

City of Bandon

Planning Commission

RE: Conditional Use Permit #22-051, VRD for 1250 Tish A Tang

June 13, 2022

To whom it may concern:

The conditional use permit for 1250 Tish A Tang to obtain a vacation rental license should be denied under the city municipal code limiting the density of VRDs within 250 feet of the property to 30%.

City Municipal code 17.92.090.K. Vacation Rental Dwellings.

Vacation rental dwellings (VRD's) are a conditional use in the CD-1 and CD-2 and CD-3 zones and are subject to the requirements of this chapter. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRD's are not an outright permitted use in the CO-zones. All vacation rental dwellings shall comply with the following provisions.

... "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"

We take issue with the density calculation on the saturation map provided by the city. Specifically for the properties labeled 1 and 2 for clarity on attachment number 1.

Property 1: 2990 Beach Loop Drive. Per tax records, not a single-family dwelling, thus a non-conforming VRD.

Property 2: 3010 Beach Loop Drive. Unknown reason for non-conforming VRD status.

On May 18, 2018 in the **LEGISLATIVE ZONING ORDINANCE TEXT AMENDMENT STAFF REPORT Vacation Rental Dwelling Ordinance** ,

([https://www.cityofbandon.org/sites/default/files/fileattachments/general/meeting/3361/4.1_zone_code_text_amendment - vrd ordinance amendment.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/general/meeting/3361/4.1_zone_code_text_amendment_-_vrd_ordinance_amendment.pdf)) the city wrote:

Two existing VRD's in this area would be grandfathered in as nonconforming uses.

The city was aware of the existence of non-conforming VRDs when the ordinance was approved but declined to state in paragraph 2 of the code that only conforming VRDs would be included in density calculations.

Both properties are listed in the city vacation rental data just like every other VRD in Bandon.

(https://www.cityofbandon.org/sites/default/files/fileattachments/planning_department/page/10259/vrds_2.25.22_dn.pdf) One assumes that the city is receiving its share of the occupancy taxes from these properties. The residents of the neighborhood are experiencing the negative aspects of vacation rentals – traffic, parking, lack of community, etc.

Furthermore, in the past two years this neighborhood has seen two vacation rental dwelling permits approved, but the density percentage as calculated by the city has remained virtually unchanged. This is mathematically impossible with a consistent application of the density calculation formula.

- November 5, 2020, in the notice of final decision for **Planning Application 20-079**; approval 1247 Wavecrest Lane SW as a Vacation Rental Dwelling (property 4 on map). The city wrote **Finding:** As described in the October 29, 2020 staff report, there are there are seventeen single family dwellings and four VRDs in the 250-foot radius of the subject property, which is a neighborhood VRD density of 23%.
- In June of 2021 a vacation rental application for 3085 Beach Loop was approved (property 5). (<https://www.cityofbandon.org/planning/page/3085-beach-loop-drive-conditional-use-permit>)
- On the saturation map for 1250 Tish A Tang, the city claims the VRD density is still 23.1%.

Given there is no practical or legal difference between a conforming and non-conforming VRD for either the city or the neighborhood, all current VRD permit holders should be considered in the calculation. It has been a recent development that only conforming VRDs are counted, yet no changes have been made to the municipal code regarding VRDs to reflect that change. On what legal basis has the city left two properties out of the calculation in the saturation map for 1250 Tish A Tang?

The density calculation as written in the **17.92.090.K** is VRDS/Single Family Dwellings (SFDs). Property 1 is not a single-family dwelling. Thus, there are 15 SFDs within 250 feet of 1250 Tish A Tang. There are currently 5 VRDs for a density of 33.33%. Even if counting property 1 as a SFD, 5 VRDs out of 16 houses is 31.25%. Granting a permit to 1250 Tish a Tang would bring the total number of VRDs to 6. By any calculation of total SFDs in the area, the density would exceed the 30% threshold.

We believe the intent of restricting the VRD density in a neighborhood was an attempt to balance the needs of those who view real estate as an investment vs. those who buy property in Bandon to become part of the community. By only using conforming VRDs in the calculation, the city is prioritizing investment at the expense of its residents.

Regards,



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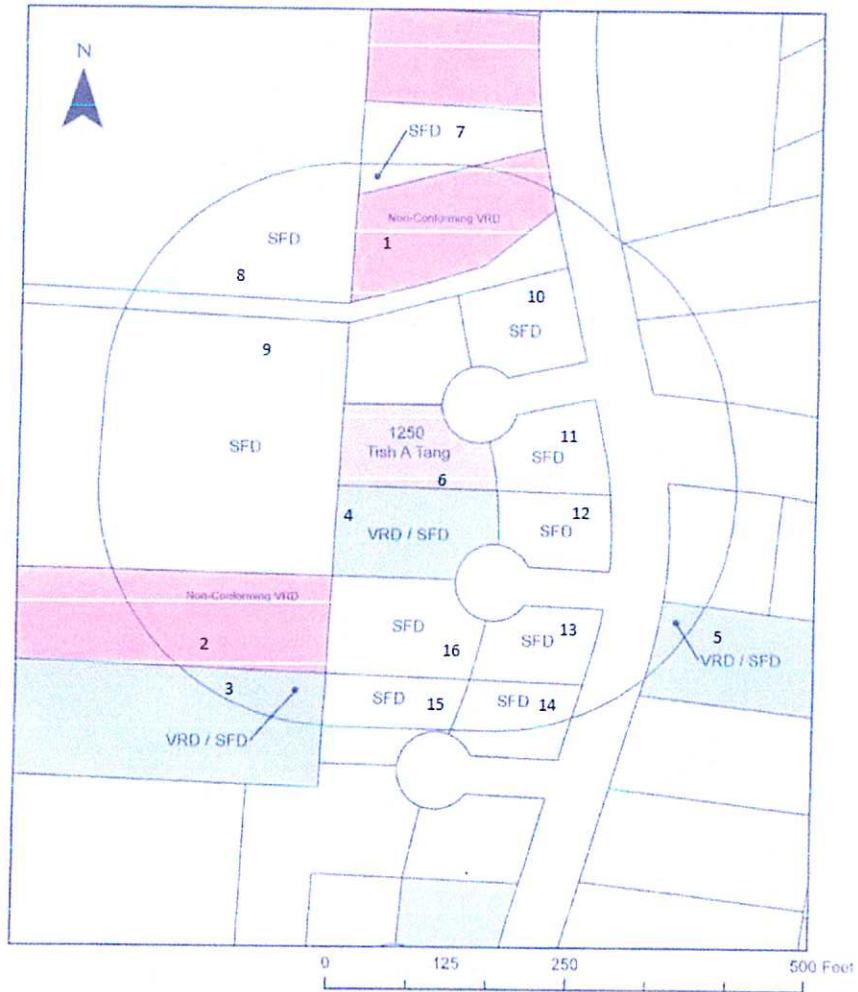



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Attachment 1:

Saturation Study: 1250 Tish A Tang



Legend

-  1250 Tish A Tang
-  250' Buffer
-  VRDs
-  Nonconforming VRDs

Saturation Calculation	
13 SFDs	
3 VRDs	
3 VRDs / 14 SFDs = 23.1% Saturation Rate	

Map by Eric Montes