Bandon;
- b. Including the subject property, the saturation rate within a 25-foot radius of the subject property must be less than 30%. The saturation rate is calculated using the following ratio:

Numerator: Subject property + permitted VRD units (each unit within a multi-family VRD is counted individually).

Denominator: Subject property + eligible properties (single-family detached dwellings).

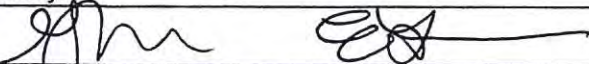
- c. In the CD-1 zone, dwelling units proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;
- d. The VRD Conditional Use Permit is valid for a specific owner of a specific dwelling and is not transferable. The permit shall become null and void when the owner sells or transfers the real property. No owner shall be issued a new VRD permit who holds another VRD permit;
- e. VRD's with shared 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;
- f. 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;
- g. The applicant shall provide evidence that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.

- h. The applicant shall provide evidence that the property can accommodate one off-street parking space for each bedroom in the VRD, with a minimum of two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking. The Planning Commission may limit the allowable parking area and the number of parked cars on-site;
- i. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The occupancy determined by the Planning Commission may be less than the maximum allowed;
- j. Property owners shall be required to comply with the requirements of all other permitting agencies.

V. Signatures

I hereby certify that the statements contained herein are in all respects true and correct to the best of my knowledge and belief.

<input checked="" type="checkbox"/> 	1/10/2024
Property Owner/Applicant Signature	Date
<input checked="" type="checkbox"/>	
Applicant's Representative Signature	Date

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.

VRD Narrative for 2885 Beach Loop Drive SW, Bandon, OR, 97411

Dear Planning Commission,

As you review our VRD application, please allow us to introduce ourselves: we are Greg & Emily Loper. We currently call Bend home, but since purchasing 2885 Beach Loop Drive SW in May of last year, we often split time between Bend and Bandon. We hosted Christmas in Bandon in December, and we heartily agreed there's nothing quite like spending the holidays at the beach!

Greg is an avid golfer and leads marketing for the Oregon Golf Association. We've spent a lot of time in Bandon and the surrounding area over the years. In fact, we first visited Bandon more than a decade ago, when we were students at the University of Oregon. Emily walked along with Greg as he golfed Bandon Dunes for the very first time. We loved it, in spite of—or maybe because of—the rain that settled in over the back nine.

Six months ago, we welcomed our first baby—Josephine—, and we look forward to many weekends spent exploring the Oregon Coast with our daughter. We also have two sand-loving dogs, who hold Bullards Beach State Park in very high regard. As our family grows, we may look to make Bandon our home base in a few years. In the meantime, we're hoping to utilize our home as a short-term vacation rental when we're unable to be there ourselves. We hope to invite others to fall in love with the area, as we have.

The home is in excellent condition with a spacious yard and plenty of off-street parking. It's in a tremendously desirable location, within walking distance to both Face Rock State Scenic Viewpoint and Tish-A-Tang Beach. It was previously used as a VRD, which gives us confidence that it will be a comfortable rental property for vacationers.

We've made many updates since closing on the home in May and will continue to do so. We plan on visiting often ourselves, so ensuring a peaceful, safe and memorable stay is of the utmost importance to us. It's our goal to create a tranquil getaway, for families and golfers alike—without disturbing our wonderful neighbors or disrupting the surrounding area.

Thank you so much for considering our VRD application.

Gratefully,
The Loper Family

Approval Standards for conditional uses (BMC 16.12.040):

The approval of all conditional uses shall be consistent with:

- 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 confirms with the dimensional standards without any modifications to the home or grounds.
- c. Photos of the home can be found at the [Redfin listing](#). The site size and dimensions provide adequate area for the proposed use.
 - o **Property & parking:** The lot size is .27 acres, with a gravel driveway leading to a concrete parking area that can easily accommodate 3 cars, plus a two-car garage. Ample off-street parking will ensure the neighbors and surrounding area are undisturbed by visiting cars.
 - o **Square footage & occupancy:** The home is 2,071 square feet, with 3 bedrooms, 2 bathrooms, a laundry room, and a large, open-concept kitchen, living room and dining area. We are seeking to accommodate a maximum of 8 guests, and the home will be set up to accommodate families with children (like ours).
- d. The home has adequate space between neighboring properties. No parties will be allowed. We take pride in being good neighbors and will ensure that any renters are held to the same standard. We have introduced ourselves and shared contact information with our neighbors, so they know how to get in touch with us if any concerns arise.
- e. The characteristics of the site are suitable for the proposed use as a VRD, and the house was previously used as a vacation rental.
- f. All required public facilities and services have adequate capacity to serve the needs of this VRD and will be available to VRD guests.
- g. Since purchasing the home, we have made various small improvements, including repairing paint, replacing hardware, and deep cleaning. We will continue to enhance the home and property over the coming years in a manner consistent with the surrounding area. The home as a VRD will not limit, impair or preclude the permitted use of surrounding properties.
- h. The VRD will be consistent with all other requirements of this title that apply.

Approval Standards for Vacation Rentals (BMC.16.12.090 (K)(1)):

- a. The single-family home was built in 2003.
- b. Currently there is a 21% saturation rate around the subject property. There is only one other VRD that is right on the edge of the 250 foot radius (see saturation survey).
- c. The home is located within the CD-1 zone, on the East side of Beach Loop Drive.
- d. Greg & Emily Loper are the applicants and owners of the home. We understand that the conditional use permit is non-transferable.
- e. There is no private beach access associated with the property—only public access to Tish-A-Tang Beach via foot. Instructions for location & required use of public beach access points, as well as a Tsunami Evacuation Route map, will also be posted in the home in a conspicuous location.

- f. This home does not have a joint access driveway. The gravel driveway sits solely on our parcel and is not shared with any other property.
- g. We will continue to use the home for personal vacations, ensuring the home and grounds are in exceptional shape. The house was painted and reroofed within the past 3 years, and the landscaping is being maintained monthly by Jose Cabrera, a Bandon resident.
- h. Off-street parking on the property can easily accommodate 3 cars to align with the 3 full bedrooms. See associated documents for details.
- i. We are seeking to accommodate 8 guests maximum. The primary bedroom has a king-size bed and a twin-size bed, bedroom 2 has a queen-size bed and a twin-size sofa, and bedroom 3 has a queen-sized bed. Each bedroom is also equipped with smoke detectors, which will be maintained and replaced when needed.
- j. We, Greg & Emily Loper, will comply with all requirements of any additional permitting agencies as requested.



Vacation Rental Dwelling (VRD) Conditional Use Permit (CUP), Completeness Review Form

Application File Name (#):	24-005	Date:	1/17/2024
Applicant's Name:	Greg and Emily Loper	Zoning:	CD-1
Representative's Name:	Greg and Emily Loper		
Reviewed by:	Nicolette Cline	Phone:	541-347-7922
Email:	ncline@cityofbandon.org		

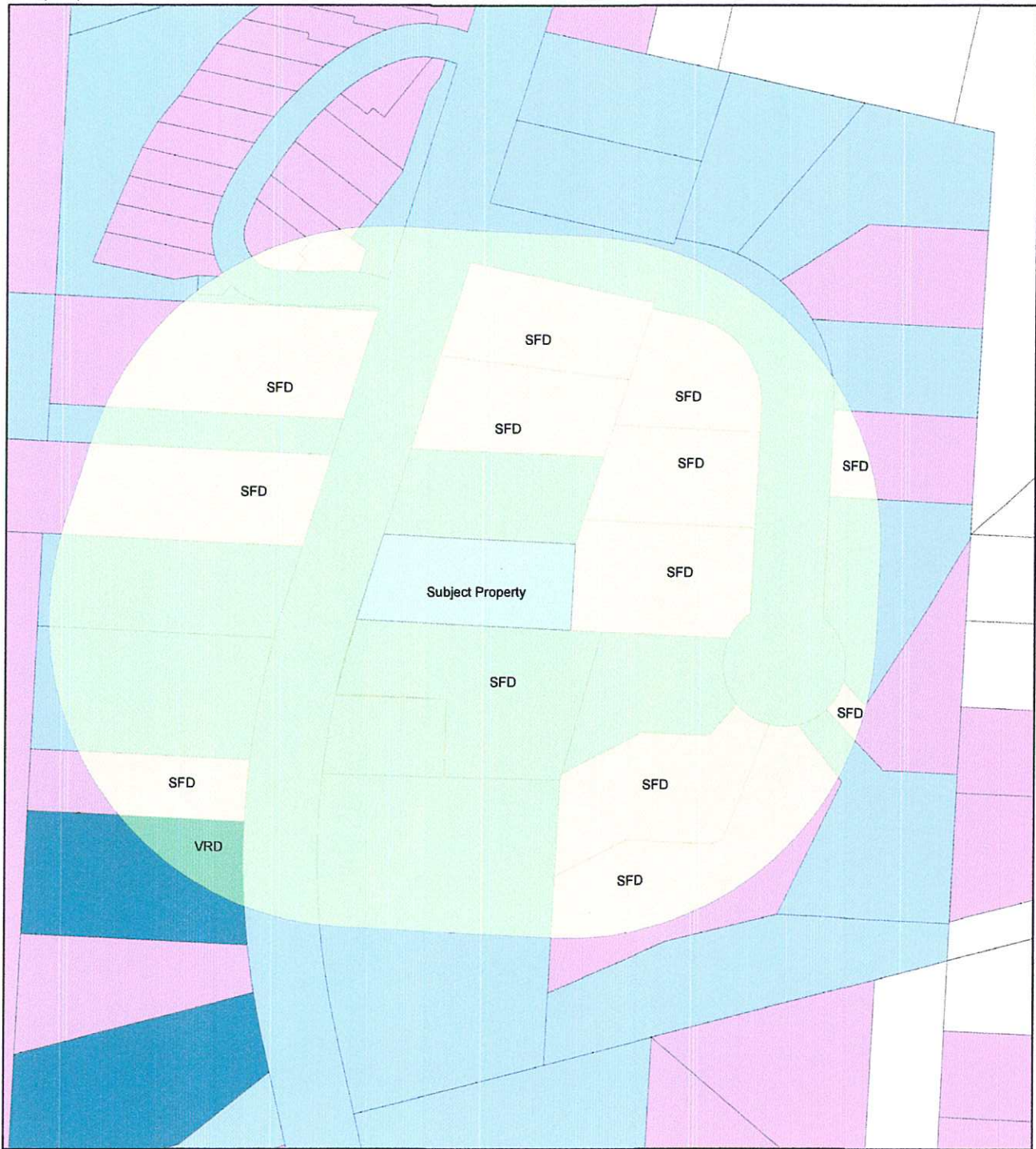
General Comments:	Vacation rental dwellings (VRDs) are a conditional use in the CD-1 and CD-2, CD-3, & C-3 Zones and are subject to the requirements of Chapter 16.12 of the Bandon Municipal Code. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRD's are not an outright permitted use in the CD Zones or C-3 Zone.
--------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CUP for VRD Requirements				
Submitted	Missing	Incomplete	N/A	
X				Written Narrative that addresses all approval standards and provisions
X				A site plan that includes existing and proposed landscaping
X				A parking plan that includes existing and proposed off-street parking (one parking space per bedroom, but in no case less than two spots)
X				Floor plans showing the size, function, and arrangement of interior rooms
		X		Digital photographs of the subject residence's interior and exterior.
X				Payment of applicable fees (\$1,000 Deposit)
			X	Other information deemed necessary by the Planning Director to review the applicant's proposal.

Comments: Digital photos need to be documents submitted with the application, not a website link with those pictures.

Vacation Rental Saturation

2885 Beach Loop Drive



Legend

- 250' Radius
- SFDs
- Vacation Rentals

VRD Saturation Rate Calculation

3 VRDs (includes subject property and multi-unit VRD)
14 SFDs

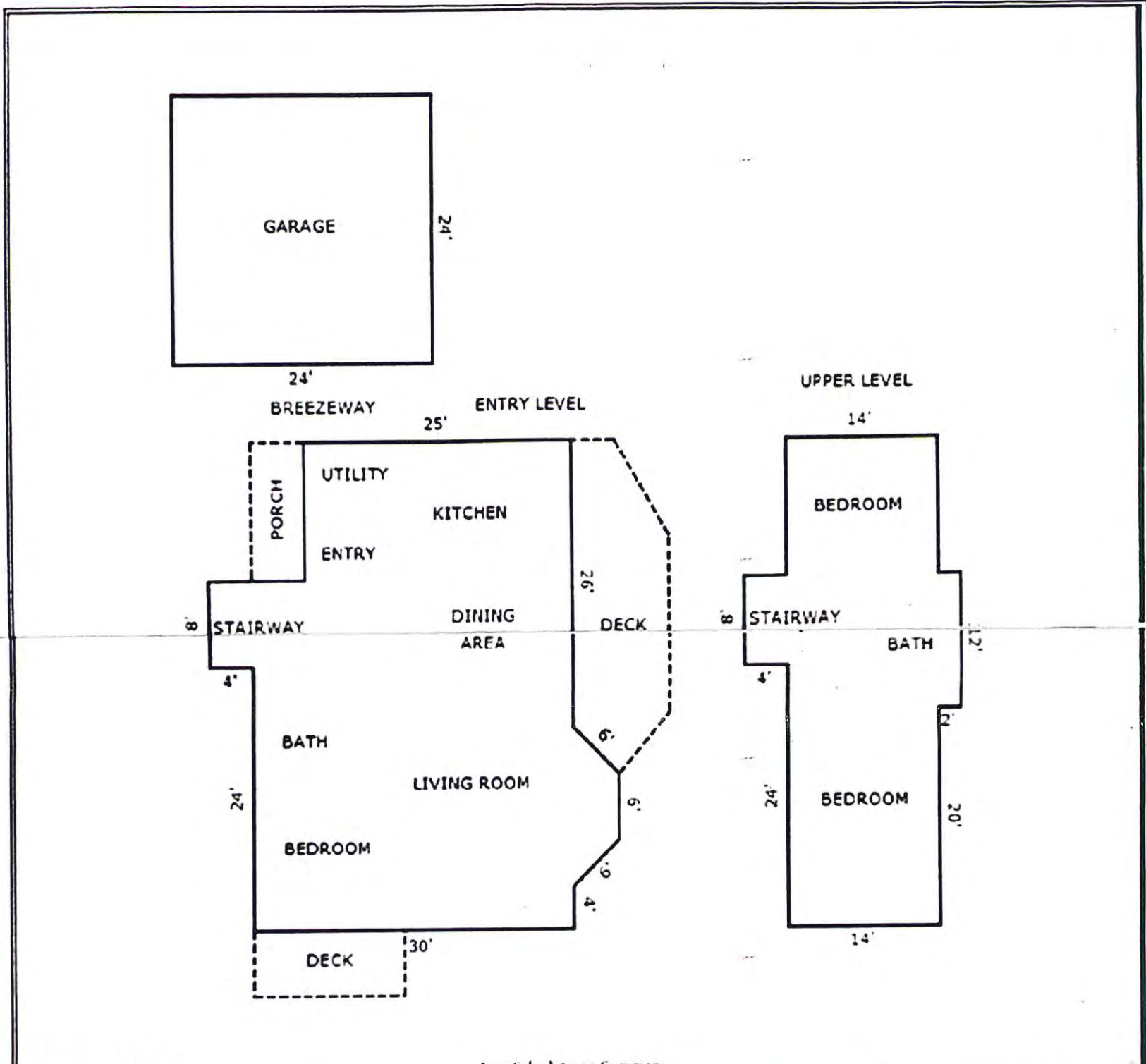
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April 17th, 2023

