



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770**

If the fee is not included the application will not be processed

(If payment is received on line a file number is required prior to submittal)

Date Received: 05/10/23 Receipt #: 239934 Amount: 1723.00 Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) Bandon Par, LLC 870 Market Street #450, SF, CA 94102

Mailing address: Appliant: Sheri McGrath P.O. Box 1548, Bandon, OR 97411

Phone: c/o Sheri McGrath 541-982-9531 Email: c/o Sheri McGrath cooscurry@gmail.com

Township: 29S Range: 15W Section: 1 ¼ Section: C 1/16 Section: C Tax lots: 6000

Select Select Select Select Select

Tax Account Number(s): 2955700 Zone: Select Zone Controlled Development (CD)
Tax Account Number(s) _____ Please Select

B. Special Districts and Services

Water City Water Sewage Disposal On-Site Septic
School Bandon Fire District Bandon RFPD

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for Change of Use from B&B to Vacation Rental Dwelling
- Hearings Body Conditional Use for _____
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 - Flood
 - Landslide
 - Liquefaction
 - Erosion
 - Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links:

[Map Information](#) Or [Account Information](#)

D. ATTACHED WRITTEN STATEMENT. With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:

1. Project summary and details including time limes.
2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).

II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- Owner's name, address, and phone number, map and Tax lot number
- North Arrow and Scale - using standard engineering scale.
- Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
- Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
- All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
- Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.

III. DEED: A copy of the current deed, including the legal description, of the subject property.

IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director’s decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county’s behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING

Andrew Zacks

Denise Leadbetter

BANDON PAR, LLC
OWNER

[Handwritten signature] Manager/member
[Handwritten signature] Member

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 87096 Saturn Lane, Bandon, OR 97411

Type of Access: County Road Name of Access: Saturn Lane

Is this property in the Urban Growth Boundary? Yes

Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- Traffic Study completed by a registered traffic engineer.
- Access Analysis completed by a registered traffic engineer
- Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance ([CCZLDO Article 7](#)).

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: Select **City of Bandon** Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site? **6-10**
- Will food be offered as part of the an on-site business? **No**
- Will overnight accommodations be offered as part of an on-site business? **Yes**
- What will be the hours of operation of the business? **By reservation only**

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Sheri McGrath, Inc
Coos Curry Consulting
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Andrew Zacks of 870 Market St, #450, San Francisco, CA 94102 give permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the property located on the Coos County Tax Assessor's Map 29-15-01CC TL 6000. The tax account for this property is 2955700.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the above property.

Contact information for Sheri McGrath is:

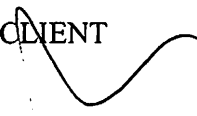
Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires 12 months from the date below, without requirement of notice.

DATED: 3/29, 2023

COOS CURRY CONSULTING


By: SHERI MCGRATH

CLIENT

By: ANDREW ZACKS

AFTER RECORDING, RETURN TO:

Denise A. Leadbetter
870 Market Street, #450
San Francisco, CA 94102

Coos County, Oregon
\$111.00

2023-02803
05/05/2023 11:40 AM
Pgs=6



Julie A. Brecke, Coos County Clerk

SEND TAX STATEMENTS TO:

Bandon Par, LLC
c/o Denise A. Leadbetter
870 Market Street, #450
San Francisco, Ca 94102

APN: 2944700

Map: 29-15-01CC TL 6000

Address: 87096 Saturn Lane, Bandon OR 97411-9450

STATUTORY WARRANTY DEED

Andrew M. Zacks and Denise A. Leadbetter, Trustees of The ZACKS – LEADBETTER FAMILY LIVING TRUST dated January 19, 2005 as Amended and Restated, with an address of 870 Market Street, #450, San Francisco, CA 94102 ("Grantor"), conveys and warrants to BANDON PAR, LLC, with an address of 870 Market Street, #450, San Francisco, CA 94102 ("Grantee"), the following described real property free of encumbrances, except as specifically set forth herein:

Land in Coos County, Oregon, described more particularly in Exhibit A, attached hereto.

SUBJECT TO: The encumbrances described in Exhibit B, attached hereto.

The true consideration for this conveyance is **\$ZERO**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon laws 2009, and Sections 2 to 7, Chapter 8, Oregon laws 2010. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices, as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, and Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010.

