

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 22-109

LOCATION: 1660 Beach Loop Drive
Map Number 28S-15W-36BB/TL 4500

PROPERTY OWNER: Gerry C. Bridgeman & Elizabeth King
APPLICANT: Same as above

REQUEST: **Conditional Use Permit** Approval to operate a Vacation Rental Dwelling in the Controlled Development 1 (CD-1) Zone

REVIEWING BODY: City of Bandon Planning Commission

STAFF REPORT PREPARED BY: Dana Nichols, Planning Manager

NOTICE DATE: May 2nd, 2023

HEARING DATE: Thursday, May 25th, 2023, at 7:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
16.04 Administration & Enforcement
16.12 Conditional Uses
17.20 Controlled Development 1 (CD-1) Zone

I. Procedural – Required Burden of Proof

The property is located in the Controlled Development 1 (CD-1) Zone 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. The application was received on October 12th, 2022, so the codes in place at the time the application was received will apply to this request.

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.* 4. *Type IV Procedure: The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy. Type IV reviews are considered by the Planning Commission, which makes a recommendation to the City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.*

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.

FINDING: The application contained the necessary information for staff review. The application was deemed “complete” for processing by City staff on April 11th, 2023.

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.

FINDING: Notice was mailed to properties within 250-feet of the site on May 2nd, 2023. Additionally, posted notice on the city's website and posted at the site at least 14 days before the first hearing. Criterion met.

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.

FINDING: The applicant has requested to operate a Vacation Rental Dwelling in the CD-1 Zone. This use is listed as a conditional use in the zone and 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.

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.*

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.

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.*

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 proposed use will not alter the characteristics of the neighborhood, which already provide for a mix of residential and commercial uses. If approved, this use will not limit or impair surrounding properties in their ability to continue to use their property for outright permitted uses.

16.12.090 Standards governing conditional uses

- K. Vacation Rental Dwelling. *Vacation rental dwellings (VRDs) are a conditional use in the CD-1, 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. VRDs are not an outright permitted use in the CD-Zones.*

All vacation rental dwellings 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;*

FINDING: The home is a detached, single-family dwelling constructed in 1931. Criterion met.

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;*

FINDING: As seen on the updated Saturation Study for 1660 Beach Loop Drive, there are presently seven single-family dwellings, one of which is a conforming vacation rental dwelling within 250-feet of the subject property. As such, this equates to a saturation rate of 14% (1 VRD/7SFD = 0.14*100 = 14% when rounded). Criterion met. See **Attachment B** for Saturation Map.

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;*

FINDING: The home is located in the Controlled Development 1 (CD-1) zone, in the VRD overlay. A VRD is a conditionally permitted use in the CD-1 zone.

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;*

FINDING: The property owners are the named applicants of record. Upon change in the named applicant due to sale, transfer, or other reason, the CUP shall become null and void.

5. *Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*

FINDING: The Tsunami Evacuation Route map shall be posted in the home in a conspicuous location. Staff will provide the property owners with the maps upon request.

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;*

FINDING: The property owner will provide two off-street parking spaces and has requested a maximum occupancy of 5 people. Their findings state that their VRD will not create objectionable traffic, parking, noise, smoke, light, dust, litter, or odor.

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;*

FINDING: The subject property is an older home that shares both access from the street and access to the beach with the neighboring property at 1650 Beach Loop Drive SW. The property owners have provided a letter from the neighbors indicating they do not object to short-term renters using the shared access points. See **Attachment C** for Master Easement Agreement and **Attachment D** for the letter from neighbors.

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;*

FINDING: The subject property is an older home that shares both access from the street and access to the beach with the neighboring property at 1650 Beach Loop Drive SW. The property owners have provided a letter from the neighbors indicating they do not object to short-term renters using the shared access points. See **Attachment C** for Master Easement Agreement and **Attachment D** for the letter from neighbors.

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

FINDING: The applicant has stated that they intend to keep the VRD maintained at or above the level of surrounding dwellings in the neighborhood and that they own another home down the street for their own personal use. They take great personal pride in the current character of the neighborhood and are committed to its long-term 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;*

FINDING: The subject home has two bedrooms shown on the floor plans, however neither have closets. The Planning Commission may wish to discuss whether these qualify as bedrooms, per the definition provided in the criterion above. If so, then the property has two off-street parking areas, which is the minimum allowed to operate a vacation rental dwelling. See site plan below.

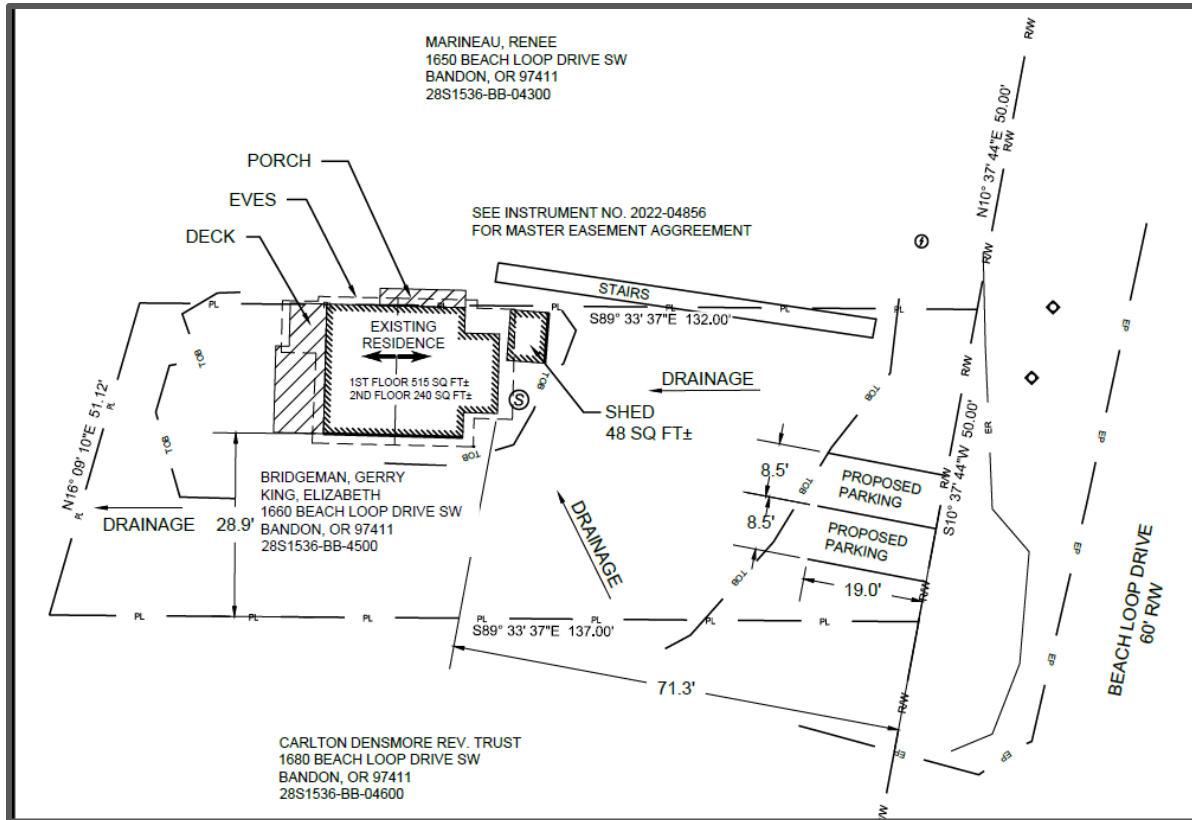


Image 1

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

FINDING: The applicant states that regular garbage removal will be contracted for both with the city and with the property manager so that garbage is removed after each guest's stay, and more often if needed.