SKETCH ADDENDUM

File # B-3949

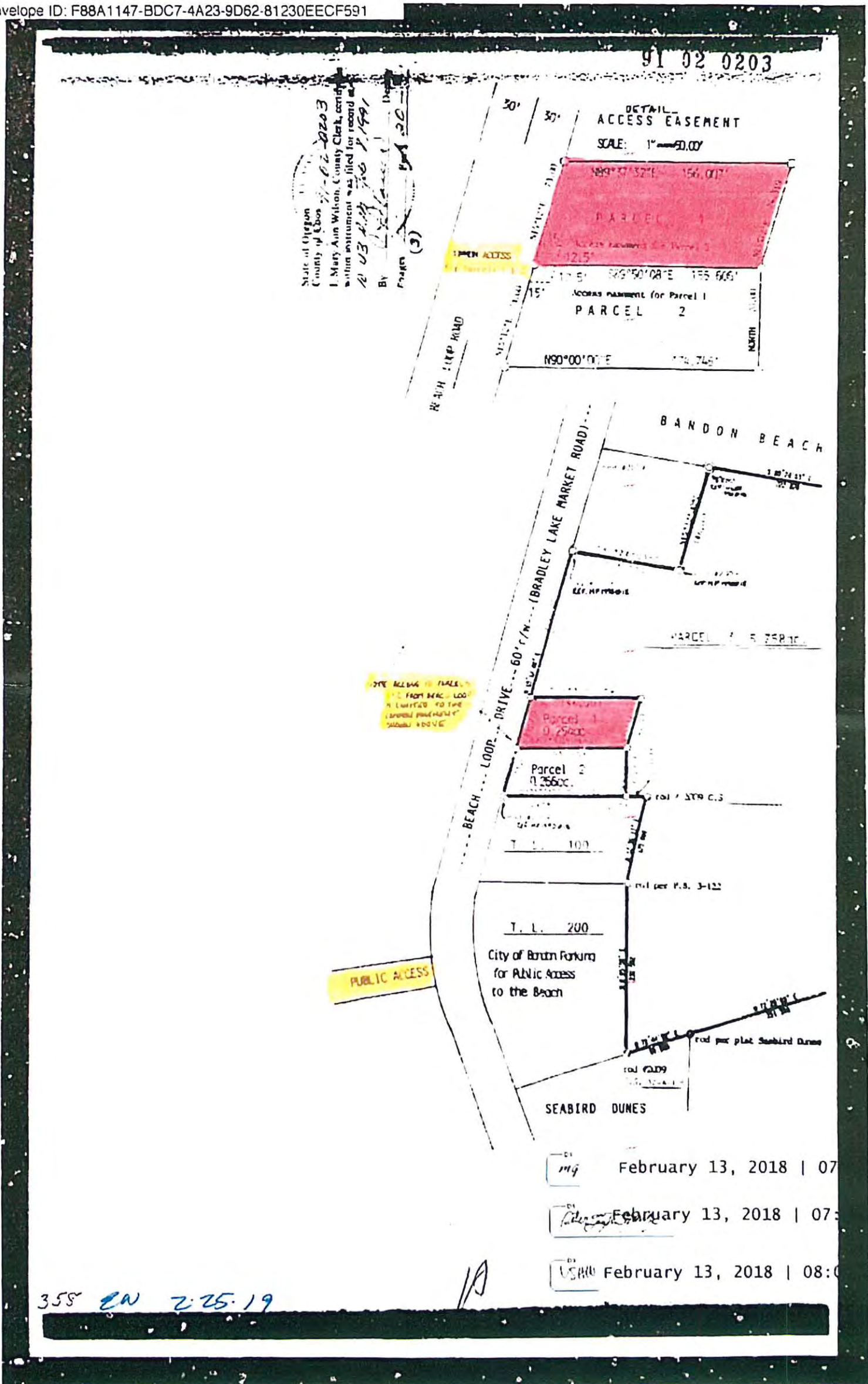
Buyer/Client <u>Karl T. Maxon</u>			
Property Address <u>2885 Beach Loop Dr SW</u>			
City <u>Bandon</u>	County <u>Coos</u>	State <u>OR</u>	Zip Code <u>97411</u>
Lender <u>Banner Bank</u>			



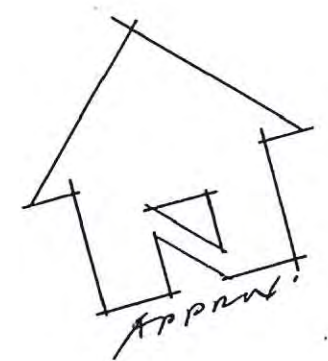
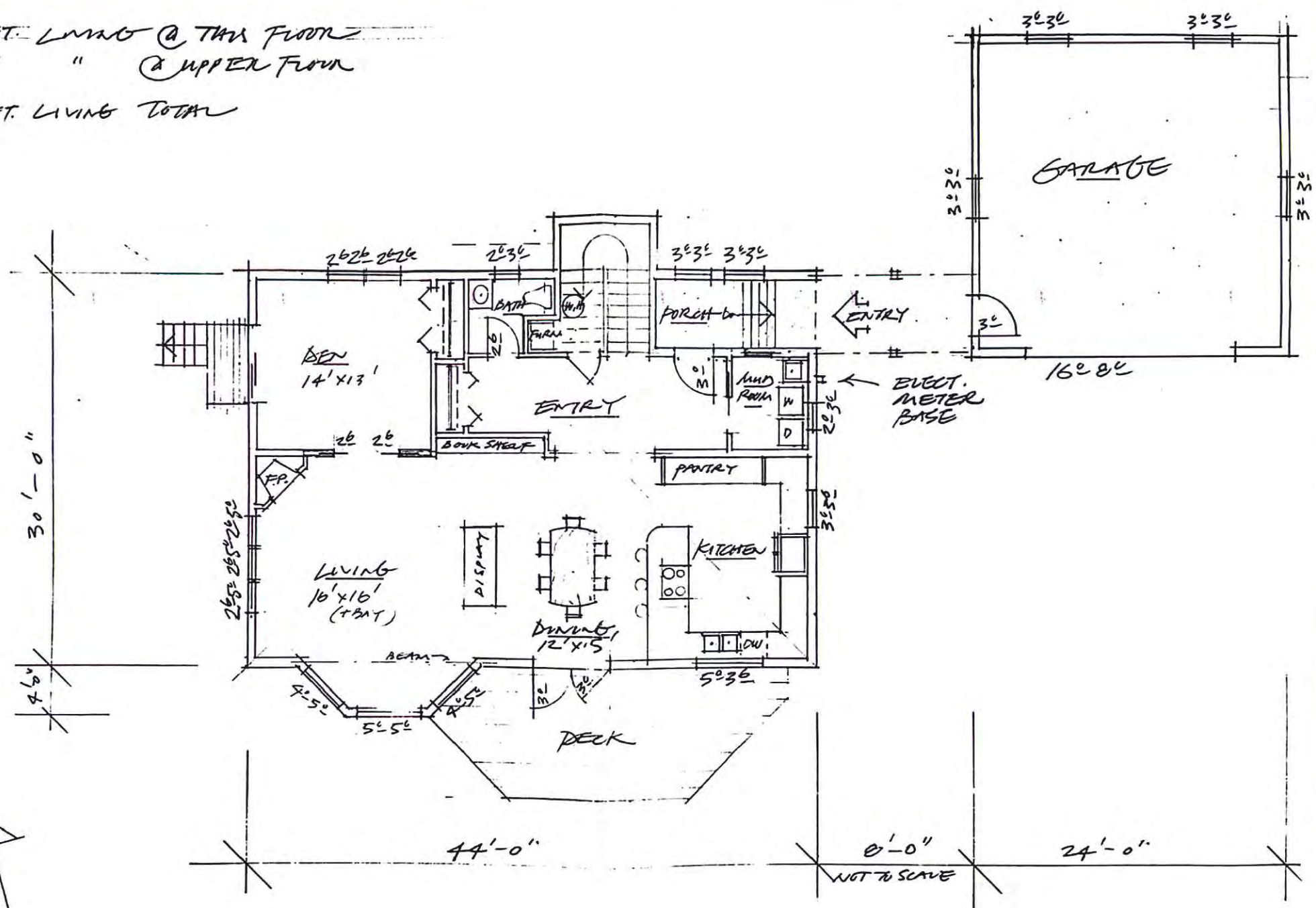
TOTAL AREA BY: [unclear], INC.

Area Calculations Summary

	Area Calculations Summary	Calculation Details
Living Area		
First Floor	1347.59 Sq ft	$0.5 \times 4.24 \times 4.24 = 9$ $0.5 \times 4.24 \times 4.24 = 9$ $6 \times 4.24 = 25.46$ $30 \times 24 = 720$ $8 \times 9 = 72$ $23.89 \times 25 = 512.13$
Second Floor	679 Sq ft	$8 \times 4 = 32$ $12 \times 2 = 24$ $44.5 \times 14 = 623$
Total Living Area (Rounded):	2027 Sq ft	
Non-living Area		
2 Car Attached	576 Sq ft	$24 \times 24 = 576$
Wood Deck	228.25 Sq ft	$4 \times 8.66 = 34.64$ $0.5 \times 5 \times 8.66 = 21.65$ $9 \times 16 = 144$ $1.34 \times 4.24 = 5.68$ $0.5 \times 4.24 \times 4.24 = 9$ $0.5 \times 5.58 \times 4.76 = 13.28$
Wood Deck	84 Sq ft	$14 \times 6 = 84$
Non-Calculated	62.43 Sq ft	$5 \times 12.49 = 62.43$



* 1320 SQ. FT. LIVING @ THIS FLOOR
 + 672 " " " @ UPPER FLOOR
 * 1992 SQ. FT. LIVING TOTAL



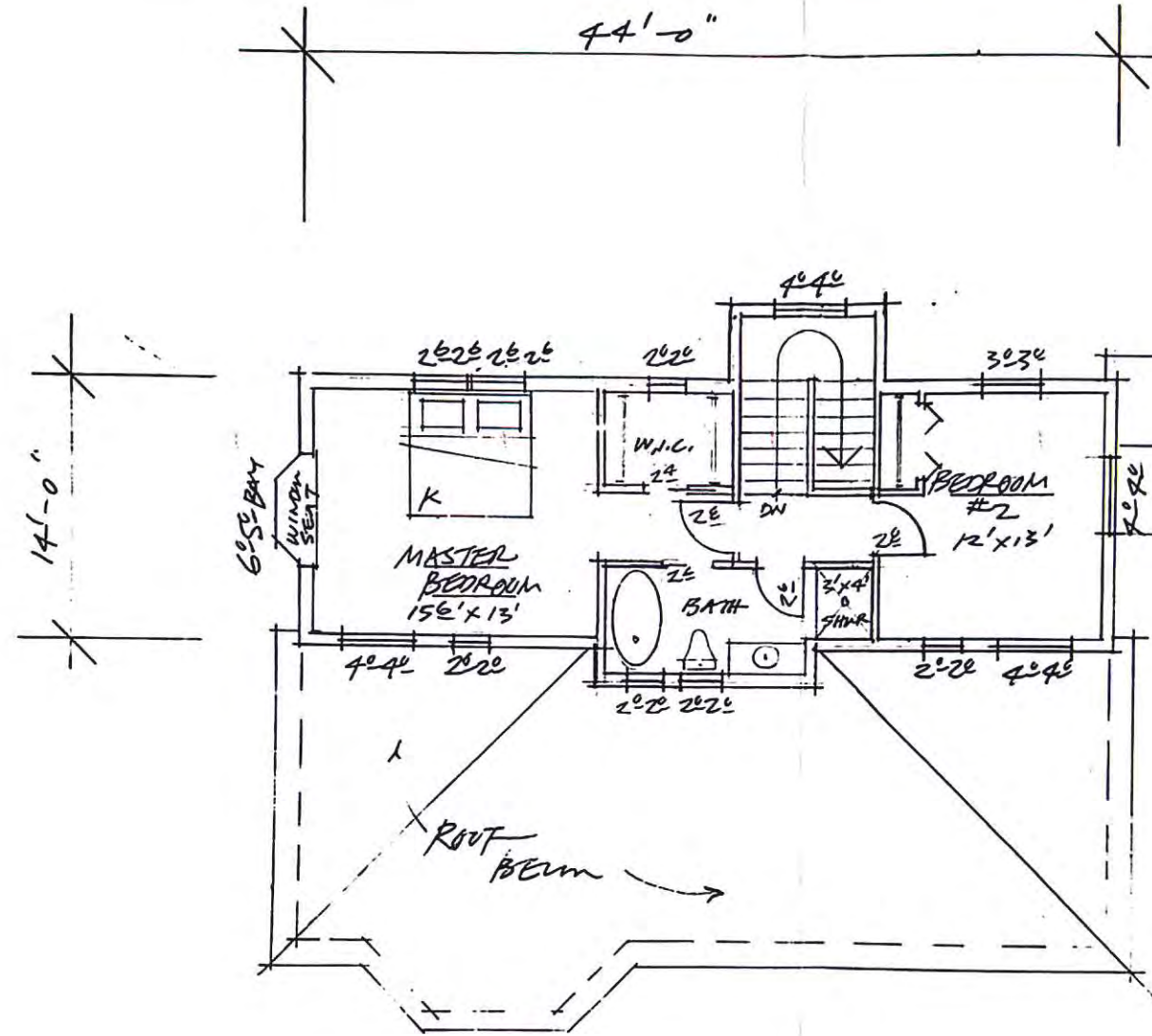
① MAIN FLOOR PLAN
 ② 1/8" = 1'-0"

SHEET
 2 OF 5

drawn by
 Dan D
 by BRUNSWICK
 541.572.298

BARNUM
 25 MAY 2002

MAXON
 RESIDENCE



* 672 SQ. FT. @ THIS FLOOR

① UPPER FLOOR PLAN
 1/8" = 1'-0"

MAXON. BARBON
 RESIDENCE 25 MAY 2002

drawn by
 DAVID
 BRUNSTAN
 541.572.2198

SHEET
 3 of 5

LAMINATED COMPOSITION SHINGLES

HARDI PLANK
HORIZ LAP SIDING
w/ CEDAR TRIM

12
4 TYP.

28'-0" MAX HT.
(27'-0" APPROX ACT. HT.)

1 WEST ELEVATION
4 1/8" = 1'-0"

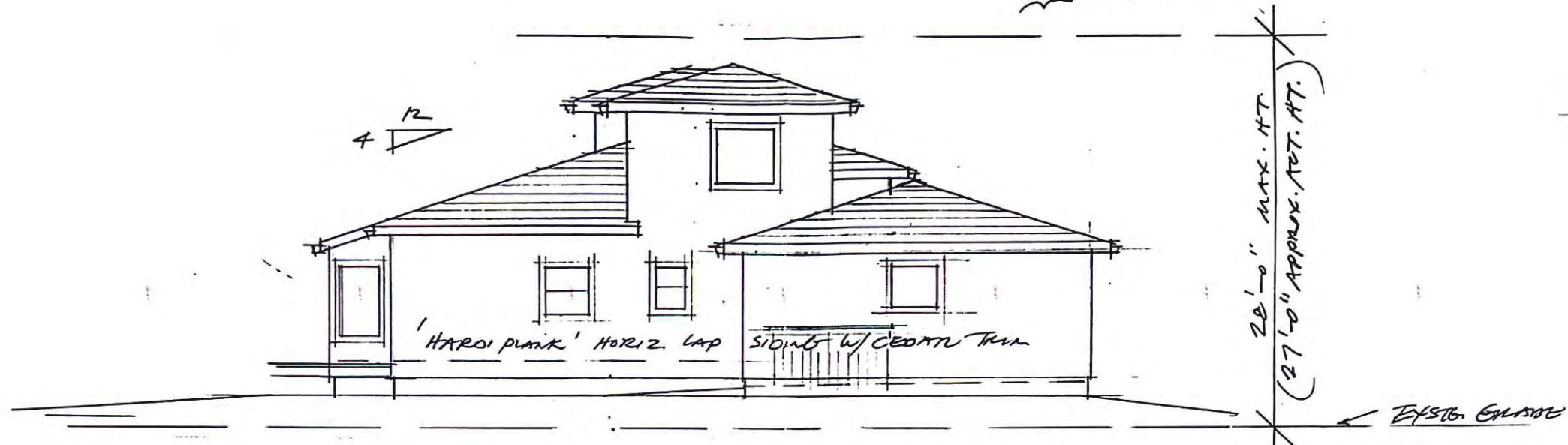
* SKYLITES NOT SHOWN

28'-0" MAX HT.
(27'-0" APPROX ACT. HT.)