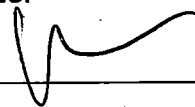
STATUTORY WARRANTY DEED

DATED this 28th day of APRIL, 2023

MAY BE EXECUTED IN COUNTERPART

Grantor

By:



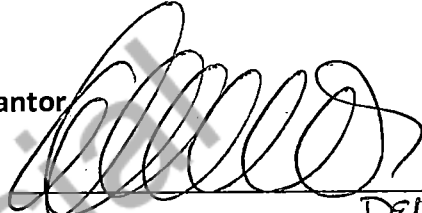
ANDREW M. ZACKS

Its:

~~Member~~ Trustee

Grantor

By:



DENISE A. LEADWITH

Its:

~~MEMBER~~ Trustee

Dated: May 1, 2023

(notary acknowledgement attached)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of ALAMEDA)

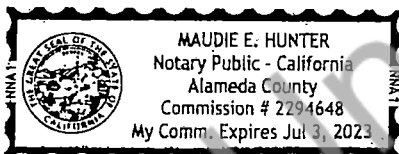
On APRIL 28, 2023 before me, MAUDIE E. HUNTER, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared ANDREW MZACKS
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Maudie E. Hunter
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: STATUTORY WARRANTY DEED Document Date: APRIL 28, 2023
Number of Pages: _____ Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: ANDREW MZACKS
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: SELF

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

California Notary Certificate – Acknowledgment **Civil Code §1189**

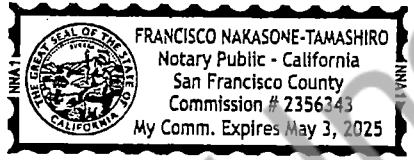
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of San Francisco)

On May 1, 2023 before me, Francisco Nakasone-Tamashiro, Notary Public, personally
Date Name and Title of the Officer
 appeared Denise A. Leadbetter _____
Name(s) of Signer(s)

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
 WITNESS my hand and official seal.



Signature: _____
Signature of the Notary Public

Optional

Description of the Attached Document		Document Date : <u>May 1, 2023</u>
Title or Type of Document: <u>Statutory Warranty Deed. Re APN 2944700 Address: 87096 Saturn Lane, Bandon, OR 97411-9450</u>		
Number of Pages: <u>====</u> Signer(s) other than named above: <u>n/a</u>		
Capacity(ies) Claimed by Signer(s)		
Signer's Name: _____	Signer's Name: _____	
<input type="checkbox"/> Corporate Officer – Title(s): _____	<input type="checkbox"/> Corporate Officer – Title(s): _____	
<input type="checkbox"/> Partner - <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner - <input type="checkbox"/> Limited <input type="checkbox"/> General	
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	
<input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	
Signer is Representing : _____	Signer is Representing : _____	

EXHIBIT A

Legal Description:

Lots 1, 2, 3 and that portion of Lot 4 lying North of the South boundary line of Section 1, Township 29 South, Range 15 West of the Willamette Meridian Coos County Oregon, all in Block 34, Sunset City, Coos County Oregon. Together with that portion of the vacated alley fronting an abutting that was vacated by instrument recorded August 7, 1991 in Microfilm No. 91-08-0235, that would inure by operation of law. Together with that portion of vacated Gould Avenue fronting and abutting that was vacated by instrument recorded October 31, 1992 in Microfilm No. 91-10-1162, that would inure by operation of law, Coos County Oregon.

Unofficial
Copy

EXHIBIT B

Encumbrances

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as public roads, streets, alleys and highway.

Any irregularities, reservations or other matters in the proceeding occasioning the abandonment or vacation of the streets, roads and alleys.