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;

FINDING: The applicant has stated that the property will be managed by Exclusive Property Management, which manages several local properties and will provide all incoming guests with 24-hour contact numbers for multiple employees who are assigned to respond.

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;*

FINDING: The applicant agrees to comply with all reporting and accounting requirements. Criterion met.

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;*

FINDING: The applicant understands and agrees to the activity requirement. Criterion met.

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;*

FINDING: The proposed vacation dwelling contains two bedrooms (without closets) and the applicants have requested an occupancy of 5 people.

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.*

FINDING: The applicant's materials are sufficient to process the application and assess conformance with VRD requirements. The applicants have stated that the property has its own beach access and is a short walk from Face Rock Scenic Viewpoint, a tourist destination. The property is situated down the bluff in such a way as to be isolated from all its neighbors save one, a very similar single-family beach cabin with no full-time residents.

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.*

FINDING: The applicants agree to provide the annual report as necessary.

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

FINDING: The applicant has stated that each sleeping area contains its own smoke detector.

II. Recommendations

The Planning Commission may approve, approve with conditions, or deny the applicant's request based on the information supplied. Staff recommends the Planning Commission discuss whether or not the spaces provided constitute bedrooms per the code's definition and determine if the space as presented is sufficient to make that finding. If the Planning Commission chooses to approve the application, staff recommends 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. The number of the 24-hour local contact shall be posted in a conspicuous place within the dwelling and provided to the Planning Department. If the local manager changes, the property owner shall file for a change of information with the 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.
5. The Bandon Tsunami Evacuation Route map shall be posted in a conspicuous location within the dwelling.
6. 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.
7. 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.
8. The number of guests is restricted to 5.
9. Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental. The property must provide a 96-gallon receptacle for solid waste. Receptacles must be removed from City right-of-way within 24-hours after pick-up.
10. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements.
11. 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.
12. 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.

13. Failure to conform to the conditions of approval shall result in revocation of the Conditional Use permit.
14. Upon change in the named applicant due to sale, transfer, or other reason, the CUP shall become null and void.

III. Attachments

Attachment A – Applicant Materials

Attachment B – Saturation Map

Attachment C – Master Easement Agreement

Attachment D – Letter from Neighbors

Attachment E – Notice Materials

Application for Conditional Use Permit for Vacation Rental Dwelling for 1660 Beach Loop Drive, Bandon, OR

I. Narrative

See below.

II. Project Information

Street Address: 1660 Beach Loop Drive

Map Number: 28S15W36BB / Tax Lot(s): 28-15-36BB, 4500/ Zone: CD-1

Floodplain: Yes No

Was the property previously approved as a Vacation Rental Dwelling? Yes No Unknown

How many bedrooms will be provided? 2

What is your requested occupancy? (max. of 10) 5

How many off-street parking spaces are available? 3

Please provide a parking plan which shows the location, material, and dimensions of your proposed parking.

The site has its own off-street gravel parking area easily large enough for three vehicles. It has over 38 feet of room for vehicles to park nose-in well off the street.

Please describe the residence, its existing and proposed use: _____

The residence is a 750-square foot two-bedroom cabin built in 1931. It is situated 60 steps below street level and just above the beach. It has been used in the past as a vacation home for an extended family. It may have been used as a vacation rental in the past (I am not sure), but has not been recently. We just purchased the home and are currently doing deferred maintenance on the home to prepare it for use as a vacation rental.

22-109
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Are there carbon monoxide and smoke detectors in the residence? YES X (please show in floor plan) NO

Does the property owner live within the city limits of Bandon? YES NO X

If no, please provide contact information for the designated local management person living within Bandon city limits who will respond immediately to any emergency or complaint related to the vacation home rental.

Manager's Name: Exclusive Property Management, Inc.

Email Address: manager@visitbandon.com

Physical Address: 1212 Alabama St., Suite 14

City: Bandon State: OR 97411

Mailing Address (if different from Physical Address): PO Box 979, Bandon, OR 97411

III. APPLICANT'S INFORMATION: (must be an individual)

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.

Applicant's Name: Curtis Bridgeman

Applicant's Mailing Address: 6921 Riesling Way SE, Salem, OR

Phone: 850-559-1842 Email: cbridgem@willamette.edu

IV. PROPERTY OWNER'S INFORMATION


X Property owner and applicant information is the same. Property Owner's Name:

2.26.2020

V. CONSENT

- I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval.
- I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described herein.
- The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
- It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.
- It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.
- I authorize the individual(s) listed herein, to act as applicant, upon their consent, in regard to the attached application for the subject project described herein.
- I authorize the individual(s) listed herein, to act as representative, upon their consent, in regard to the attached application for the subject project described herein.
- I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of operation, with all conditions of approval adhered to.

X Applicant's Signature:


(Curtis Bridgeman)

10-12-22

Written Narrative to Address Conditional Use Standards for 1660 Beach Loop Drive

The conditional use is consistent with:

- A. The Comprehensive Plan. The house is in the CD-1 Zone, on the West side of Beach Loop Drive and part of the Beach Loop/Bluff Viewshed. According to the zoning ordinance the purpose of the CD-1 Zone includes, among other things, "tourist commercial" uses (17.20.010), and the ordinance on Conditional Uses in the CD-1 Zone specifically mentions "vacation rental dwellings." (17.20.030.H)
- B. The proposed use is consistent with the purpose and dimensional standards of the zone. The structure has been in its location for nearly 100 years, and the CD-1 Zone, though intended primarily as a residential zone, does allow for conditional usages such as vacation rental dwellings.
- C. The site size and dimension provide adequate area for the needs of the proposed use. The house is small but comfortable for up to five people or more to enjoy a vacation at the beach.
- D. The site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effects from the use of surrounding properties and uses. Because the house is situated lower down on the bluff than most of the structures on the street it in effect has only one near neighbor, a sister house that is very similar in design. The two homes are somewhat close together, but the background noise of the ocean drowns out most sounds from the neighbors for both houses, as does a windscreen on the deck. The neighboring home is used as a vacation home by a rotating cast of extended family much as if it were a vacation rental.
- E. The characteristics of the site are not only suitable but ideal for the proposed use considering the size, shape, location, topography and natural features. The house is built low on the bluff to maximize access to and views of the ocean and beach. It is high enough above the beach to be apart from those enjoying the beach, and low enough below the street to be apart from all its neighbors save one very similar cabin next door.
- F. All required public facilities and services have adequate capacity to serve the proposal.

