

**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.

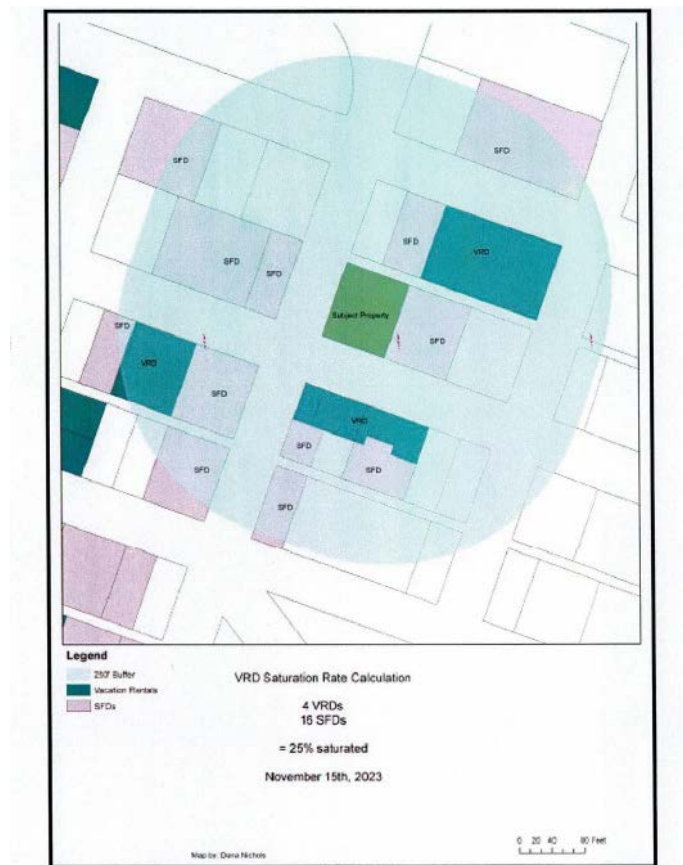


Figure 1. Saturation Map completed by City Staff on November 15, 2023. Saturation of VRDs within 250 feet of the subject property is less than 30%.

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;

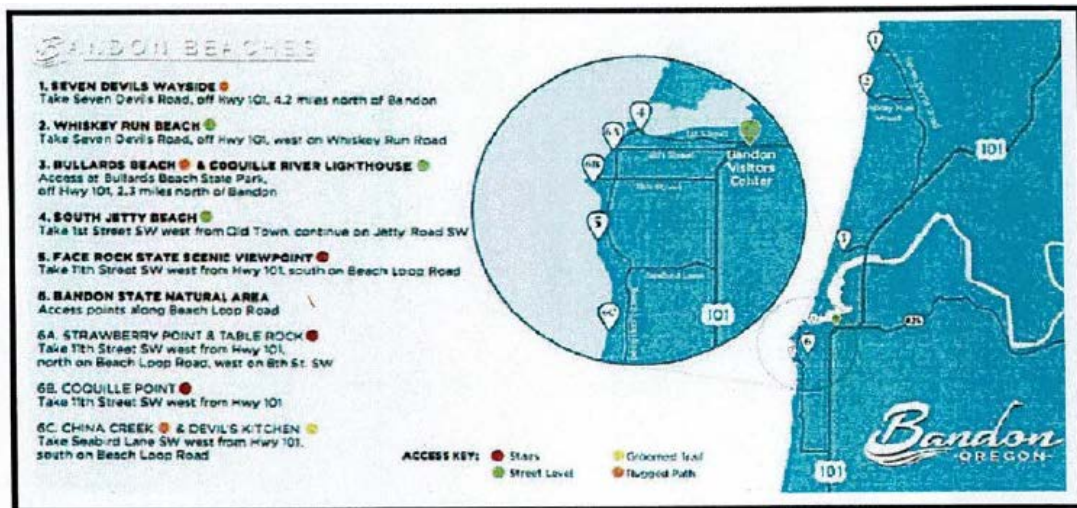
APPLICANT FINDING: The new property owner understands this requirement. Therefore, this application is being submitted.

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.

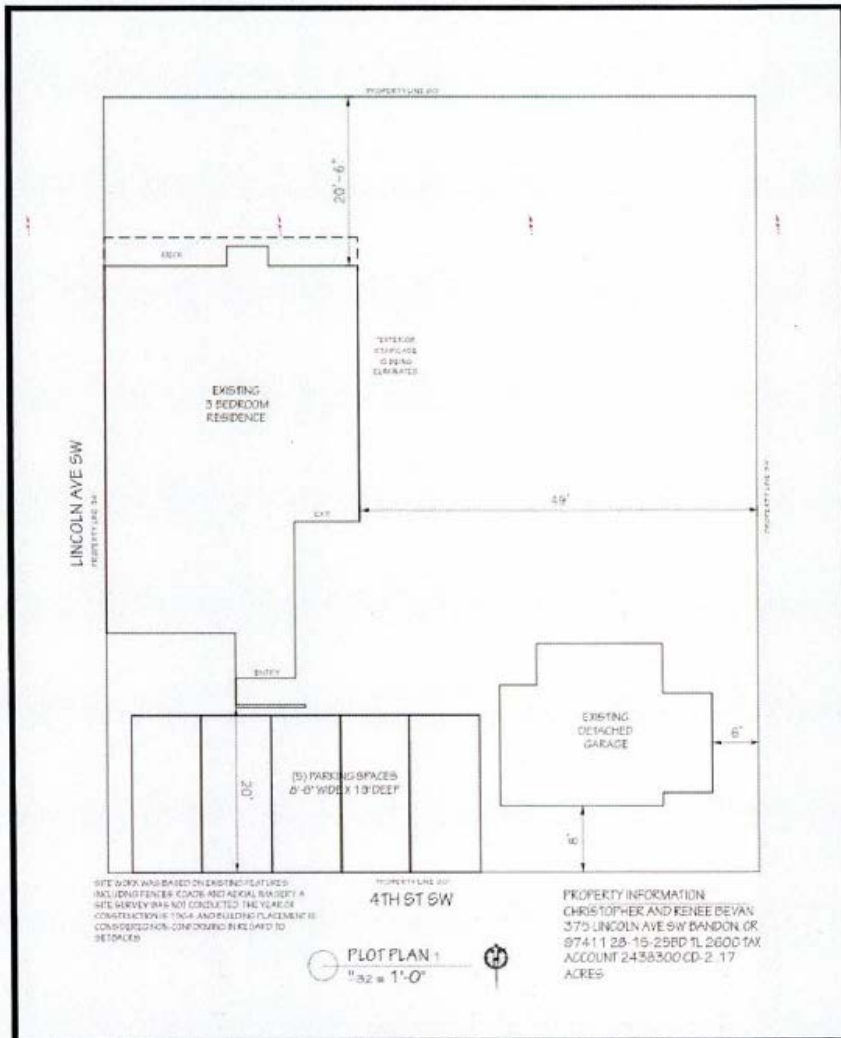
Per the Bandon Municipal Code (BMC 17.96.040.E – General Provisions for off-street parking and loading), “off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than five hundred (500) feet from the building 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