Easement(s) for the purpose shown below and rights incidental thereto as reserved in a document:

Reserved by:	Coos County Board of Commissioners
Recorded Date:	October 31, 1991
Recording no.	91-10-1162

Unofficial
Copy

April 27, 2023

VACATION RENTAL DWELLING

Avanti Guest House
87096 Saturn Lane
Bandon, OR 97411
29-15-01CC TL 6000
Tax Account 2955700

PROPERTY OWNER

Bandon Par LLC, an Oregon Limited Liability Corporation
870 Market Street #450
San Francisco, CA 94102

APPLICANT

Sheri McGrath
Coos Curry Consulting
P.O. Box 1548
Bandon, OR 97411
541-982-9531
cooscurry@gmail.com

PROJECT NARRATIVE

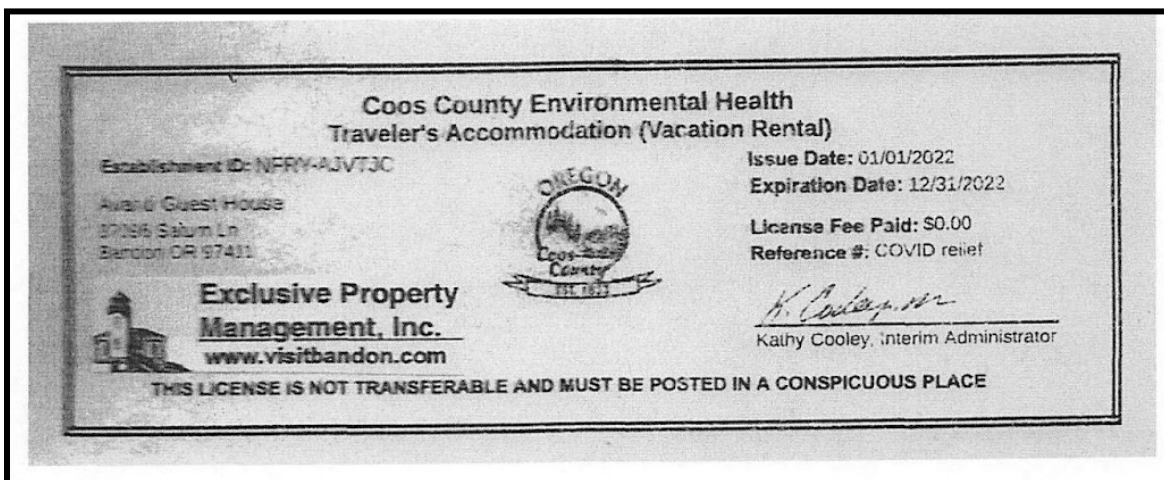
The subject property is located in the southern Urban Growth Boundary of Bandon, found in Coos County, Oregon. The property is known as Tax Lot 6000 on the Coos County Tax Assessor's Map 29-15-01CC and is located in the Controlled Development 10 district (CD-10). The property is .29 acres in size, and the situs address is 87096 Saturn Lane.

Existing development includes a septic system and a five-bedroom stick framed home constructed in 1990. The property is not used for farming or forest practices and is not suitable for these uses due to the size of the site. Vegetation consists of grass only. The property is within walking distance to the Pacific Ocean with the closest public accesses being Devil's Kitchen and Mars Beach. Bandon Beach Riding Stables is also within walking distance. This makes this location an ideal location for a vacation rental.

In the year 2000, the Coos County Planning Commission approved the use of the home as a Bed and Breakfast. The property has operated continually as a short-term rental since that time period, with no gaps in rental status or licensing. The property owner is requesting clearance to change the operations from a Bed and Breakfast to a furnished Vacation Rental Dwelling. Under the previous approval as a Bed and Breakfast, Parking is restricted to two vehicles, and the Coos County Road Department approved a driveway and parking plan in January 2023. The permit number is DR-22-153.

The property manager is Exclusive Property Management, Inc. ("EPMI") located in Bandon. Under an agreement with the property owner, EPM has agreed to be available 24 hours per day as the direct contact for emergencies, cleaning and other items deemed relevant to the operations of the Vacation Rental Dwelling. House cleaning and maintenance services will generally be provided by EPMI when the house is vacant, so a dedicated parking space is not needed although provided.

Avanti Guest House has been licensed by Coos Health and Wellness (CHW) in accordance with ORS 446.310-350. The owner is requesting that notice be provided by the Planning Department to CHW upon receipt of this application for their annual renewal to be issued for the year 2023 while the change of use is under review. This requested action is consistent with the County's previously approved Bed and Breakfast use. The existing and proposed uses are considered short term rentals, and Coos Health and Wellness does not differentiate between Bed and Breakfast and Vacation Rental. The current use of the property is in compliance with CHW requirements except the requirement that CHW be notified of a change of ownership name and type of use as interpreted by the Coos County Planning Department.