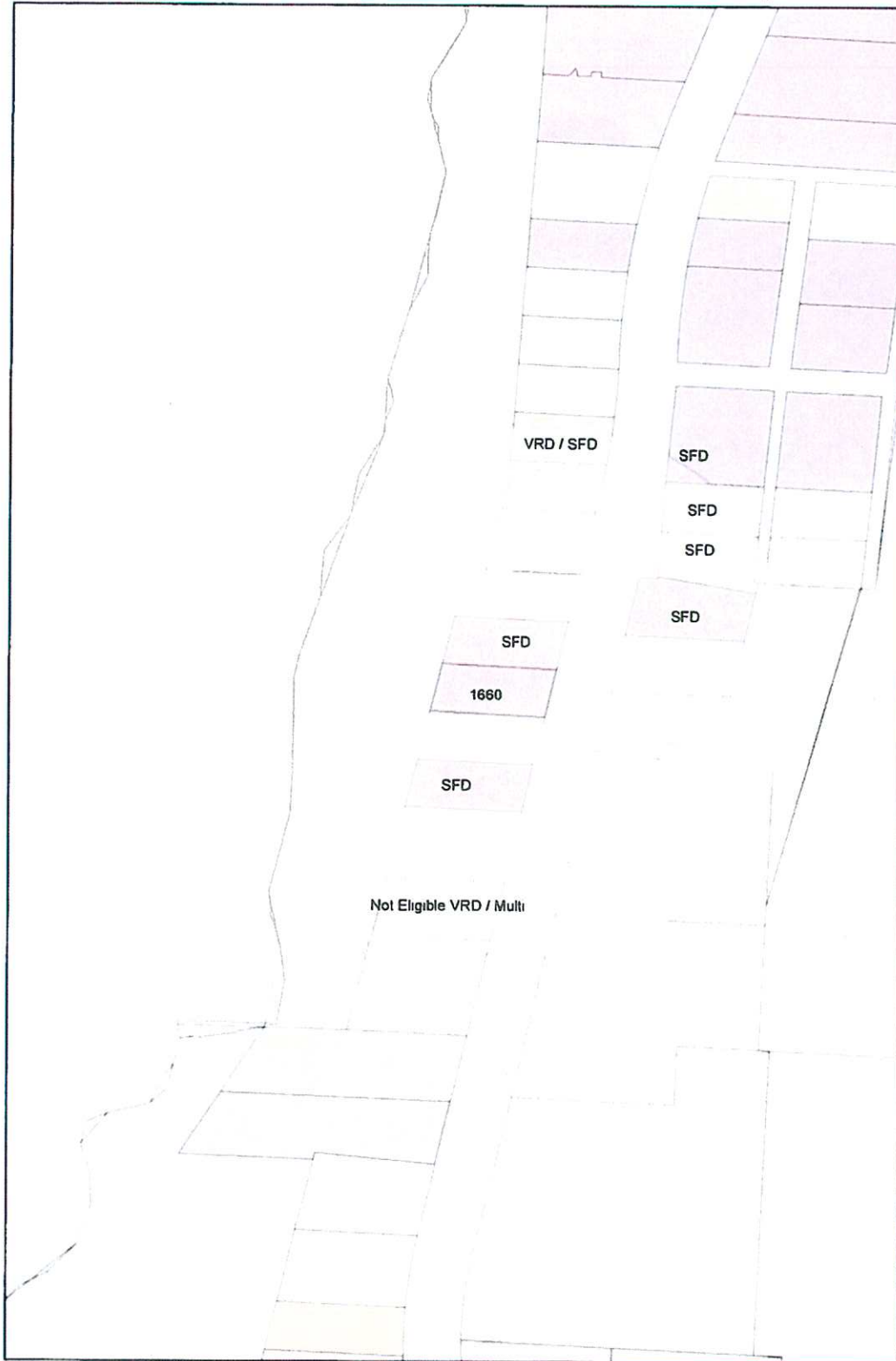
- G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district. The neighborhood contains an excellent mix of residential properties and vacation dwellings. The property only has one near neighbor, and while that property is not licensed as a vacation dwelling, it has no full-time residents. Indeed, that property is used as a vacation home by a large extended family who take turns.

The dwelling complies with the provisions of BMC 16.12.090, specifically:

1. The single-family dwelling is at least three years old. In fact, it was built in 1931.
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. The house is on the West side of Beach Loop Drive, comfortably within the VRD overlay zone.
4. I acknowledge that the VRD Conditional Use Permit, if granted, will not be transferable.
5. Upon approval the Tsunami Preparedness map will be posted in a conspicuous location within the dwelling.
6. No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor will be emitted from the VRD than from a normal neighborhood dwelling.
7. The property has beach access.
8. The property does not use a joint-access driveway.
9. The VRD will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage, and exterior maintenance. The owners/applicant own another home down the street primarily for their own use and take great personal pride in the current character of the neighborhood and are committed to its long-term maintenance.
10. The VRD has off-street parking for three vehicles and only two bedrooms.

11. Regular garbage removal will be contracted for both with the city (as with any residential dwelling) and with the property manager so that garbage is removed after each guest's stay, and more often if need be.
12. Upon approval, the property will be managed by Exclusive Property Management, which manages several local properties and will provide all incoming guests with 24-hour contact numbers for multiple employees who are assigned to respond.
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, and shall be managed by the property management company.
14. The applicant acknowledges that if VRD activity ceases for a period of one year, or if the property 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. We will comply with the Commission's determination of maximum allowable occupancy, but suggest 5 people based on three beds in two bedrooms, space for three cars to park off-street, and a general feel for the overall space.
16. The proposed use fits well with the property and the specific characteristics of the neighborhood. The property has its own beach access and is a short walk from Face Rock State Scenic Viewpoint, a tourist destination. The property is situated down the bluff in such a way as to be isolated from all its neighbors save one, a very similar single-family beach cabin with no full-time residents.
17. We will happily provide an annual report showing compliance with all conditions and ordinance requirements.
18. Each sleeping area contains its own smoke detector.

Saturation Study: 1660 Beach Loop Drive



Legend

- 250' Buffer
- Vacation Rentals
- SFDs



Saturation Calculation

1 VRDs

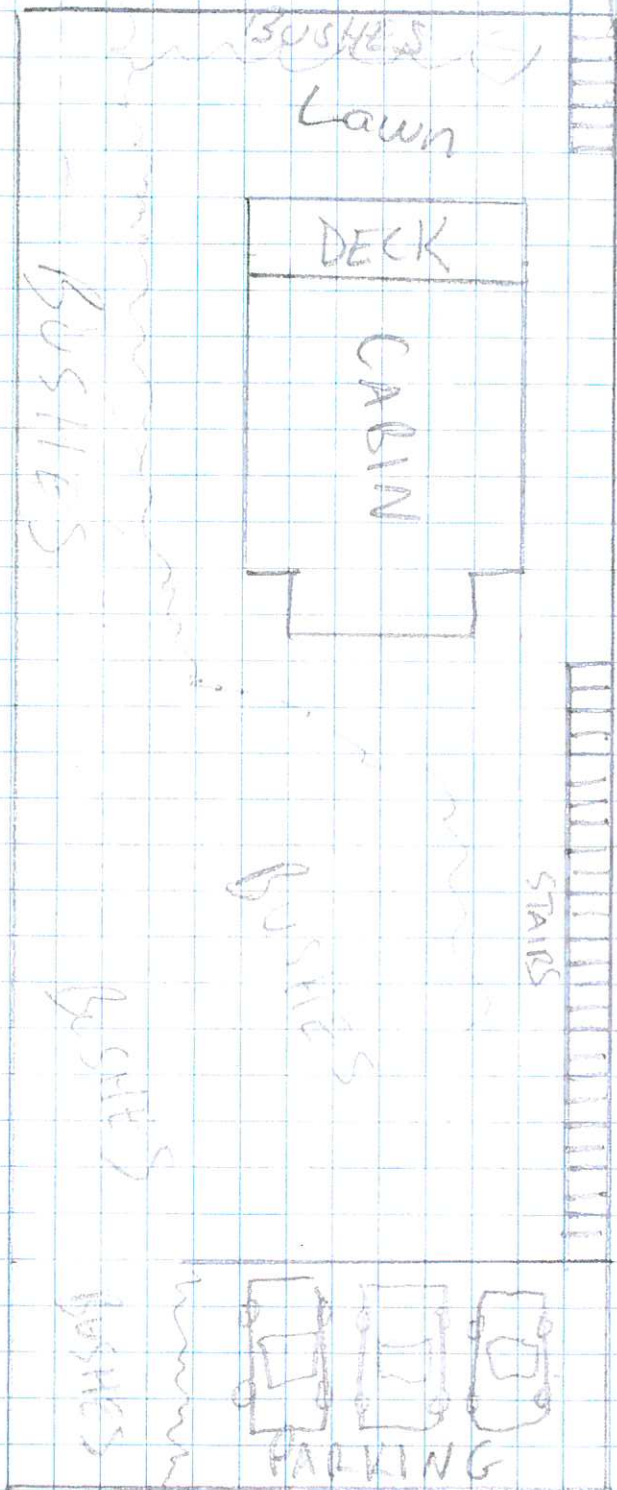
8 SFDs

1 VRDs/8 SFDs = 12.5%



Off-street parking for 3-4 vehicles easily.