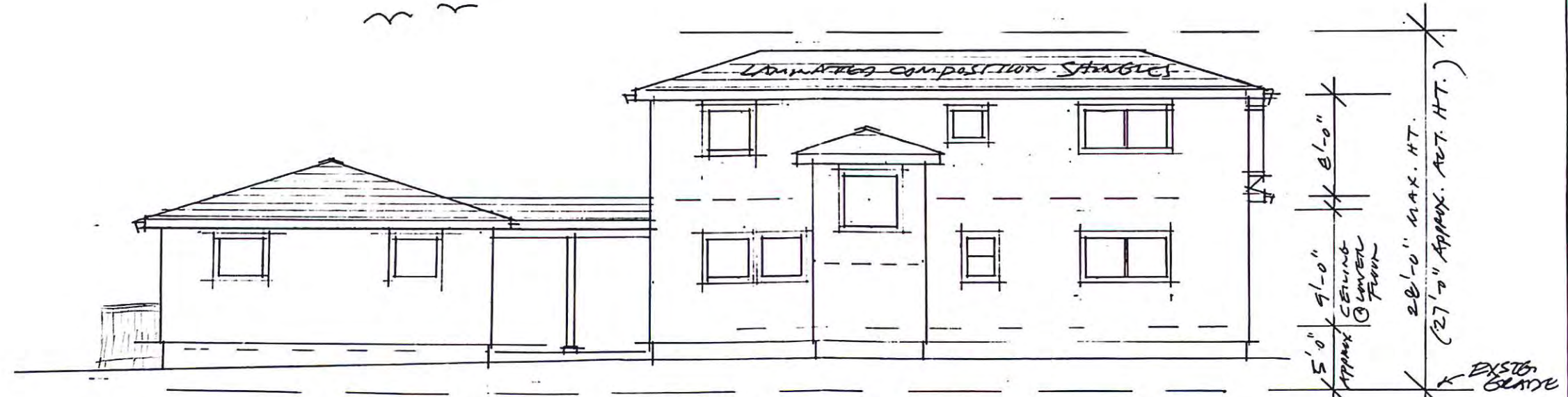
WOOD FENCE
& PROPANE TANK(S)

2 SOUTH ELEVATION
4 1/8" = 1'-0"

Sheet 2
Drawn by David Brunsmann
581.572.2186
M. MAXON
RESIDENCE
BARBON
25 MAY 2002



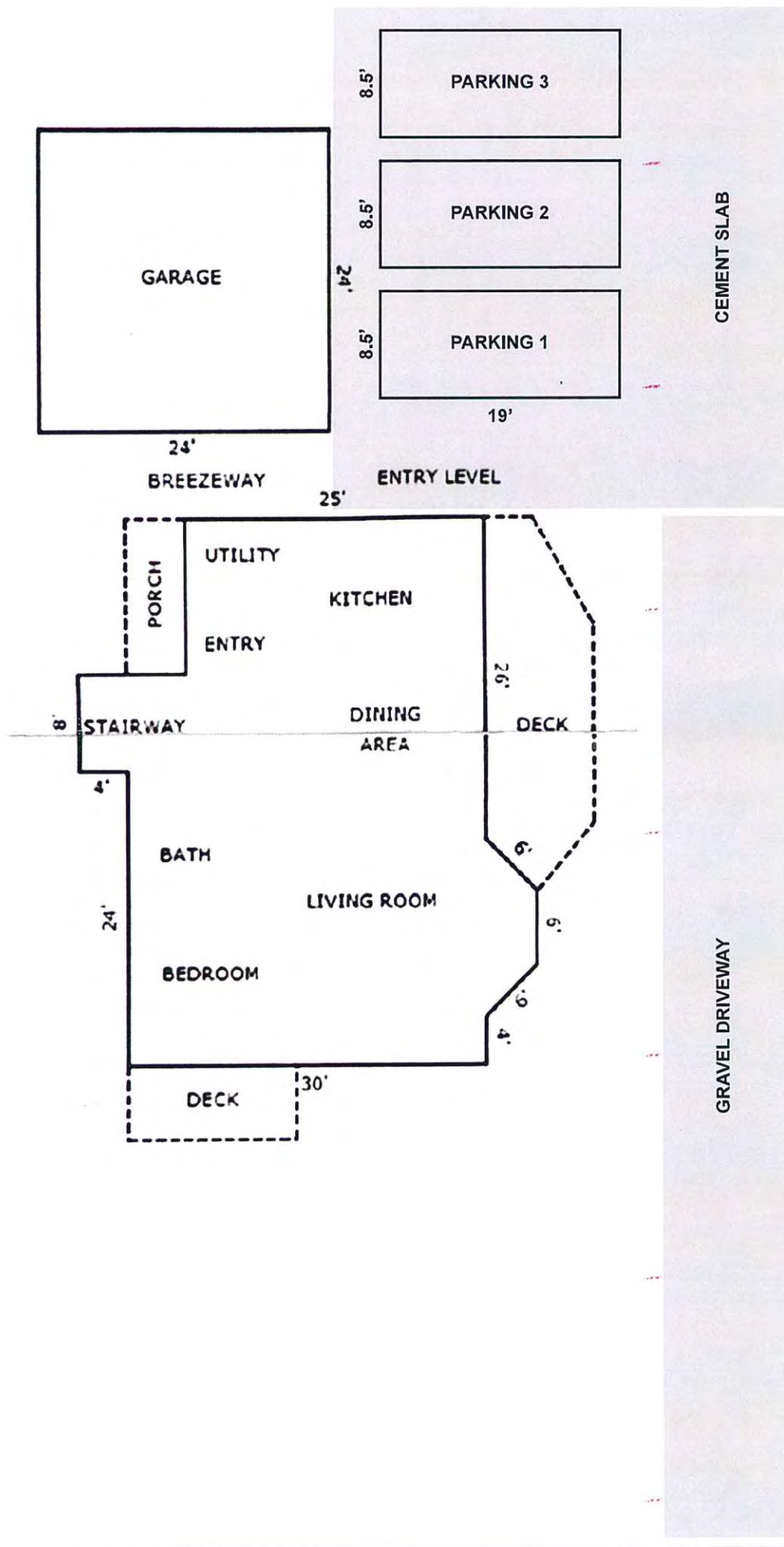
① EAST ELEVATION
 5 1/8" = 1'-0"



② NORTH ELEVATION
 5 1/8" = 1'-0"

SHEET
 DRAWN BY
 DAVID BRUNSMA
 541.572.2902
 MAYON BARBOON
 RESIDENCE
 25 MAY 2002

2885 BEACH LOOP DR SW
Parking Plan



BEACH LOOP DR



1280 N Bayshore Dr., Ste. 206 Coos Bay, OR 97420 (541) 435-2220 FAX (541) 435-2219

Gregory J. Loper and Emily J. Loper
2273 NW Torrey Pines Drive
Bend, OR 97703

Re: Escrow #: 589122AM
Property: 2885 SW Beach Loop Drive, Bandon, OR 97411

Dear Gregory and Emily,

In regard to the above referenced escrow transaction, we have enclosed the following:

Final Closing Statement

We appreciate your business and will extend any allowable discounts to you on future transactions. To insure these discounts, please call us when you have a transaction involving this property. We consider it a privilege to handle this matter for you and trust that we may have the pleasure of serving you again in the future. Should you need any other information, please feel free to contact our office.

Sincerely,

Lisa Summa

Escrow Officer

Enclosures



3-308

Planning Fee Assessment Form

Address:	2885 Beach Loop Drive
Last Name:	Loper

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

Check for new service

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"/> Permit Extension (Planning Commission Approval)	Actual Coast	
<input type="checkbox"/> Re-Submittal Review Fee	30% of original application fee	
<input type="checkbox"/> Re-inspection Fee	\$50	
<input type="checkbox"/> Missed Inspection Fee	\$250	
<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	
<input type="checkbox"/> LUCS/No Permit Needed Review	\$95	
<input type="checkbox"/> New or Change of Address	\$47	
<input type="checkbox"/> Code Interpretation	\$200	
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"/> Mobile Food Unit Type I	\$125	
<input type="checkbox"/> Mobile Food Unit Type II	Actual Cost (\$500 Base Fee)	
<input type="checkbox"/> Sign Permit	\$100	
<input type="checkbox"/> Certificate of Appropriateness	\$100	
<input type="checkbox"/> Property Line Adjustment*	\$350 per adjustment	
<input type="checkbox"/> Final Plat Review	Actual Cost	

1/16/24, 12:10 PM

Xpress Bill Pay - Payment Processing



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555 Hwy 101 | PO Box 67
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XBP Confirmation Number: 163265879

Transaction detail for payment to City of Bandon.	Date: 01/16/2024 - 1:10:53 PM MT
Transaction Number: 211430560 eCheck - Checking — XXXXX3146 Status: Successful	

Account #	Item	Quantity	Item Amount
Loper-Greg	A - Planning Fees	1	\$750.00

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: \$750.00

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2273 Northwest Torrey Pines
Drive
Bend, OR 97703
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gregjloper@gmail.com

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Bandon, OR 97411
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Bandon by the Sea

AGENDA REPORT

TO: Planning Commission

FROM: Dana Nichols, Planning Director

DATE: March 28th, 2024

SUBJECT: **ITEM 5.2: 24-009, 375 LINCOLN AVE SW: REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL DWELLING IN THE CD-2 ZONE.**

BACKGROUND:

The application materials and staff report are attached for the Planning Commission's consideration. The property owners at 375 Lincoln Ave SW have requested approval of a conditional use permit to operate a vacation rental dwelling zone in the Controlled Development 2 zone in the City of Bandon. The application was deemed complete on February 14th, 2024, and scheduled for the next available hearing.

The City has an Intergovernmental agreement with the Lane Council of Governments to support the Planning Department with current planning applications. Planner Henry Hearley prepared the attached procedural Staff Report dated March 28th, 2024, which analyzes the proposed activity with the relevant criteria in the Bandon Municipal Code.

ANALYSIS OF THE ISSUES:

Vacation Rentals in Bandon are required to comply with Chapter 16.12 of the Bandon Municipal Codes. These regulations were recently updated in 2023 to reflect the current needs and concerns of the community. The Ordinance strengthened City requirements around solid waste collections, health and life safety, and neighborhood saturation. Staff have found the application to meet all requirements of the code and recommend approval of the application with the conditions listed in the staff report.

The City also received a comment from a neighbor indicating that the property needs some work before it should be rented out to members of the public. As part of the requirement for the Travelers Accommodation License, Coos County is now requiring some building upgrades, specifically related to health and life safety. The concerns brought up the neighbor, if there are still in fact building code violations, will most likely be remediated during this phase. If the Planning Commission finds that landscaping, including the fence, must be improved to meet the requirements of 16.12.090(h), then a condition of approval may be added to prepare a landscaping plan and repair the fence prior to the start of operation.

RECOMMENDATION:

The following is recommended to the Planning Commission:

1. Review and discuss the information provided; and
2. Hold a public hearing to consider the request, then close the hearing and deliberate towards a decision; and
3. Make a motion to approve, approve with conditions, or deny the application; and
4. If appropriate, adopt findings reducing the Planning Commission's decision to writing.

Attachments:

1. Procedural Staff Report dated March 28th, 2024

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



FILE NUMBER: 24-009

LOCATION: 375 Lincoln Ave SW, Bandon, OR 97411
Map Number 28S-15W-25BD/TL 02600

PROPERTY OWNER: Christopher and Renee Bevan
APPLICANT REPRESENTATIVE: Sheri McGarth, Coos Curry Consulting

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: March 5, 2024 (posted on property and City’s website)

COMPLETENESS DATE: February 14, 2024

HEARING DATE: Thursday, March 28th, 2024 , at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
16.12.100 Time Limitation

I. Procedural – Required Burden of Proof

The property is located in the Controlled Development 2 Zone (CD-2) 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.*

STAFF 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.*

STAFF FINDING: The application contained the necessary information for staff review. The application was deemed “complete” for processing by City staff on February 14, 2024. 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.

STAFF FINDING: Notice was mailed to properties within 250-feet of the site on March 6, 2024. Additionally, notice has been posted on the city's website and posted at the site at least 14 days before the first hearing. Criterion met.

II. Applicable Criteria Review

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.

STAFF FINDING: The applicant has requested to operate a Vacation Rental Dwelling in the Controlled Development 2 Zone. The subject property received a previous Vacation Rental Dwelling approval from the Planning Commission in 2019 but the property was never active as a Vacation Rental Dwelling. Since 2019, the subject property changed ownership and thus application for a new Vacation Rental Dwelling is required. A Vacation Rental Dwelling is a conditionally permitted use in the CD-2 zone. 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 met.

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.*

STAFF 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. Criterion met.

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.*

STAFF 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 Dwellings. Vacation rental dwellings (VRDs) are a conditional use in the CD-1, CD-2, CD-3, and C-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.

Definitions: "Owner" for the purposes of this chapter, means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred their property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit. If the owner is a business entity such as a partnership, corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit.

1. All vacation rental dwelling shall comply with the following approval criteria:
 - a. VRDs are only allowed in single-family detached dwellings. Any dwelling proposed as a VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy from the City of Bandon;

APPLICANT FINDING: The subject building was constructed on the property as a single-family home in 1964, making it 60 years old this year. It therefore complies with the minimum three years age requirement.

STAFF FINDING: Staff agree with the applicant's finding. Based on a year built of 1964, the home meets the three years old requirement.

b. Including the subject property, the saturation rate within a 250-foot radius of the subject property must be less than 30%. The saturation rate is calculated using the following ratio:

Numerator: Subject property + permitted VRD units (each unit within a multifamily VRD is counted individually).

Denominator: Subject property + eligible properties (single-family detached dwellings).

APPLICANT FINDING: Copies of the City of Bandon’s List of VRD’s and a VRD Saturation Map for this property are attached. As shown, there are currently 4 VRD’s (including the Bevan VRD) and 16 single-family detached residences within 250 feet of the subject property. A total of 16 single-family detached residences (including the requested VRD/residence). This calculates to a saturation rate of 25%, which meets the “less than 30% “ requirement.

STAFF FINDING: Staff agree with the applicant’s finding and cite Figure 1, VRD Saturation Map, below as evidence that the saturation rate is less than 30%. Criterion met.

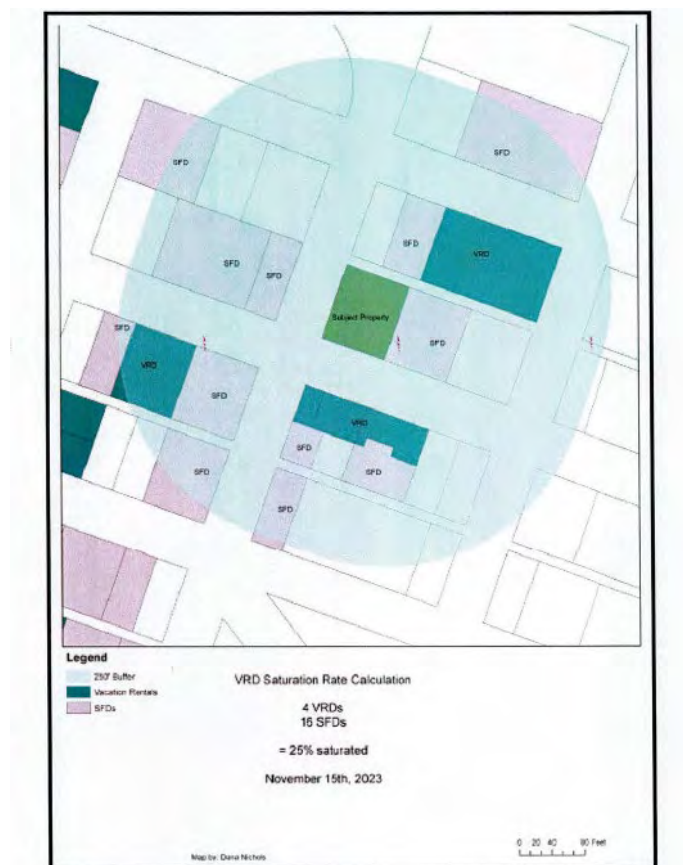


Figure 1. Saturation Map completed by City Staff on November 15, 2023. Saturation of VRDs within 250 feet of the subject property is less than 30%.

c. In the CD-1 zone, dwelling units 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;

APPLICANT FINDING: The property on which the proposed Bevan VRD is located is within the CD-2 Zone, which lists “Vacation Rental Dwelling” as a conditional use. As reflected in the Zoning Code, Comprehensive Plan, and VRD Zone Map, the most viable and desirable locations for a VRD in Bandon are those along the bluff, along the waterfront, and at the South Jetty. As shown on the include maps and photographs, the Bevan VRD is located at the South Jetty. Therefore, the operation of the Bevan VRD will be in compliance with, and furtherance, of the purpose and requirements of the City of Bandon regulations.

STAFF FINDING: The subject property and proposed VRD is located in the CD-2 Zoning district. Therefore, a VRD is a conditionally permitted use. As such, the applicant is submitting for a conditional use permit to lawfully operate a VRD in the CD-2 Zoning district. Criterion met.

d. The VRD Conditional Use Permit is valid for a specific owner of a specific dwelling and is not transferable. The permit shall become null and void when the owner sells or transfers the real property. No owner shall be issued a new VRD permit who holds another VRD permit;

APPLICANT FINDING: The new property owner understands this requirement. Therefore, this application is being submitted.

STAFF FINDING: The VRD CUP shall be valid for the named application of record only and is not transferrable to a new applicant. Upon change in named application 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.

e. VRD's with shared 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;

APPLICANT FINDING: The property does not include a beach access. Guests will be notified by the Local Management Person that access to the beach will be restricted to the existing public access points. Maps and written notice of this requirement, as illustrated below, will be posted on the wall adjacent to each exterior VRD entrance/exit.

STAFF FINDING: Staff agree with the applicant's finding. Criterion met.