2022 CHW LICENSE
(Previous years were submitted with an earlier submission)

GENERAL SCOPE OF PROPOSAL

Number of Occupants at One Time: 6-10

Number of Parking Spaces: 6 total are provided.

Large Gatherings: Gatherings will not be allowed. No parties or events will be permitted.

Property Manager Details: The property manager located in Bandon is operating as Exclusive Property Management, Inc.

Security: The house is secured by coded lock boxes and is monitored regularly.

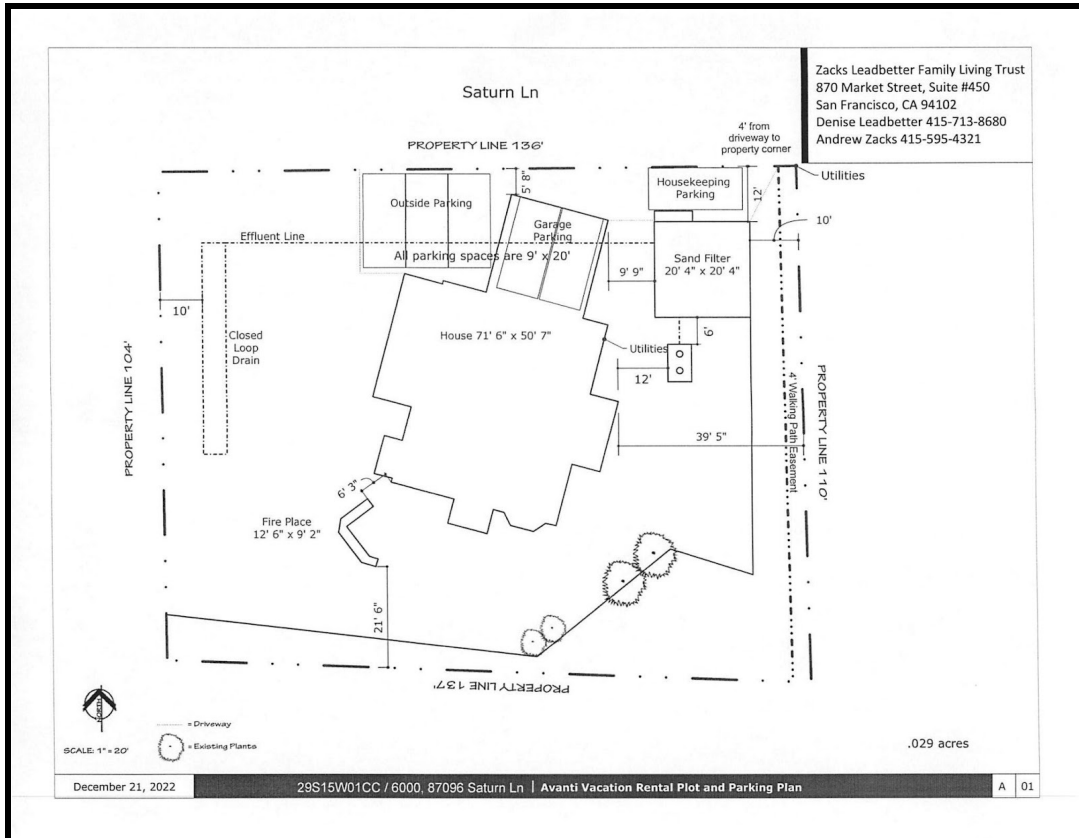
Landscaping/Screening: The property is bordered by Saturn Lane and the Devils Kitchen State Park. The property is fenced to the south and landscaping is regularly maintained.

Cleaning Services: Cleaning will be conducted only when the rental is vacant.

Compatibility: The Sunset City area of Bandon is known for its clustering of Vacation Rental Dwellings and second homes. There are several short-term rentals within the subdivision, and at least seven rentals within walking distance to the subject property.



VACATION RENTALS WITHIN CLOSE PROXIMITY



PLOT PLAN

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO) FINDINGS OF FACT

2.1.200 Single Family Dwelling is defined as, “a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited.”

Applicant’s Response: The dwelling is a five bedroom stick framed home. There are no shared walls or other dwelling units on the subject site.

Conditional Use is “applied to a use which may be permitted by the issuance of a conditional use permit.”