BEACH



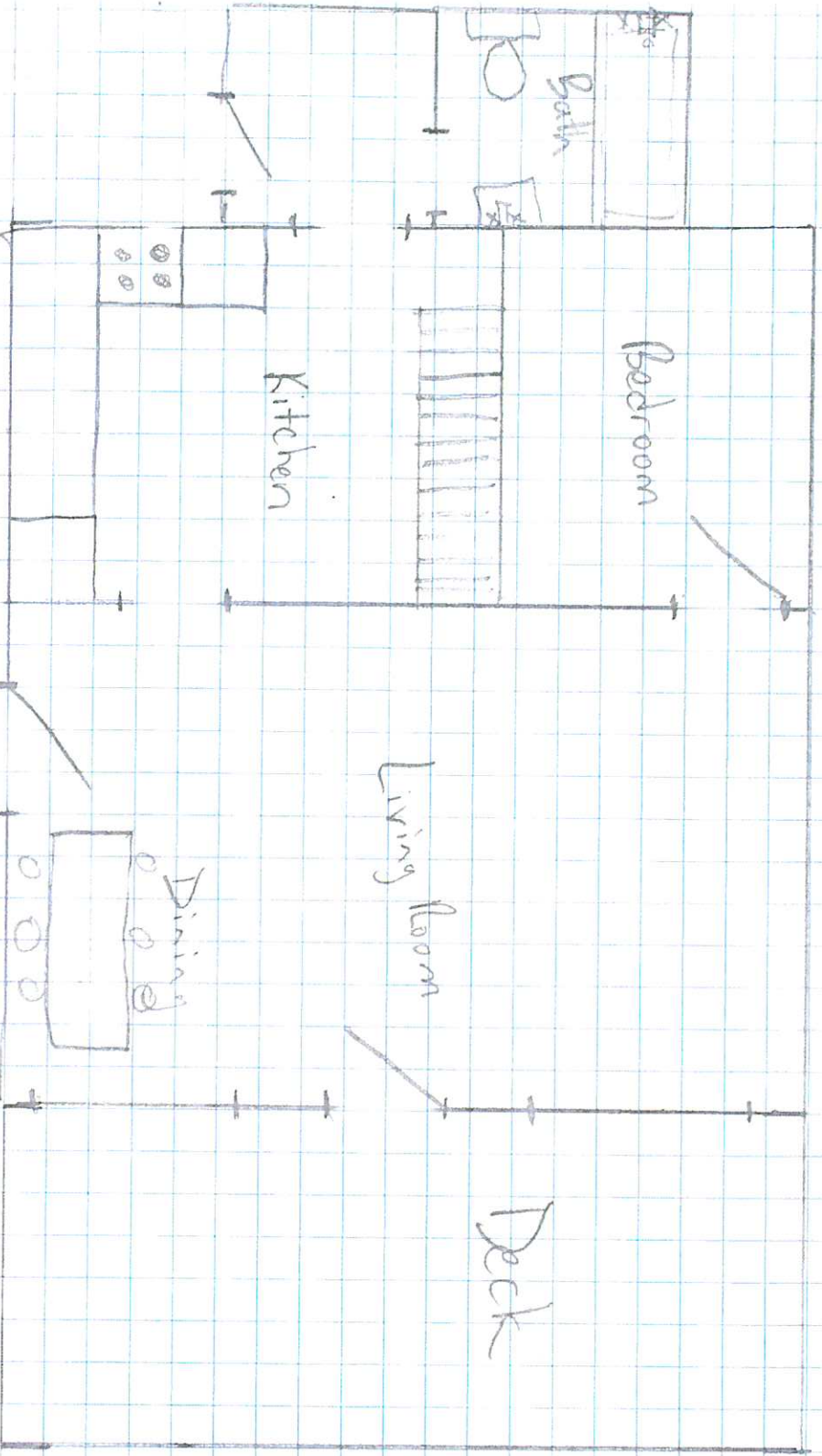
1660 Beach Loop Drive

Site Plan / Parking Plan

Beach Loop Drive

1660 Beach Loop Drive

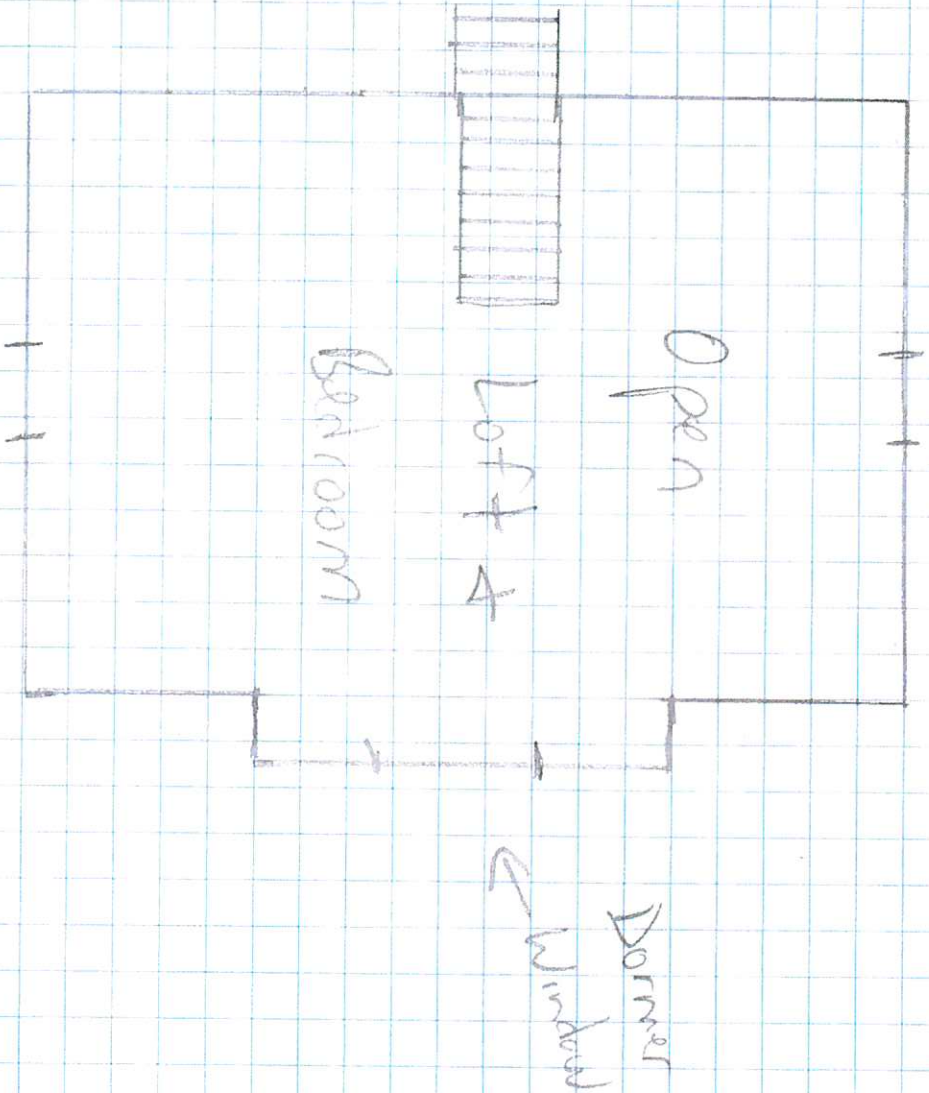
(First Floor)