BANDON BEACH ACCESS POINTS

Figure 2. Applicant provided Bandon Beach Access Points Map to be posted in VRD.

f. 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.

APPLICANT FINDING: No joint access driveway will be utilized.

STAFF FINDING: Staff agree with the applicant's finding; no joint access driveway will be utilized. Criterion met.

g. The applicant shall provide evidence that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

APPLICANT FINDING: The owner is, and will continue to be, very concerned regarding keeping the property clean and well maintained, and want to cause absolutely no negative impacts on the neighborhood. They will therefore be very selective regarding who is allowed to rent and occupy the VRD, and will ensure that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage, and exterior maintenance. The Local Management Person will be required to regularly inspect the property to ensure it is being properly maintained, and to report their findings to the owner. As necessary, local landscaping and/or property maintenance

professionals will be hired to undertake any necessary maintenance. The owner intends to replace the windows, siding, and decks prior to VRD occupancy.

STAFF FINDING: Staff agree with the applicant's finding but posit that the applicant's proposed improvements to the existing dwelling be made prior to the occupancy of the VRD, be made a condition of approval. This is because all applicant proposed conditions shall be conditions. Accordingly, staff will add the applicant's proposed improvements to the VRD as a condition of approval. Criterion met.

h. The applicant shall provide evidence that the property can accommodate one off street parking space for each bedroom in the VRD, with a minimum of two off street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking. The Planning Commission may limit the allowable parking area and the number of parked cars on-site;

APPLICANT FINDING: The VRD has 3 bedrooms, requiring a minimum of 3 parking spaces. However, as shown on the Site & Parking Plan below, an additional parking space is being provided, for a total of 4 parking spaces. The applicant meets the parking criteria by providing more than the minimum number of required off-street parking spaces.

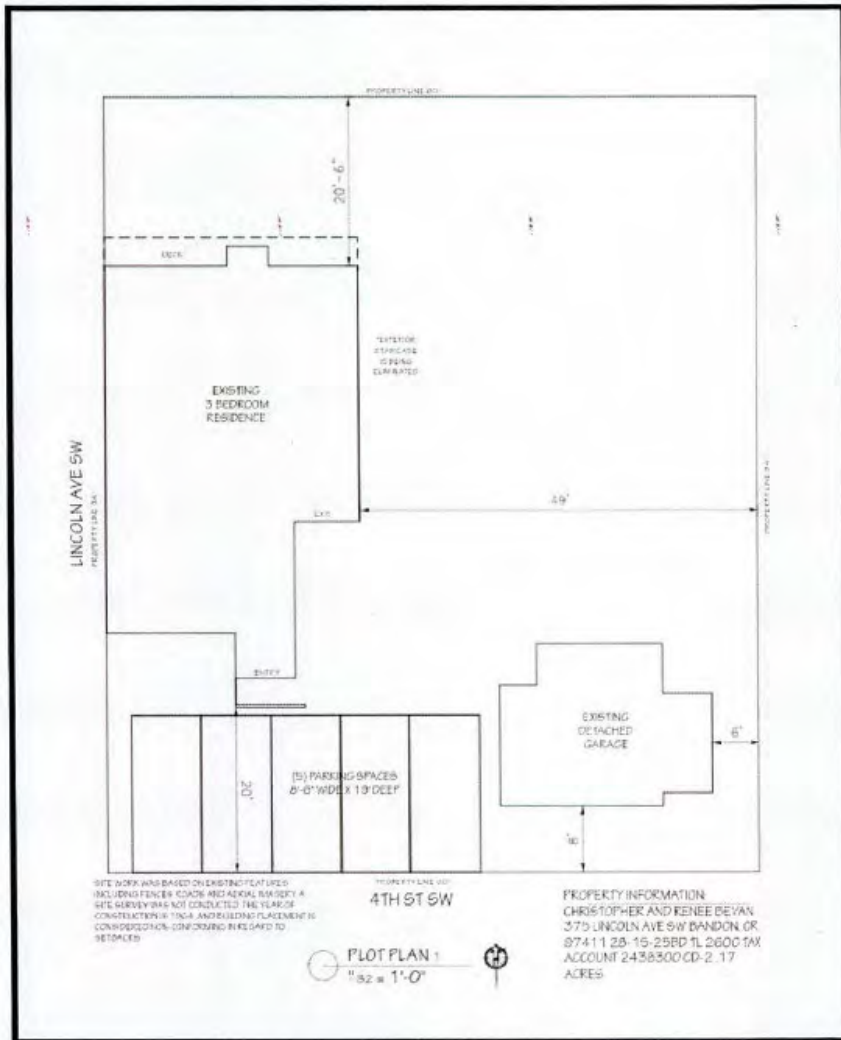
Per the Bandon Municipal Code (BMC 17.96.040.E – General Provisions for off-street parking and loading), “off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.” The parking spaces will be located on the same parcel with the dwelling. Per the Bandon Municipal Code (BMC 16.42.010 – Definitions), “Vacation rental dwelling (VRD) means an existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group or individual. A VRD is considered to be a commercial use. (Ord. 1625, 9/18).”

It is clear from the Bandon Municipal Code provisions, and all prior reviews and approval of VRD's, that a VRD is required to be a “single-family dwelling” in terms of structure, and at the same time, “commercial” in terms of use.

Per the Bandon Municipal Code (BMC 17.96.050.F – Design requirements for parking lots), “Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

As required by the Bandon Municipal Code, the VRD will be located in a single-family dwelling, to which the requirements BMC 17.96.050.F do not apply. Also, since it appears that the vast majority of existing single-family residences and VRD's in Bandon have been approved without regard to the matter of “no backing movement or other maneuvering within a street right-of-way other than an alley,” the matter of

backing out of the parking spaces is not an issue that would impact or preclude approving this VRD.



SITE PLAN / PARKING PLAN

Figure 3. Applicant proposed off-street parking plan. Five off-street parking spaces provided on site.

STAFF FINDING: Staff agree with the applicant's finding. As evidenced in Figure 3 – Site Plan & Parking Plan, the subject property has adequate off-street parking. The code requirement is one off-street parking space per bedroom. Based on a three-bedroom VRD, a minimum of three off-street parking spaces is required. This requirement is met by the applicant's Site Plan & Parking Plan showing the ability to provide five off-street parking spaces. Criterion met.

i. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The occupancy determined by the Planning Commission may be less than the maximum allowed;

APPLICANT FINDING: The VRD has 3 bedrooms. Accordingly, the applicant will limit the VRD occupancy to a maximum total of 9 people.

STAFF FINDING: Staff agree with the applicant's finding. Criterion met.

j. Property owners shall be required to comply with the requirements of all other permitting agencies.

STAFF FINDING: Property owners understand this requirement and agree to comply with the requirements of all other permitting agencies.

2. General Regulations:

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

APPLICANT FINDING: The applicant intends to utilize the services of a local property management individual or company to serve as the Local Management Person, who will be available by phone and physically able to respond to the VRD within a reasonable time period. The name and contact information of the designated Local Management Person will be posted at each entrance/exit and will be provided to the Bandon Police Department and Bandon Planning Department.

STAFF FINDING: Staff agree with the applicant's finding but the name and contact information of the Local Property Management Individual or Company shall be furnished to the Bandon Planning Department prior to occupancy of the VRD. This criterion is conditionally met.

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

APPLICANT FINDING: The owner will comply with all reporting and accounting requirements of the transient occupancy tax ordinance, which will be done in accordance with the City of Bandon requirements.

STAFF FINDING: Staff agree with the applicant's finding. Report and accounting requirements of the transient occupancy tax ordinance will be a condition of approval. Criterion met.

c. 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 becomes null and void.

APPLICANT FINDING: The owner understands that 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.

STAFF FINDING: Staff agree with the applicant's finding. The provision of BMC 16.12.090(K)(2)(c) shall be a condition of approval.

d. Carbon monoxide and smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

APPLICANT FINDING: As shown on the Floor Plans, the required smoke detectors are already provided in all potential and actual sleeping areas. The building also includes a carbon monoxide detector. The Local Management Person will be responsible for ensuring that the smoke/carbon monoxide detectors are properly maintained and operational.

STAFF FINDING: The Floor Plans included in the applicant’s application accurately depict the location of five smoke detectors and one carbon monoxide detector. The smoke detectors are included in each bedroom as well as potential sleeping areas. Criterion met.

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

APPLICANT FINDING: In appreciation for its historic nature and location, and in light of the large investment involved, the owner is definitely very concerned regarding keeping the property clean and well maintained. They want to cause absolutely no negative impacts on the neighborhood, and will therefore be very selective regarding who is allowed to rent and occupy the VRD. The proposed VRD will cause no more objectionable traffic, on-street parking, noise, smoke, light, dust, litter, or odor to be emitted from the VRD than a normal neighborhood dwelling. The Local Management Person will be required to advise and remind all renters that the VRD is located in a residential neighborhood. Occupants will be informed that objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor will not be permitted, and would subject them to immediate eviction.

As shown on the residential land use table from the Institute of Traffic Engineers (ITE) Trip Generation Manual – 7th Edition below, a Recreational/Vacation Home generates a daily average of 3.16 trips/unit, while a Single-Family Dwelling generates a daily average of 9.57 trips/unit. Accordingly, the VRD will result in less traffic than a normal owner-occupied residence.

Land Use	Units	Average Trip Generation Rate (Trips/unit)	Unpaved Roads	Unpaved Areas	Source
			Min. Number of Units Meeting 26 AADT	Min. Number of Units Meeting 50 AADT	
Single Family Housing	Dwelling	9.57	3 Dwellings	6 Dwellings	ITE (210)
Apartment, Low Rise	Dwelling	6.59	4 Dwellings	8 Dwellings	ITE (221)
Apartment, High Rise	Dwelling	4.20	7 Dwellings	12 Dwellings	ITE (222)
Condominium/Townhouse, General	Dwelling	5.86	5 Dwellings	9 Dwellings	ITE (230)
Condominium/Townhouse, High Rise	Dwelling	4.18	7 Dwellings	12 Dwellings	ITE (232)
Mobile Home Park	Dwelling	4.99	6 Dwellings	10 Dwellings	ITE (240)
Senior Adult Housing – Detached	Dwelling	3.71	7 Dwellings	15 Dwellings	ITE (251)
Senior Adult Housing – Attached	Dwelling	3.48	8 Dwellings	15 Dwellings	ITE (252)
Congregate Care Facility	Dwelling	2.02	13 Dwellings	25 Dwellings	ITE (253)
Recreational/Vacation Homes	Dwelling	3.16	9 Dwellings	16 Dwellings	ITE (260)

ITE TRIP GENERATION TABLE

Figure 4. ITE Trip Generation Table from Applicant's Application.

STAFF FINDING: Staff agree with the applicant’s finding. Criterion met.

f. Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental pursuant to this chapter. The property must provide a 96-gallon receptacle for solid waste. Receptacles must be removed from the City right-of-way within 24-hours after pick-up.

APPLICANT FINDING: The owner will contract with Bandon Disposal for regular garbage removal and disposal. A utility bill will be provided as a condition of approval.

STAFF FINDING: Staff agree with the applicant's finding and proposed condition of approval for a utility bill to be submitted as evidence of compliance with this standard.

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

APPLICANT FINDING: A Tsunami Excavation Route Map and warning regarding the potential tsunami hazard will be posted on the wall adjacent to each exterior VRD entrance/exit. An example is included on the following page. The Local Management Person will provide a verbal notification and explanation regarding the tsunami hazard and excavation information to each renter.

STAFF FINDING: Staff agree with the applicant's finding. The location of the Tsunami Excavation Route Map is shown on the Floor Plans Map provided by the applicant in the application. The Floor Plans Maps shows two Tsunami Excavation Route Map locations: one in the mud room area and the other at the front entryway. Criterion met.

h. At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner;

STAFF FINDING: At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner. This shall be a condition of approval.

i. A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name, address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants permitted to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number.

STAFF FINDING: A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name, address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants permitted to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number. This shall be a condition of approval.

3. Compliance

a. Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance.

STAFF FINDING: Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance. This shall be a condition of approval.

b. Violation of the requirements specified herein shall constitute grounds for revocation of the permit. Additionally, the city may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove any unlawful location or a vacation rental dwelling in violation of this chapter. The owner(s) of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject upon conviction of a fine of \$750, per BMC 1.04. Each day under which the violation continues shall be considered a separate offense.

STAFF FINDING: The provision for violations as listed in 16.12.090(K)(3)(b) and cited above, shall be a condition of approval.

16.12.100 Time Limitation

A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.

B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.

C. A conditional use permit shall become void if the use is discontinued for a period of one year.

STAFF FINDING: Consistent with the provisions of BMC 16.12.100(A-C), a conditional use permit shall become void one (1) year after approval. Extensions may be granted pursuant to BMC 16.12.100(B). This will be a condition of approval.

III. Recommendations and Conditions of Approval

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. 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.
5. 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.
6. Prior to first occupancy of the dwelling as a VRD, applicant proposed improvements to windows, siding, and decks, of the VRD shall be implemented.
7. The number of guests is restricted to 9.
8. The name and contact information for the Local Management Person shall be furnished to the Bandon Planning Department to be kept on file. Applicant shall update the name and contact information of the Local Management Person on an annual basis with the Bandon Planning Department.
9. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements. If the Transient Occupancy Tax account is not current, no rental shall be allowed while the account is in arrears.
10. 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 becomes null and void.
11. Prior to first occupancy of the dwelling as a VRD, applicant shall furnish evidence of weekly solid waste collection service to the Bandon Planning Department. Minimum size receptacle for solid waste collection shall be 96-gallons.
12. Trash shall be enclosed at all times.
13. At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner.
14. A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name, address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants permitted to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number.
15. The Bandon Tsunami Route map shall be posted in a conspicuous location within the dwelling.

16. Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance.
17. Violation of the requirements specified herein shall constitute grounds for revocation of the permit. Additionally, the city may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove any unlawful location or a vacation rental dwelling in violation of this chapter. The owner(s) of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject upon conviction of a fine of \$750, per BMC 1.04. Each day under which the violation continues shall be considered a separate offense.
18. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.
19. A conditional use permit shall become void if the use is discontinued for a period of one year.
20. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.

IV. Attachments

Attachment A – Applicant Materials

Attachment B – Photos

Attachment C - Public Comment, Romano



Planning Permit Application

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

Permit Number: 24-009

APPLICATION TYPE (select all that apply)		
<input type="checkbox"/> Annexation*	<input checked="" type="checkbox"/> Land Use Review*	<input type="checkbox"/> Subdivision*
<input type="checkbox"/> Certificate of Appropriateness (CoA)*	<input type="checkbox"/> Partition*	<input type="checkbox"/> Vacation*
<input type="checkbox"/> Comprehensive Plan or Zone Amendment*	<input checked="" type="checkbox"/> Plan Review (PR)	<input type="checkbox"/> Variance*
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)*	<input type="checkbox"/> Planned Unit Development (PUD)*	<input checked="" type="checkbox"/> Zoning Compliance (ZC)
<input type="checkbox"/> Floodplain Development*	<input type="checkbox"/> Property Line Adjustment (PLA)*	<input type="checkbox"/> Other _____*
* Pre-application required		Total Fees: \$

I. PROJECT LOCATION			
Street Address: 375 Lincoln Ave SW, Bandon, OR 97411			
Map Number / Tax Lot(s): 28-15-25BD	/ 2600	Zone: CD-2	Floodplain: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

II. APPLICANT'S INFORMATION (applicant is the primary party responsible for development)	
Applicant's Name: Christopher Bevan	Phone: 971-330-1047 E-Mail: chrisbevan11@gmail.com
Applicant's Mailing Address: 1409 Kings Hwy, Medford, OR 97501	

III. PROPERTY OWNER'S INFORMATION	
Property Owner's Name: Christopher and Renee Bevan	Phone: same as above E-mail: same as above
Mailing Address: same as above	

IV. OTHER INFORMATION (APPLICANT'S REP, SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, ETC)	
Title: Owner's Representative	Name: Sheri McGrath
Email: cooscurry@gmail.com	Phone: 541-982-9531
Title:	Name:
Email:	Phone:
Title:	Name:
Email:	Phone:

V. PROJECT DESCRIPTION
Use: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other <u>Vacation Rental Dwelling</u>
*Please <u>attach</u> a short narrative that describes your proposed project and indicates the proposed use. The owner is requesting clearance to operate their single family dwelling as a Vacation Rental Dwelling.

VI. SITE PLAN: Please see our "How to Create a Site Plan" and sample site plan document for requirements and tips on how to create your site plan. Plans must be drawn to scale and may be submitted electronically; **printed copies must be submitted on 11x17, ledger size paper (larger or smaller paper sizes will not be accepted).**

VII. PROPERTY OWNER SIGNATURE/AUTHORIZATION

- 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 understand and agree that all required inspections will be requested 2 business days in advance, and it is the applicant's responsibility to ensure required inspections have been requested, completed, and approved.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described in section "1. Project location".
- I authorize the following party(s) to act as applicant in regard to the attached application for the subject property described above.