Applicant’s Response: The proposed use is considered permitted as an Administrative Conditional Use. The request is a change of short-term rental classification from Bed and Breakfast to Vacation Rental Dwelling.

Evidence is defined as, “Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the applicant to be relevant to the decision.

Applicant's Response: The enclosed information and findings are provided as evidence that compliance with the county, state and licensing offices have been met and will continue to be upheld.

Vacation Rental is defined as, "A furnished apartment or house rented out on a temporary basis to tourists or guests as an alternative to a hotel/motel or group cottage. The definition includes dwelling(s) or dwelling unit(s) for the purpose of being rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis and are predominately rented out less than 30 days."

Applicant's Response: The dwelling contains five bedrooms and is fully furnished and self contained. The space has been and will continue to be rented for a period of less than 30 days at a time.

Zoning District is defined as, "a zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed."

Applicant's Response: The property is zoned CD-10 and the proposed use is consistent with the purpose of the zone for residential uses including short term rentals.

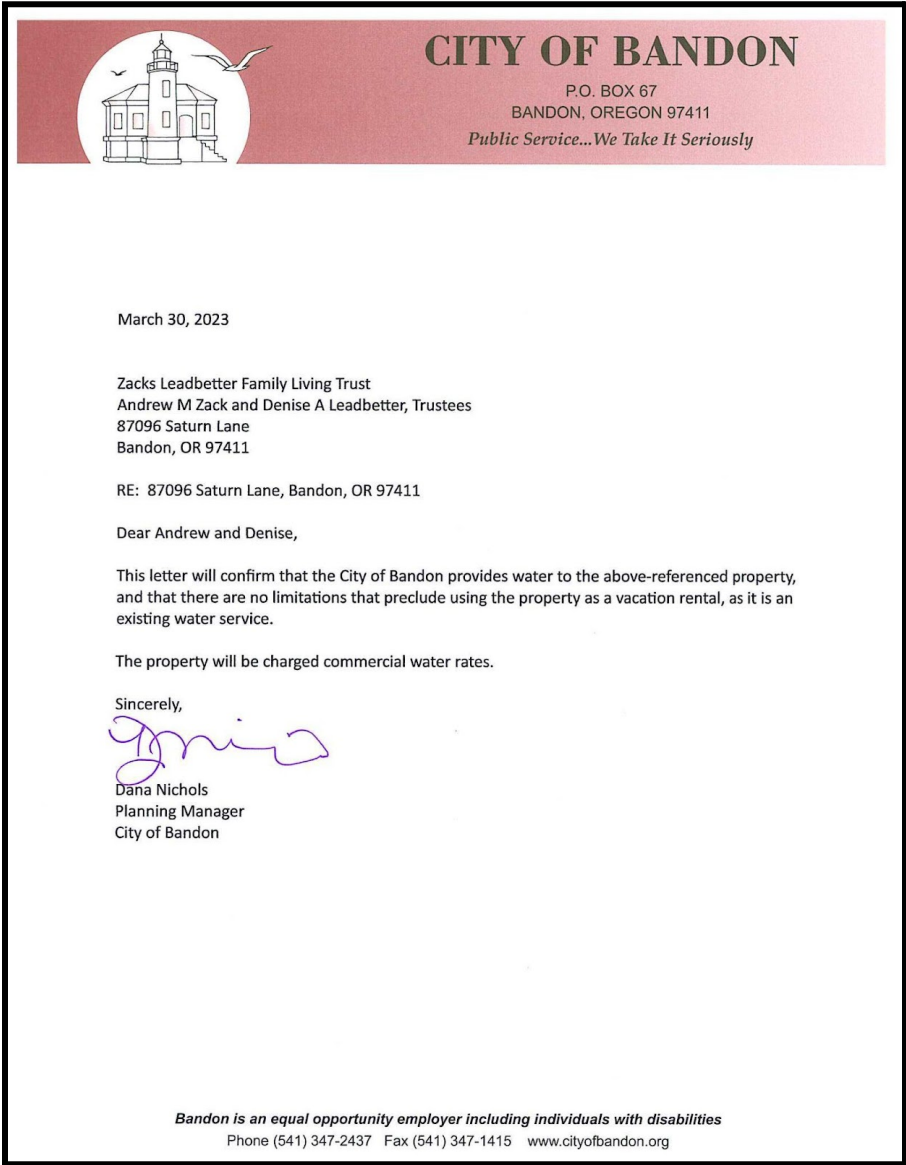
4.2.200

The purpose of the CD-10 district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique "village atmosphere," to permit a mix of residential, commercial, and recreational uses, recognizing tourism as a major component of the County's economy.