OCEAN

1660 Beach Loop Drive

2nd Floor



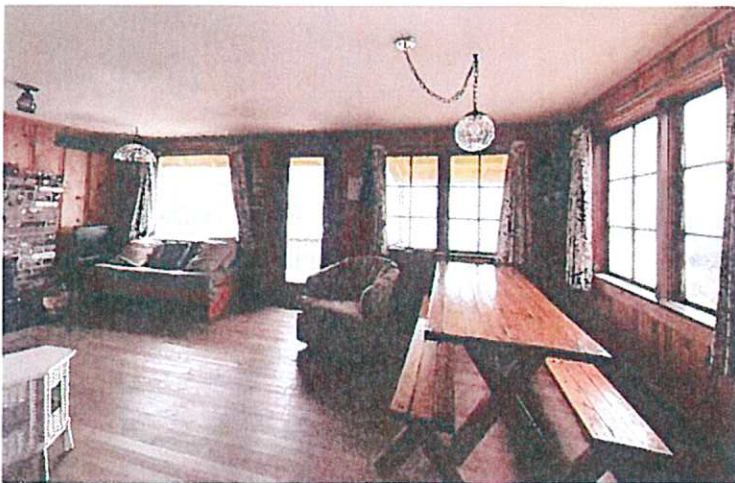
OCEAN

(All Images are from time of purchase. We are remodeling property (new paint, refinishing floors, cedar shingles and new windows outside, woodstove removed, etc.))



Upstairs bedroom, former layout. (We will only have one large and one small bed upstairs.)







Receipt No: 99.032341

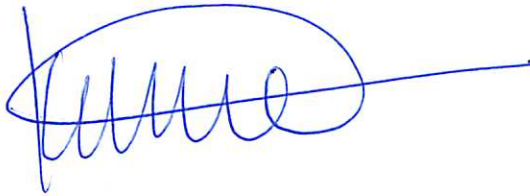
Oct 12, 2022

1660 BEACH LOOP DR/BRIDGEMAN

Previous Balance:	.00
LICENSES AND PERMITS - PLANNING FEES - OTHER-CUP	1,000.00
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Total:	1,000.00
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XBP - EFT's	1,000.00
Total Applied:	1,000.00
<hr/>	
Change Tendered:	.00
<hr/> <hr/>	

Duplicate Copy

10/13/2022 9:03 AM

A handwritten signature in blue ink, consisting of a large, stylized initial 'J' followed by several loops and a long horizontal stroke extending to the right.



City of Bandon
Planning Department
P.O. Box 67
Bandon, OR 97411
Phone: 541-347-2437
www.cityofbandon.org

October 14^h, 2022

Curtis Bridgeman
6921 Riesling Way SE
Salem, OR 97317

Completeness Review: CUP for VRD; Application number 22-109

Thank you for submitting a Conditional Use Permit Application for a Vacation Rental Dwelling for 1660 Beach Loop Drive. Our completeness review process provides an opportunity to address unclear, incomplete, or missing items before your application is evaluated for consistency with our land use code. Please review the attached Completeness Review document for more details.

Based on our review of your submission, we have determined that the application is **incomplete** as of the date of this letter. Please review the enclosed Completeness Review for more details on which items are incomplete or missing.

In Oregon, an applicant has 180 days from the date an application is first submitted to make an application complete. On the 181st day, the application becomes void.

Please review and complete the **Incomplete Land Use Application Form**. If you have any questions, please let me know. I can be reached by email: planning@cityofbandon.org or phone: 541-347-7922.

Sincerely,

Kristan Liechti
Planner

Attachments

- Incomplete Land Use Application Form
- Planning Completeness Review
- Conditional Use Permit Application for VRD



City of Bandon
Planning Department
P.O. Box 67
Bandon, OR 97411
Phone: 541-347-2437
www.cityofbandon.org

Incomplete Land Use Application Form 180 Day Completeness Review Process

Please Complete and Return to:

Bandon Planning Department
Attn: Kristan Liechti
File #:22-109
PO Box 67
Bandon, OR 97411
FAX – (541) 347-1415

Completeness Review Step (Check ONE Box):

- I intend to submit all of the missing or incomplete materials as identified by the City in completeness review. I understand that according to State law I have up to 180 days from the date the application was submitted to provide the missing or incomplete materials and that after that date, if I have not submitted the missing information, my application will be void. I also hereby agree to allow the City a reasonable period of time for a review and determination of completeness upon submittal of the missing or incomplete materials and the required number of copies.
- I intend to submit some, but not all, of the missing or incomplete materials as identified by the City in completeness review. I understand that according to State law I have up to 180 days from the date the application was submitted to provide the missing or incomplete materials that I intend to submit and that after that date, if I have not submitted the missing information, my application will be void. I also hereby agree to allow the City a reasonable period of time for a review and determination of completeness, upon submittal of the missing or incomplete materials and the required number of copies. The materials I do not intend to submit are those items I have listed on the lines below (attach additional sheets of necessary).

- I do not intend to submit any of the missing or incomplete materials as identified by the City in the completeness review. I understand that the City will proceed with review of the application materials previously submitted. I also understand that incomplete applications may not provide adequate evidence to demonstrate compliance with applicable criteria and standards. Please deem my application complete as of the date this form is received by the Bandon Planning Department.

Curtis Bridgeman
Printed Name of Applicant or Applicant's Representative

[Signature]
Signature of Applicant or Applicant's Representative

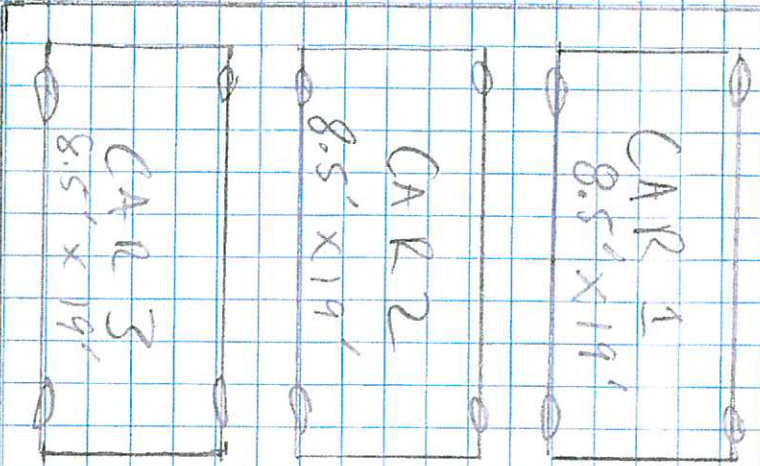
10-24-22
Date

PARKING PLAN FOR 1660 BEACH LOOP

One Square = 2 Feet

Property Line

BUSHES



BUSHES

Beach Loop Drive



Conditional Use Permit Application for Vacation Rental Dwelling (VRD)

CITY OF BANDON PLANNING
P.O. BOX 67
555 HWY 101
BANDON, OR 97411
P:(541) 347-7922
F:(541)347-1415

Conditional uses (*Bandon Municipal Code; Chapter 16.12*) 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 conditional uses may be granted, granted with modifications or denied by the Planning Commission in accordance with the standards and procedures set forth in chapter 16.12 of the Bandon Municipal Code. Vacation Rental Dwellings (VRDs) are a conditional use in the CD-1 and CD-2, CD-3 and C-3 zones, and are subject to the requirements of chapter 16.12 of the Bandon Municipal Code.