X Applicant's Signature:  **Date:** 2-3-24

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

X Property Owner's Signature:  **Date:** 2-3-24

Development Disclosure

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. Please be aware that state statutes and federal law govern how archaeological sites are to be managed. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or private lands.

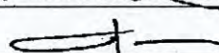
It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. 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 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 construction, with all conditions of approval adhered to.

X  **2-3-24**

Property Owner's Signature (Property owner's signature required if applicant is not the property owner) **Date**

X  **2-3-24**

Applicant's Signature **Date**

Staff's Signature of Intake:  Date: 2/14/24

Staff's Signature of Completeness: _____ Date: _____

Staff's Signature of Approval: _____ Date: _____

Submittal Requirements:

1. Completed Pre-Application with summary notes from the Planning Department (if applicable)
2. Complete Planning Permit application (including fees and applicable property records)
3. Signed Development Disclosure
4. Completed Submittal Requirement sheet

Site Plan Requirements (please check that you have completed each of the following)

- Setbacks on all sides of the property (must be marked from the closest structure to the property line)
- Property line must be clearly marked on all sides - if property corners cannot be determined a survey will be required.
- Location of all buildings and proposed building or addition
- Location of all mechanical equipment and proposed equipment (HVAC, propane tanks and enclosures - these cannot be located in the setback area)
- Fences, patios, sidewalks, (if being built along with the construction of a building)
- Decks, steps, porches (these cannot be located in the setback)
- All off-street parking
- Location of the front entrance and all exterior doorways
- Location & material of the driveway
- Direction of roof drainage
- Drywell, if required (must be engineered)
- Location of electric meter base (on the front or no farther than 5 feet down the side)
- Proposed water and sewer line locations
- Water shut off valve must be located beside the water meter box; 6" sewer clean out must be at the property line
- Square footage of the lot, structures including garage (1st & 2nd floors noted separately), and percentage of impermeable surface. (Impermeable surfaces must be shown on the site plan)

Design Feature Requirements (Please check your selections)

Homes in the R-1 and R-2 zones require a minimum of 6 (at least 3 on the face of the home)

Homes in the CD zones require a minimum of 8 (at least 4 on the face of the home)

- | | |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Roof pitch at or greater than 3/12 | <input type="checkbox"/> Bay windows |
| <input type="checkbox"/> Covered porch - (minimum of 25 square feet) | <input type="checkbox"/> Cupolas |
| <input type="checkbox"/> Tile or Architectural grade shingles (not composition shingle) | <input type="checkbox"/> Hip roof |
| <input type="checkbox"/> Off set of the building face or roof (at least one foot, minimum of 2 feet in cd-1 & cd-2 zones) | <input type="checkbox"/> Pillars or posts |
| <input type="checkbox"/> Eaves with a minimum projection of six (6) inches | <input type="checkbox"/> Mullioned windows |
| <input type="checkbox"/> Horizontal lap siding, cedar shake or shingle on 100% of the exterior | <input type="checkbox"/> Window shutters |
| <input type="checkbox"/> Recessed entry area (minimum depth of three feet) | <input type="checkbox"/> Clerestory windows |
| <input type="checkbox"/> Garage (constructed with exterior finish materials matching the residence) | <input type="checkbox"/> Dormers |
| <input type="checkbox"/> Combination of cedar shake and shingle siding or lap siding with stone | <input type="checkbox"/> Gables |

Additional Required Plans

- Floor plan - Including garage (before and after drawings must be included for remodel/additions)
- Elevation of all structures - All sides must show direction, dimensions, height, design features and depth of eaves/gutters.
- Grade of property and/or grading plan
- Foundation plan for all construction - (for a manufactured home the slab & runner system)
- DEQ septic system permit & plan drawings - (if applicable)
- Geotechnical report - (if applicable)
- Drainage plan - (with engineered drawings if applicable)
- Engineered foundation - (if applicable)

YOUR APPLICATION WILL BE DEEMED INCOMPLETE IF YOUR SITE PLAN FAILS TO LIST ALL REQUIRED INFORMATION, INCLUDING DESIGN FEATURE REQUIREMENTS WHICH MUST ALSO BE SHOWN IN YOUR SUBMITTED ELEVATION PLANS.

INSPECTION SCHEDULE: All city inspections must be requested at least 2 business days in advance. Failure to schedule or complete required inspections may delay the final approval of your project.

Code Compliance Inspection List:

Inspection # 1: Compliance with approved site plan Inspection required prior to pouring foundation footings.

Inspection # 2: Compliance with approved floor plans and elevation drawings - Inspection required after the roof trusses are placed but prior to any cover being installed.

Inspection # 3: Compliance with approved plans for drainage, utility service, off-street parking, any required street improvements, house numbering and authorized land use approvals. - Inspection required upon completion of structure and related site work, prior to occupancy. This inspection is done **AFTER** the State Building Codes inspectors have approved a final inspection for the project.

Public Works Inspection List:

Inspection # 1: Lot Drainage; Compliance with approved drainage plan - Inspection required prior to any drainage work.

Inspection # 2: Culvert; Compliance with approved plan - Inspection required prior to covering.

Inspection # 3: Water shut off control valve; per APWA Standards - Inspection required prior to covering.

Inspection # 4: Sewer lateral and clean out (6" at property line per Compliance with APWA Standards); Compliance with City requirements - Inspection required prior to covering.

Inspection # 5: Driveway: Per APWA Standards - Inspection required prior to pouring paving material.

Oregon Law allows the City up to 30 days to review an application to determine whether or not the application is "complete" or "incomplete." Planning staff strives to be responsive and minimize this review period. However, careful and thorough reviews lay a foundation for smoother and quicker subsequent review processes. A pre-application may be required prior to the submittal of an application. Please visit the City's website for submittal requirements <http://www.cityofbandon.org/general/page/welcome-planning-department>. Incomplete applications will not be scheduled for public hearing or plan review, until all of the required materials are submitted.

Other agency contacts:

City of Bandon	http://www.cityofbandon.org/	(541) 347-2437
State Building Codes (coos bay)	http://www.oregon.gov/bcd/permit-services/Pages/coos-county.aspx	(541) 266-1098
State Fire Marshall	http://www.oregon.gov/osp/sfm/Pages/index.aspx	(541) 618-7951
State Department of Environmental Quality (DEQ)	http://www.oregon.gov/DEQ/Pages/index.aspx	(541) 269-2721
U.S. Fish and Wildlife	https://www.fws.gov/	(541) 888-1470
Oregon Fish and Wildlife	http://www.dfw.state.or.us/	(541) 888-5515
Coquille Indian Tribe	http://www.coquilletribe.org/	(541) 756-0904
Coos County Planning Department	http://www.co.coos.or.us/Departments/Planning.aspx	(541) 396-7770
Coos County Assessor's Office	http://www.co.coos.or.us/Departments/Assessors.aspx	(541) 396-7900
FEMA (floodplain issues)	https://www.fema.gov/	
Department of State Lands (DSL)	http://www.oregon.gov/dsl/pages/index.aspx	



Vacation Rental Dwelling Addendum

OFFICIAL USE ONLY	
DATE RECEIVED:	2/14/24
PLANNING FILE #:	24-009
APPLICATION COMPLETE:	

APPLICATION CHECKLIST

The following materials must be submitted with your application, or it will not be accepted at the counter.

- Complete signed Land Use Application
- Floor plan and parking plan
- Written findings addressing the criteria
- Digital photos of residence

I. PROJECT INFORMATION	
Street Address for proposed VRD: 375 Lincoln Ave SW	
Zone: <input type="checkbox"/> C-3 <input type="checkbox"/> CD-1 <input checked="" type="checkbox"/> CD-2 <input type="checkbox"/> CD-3	
Number of bedrooms (enclosed sleeping area with closet): 3	
Requested occupancy (max. of 10, 3 per bedroom): 9	
Number of parking spaces (8.5' x 19' – must show on parking plan): 5	
Are there carbon monoxide and smoke detectors in the residence? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
II. CONTACT INFORMATION	
Designated Local Manager's Name:	Phone Number:
Email Address:	
Mailing Address:	
III. OWNER	
<small>Defined as: the natural person or legal entity that owns and holds legal and/or equitable title to the property, if the owner is a natural person, or where the natural person has transferred their property to a trust where the natural person is the trustee, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit. If the owner is a business entity such as a partnership, corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit.</small>	
Owner's Name(s):	Phone Number(s):
Christopher & Renee Bevan	971-330-1077
Email Address(es):	
Chrisbevan11@gmail.com	
Mailing Address(es):	
1409 Kings Hwy, Medford, OR 97501	

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.

IV. 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 effects 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.

Approval standards for Vacation Rentals: (BMC 16.12.090 (K)(1))

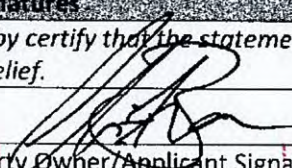

- a. VRDs are only allowed in single-family detached dwellings. Any dwelling proposed as a VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy from the City of Bandon;
- b. Including the subject property, the saturation rate within a 250-foot radius of the subject property must be less than 30%. The saturation rate is calculated using the following ratio:

Numerator: Subject property + permitted VRD units (each unit within a multi-family VRD is counted individually).

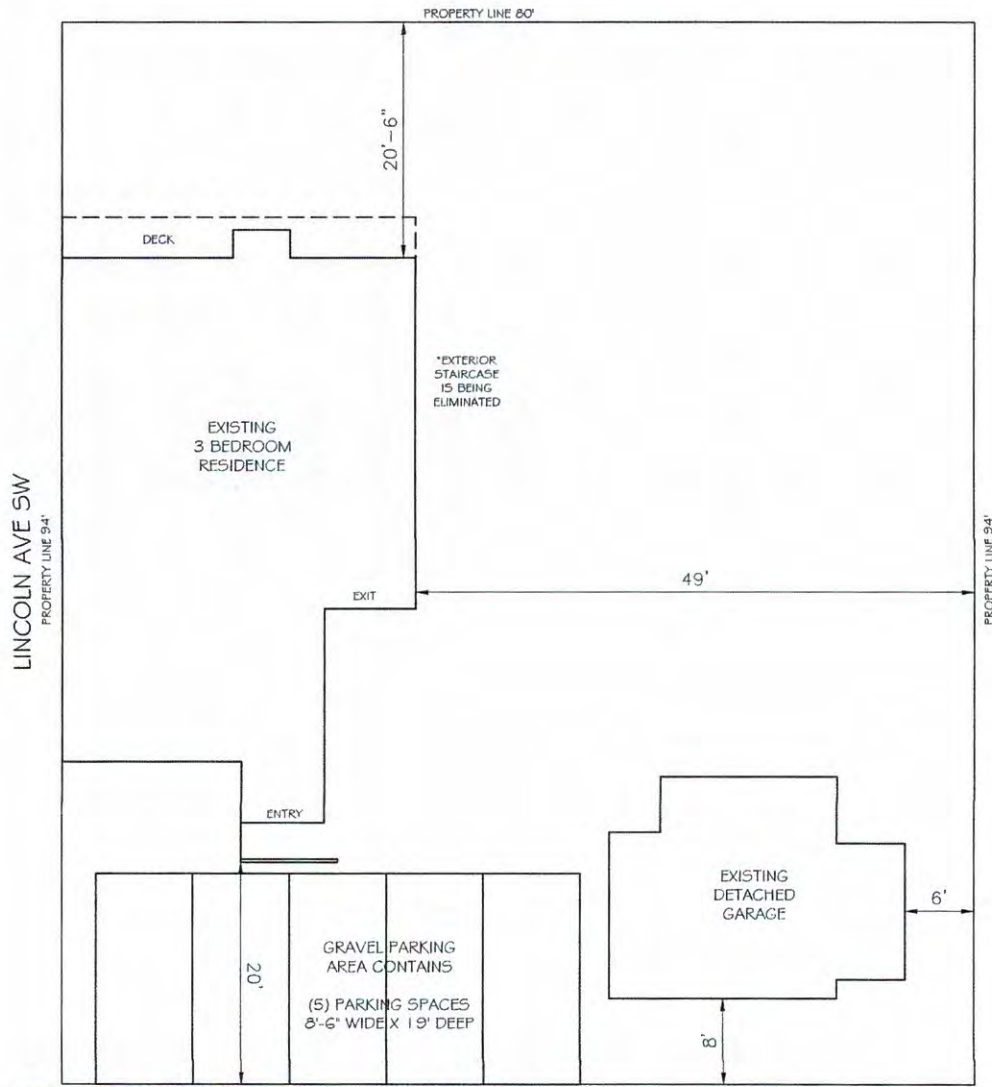
Denominator: Subject property + eligible properties (single-family detached dwellings).
- c. In the CD-1 zone, dwelling units proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;
- d. The VRD Conditional Use Permit is valid for a specific owner of a specific dwelling and is not transferable. The permit shall become null and void when the owner sells or transfers the real property. No owner shall be issued a new VRD permit who holds another VRD permit;
- e. VRD's with shared 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;
- f. 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;
- g. The applicant shall provide evidence that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.

- h. The applicant shall provide evidence that the property can accommodate one off-street parking space for each bedroom in the VRD, with a minimum of two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking. The Planning Commission may limit the allowable parking area and the number of parked cars on-site;
- i. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The occupancy determined by the Planning Commission may be less than the maximum allowed;
- j. Property owners shall be required to comply with the requirements of all other permitting agencies.

V. Signatures	
<i>I hereby certify that the statements contained herein are in all respects true and correct to the best of my knowledge and belief.</i>	
X 	2-3-24
Property Owner/Applicant Signature	Date
X 	2-3-24
Applicant's Representative Signature	Date

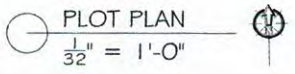
All signatures represented must have the full legal capacity and hereby authorize the filing of this application. Signing this form indicates agreement with the Planning Department's policies and disclosures.



SITE WORK WAS BASED ON EXISTING FEATURES INCLUDING FENCES, ROADS AND AERIAL IMAGERY. A SITE SURVEY WAS NOT CONDUCTED. THE YEAR OF CONSTRUCTION IS 1964, AND BUILDING PLACEMENT IS CONSIDERED NON-CONFORMING IN REGARD TO SETBACKS.