Applicant's Response: This property's short term rental use has been in continual operation since the year 2000. The site has a history of solid rental bookings, therefore proving the need for alternative and affordable rental accommodations in the Bandon area. The continued operation as a short term rental use will continue to boost the local economy. The location of the home is outstanding for short term rental use as it is walking distance to the public beaches both at Devils Kitchen and Mars Beach. Bandon Beach Riding Stables is located within walking distance and both the Crossings Golf Course and Bandon Dunes Golf Resort are within 10 minutes of driving.

Approval for water usage as a vacation rental from the City of Bandon is provided herewith. Substantial transient occupancy taxes ("TOT") have

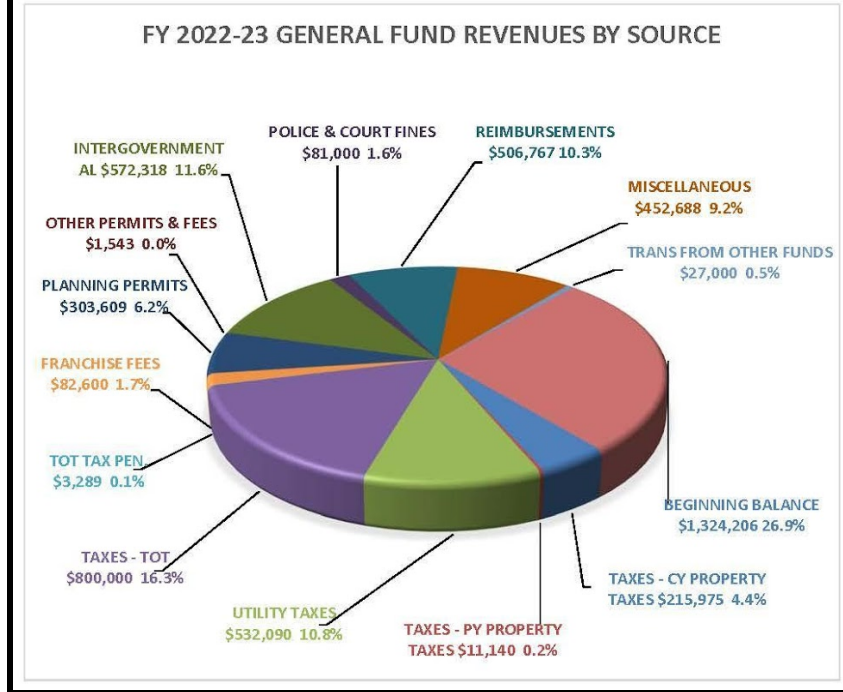
been paid and will continue to be paid to the city for the use as a vacation rental. TOT tax is an important part of a thriving economy. This tax will generally place approximately \$800,000 into the general fund this year which is 16% of the general fund revenue. It is the highest financial contributor to the budget next to Utilities. TOT funds support the Police Department, ensuring the safety and compatibility of the neighborhoods that contain short term rentals. The TOT funds support the Community Center which provides an event space in our community which attracts visitors to our area who will stay at our local rental accommodations, shop our local stores and dine in our local restaurants. The TOT tax also supports the Sprague Theater which provides music, live theater and events which further attract out of town visitors to our area.



CITY OF BANDON APPROVAL TO CONTINUE WATER USAGE

**City of Bandon
2022-2023 Annual Budget**

The following pie-chart illustrates the General Fund revenue types, by source:



TOT CONTRIBUTION TO THE GENERAL FUND

4.3.200 The Table of Uses reads that Vacation Rental/Short Term Rental is permitted in the CD-10 zoning district subject to review criteria 87 and that the use takes place within an existing single family dwelling.

4.3.210(87) Vacation Rentals are subject to the following criteria:
A. Use shall be compatible with the surrounding area.