Conditional Use Permit applications must be submitted to the City of Bandon at least 30 days before the next regularly scheduled Planning Commission meeting. An application will only be scheduled for a public hearing once it has been deemed complete.

I. NARRATIVE: Your written response to each of the following standards and provisions must be included with your application submission. Failure to include your written response will result in your application being deemed incomplete and may delay scheduling of the required public hearing.

Approval standards for conditional uses (BMC 16.12.040)

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.


All vacation rental dwelling shall comply with the following provisions. (BMC 16.12.090)

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.

V. CONSENT

- I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval.
- I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described herein.
- The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
- It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.
- It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.
- I authorize the individual(s) listed herein, to act as applicant, upon their consent, in regard to the attached application for the subject project described herein.
- I authorize the individual(s) listed herein, to act as representative, upon their consent, in regard to the attached application for the subject project described herein.
- I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of operation, with all conditions of approval adhered to.

X Applicant's Signature: 		Date: 10-24-22
X Representative's Signature:		Date:
Representative's Name:	Phone Number:	
Mailing Address:	Email Address:	
<i>Property owner's signature is required if applicant is not the property owner</i>		
X Property Owner's Signature:		Date:

In addition to this completed form, the applicant must provide the following:

- A written narrative that addresses all approval standards and provisions.
- A site plan that includes existing and proposed landscaping, drawn to scale.
- A parking plan that includes existing and proposed off-street parking, drawn to scale.
- Floor plans showing the size, function, and arrangement of interior rooms, drawn to scale.
- Digital photographs of the subject residence's interior and exterior.
- Other information deemed necessary by the Planning Director to review the applicant's proposal.
- Payment of applicable fees, which can be found in the City's fee schedule.

**AN ELECTRONIC COPY OF THIS FORM IS ACCEPTABLE FOR THE PURPOSE OF FILING AN APPLICATION.
HOWEVER, THE ORIGINAL WILL BE REQUIRED PRIOR TO FINAL APPROVAL.**

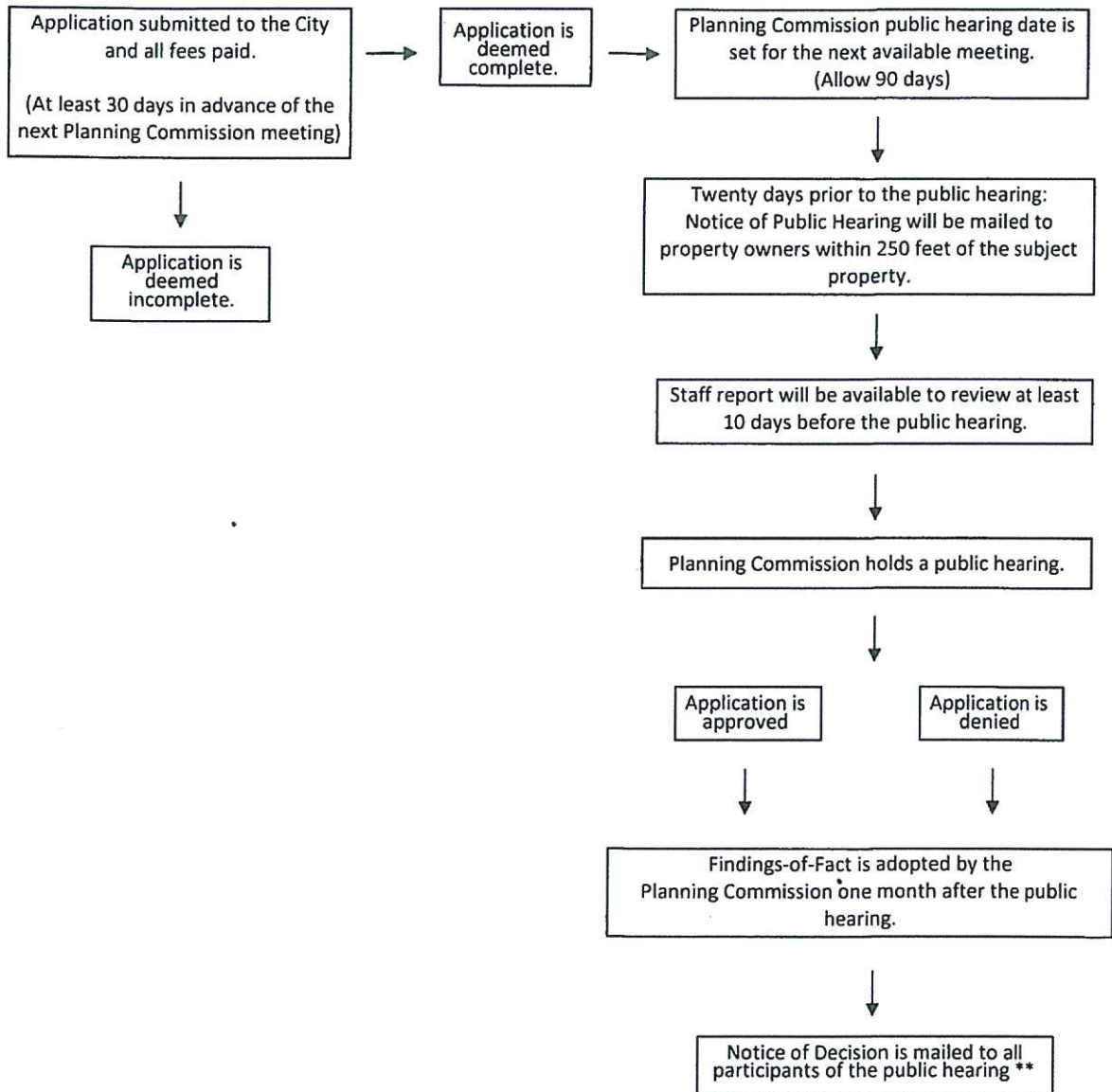
II. PROJECT INFORMATION		
Street Address: 1660 Beach Loop Drive		
Map Number / Tax Lot(s): 28515W36BB /	Zone: CD-1	Floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was the property previously approved as a Vacation Rental Dwelling? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		
Please describe the residence, its existing and proposed use: 750 Square Foot Cabin Built in 1931. It is situated 60 steps below the street and just above the beach. It has been used for years as a vacation home for extended family. We propose to use it as Vacation Rental.		
How many bedrooms will be provided? 2		
What is your requested occupancy? (max. of 10) 5		
How many off-street parking spaces are available? 3 at least. Please provide a parking plan which shows the location, material, and dimensions of your proposed parking.		
Are there carbon monoxide and smoke detectors in the residence? YES <input checked="" type="checkbox"/> (please show in floor plan) NO <input type="checkbox"/>		
Does the property owner live within the city limits of Bandon? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If no, please provide contact information for the designated local management person living within Bandon city limits who will respond immediately to any emergency or complaint related to the vacation home rental.		
Manager's Name: Exclusive Property Management, Inc.	Phone Number: 541-347-3790	
Email Address: manager@visitbandon.com		
Physical Address: 1212 Alabama St. Suite #14		
City: Bandon	State: OR	Zip Code: 97411
Mailing Address (if different from Physical Address): P.O. Box 979, Bandon, OR 97411		

III. APPLICANT'S INFORMATION: (must be an individual)		
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.		
Applicant's Name: Curtis Bridgeman	Phone: 850-559-1842	E-Mail: cbridgem@willamette.edu
Applicant's Mailing Address: 6921 Riesling Way SE, Salem, OR 97306		

IV. PROPERTY OWNER'S INFORMATION		
<input checked="" type="checkbox"/> Property owner and applicant information is the same.		
Property Owner's Name:	Phone:	E-mail:
Mailing Address:		

CONDITIONAL USE PERMIT APPLICATION PROCESS

A Conditional Use Permit is a land use decision that requires a full public hearing before the Planning Commission. Any other related applications will be processed concurrently.