LOT SQUARE FOOTAGE = 7,520SF
 DETACHED GARAGE SQUARE FOOTAGE = 440SF
 SINGLE FAMILY RESIDENCE = 1734SF
 TOTAL BUILDING LOT COVERAGE AND IMPERVIOUS SURFACES = 2,174SF OR 29% LOT COVERAGE

PROPERTY LINE 80'
 4TH ST SW



PROPERTY INFORMATION:
 CHRISTOPHER AND RENEE BEVAN
 375 LINCOLN AVE SW
 BANDON, OR 97411
 28-15-25BD TL 2600
 TAX ACCOUNT 2438300
 CD-2 .17 ACRES

Conditional Use Permit Application for Vacation Rental Dwelling (VRD)

Project Narrative and Proposed Findings of Compliance
with BMC 16.12.040 and 16.12.090

APN: 28S-15W-25BD Tax Lot 2600

ADDRESS: 375 Lincoln Ave SW, Bandon, OR 97411

OWNER: Christopher and Renee Bevan
1409 Kings Hwy
Medford, OR 97501

APPLICANT'S REPRESENTATIVE:

Coos Curry Consulting
Matt Winkel and Sheri McGrath
PO Box 1548
Bandon, OR 97411

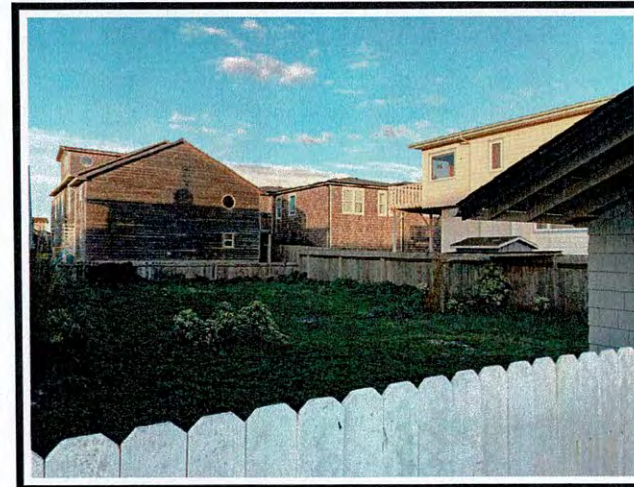
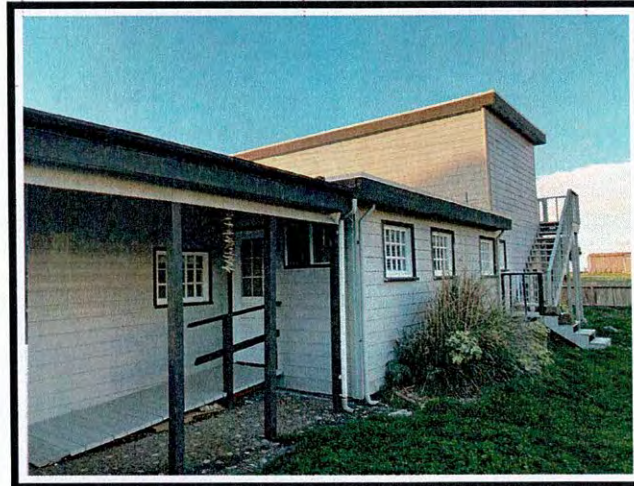
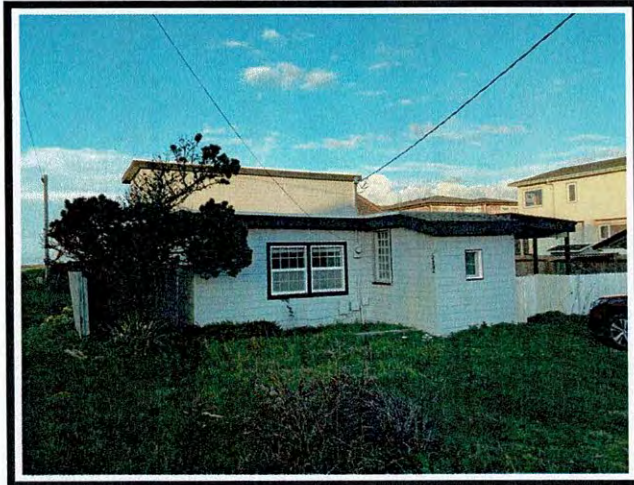
PROJECT NARRATIVE

The subject property is located in the CD-2 Zone, in the Jetty Neighborhood where the Coquille River meets the Pacific Ocean. Improvements includes a one story, approximately 1700 sq.ft., single-family residential structure with 3 bedrooms and 2 bathrooms; an attached second floor deck; a detached garage, utilities and developed parking.

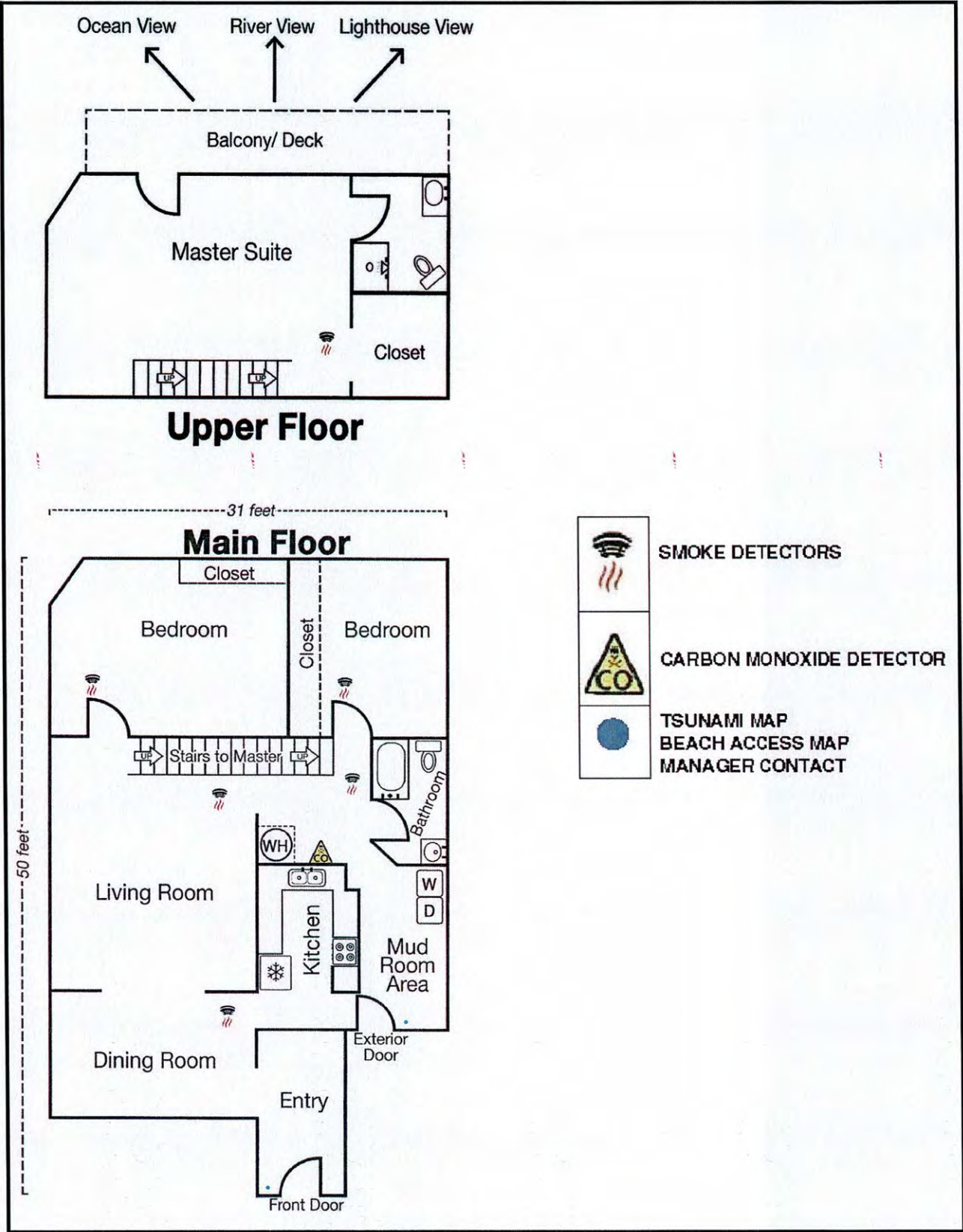
An approval for Vacation Rental status was granted in 2019 though never operated as such. Even with previous approval, a new owner is required to reapply for the use per the Bandon Municipal Code.

The Bevan Family live a short distance away and recently purchased this property as a family beach house that they can visit throughout the year and especially in the summer. They are seeking approval to operate their home as a Vacation Rental Dwelling for the weeks that they are not in Bandon. Understanding the provisions of the City ordinances and permit conditions, the owner agrees to report annually to the City with a current copy of the Tourist Facility License. On a regular basis, the owner agrees to pay the commercial rate for utilities along with the Transient Occupancy Tax. All other conditions of approval will be met by being good neighbors; this includes enforcing quiet hours and providing general upkeep to the premises.

As required by the City of Bandon, compliance with each of the approval standards of BMC 16.12.040 and compliance with the provisions of BMC 16.12.090 are addressed below.



PROPERTY PHOTOGRAPHS



FLOOR PLANS

Compliance with each of the approval standards of BMC 16.12.040 (Conditional Uses, Comprehensive Plan, and Zoning Code) and the provisions of BMC 1612.090 (Vacation Rental Dwellings) are addressed below.

COMPLIANCE WITH APPROVAL STANDARDS FOR CONDITIONAL USES (BMC 16.12.040)

A. The Comprehensive Plan.

LAND USE GOAL 2: TOURIST COMMERCIAL DEVELOPMENT

To minimize potential conflicts between tourist commercial activities and general commercial activities, segregate these two commercial uses. Place tourist commercial uses in areas frequented by tourists, such as Beach Loop Road, and Old Town. As a "tourist commercial use," the proposed Bevan VRD is appropriately located on the South Jetty, which is an area frequented by tourists.

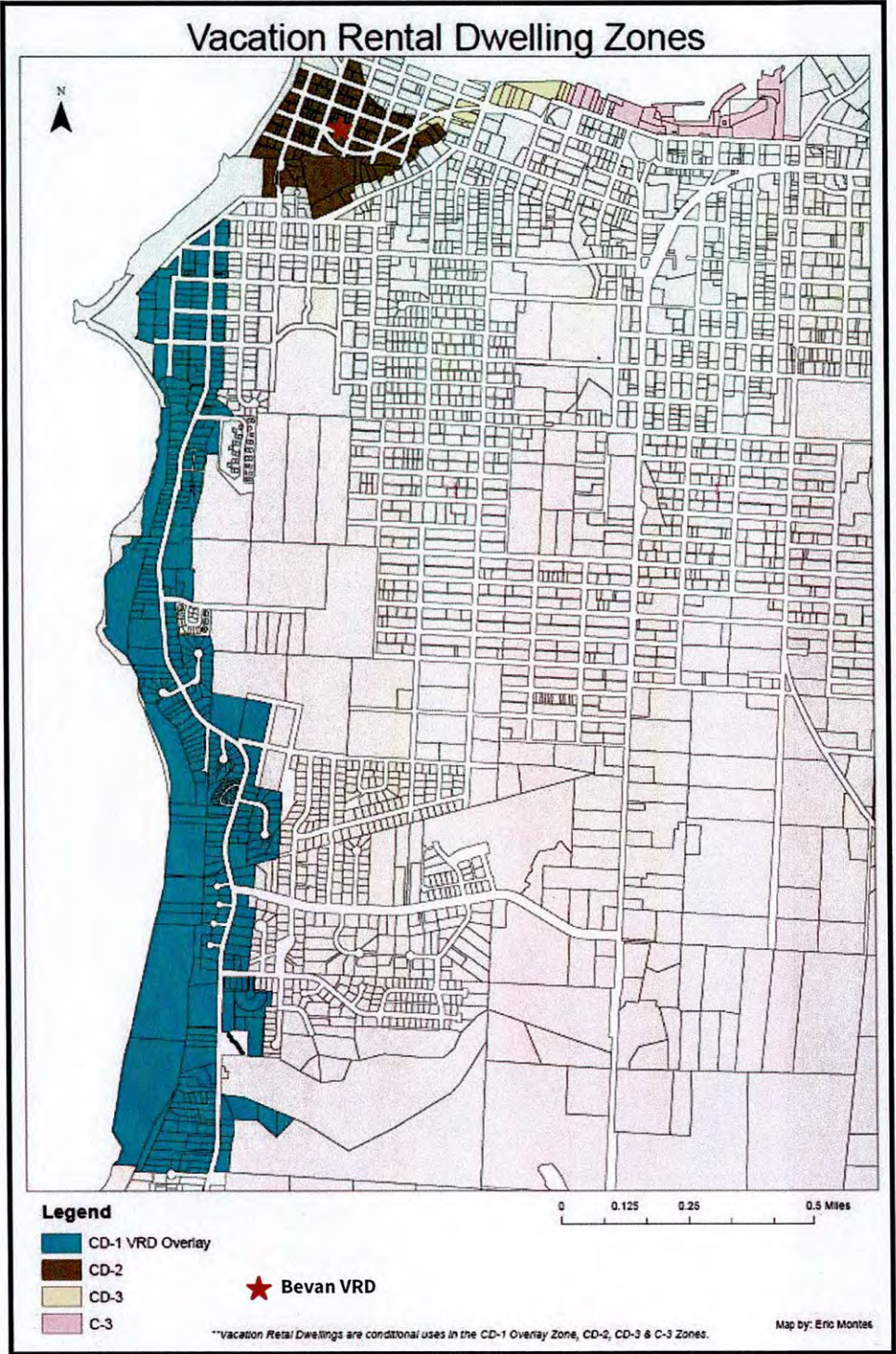
CHAPTER 7: TOURISM, RECREATION AND RETIREMENT

The newest but fastest growing of Bandon's economic functions are those related to tourism, recreation and retirement. The scenic beauty of Bandon, enhanced by the city's location on a bluff overlooking the Pacific Ocean and the Coquille River, makes the city ideally attractive for these activities. This attractiveness is further enhanced by the city's location on Hwy 101 (cited as one of the most scenic highways of its kind anywhere in the world) and by the location of a several major city, county, state and federal parks. These attractions bring numerous visitors to the city each summer. Within the city this activity is largely focused Hwy 101, the Old Town area, the south jetty and the beach."

CHAPTER 11: OCEAN RESOURCES

It is the ocean which turns the river into an estuary with its accompanying economic and ecological values; it is the ocean which makes the South Jetty and the Bluff such unique and desirable residential, recreational, and commercial areas.

Response: Per the Bandon Municipal Code (BMC 17.02 - Definitions), "*Vacation rental dwelling (VRD)*" means an existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group or individual. A VRD is considered to be a commercial use. (Ord. 1625, 9/18)." With respect to the location of a VRD, the Bandon Comprehensive Plan Goal 2 states, "*Place tourist commercial uses in areas frequented by tourists, such as Beach Loop Road, and Old Town.*" Another such area identified by the City is the South Jetty, as shown on the City's Vacation Rental Dwelling Zoning map on the following page.



VACATION RENTAL DWELLING ZONES

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

Response: The Bandon Municipal Code Zoning Ordinance (BMC 17.24.010) states, *“The purpose of the CD-2 zone is to protect and enhance the unique character, natural resources and habitat characteristics of the Bandon Jetty and its bluff area, to provide for the development of a coastal village atmosphere, and to exclude those uses which would be inconsistent with the area’s character.”* The purpose and dimensional standards of the CD-2 Zone for the land and building, in terms of both its original and construction as a single-family residence in 1964 and its subsequent approval as a VRD in 2019, have been found by the City of Bandon to be consistent with the purpose and dimensional standards of the zone in which it is located. No modifications of the dimensional standards of the CD-2 zone are being proposed. The structure is consistent with the Coastal Village architecture found on the South Jetty. Minor improvements are proposed which will enhance the neighborhood and ensure continued compliance with compatibility.

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

Response: Since its construction in 1964, and its subsequent approval as a VRD in 2019, the site size and dimensions have been found to be adequate to meet the needs of a single-family residence and VRD. This proposal is to retain the existing nature of the building and property. Building improvements include replacing windows, siding, and decks, which are normal home improvements for a structure of this age.

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.

Response: The size of the site is 7,520 sq.ft. (80'x94'), which exceeds the minimum lot size of 5,400 sq.ft.. This is consistent and compatible with the nature and aesthetics of the South Jetty Neighborhood. No adverse impacts to or from the surrounding properties and uses are anticipated. Other than normal and customary maintenance, no changes to the exterior design of the building are being proposed. Allowing its use as a VRD will ensure its continued economic viability as an integral part of one of the most historic and aesthetically pleasing local small neighborhoods in Bandon.

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

Response: The characteristics of the site, including size, shape, location, topography and natural features have proven suitable for its use as single-family residence and VRD. Except for normal and customary maintenance, no changes to these site characteristics are being proposed.

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.

Response: The property and building have been connected to the City of Bandon water, sewer, and electric utilities for many years. No capacity problems or issues have been encountered. Utilization of the property for VRD purposes will not increase the demand on public facilities or services beyond that currently placed on them.

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.

Response: The dwelling has been fully compatible with the character of the surrounding area for the last approximately 60 years. No changes to the design or use of the property are being proposed that would alter the character of the surrounding area. Nothing in the use as a VRD will limit, impair, or preclude the use of surrounding properties for the permitted uses in the underlying CD-2 zone.

H. All other requirements of this title that apply.

Response: The VRD will comply with all requirements of the Bandon Municipal Code, and any conditions as may be imposed by the City of Bandon in approving the requested Conditional Use Permit.

COMPLIANCE WITH REQUIREMENTS FOR VACATION RENTAL DWELLINGS (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.

Response: The subject building was constructed on the property as a single-family home in 1964, making it 60 years old this year. It therefore complies with the minimum three years age requirement.

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.

Copies of the City of Bandon's List of VRD's and a VRD Saturation Map for this property are attached. As shown, there are currently 4 VRD's (including the Bevan VRD) and 16 single-family detached residences within 250 feet of the subject property. A total of 16 single-family detached residences (including the requested VRD/residence). This calculates to a saturation rate of 25%, which meets the "less than 30%" requirement.

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 Vacation Rentals Zone Map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones.