Applicant’s Response: The purpose of this zoning district is to provide for residential use. Vacation rentals are not considered a residential use but a limited commercial use within a Single-Family Dwelling; therefore, the use must show compatibility with the residential uses occurring within the surrounding area without discord or disharmony. There are six properties within the noticing area. Two properties are developed for residential use, one is a vacation rental dwelling, one is vacant land, and one is the State Park.

The Sunset City area of Bandon is a popular recreational destination for beach combers, horse lovers and golfers. It is an area with several short-term rentals and second homes which are vacant part of the year. Very few homes in this area are occupied full time, so the transient, short-term nature of the rental is extremely compatible and consistent with development patterns in this neighborhood.

As part of a Nuisance Plan, occupants are informed that objectionable traffic, noise, smoke, and litter will not be permitted (and indeed has never been permitted in the past), and would subject them to immediate eviction and forfeit of security deposit. The local manager is highly experienced, lives in Bandon, and their contact information will be on file with the planning department and police department as required by the conditions of approval for this permit application. They have successfully managed rentals for 20 years, and monitor this area on a regular basis.

With respect to traffic impacts, a review of available on-line information from the Institute of Transportation Engineers (ITE) publication “Trip Generation, 7th Edition” shows that a Recreational/Vacation Home generates a daily average of 3.16 trips per unit. Based on this data, the proposed use appears to be more compatible in regard to traffic than a full-time residential property. Additionally, the county currently restricts parking at the subject site to 2 vehicles.

Land Use	Units	Average Trip Generation Rate (Trips/unit)
Single Family Housing	Dwelling	9.57
Apartment, Low Rise	Dwelling	6.59
Apartment, High Rise	Dwelling	4.20
Condominium/Townhouse, General	Dwelling	5.86
Condominium/Townhouse, High Rise	Dwelling	4.18
Mobile Home Park	Dwelling	4.99
Senior Adult Housing – Detached	Dwelling	3.71
Senior Adult Housing – Attached	Dwelling	3.48
Congregate Care Facility	Dwelling	2.02
Recreational/Vacation Homes	Dwelling	3.16

ITE PUBLICATION “TRIP GENERATION, 7TH EDITION”

B. Shall be licensed by Coos Health and Wellness.

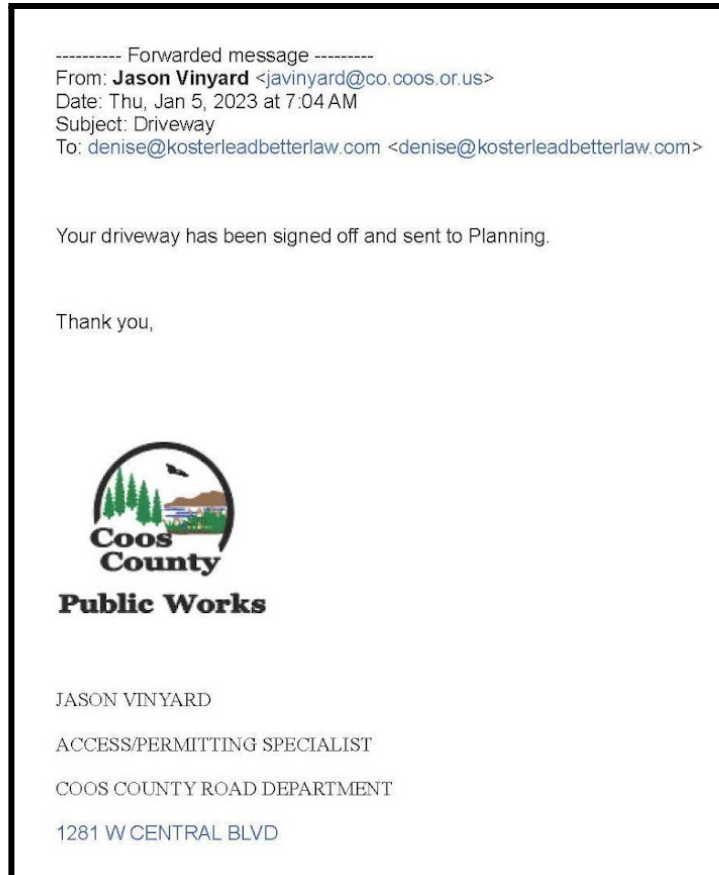
Applicant’s Response: Avanti Guest House has been licensed by CHW in accordance with ORS 446.310-350. The owner will provide a copy of the

annual license renewal to the planning department as evidence of continual use as a vacation rental dwelling.