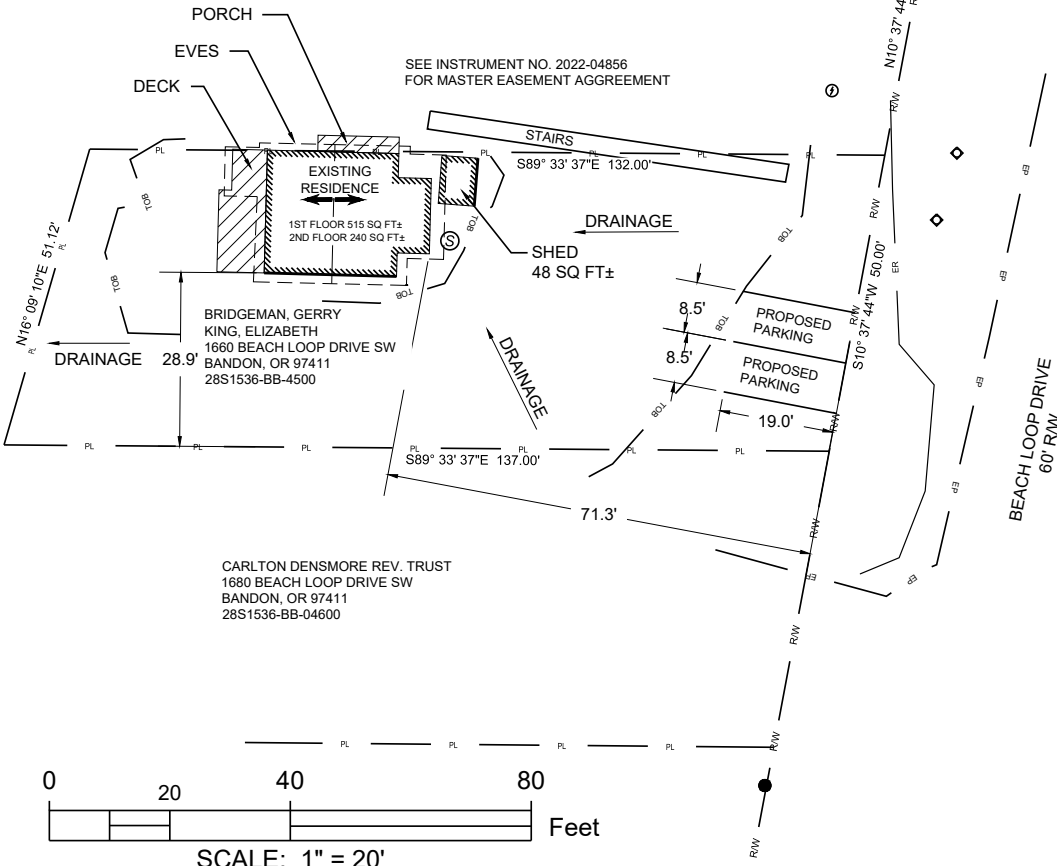
**** There is a ten-day appeal period that begins when the Notice of Decision is mailed. Only persons who presented testimony in writing or at the public hearing may appeal the decision of the Planning Commission.**

If you have any questions, please see chapter 17.120 of the Bandon Municipal Code, or contact the Bandon Planning Department.

S89° 33' 37"E 135.86'

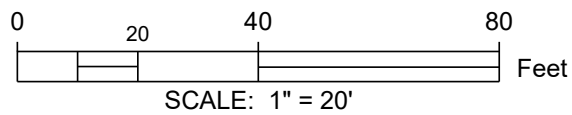
MARINEAU, RENEE
1650 BEACH LOOP DRIVE SW
BANDON, OR 97411
28S1536-BB-04300

SEE INSTRUMENT NO. 2022-04856
FOR MASTER EASEMENT AGREEMENT



LEGEND:

- FOUND SURVEY MONUMENT
- R/W — ROAD RIGHT OF WAY
- PL — PROPERTY LINE
- TOB — EXISTING TOP OF SLOPE
- EP — EXISTING EDGE OF PAVEMENT
- ER — EXISTING EDGE OF GRAVEL
- ▨ EXISTING BUILDING
- ➔ ROOF DRAINAGE DIRECTION
- ◇ WATER METER
- ⊙ POWER METER
- ⊙ PUMP



Sheet 1 of 1

SITE PLAN

In the NW 1/4, Section 36
Township 28 South, Range 15 West, W.M.
Coos County, Oregon
March 2023

REGISTERED PROFESSIONAL LAND SURVEYOR
Bartton M. Heichel
Digitally signed by Bartton M. Heichel
Date: 2023.04.01 14:26:30 -0700
OREGON
AUGUST 17, 2009
BARTTON M. HEICHEL
1640 PLS
RENEWS JUNE 30, 2023

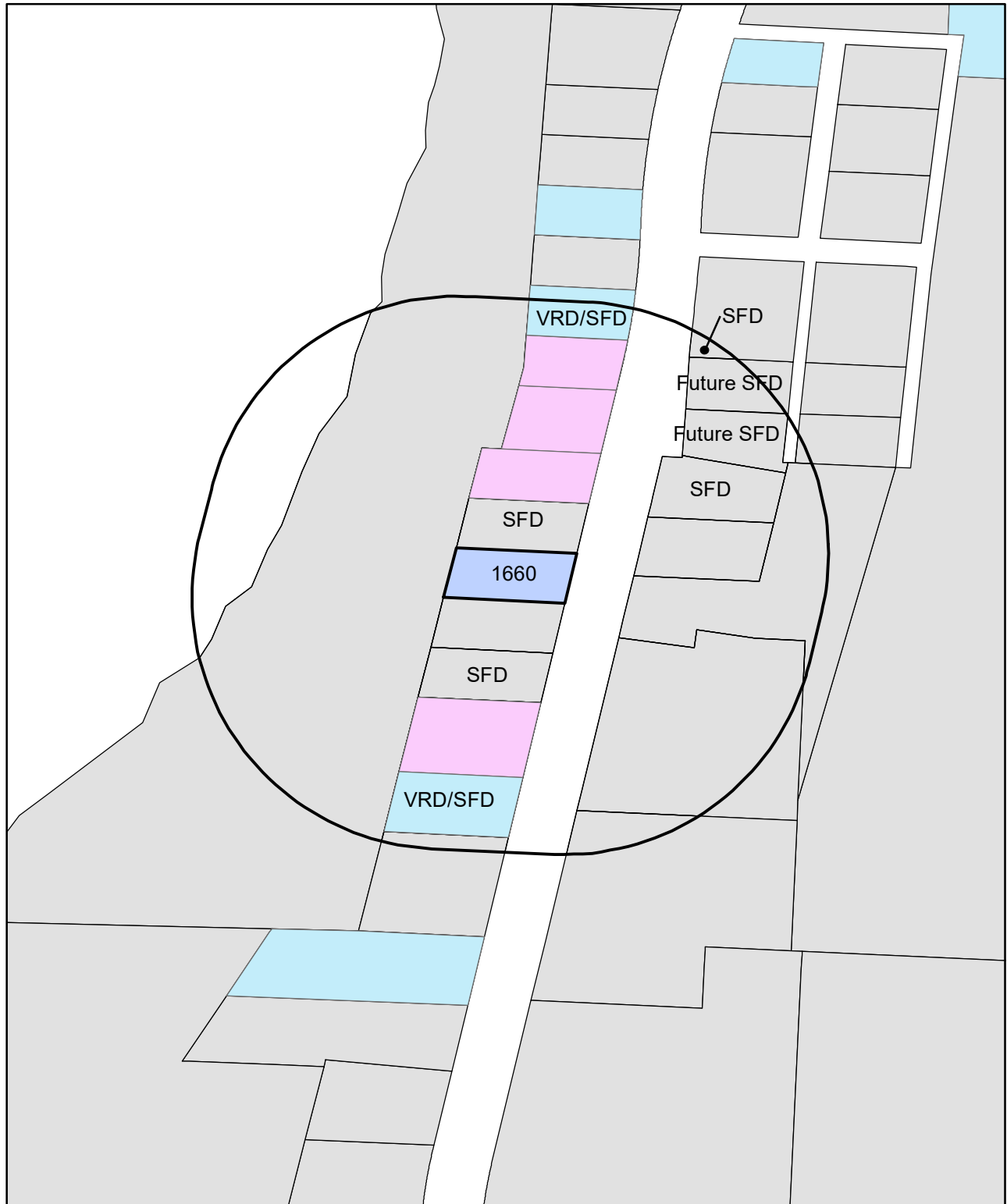
FOR: Gerry Bridgeman & Elizabeth King
6921 Riesling Way SE
Salem, OR 97306

