

**BEFORE THE PLANNING COMMISSION
CITY OF BANDON, OREGON
July 22, 2021**

IN THE MATTER OF PLANNING ACTION #21-039,
A REQUEST FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO DESIGNATE AN EXISTING SINGLE-FAMILY DWELLING AS A VACATION RENTAL DWELLING ON PROPERTY ZONED CONTROLLED DEVELOPMENT 2 IN BANDON, OREGON

OWNER: CHRISTOPHER SINKINSON
APPLICANT: CHRISTOPHER SINKINSON

) **FINDINGS,**
) **CONCLUSIONS**
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RECITALS:

- 1) Tax lots #5400, 5700, 5802 of Map 28S-15W-25BD are located on Bandon's South Jetty neighborhood, on the east side of Lincoln Avenue near the intersection of Lincoln Avenue and 4th Street SW and is zoned CD-2 (Controlled Development 2).
- 2) The applicant is requesting approval of a conditional use permit to operate a Vacation Rental Dwelling in an existing single-family, detached dwelling at 1057 4th Street SW. Bandon Municipal Code 17.20.030. states that Vacation Rental Dwellings are conditional uses in the CD-1 Zone.
- 3) A Planning Permit Application for a Conditional Use Permit was submitted to the City on May 11th, 2021. Notice of Public Hearing was mailed on May 27th, 2021 for the June 17th, 2021 meeting of the City of Bandon Planning Commission.
- 4) The criteria for approval of a Conditional Use Permit are described in Bandon Municipal Code (BMC) 17.92.040 as follows:

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.*

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 voted to deny the request for a conditional use permit to designate 1057 4th Street SW, an existing single-family, detached dwelling, as a Vacation Rental Dwelling on property zoned CD-2 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 21-039
- 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-2 Zone failed to meet the applicable criteria as described in BMC 17.20, and 17.92.

2.3 The Planning Commission finds that more than 30% of the single-family detached dwellings within 250 feet of the subject property are vacation rental dwellings, which fails to meet approval Criteria 3 of BMC 17.92.090(K).

SECTION 3. DECISION

3.1 With regard to Application 21-039, a request for a conditional use permit to designate an existing single-family, detached dwelling as a Vacation Rental Dwelling in the Controlled Development 2 (CD-2) Zone, the Planning Commission finds that the application does not meet all the criteria as found in BMC 17.20, and 17.92.

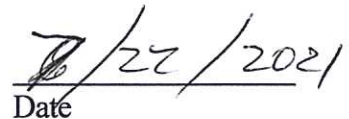
The Planning Commission voted 4:2 (Aye: Fisher, Norman, Starbuck, Scobby; Nay: Jurkowski, Slothower) to deny the request for a Conditional Use Permit for the following reason:

1. More than 30% of the single-family detached dwellings within 250 feet of the subject property, as proposed by the applicant, are vacation rental dwellings.

Based on the record of the Public Hearing on this matter, the City of Bandon Planning Commission concludes that the decision to **DENY** the conditional use permit to designate 1057 4th Street SW as a Vacation Rental Dwelling in the Controlled Development 2 (CD-2) zone, is supported by evidence contained within the whole record.



Paul Fisher, *Chair*
City of Bandon



Date