The owner has requested that notice be provided to CHW of owner's previously approved status as a Bed and Breakfast upon receipt of this application for their annual renewal to be issued for the year 2023 while the change of use to vacation rental is under review. The existing and proposed uses are considered short term rentals, and CHW does not differentiate between Bed and Breakfast and Vacation Rental. The property is in compliance with CHW requirements with the exception of notices of a change of ownership and permitted type of use as determined by the Coos County Planning Department.

- C. Shall meet the parking, access and driveway criteria in Chapter 7 of the zoning ordinance.

Applicant's Response: The existing driveway was inspected and approved by the Coos County Road Department in January 2023. It has been and will continue to conform with Chapter 7. Parking at the house consists of 6 parking spaces, but is currently limited to 2 vehicles under the Bed and Breakfast Approval.



DR-22-153 APPROVAL OF PARKING PLAN

- D. The use shall not be transferred to a subsequent landowner. Any new owners of the subject property will be required to submit a Compliance Determination Application showing compliance with this section of the zoning ordinance.

Applicant’s Response: The owner is aware that the conditional use runs with the owner and not with the land, subject to the requirements and provisions of Oregon law. Future owners will be notified that receipt of a compliance determination from the County is required by the County to continue the operation as a vacation rental, and by the title report listing the required deed restriction.

- E. A Deed Restriction shall be recorded with the Coos County Clerk’s Office acknowledging that the Vacation Rental Status is an accessory use to the main residential use.

Applicant’s Response: A deed restriction will be filed with the county clerk’s office to ensure that future owners are aware of the condition to

submit a Compliance Determination application with the county to transfer ownership of the conditional use to their name and gain clearance to update their license with Coos Health and Wellness, subject to the requirements and conditions of state and local law.

5.2.100 Conditional Uses are discretionary reviews that involve judgment or discretion in determining compliance with the ordinance.

Applicant's Response: The applicant has provided an application for an **Administrative Conditional Use Permit for the conversion of a licensed Bed and Breakfast to a Vacation Rental Dwelling.** It is understood that discretion can be made when approving this use and that additional conditions may be placed on the permit. Correspondence between the owner and planning director Jill Rolfe is provided with this application, and it is understood that the application is necessary according to the County to authorize a Vacation Rental Dwelling as determined by the Planning Department. The short-term rental under the approved Bed and Breakfast use shall be permitted to continue operation during this land use review period.

Andrew Zacks

Apr 22,
2023,
8:52 AM (3
days ago)

Thanks to You as well, Director Rolfe! We will submit the Conditional Use application next week with the fee as requested and based on your e-mail below. We understand that once the application is submitted, Planning will advise Coos County Health and Wellness of our continuing, approved status as a B and B to receive a travelers accommodation license while the application is pending. We understand that the license will only allow operation of a B and B as per the County's interpretation of the Land Use Code. Denise and I truly appreciate your constructive approach to this difficult situation. Please enjoy the rest of your weekend.

Best,

Andrew

From: Jill Rolfe <jrolfe@co.coos.or.us>
Date: Friday, April 21, 2023 at 4:05 PM
To: Andrew Zacks <az@zfplaw.com>
Subject: FW: AVANT BEACH HOUSE

Mr. Zacks,

Thank you for meeting with me today, it was very informative.

Here is how I understand the issue:

A Bed & Breakfast was approved and operated with the understanding the use itself did not stop, although there may have been times when the property owner did not live onsite, it was managed in a similar manner.

At some point the license from Coos Health and Wellness changed from a bed & breakfast to a vacation rental. Although the planning authorization may not have been completed the use of the structure did prior to the County assuming the Building Codes program and therefore, should be exempt from the requiring sprinklers.

To ensure compliance with the land use regulations a conditional use permit will be submitted. This will resolve any compliance issues and allow the use to continue.

Please let me know if have any questions or if you need any assistance filling out the appropriate application.

Thank you,
Jill Rolfe

EMAIL CORRESPONDENCE ZACKS AND ROLFE

7.5.175

Parking, driveway and access shall comply with Section 7.

Applicant's Response: Approval of the driveway and parking plan was issued in January 2023, permit reference number is DR-22-153.