

**RECORD OF TYPE III DECISION
OF THE PLANNING COMMISSION
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 24-009

LOCATION: 375 Lincoln Ave SW, Bandon, OR 97411
Map Number: 28S-15W-25BD / TL 3304

APPLICANT'S REPRESENTATIVE: Sheri McGrath, Coos Curry Consulting

PROPERTY OWNER: Christopher D. and Renne L. Bevan

REQUEST: Approval of a conditional use permit to operate a Vacation Rental Dwelling in the Controlled Development 2 Zone (CD-2)

REVIEWING BODY: Planning Commission

DECISION HISTORY: Date application was deemed complete: February 14th, 2024
Notice Date: March 5th, 2024
Planning Commission Hearing & Date of Decision: March 28th, 2024

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

FINAL ORDER: **APPROVED WITH CONDITIONS**

SIGNED: This 15th day of April 2024.

A handwritten signature in blue ink that reads "Bear Slothower".

Bear Slothower, Planning Commission Chair

EXPIRATION:

This approval expires one (1) year from the effective date, 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.

EFFECTIVE DATE OF DECISION:

Unless the conditions of approval specify otherwise, the Decision becomes effective 21 days after the City mails the decision notice, unless the decision is appealed.

Recitals

1. Christopher D. and Renee L. Bevan are the record owners of certain real property located in the City of Bandon at 375 Lincoln Ave SW, and more specifically known as Township 28 South, Range 15 West, Section 25BD, Tax Lot 2600 (“subject property”). The subject property is located in Bandon’s Controlled Development 2 (“CD-2”) zone.
2. On February 3rd, 2024, Christopher Bevan, (“Applicant”) filed a Type III application (“Application”) with the City of Bandon Planning Department for a conditional use permit to operate a Vacation Rental Dwelling (“VRD”) on property zoned Controlled Development 2 (CD-2).
3. On February 14th, 2024, City staff deemed the Application complete.
4. On March 28th, 2024, the Planning Commission met for the initial evidentiary hearing for the Application. At that meeting, the Planning Commission held a duly noticed public hearing. Staff presented the Application request and time was permitted for the Applicant’s Representative, Sheri McGrath of Coos Curry Consulting, to present their case. There was no oral testimony from members of the public. However, written testimony was received prior to the hearing and presented to the Planning Commission for their consideration.
5. At the conclusion of the Public Hearing, the Planning Commission considered the evidence and arguments in the record and deliberated towards a decision. The Planning Commission, by a 6:0 vote (one Commissioner was absent), approved the Application with conditions and adopted the Procedural Staff Report (“Report”) dated March 28th, 2024, as the Findings of Fact, imposing the conditions of approval listed in that Report.

FINDINGS OF FACT AND LAW:

In addition to those found in the adopted Report, the following findings and conclusions are based upon the application, plans, and all testimony for the above-referenced request for a conditional use permit to operate a VRD at 375 Lincoln Ave SW, submitted before the close of the record on March 28th, 2024.

1. The Planning Commission received written testimony from Rose Zanca Romano and Family in a letter dated March 18th, 2024. The letter includes the following issue accompanied by the City’s Findings:
 - a. **Issue:** “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.” The letter goes on to list safety issues as: “un-usable” fireplace, skunks breeding under the house, ineffective fencing, and mold.

Findings: The City finds that interior building inspections for safety do not fall under the City’s jurisdiction, but rather the Coos County Health & Wellness division, which operates as part of the Oregon Health Authority. Each operating VRD is required to obtain, annually, a Travelers’ Accommodation License, which includes an on-site inspection.

Exterior improvements, such as fencing, are not required unless the Planning Commission finds that they are landscaping features. In this case, the Planning Commission did not take issue with the existing fencing, however, the City requires the Code Compliance Officer to sign-off on a VRD operating permit prior to the start of operation, so if the fencing is found it violate the Municipal Code, it will be remedied prior to operation.

2. The Planning Commission finds that it has received all information necessary to make a decision based on the staff reports, public hearing testimony, and the exhibits contained within the whole record.
3. The Planning Commission finds that the proposal for a Conditional Use Permit to operate a Vacation Rental Dwelling on property zoned Controlled Development 2 (CD-2) met the applicable criteria as described in BMC 16.04 and 16.12.

IN THE MATTER OF REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A VACATON RENTAL DWELLING AT 375 LINCOLN AVE SW, AS LISTED IN FILE NO. 24-009, IT IS HEREBY ORDERED THAT REQUEST IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. 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.
2. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
3. 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.
4. 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.
5. The Bandon Tsunami Route map shall be posted in a conspicuous location within the dwelling.
6. The number of guests is restricted to 9.
7. Trash shall be enclosed at all times.
8. The name and contact information for the Local Management Person shall be updated annually and kept on file in the Bandon Planning Department.
9. 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.
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 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.
12. 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.

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. 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.
15. 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.
16. 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.
17. 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.
18. A conditional use permit shall become void if the use is discontinued for a period of one year.
19. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.