

- 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.*

5) Approval criteria specific to Vacation Rental Dwellings is listed in BMC 17.92.090 K as follows:

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

- 1. The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy;*
- 2. Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's;*
- 3. In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;*
- 4. The VRD Conditional Use Permit is valid for the named applicant of record and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit;*
- 5. Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*
- 6. No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;*
- 7. VRD's without private beach access shall provide written permission*

from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken;

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

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

10. VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking;

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

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

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

14. If the VRD activity ceases for a period of one year, or fails to be rented for more than 10 nights within a calendar year, as determined by the transient occupancy tax receipts and rental documentation, the VRD permit becomes null and void with no further proceedings;

15. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed

16. VRD's require a conditional use permit (CUP). All criteria for a CUP

must be addressed and included as part of the application materials. The applicant shall also address the surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.

17. The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the Conditional Use Permit.

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

- 6) The Planning Commission, following proper public notice, held a public hearing on June 17th, 2021 at which time testimony was received and exhibits were presented.
- 7) Upon closure of the hearing, the Planning Commission unanimously approved the request for a conditional use permit to designate 3085 Beach Loop Drive SW, an existing single-family, detached dwelling, as a Vacation Rental Dwelling on property zoned CD-1 in the City of Bandon.

Now, therefore, the Planning Commission of the City of Bandon finds and concludes as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

- Application 21-063
- Noticing affidavits
- Public comments, both written and oral testimony
- Staff Report dated June 17th, 2021
- Minutes from the June 17th, 2021 meeting of the Planning Commission

SECTION 2. CONCLUSORY FINDINGS

2.1 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.

2.2 The Planning Commission finds that the proposal for a Conditional Use Permit to designate an existing single-family, detached dwelling as a VRD in the CD-1 Zone has met all applicable criteria as described in BMC 17.20, and 17.92.

SECTION 3. DECISION

3.1 With regard to Application 21-063, a request for a conditional use permit to designate an existing single-family, detached dwelling as a Vacation Rental Dwelling in the Controlled Development 1 (CD-1) Zone, the Planning Commission finds that the application meets all the criteria as found in BMC 17.20, and 17.92.

The Planning Commission voted to approve the request for a Conditional Use Permit with the following conditions:

1. Approval of the CUP shall be subject to a satisfactory whole home inspection by a certified licensed Oregon home inspector. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the Oregon State Building Code. Prior to advertisement and operation of the VRD, the property owner shall make all necessary alterations to the dwelling required by the Oregon State Building Codes Division.
2. The number of the 24-hour local contact shall be posted in a conspicuous place within the dwelling.
3. A notice shall be posted in a conspicuous place informing guests of the nearest public beach access.
4. The Bandon Tsunami Route map shall be posted in a conspicuous location within the dwelling.
5. The number of guests is restricted to 9; 3 bedrooms total, 3 guests per bedroom.
6. Trash shall be enclosed at all times.
7. Exterior lighting shall be limited to the existing fixtures, which shall be modified to point directionally downward if not currently downward facing.
8. Transient Occupancy Tax shall be paid, and annual reporting shall be completed as required; if the Transient Occupancy Tax account is not current, no rental shall be allowed while the account is in arrears.
9. 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.
10. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.

11. All state, federal, and county permits associated with this approval shall be obtained and maintained for the life of the Vacation Rental Dwelling prior to registration the with City Finance Department.

12. 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.

13. Approval of the application is based on information provided by the applicant.

14. Agreements or statements of the applicant on the application materials or testimony shall become conditions of approval.

Based on the record of the Public Hearing on this matter, the City of Bandon Planning Commission concludes that the decision to **APPROVE** the conditional use permit to designate 3085 Beach Loop Drive SW as a Vacation Rental Dwelling in the Controlled Development 1 (CD-1) zone, is supported by evidence contained within the whole record.


Paul Fisher, *Chair*
City of Bandon

7/22/2021
Date