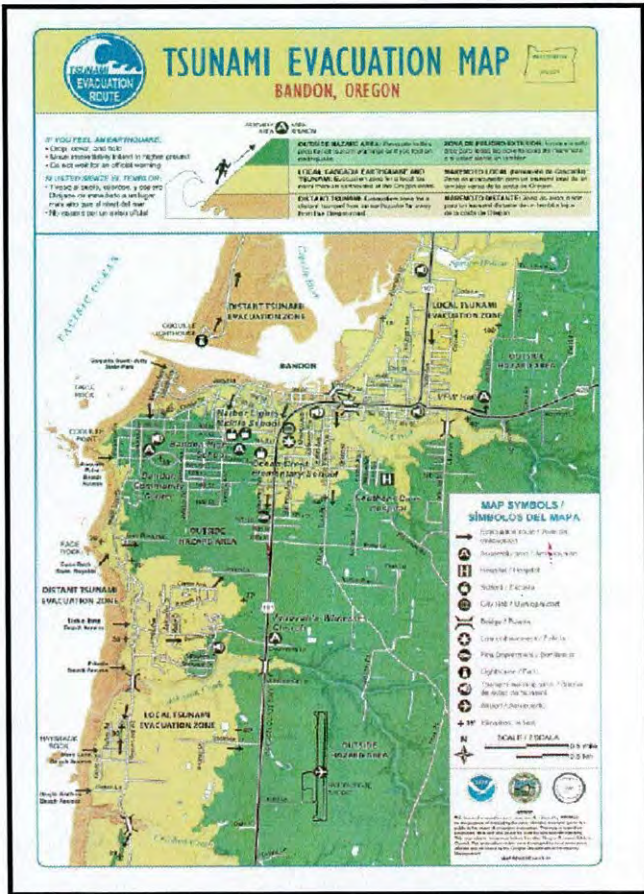
Response: The property on which the proposed Bevan VRD is located is within the CD-2 Zone, which lists "Vacation Rental Dwelling" as a Conditional Use. As reflected in the Zoning Code, Comprehensive Plan, and VRD Zone Map, the most viable and desirable locations for a VRD in Bandon are those along the bluff, along the waterfront, and at the South Jetty. As shown on the included maps and photographs, the Bevan VRD is located at the South Jetty. Therefore, the operation of the Bevan VRD will be in compliance with, and furtherance of, the purpose and requirements of the City of Bandon regulations.

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.

Response: The new property owner understands this requirement,. Therefore, this application is being submitted.

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

Response: A Tsunami Evacuation Route Map and warning regarding the potential tsunami hazard will be posted on the wall adjacent to each exterior VRD entrance/exit. An example is included on the following page. The Local Management Person will provide a verbal notification and explanation regarding the tsunami hazard and evacuation information to each renter.



TSUNAMI EVACUATION NOTICE

If you feel an earthquake, a tsunami may be coming...

WHAT TO DO:

- DON'T COVER YOUR EYES! If you feel an earthquake, cover yourself! MOVE IMMEDIATELY AND AWAY TO high ground and away from low-lying coastal areas.
- FOLLOW EVACUATION ROUTES TO HIGH GROUND.
- DO NOT WAIT for an official warning.
- DO NOT PANIC if at all possible.
- DO NOT WALK or drive.
- DO NOT RETURN to the beach—large waves may continue to come ashore for several hours.
- WAIT for an "all clear" from local emergency officials before returning to low-lying areas.

CONTACTS

Oregon Emergency Management
225 Swan Street, P.O. Box 4629
Bandon, OR 97003
(503) 326-3111
<http://www.oregon.gov/OCDEM/>

Bandon Police Department
315 Oregon St.
Bandon, OR 97003
(503) 326-2241 or (503) 326-2245
<http://www.bandonpolice.com>

Oregon Department of Geology and Mineral Industries
800 NE Oregon Street, 3rd Floor
Portland, OR 97232
(503) 473-1111
<http://www.oregon.gov/odgi/>

House of the Northwest Information Center
800 NE Oregon Street, 3rd Floor
Portland, OR 97232
(503) 473-3333
<http://www.honw.com>

National Tsunami Information Center
Box 35027
Hawaii, HI 96835-0027
(808) 955-1422
<http://www.tsunami.gov>

TSUNAMI EVACUATION ROUTE

Bandon

This information could save your life — Please read it and share it with your family and friends.

EVACUATION MAP ON REVERSE

BE PREPARED!

Not all earthquakes with at least a 6.5 magnitude will result in a tsunami. However, if you are in a coastal area, you should be prepared for a tsunami. Know the evacuation routes and high ground. Know the location of the nearest tsunami shelter. Know the location of the nearest tsunami shelter. Know the location of the nearest tsunami shelter.

WHAT TO KNOW about tsunamis

A tsunami is a series of long waves caused by a displacement of the ocean floor by an undersea earthquake. As tsunamis near shallow water near land, they increase in height and can cause great loss of life and property damage.

TSUNAMI EVACUATION ROUTE

WHAT TO DO for both local and distant tsunamis

1. Evacuate on foot, if at all possible. Follow evacuation signs and arrows.
2. If you must help evacuating, do something while (face or toward) on the front door knob. Hold a large enough to be stable from the stress. If the emergency is a distant tsunami, that help may arrive. In the event of a local tsunami, it is unlikely that anyone will help you, so make a plan and be prepared!
3. Stay away from potentially hazardous areas until you receive an ALL CLEAR from local officials. Tsunamis often follow river channels, and dangerous waves can persist for several hours. Local officials must respond to earthquake- or tsunami-related situations before anyone can go back into them.
4. After evacuation, check with local emergency officials if you think you have special skills and can help, or if you need assistance locating lost family members.

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.

Response: In appreciation for its historic nature and location, and in light of the large investment involved, the owner is definitely very concerned regarding keeping the property clean and well maintained. They want to cause absolutely no negative impacts on the neighborhood, and will therefore be very selective regarding who is allowed to rent and occupy the VRD. The proposed VRD will cause no more objectionable traffic, on-street parking, noise, smoke, light, dust, litter, or odor to be emitted from the VRD than a normal neighborhood dwelling. The Local Management Person will be required to advise and remind all renters that the VRD is located in a residential neighborhood. Occupants will be informed that objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor will not be permitted, and would subject them to immediate eviction.

As shown on the residential land use table from the Institute of Traffic Engineers (ITE) Trip Generation Manual - 7th Edition below, a Recreational/Vacation Home generates a daily average of 3.16 trips/unit, while a Single-Family Dwelling generates a daily average of 9.57 trips/unit. Accordingly, the VRD will result in less traffic than a normal owner-occupied residence.

Land Use	Units	Average Trip Generation Rate (Trips/unit)	Unpaved Roads Min. Number of Units Meeting 26 AADT	Unpaved Areas Min. Number of Units Meeting 50 AADT	Source
Single Family Housing	Dwelling	9.57	3 Dwellings	6 Dwellings	ITE (210)
Apartment, Low Rise	Dwelling	6.59	4 Dwellings	8 Dwellings	ITE (221)
Apartment, High Rise	Dwelling	4.20	7 Dwellings	12 Dwellings	ITE (222)
Condominium/Townhouse, General	Dwelling	5.86	5 Dwellings	9 Dwellings	ITE (230)
Condominium/Townhouse, High Rise	Dwelling	4.18	7 Dwellings	12 Dwellings	ITE (232)
Mobile Home Park	Dwelling	4.99	6 Dwellings	10 Dwellings	ITE (240)
Senior Adult Housing - Detached	Dwelling	3.71	7 Dwellings	15 Dwellings	ITE (251)
Senior Adult Housing - Attached	Dwelling	3.48	8 Dwellings	15 Dwellings	ITE (252)
Congregate Care Facility	Dwelling	2.02	13 Dwellings	25 Dwellings	ITE (253)
Recreational/Vacation Homes	Dwelling	3.16	9 Dwellings	16 Dwellings	ITE (260)

ITE TRIP GENERATION TABLE

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.

Response: The property does not include a beach access. Guests will be notified by the Local Management Person that access to the beach will be restricted to the existing public access points. Maps and written notice of this requirement, as illustrated below, will be posted on the wall adjacent to each exterior VRD entrance/exit.



BANDON BEACH ACCESS POINTS

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

Response: No joint access driveway will be utilized.

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

Response: The owner is, and will continue to be, very concerned regarding keeping the property clean and well maintained, and want to cause absolutely no negative impacts on the neighborhood. They will therefore be very selective regarding who is allowed to rent and occupy the VRD, and will ensure that the VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage, and exterior maintenance. The Local Management Person will be required to regularly inspect the property to ensure it is being properly maintained, and to report their findings to the owner. As necessary, local landscaping and/or property maintenance professionals will be hired to undertake any necessary maintenance. The owner intends to replace the windows, siding, and decks prior to VRD occupancy.

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.

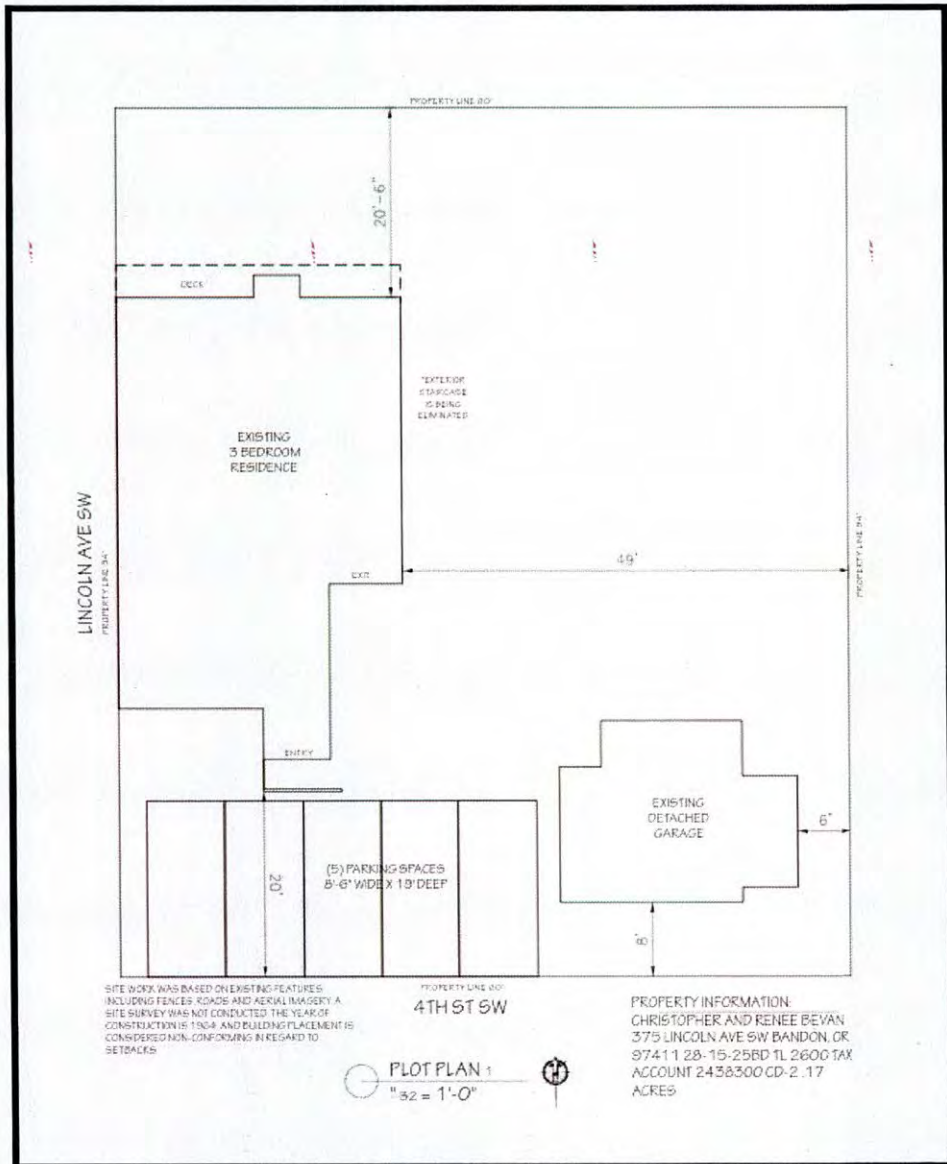
Response: The VRD has 3 bedrooms, requiring a minimum of 3 parking spaces. However, as shown on the Site & Parking Plan below, an additional parking space is being provided, for a total of 4 parking spaces. The applicant meets the parking criteria by providing more than the minimum number of required off-street parking spaces.

Per the Bandon Municipal Code (BMC 17.96.040.E - General provisions for off-street parking and loading), *"Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building."* The parking spaces will be located on the same parcel with the dwelling. Per the Bandon Municipal Code (BMC 16.42.010 - Definitions), *"'Vacation rental dwelling (VRD)' means an existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group or individual. A VRD is considered to be a commercial use. (Ord. 1625, 9/18)."*

It is clear from the Bandon Municipal Code provisions, and all prior reviews and approvals of VRD's, that a VRD is required to be a "single-family dwelling" in terms of structure, and, at the same time, "commercial" in terms of its use.

Per the Bandon Municipal Code (BMC 17.96.050.F- Design requirements for parking lots), *"Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley."*

As required by the Bandon Municipal Code, the VRD will be located in a single-family dwelling, to which the requirements BMC 17.96.050.F do not apply. Also, since it appears that the vast majority of existing single-family residences and VRD's in Bandon have been approved without regard to the matter of "no backing movements or other maneuvering within a street right-of-way other than an alley," the matter of backing out of the parking spaces is not an issue that would impact or preclude approving this VRD.



SITE PLAN / PARKING PLAN

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

Response: The owner will contract with Bandon Disposal for regular garbage removal and disposal. A utility bill will be provided as a condition of approval.

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

Response: The applicant intends to utilize the services of a local property management individual or company to serve as the Local Management Person, who will be available by phone and physically able to respond to the VRD within a reasonable time period. The name and contact information of the designated Local Management Person will be posted at each entrance/exit and will be provided to the Bandon Police Department and Bandon Planning Department.

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

Response: The owner will comply with all reporting and accounting requirements of the transient occupancy tax ordinance, which will 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.

Response: The owner understands that 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.

Response: The VRD has 3 bedrooms, Accordingly, the applicant will limit the VRD occupancy to a maximum total of 9 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 how the proposed VRD is appropriate given the specific characteristics of the neighborhood.

Response: It is understood that the use of the property as a VRD will require a CUP, which has necessitated the preparation and submission of this application. The subject dwelling was constructed on the property as a single-family home in 1964. It has been utilized as a residence and family vacation home, and has remained in compliance with all applicable City of Bandon regulations. The site and dwelling have proven suitable for its use as single-family residence and VRD, and have been fully compatible with the character of the surrounding South Jetty neighborhood for the last approximately 60 years. Other than normal and customary maintenance, no changes to the use of the property and building are being proposed that would alter the character of the surrounding area. Nothing in its use as a VRD will limit, impair, or preclude the use of surrounding properties for the permitted uses in the underlying CD-2 zone.

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.

Response: As required, the owner agrees to prepare and submit an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements.

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

Response: As shown on the Floor Plans, the required smoke detectors are already provided in all potential and actual sleeping areas. The building also includes a carbon monoxide detector. The Local Management Person will be responsible for ensuring that the smoke/carbon monoxide detectors are properly maintained and operational.



NOTICE OF DECISION

of the Bandon Planning Commission

CITY OF BANDON PLANNING
P.O. BOX 57
555 HWY 101
BANDON, OR 97411
P: (541) 347-7922
E: planning@cityofbandon.org

DATE OF MAILING: Wednesday, November 6th, 2019

APPEAL DEADLINE: Monday, November 18th, 2019

REGARDING: CONDITIONAL USE PERMIT (19-095) Request to designate an existing single family dwelling located at 375 Lincoln Ave. SW as a vacation rental dwelling on property zoned CD-2 in the City of Bandon.

APPLICANT: Guy Foster

OWNER: Guy Foster

On Thursday, October 24th, 2019, the Bandon Planning Commission approved the application for a Conditional Use Permit to designate an existing single family detached dwelling as a vacation rental dwelling on property zoned CD-2 in the City of Bandon. The Planning Commission found that the proposal met the criteria listed in the Bandon Municipal Code (BMC), 16.42 Definitions, 17.24 CD-2 Zone, and 17.92 Conditional Uses.

Materials concerning this decision, including the final order dated October 24, 2019, are available for review during the Planning Department's regular office hours, Monday through Friday at Bandon City Hall located at 555 Hwy 101, Bandon, or copies may be purchased at Bandon City Hall.

This decision may be appealed to the City Council within 10 days from the date of this mailing. Appeals must be submitted in writing and all fees paid no later than **5 PM on Monday, November 18th, 2019**. The written notice of appeal shall include all matters specifically appealed, including a brief summary of the material presented to the Planning Commission upon which the decision, which is being appealed, was based. Further, specific statutory citations supporting the appeal shall also be included. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City Council and relevant parties an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

If you would like to appeal this decision to the City Council, the following standards must be met and steps completed:

1) **Who may appeal?** The following people have legal standing to appeal: the applicant; any person who was mailed written notice of the original decision; or any other person who participated in the proceeding by submitting written comments.

2) **Notice of Appeal.** Any person with standing to appeal, as provided in Step 1, above, may appeal the decision by filing a Notice of Appeal according to the following requirements:

The Notice of Appeal shall contain:

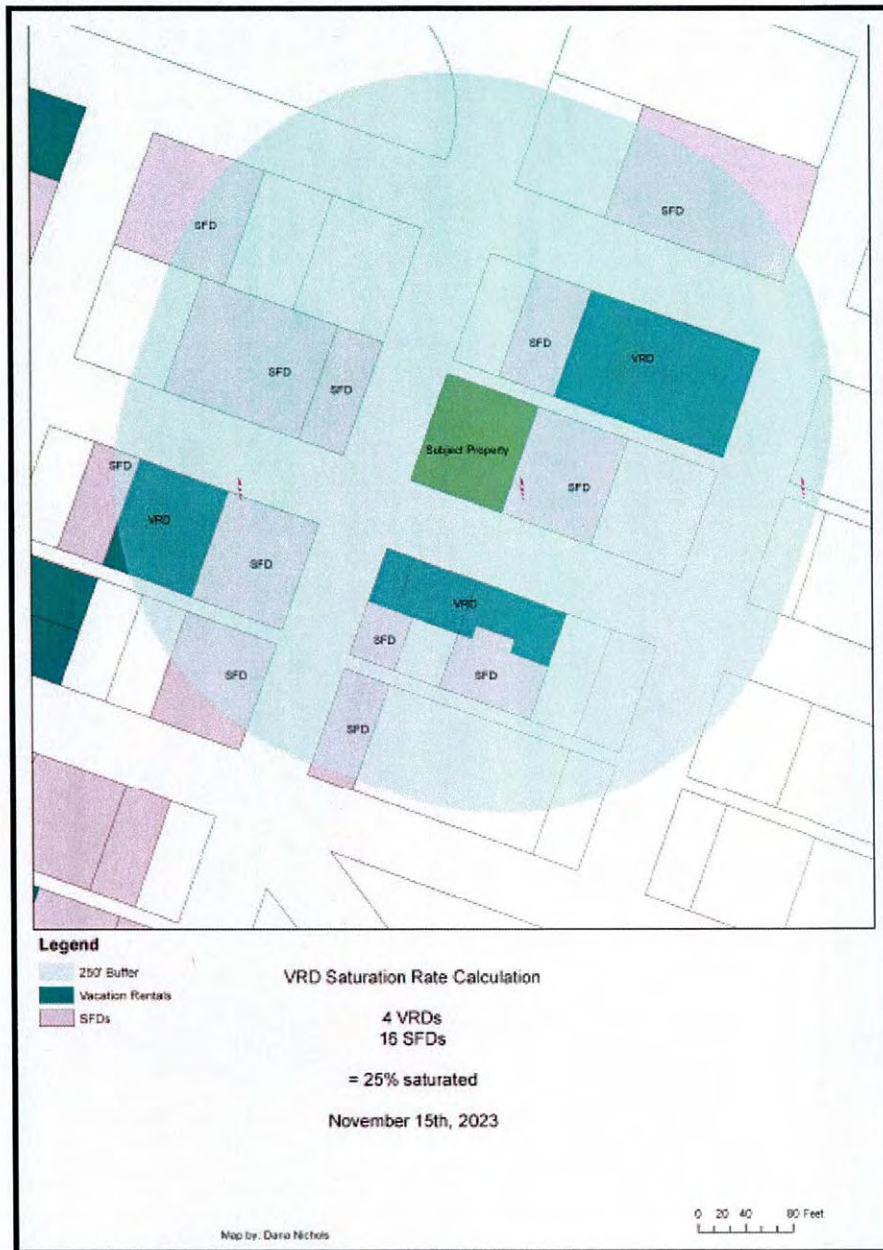
- An identification of the decision sought to be reviewed, including the name, site, location information and the date of the decision;
- A statement of the interest of the person seeking the review and that the individual was a party to the initial proceedings;
- The specific grounds upon which the review and appeal are being based. The criteria against which the appeal and review are being requested were addressed during the original determination.
- Payment of \$100 or half the original application fee, whichever is greater.

3) **Time for filing.** A Notice of Appeal, in the form of a business letter and stating the reasoning for the appeal based on the applicable criteria, shall be filed with the City Recorder within 10 calendar days from the date of the Planning Commission's decision was mailed.

If you need additional information or have questions about the appeals process, please contact the Planning Department at (541) 347-7922 or via e-mail at planning@cityofbandon.org.

Address	Street	Business	Conforming Status
1490	11th Street SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
460	1st Street SW	Vacation Rental Dwelling	Conforming
1050	3rd Street SW	Vacation Rental Dwelling	Conforming
1057	4th Street Sw	Vacation Rental Dwelling	Conforming
1165	4th Street SW	Vacation Rental Dwelling	Conforming
1127	6th Street SW	Vacation Rental Dwelling	Conforming
1265	6th Street SW	Vacation Rental Dwelling	Conforming
1455	8th Street SW	Vacation Rental Dwelling	Conforming
725	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
897	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (attached dwelling)
1030	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1175	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1183	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1275	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
1337	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1445	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1530	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1660	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1740	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
1760	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1812	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1920	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1950	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
1980	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2030	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2131	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2179	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2295	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2480	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
2482	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
2490	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
2930	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
2990	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
3010	Beach Loop Drive SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
3022	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3085	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3160	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3177	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3356	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3620	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
3802	Beach Loop Drive SW	Vacation Rental Dwelling	Conforming
55	Cleveland Ave SW	Vacation Rental Dwelling	Conforming
1388	Face Rock Drive	Vacation Rental Dwelling	Conforming
650	Jetty Rd	Vacation Rental Dwelling	Conforming
300	Madison Ave SW	Vacation Rental Dwelling	Conforming
437	Madison Ave SW	Vacation Rental Dwelling	Conforming
475	Madison Ave SW	Vacation Rental Dwelling	Conforming
583	Madison Ave SW	Vacation Rental Dwelling	Conforming
646	Madison Ave SW	Vacation Rental Dwelling	Non-conforming (multi-unit)
850	Portland Ave SW	Vacation Rental Dwelling	Conforming
877	Portland Ave SW	Vacation Rental Dwelling	Non-conforming (attached dwelling)
879	Portland Ave SW	Vacation Rental Dwelling	Non-conforming (attached dwelling)
943	Portland Ave SW	Vacation Rental Dwelling	Non-conforming (attached dwelling)
1200	Queen Anne Ct	Vacation Rental Dwelling	Conforming
1324	Queen Anne Ct	Vacation Rental Dwelling	Conforming
2952	Spinnaker Drive	Vacation Rental Dwelling	Non-conforming (outside VRD overlay)
2967	Spinnaker Drive	Vacation Rental Dwelling	Non-conforming (outside VRD overlay)
1411	Strawberry Drive	Vacation Rental Dwelling	Conforming
1444	Strawberry Drive	Vacation Rental Dwelling	Conforming
1247	Wavecrest	Vacation Rental Dwelling	Conforming

CITY OF BANDON VACATION RENTAL DWELLINGS LIST



**VACATION RENTAL DWELLING (VRD) SATURATION MAP
375 LINCOLN AVE SW**

Sheri McGrath
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Christopher Bevan of 1409 Kings Hwy, Medford, OR 97501 grants permission to Sheri McGrath to represent me on all design, permit and consulting matters concerning the property located on the Coos County Tax Assessor's Map 28-15-25BD TL 2600. The tax account for this property is 2438300. The site address is 375 Lincoln Ave SW, Bandon, OR 97411.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.


Contact information for Sheri McGrath is:

Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires 12 months from the date below, without requirement of notice.

DATED: 2-3-24, 2024

COOS CURRY CONSULTING


By: SHERI MCGRATH

CLIENT


By: CHRISTOPHER BEVAN



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Christopher D. Bevan and Renee L. Bevan
1409 Kings Hwy
Medford, OR 97501

Coos County, Oregon **2024-00580**
\$91.00 Pgs=2 01/31/2024 09:12 AM
eRecorded by: AMERITITLE - ROSEBURG
Julie A. Brecke, Coos County Clerk

Until a change is requested all tax statements shall be sent to the following address:
Christopher D. Bevan and Renee L. Bevan
1409 Kings Hwy
Medford, OR 97501
File No. 619722AM

STATUTORY WARRANTY DEED

Guy N. Foster and Jeanette Foster, as Tenants by the Entirety,
Grantor(s), hereby convey and warrant to

Christopher D. Bevan and Renee L. Bevan, 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:

Lots 7 and 8, Block 22 Amended Plat of Breakwater Addition to Bandon, Coos County, Oregon.

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

28-15W-25BD-02600 2438300

The true and actual consideration for this conveyance is \$445,000.00.

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:

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

619722AM

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 23rd day of January, 2024.

Guy N. Foster
Guy N. Foster

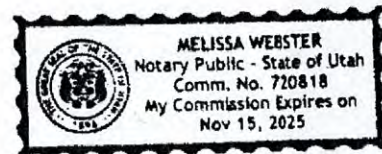
Jeanette Foster
Jeanette Foster

State of Utah } ss
County of Utah }

On this 23 day of January, 2024, before me, Melissa Webster a Notary Public in and for said state, personally appeared Guy N. Foster and Jeanette Foster, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they 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.

Melissa Webster
Notary Public for the State of Utah
Residing at: Spanish Fork, UT
Commission Expires: 11/15/25





3-308

Planning Fee Assessment Form

Address:	375 Lincoln Ave SW
Last Name:	Foster/McGrath

Check for new service

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"/> Permit Extension (Planning Commission Approval)	Actual Coast	
<input type="checkbox"/> Re-Submittal Review Fee	30% of original application fee	
<input type="checkbox"/> Re-inspection Fee	\$50	
<input type="checkbox"/> Missed Inspection Fee	\$250	
<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	
<input type="checkbox"/> LUCS/No Permit Needed Review	\$95	
<input type="checkbox"/> New or Change of Address	\$47	
<input type="checkbox"/> Code Interpretation	\$200	
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"/> Mobile Food Unit Type I	\$125	
<input type="checkbox"/> Mobile Food Unit Type II	Actual Cost (\$500 Base Fee)	
<input type="checkbox"/> Sign Permit	\$100	
<input type="checkbox"/> Certificate of Appropriateness	\$100	
<input type="checkbox"/> Property Line Adjustment*	\$350 per adjustment	
<input type="checkbox"/> Final Plat Review	Actual Cost	

TYPE II		
Plan Review		
<input type="checkbox"/> Residential	Actual Cost (\$500 Base Fee)	
<input type="checkbox"/> Commercial	Actual Cost (\$1,000 Base Fee)	
<input type="checkbox"/> Subdivision Tentative Plan*	Actual Cost (\$1,600 and \$200/lot Base Fee)	
<input type="checkbox"/> Partition*	Actual Cost (\$1,000 and \$100/lot Base Fee)	
<input type="checkbox"/> Adjustment	Actual Cost (\$250 Base Fee)	
<input type="checkbox"/> Appeal of a Type II Decision	\$250	
TYPE III		
<input type="checkbox"/> Planned Unit Development (PUD)	Actual Cost (\$2,750 and \$200/unit Base Fee)	
<input type="checkbox"/> Variance	Actual Cost (\$500 Base Fee)	
<input checked="" type="checkbox"/> Conditional Use Permit*	Actual Cost (\$750 Base Fee)	\$750
<input type="checkbox"/> RV/Manufactured Dwelling Park	Actual Cost (\$500 and \$100/unit Base Fee)	
<input type="checkbox"/> Appeals	Actual Cost + \$250 or half of original fee, up to \$1,000 Deposit	
TYPE IV		
<input type="checkbox"/> Annexation*	\$3,750	
<input type="checkbox"/> Zoning Code Amendment (text/map)*	\$3,000	
<input type="checkbox"/> Comprehensive Plan Amendment*	\$3,500	
<input type="checkbox"/> Combined Map/Plan Amendment*	\$3,700	

* The 2023-2024 FY hourly rate is: \$ 125.00

Planning Staff Contact: Dana Nichols Date Assessed: 1/17/2024

Finance Staff Contact:  Date Paid: 2/6/2024

Receipt Number: 9.156257

CITY OF BANDON
PO BOX 67
555 HIGHWAY 101
BANDON OR 97411

541-347-2437

Receipt No: 9.156257 Feb 6, 2024

375 LINCOLN AVE SW/FOSTER-MCGRATH

Previous Balance:	.00
LICENSES AND PERMITS	
PLANNING FEES -	750.00
CONDITIONAL USE PERMIT	
100-413-09	
PLANNING PERMIT FEES	

Total:	750.00
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CHECK	
Check No: 1652	750.00
Payor:	
COOS CURRY CONSULTING/MCGRATH, SHERI	
Total Applied:	750.00

Change Tendered:	.00
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02/06/2024 10:08 AM





























March 18, 2024

Bandon City Hall
Planning Commission
Bandon, Oregon, 97411

Re: Notice of Public Hearing re: structure at 375 Lincoln Ave. application for VRD status

Dear Sirs and Mesdames

We're requesting that The Planning Commission (before granting it status as a VRD) assess the above structure carefully for safety issues which impact neighbors and their property around it.

Some 15 years ago the owner of this house, Loretta, showed us its fireplace, and said that it was un-usable, due to a structural defect which caused it to overheat and pour smoke into the room. She told us that she and her husband used portable heaters for heat. She also showed us two black inside walls which she told us were toxic mold and a sagging front deck. Years later, she sold the house without addressing the issues.

We were told, at that time that the house was considered a "tear down. And we've never, since, seen any attention to these or other issues, except a 2x2 screen over the foundation vents, a coat of paint, and the replacement of one support column for the deck.

Renters, just prior to the current resident, had dogs which would get out and come through their fence into our yard. Skunks had been breeding under the house and many of those also come through the fence into our yard. They left their windows open even in the winter, for air, because of the mold, and they never used the fireplace.

We were told that they asked the owner to repair the fence, the fireplace, the mold, and the screen—at the crawl space under the house, to keep the skunks out, but he told her that he didn't have any money.

At one time there were three pit bulls there and after they got through the first time, we had to repair the holes in the fence ourselves to help keep them from getting through again.

We feel that if this house is given VRD status without someone being held accountable for repairs, it is a hazard to renters and to the homes around it. Some renter will inadvertently try to light the fireplace and set the house on fire. We also feel that renters should not be placed unawares in danger from toxic mold, a faulty fireplace, a fence which doesn't keep their pets in, or an infestation of skunks, which can be aggressive or rabid.

The house on the other side of us, which is also a VRD, caught fire a few years ago from an undetected propane leak, and it was a close call for our house. Given the high winds on the jetty, one house on fire can take us all out.

Thank you so much, for considering our fears and concerns regarding this issue.

Sincerely,
Rose Zanca Romano and Family
1066 3rd Street S.W. (Jetty)
Bandon, Oregon, 97411



City of Bandon

555 Hwy 101, PO Box 67
 Bandon, OR 97411
 (541) 347-2437

Bandon by the Sea

PLANNING COMMISSION AGENDA	DATE: 03/28/2024
SUBJECT: PLANNING DEPARTMENT REPORT	ITEM NO: 36.1

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 March 21st, 2024 (YTD):

Single Family Dwelling ZC	Accessory Structures ZC	CUP	Land Divisions	GAR	Other
6	4	2	1	0	6

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>

PLANNING FEES:

	LAST FY	JULY - DEC	JAN	FEB	TOTAL
Total Fees	\$61,465	\$19,011	\$8,543.58	\$3,291	\$30,845.58

PROJECT UPDATES:

GRANTS: The Planning Department is looking at grant opportunities to fund the following projects: the Redmon Pond Walkway, Beach Access Connector, and 11th St sidewalk improvements. In partnership with DLCD, we applied for NOAA funding to continue the pathway along Jetty Road and above Redmon Pond. We are also planning to apply for the Oregon Community Pathways grant to fund a path along Beach Loop Drive.

City Staff also submitted a letter of support for a grant request from the Department of Land Conservation and Development to update the Coquille River Estuary Management Plan. The existing plan was developed in 1984 and has not been updated since.

TSP & BAC: The City has scheduled April 24th at 4:00 pm in the Council Chamber for an Open House to discuss the Transportation System Plan and the Beach Access Connector. We have also scheduled May 13th at 1:30 pm for the next Joint Work Session with the City Council to discuss planned improvements for the TSP.

GRAVEL POINT: The City Council held a public hearing on appeal to consider the Planning Commission's approval of the Gravel Point Application. The appeals were denied, and the Planning Commission's decision was upheld. Notices were mailed to all who participated. The deadline to appeal to the Land Use Board of Appeal is March 28th, 2024.

SUBMITTED BY:

Dana Nichols, Planning Director