LM Land Mark
Surveying, Inc.

3317 N.E. Stephens St. • Roseburg, Oregon 97470
Office (541) 677-9400 • Fax (541) 677-9401

LM Proj. No. 2023-0005

Saturation Study: 1660 Beach Loop Drive SW - 12/16/21









2 VRDs
6 SFDs

2 VRDs / 6 SFDs = 33.3% Saturation

(2 Future SFDs)
(2 VRDs / 8 SFDs = 25 % Saturation)

Legend

-  1660 Beach Loop Dr SW
-  250' Buffer
-  VRDs
-  Nonconforming VRDs
-  SFD Single-Family Dwelling
-  VRD Vacation Rental Dwelling

Coos County, Oregon

2022-04856

\$146.00

05/24/2022 04:16 PM

Pgs=13

After Recording Return

to:

Jesse W. Barton
958 Hearthside Ct NW
Salem, OR 97304



00151374202200048560130135

Diris D. Murphy, Coos County Clerk

Tax Statements:

No Change

MASTER EASEMENT AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS that Renee Marineau, Richard Marineau, Jeffrey Marineau and Thomas C. Marineau, their heirs, administrators, successors and assigns, hereafter collectively and individually referred to as "Grantors," for the consideration hereinafter stated, do hereby grant, transfer, and convey to Mary E. Barton; Kathrine Barton; John T. Barton; and Jesse W. Barton and Jennelle I. Barton as Trustees of the Barton Joint Revocable Living Trust Dated June 8, 2015, their heirs, administrators, successors and assigns hereafter collectively and individually referred to as "Grantees," as follows:

WHEREAS, Grantors own real property commonly known as 1650 Beach Loop Drive SW, Bandon, Oregon 97411 (Hereafter "Servient Estate") and legally described as follows:

Lots 6, 7 and 8, Block 3, Supplemental Plat of Academy Addition to Coquille, Coos County, Oregon according to the map and plat thereof on file and of record in the office of the County Clerk of Coos County, Oregon.

Beginning at a point on the West line of Bradley Lake Market Road No. 29 which is 30 ft. West and 50 ft. South 10 deg. 27' W. of Engineer's Station 11/06, said Station being approximately 850 ft. South and 780 ft. West from the NE corner of Lot 1, Sec. 36, Twp 28S, R 15 WWM, Coos County, Oregon; running thence South 10 deg. 27' West along the West line of said Market Road 50 ft; thence West 132.0 ft. more or less to the Govt. M.L. of the Pacific Ocean; thence North 50 ft. more or less, along the Govt. M.L. to a point which is due West of the point of beginning; thence East 127 ft., more or less, to the said West line of said Market Road and place of beginning, including all right, title and interest which the grantor has in the land fronting and abutting the above described parcel on the West and lying between said Govt. M.L. and the foot of the sea wall or ocean bluff.

WHEREAS, Grantees own the real property commonly known as 1660 Beach Loop Drive SW, Bandon, Oregon 97411 (Hereafter "Dominant Estate"), legally described as follows:

Beginning at a point on the West line of the Bradley Lake Market Road No. 29, which is 30 feet West and 100 feet South $10^{\circ} 27'$ West of Engineer's Station 11+06, said Station being approximately 950 feet South and 780 feet West of the Northeast corner of Government Lot 1 of Section 36, Township 28 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence South $10^{\circ} 27'$ West along the West line of said Market Road 50 feet; thence West 137 feet, more or less, to the Government meander line of the Pacific Ocean; thence North 50 feet more or less, along said Government meander line to a point which is due West of the place of beginning; thence East 132 feet, more or less, to the West line of said Market Road and the place of beginning.

Including all the right title and interest which the Grantor may have in the land fronting and abutting the above described parcel on the West and lying between the Government meander line and the foot of the sea wall or the Ocean bluff;

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. Tax Account No. 10518.00

WHEREAS, the Servient Estate presently accommodates (1) utility lines servicing the Dominant Estate; (2) a shared stairway and landing; (3) an encroaching portion of the structure and land used/improved exclusively by the Dominant Estate; and (4) a concrete block pathway from the shared stairway landing leading to the sand beach;

WHEREAS, the Dominant Estate presently accommodates (1) an encroaching portion of the shared stairway as described herein.

WHEREAS, Grantors and Grantees intend for this Easement Agreement to confer the rights and obligations described herein to the respective Estates;

WHEREAS, for reasonable and just consideration, the adequacy and sufficiency of which is hereby acknowledged;

NOW, THEREFORE, it is hereby agreed between the Grantors and the Grantees (collectively hereafter referred to as the "Parties") as follows:

I. UTILITY EASEMENT

Grantors, subject to the conditions hereafter set forth, do grant, sell and convey unto Grantees, a perpetual, a non-exclusive easement right in the following area of land for the purposes herein described:

See Exhibit A

1. This easement shall be used solely for the installation, maintenance, and repair of utilities to service the Dominant Estate;
2. The parties acknowledge that for many years the existing stairway, and perhaps also the existing wood chute, located on Grantors' property pass across the utility easement area. The Grantor agrees that, with the exception of these mentioned structures, no additional permanent structures or improvements will be placed or constructed in a manner that interferes with the reasonable use of the utility easement granted herein.
3. The Grantees shall notify the Grantors (at least one Grantor or their successor in interest) of all proposed work or activities within the boundaries of the easement. Grantee shall conform to all applicable laws and regulations of any public authority affecting the Servient Estate, and shall correct at its own expense any failure of compliance created through Grantees' fault or by Grantees' use of this easement. Grantees shall defend and hold harmless the Grantors from all claims, suits, or actions of whatever nature arising out of the activities or Grantees or Grantees agents acting within the scope of this easement.
4. Grantees shall, after performing any work on the Servient Parcel pursuant to this easement, restore the Servient Parcel to a condition as it existed before the work was undertaken.

II. STAIRWAY & LANDING TABLE EASEMENT

Grantors, subject to the conditions hereafter set forth, do grant, sell and convey unto Grantees, a perpetual, a non-exclusive easement right in the following area of land for the purposes herein described:

See Exhibit B

1. This easement represents a stairway and landing pad constructed many years ago which have traditionally and historically been used by Grantors, Grantees, and their respective predecessors in interest.
2. The parties shall share equally in the use of the stairway and landing pad features described in this easement. The parties shall similarly share equally in all reasonable maintenance and repair costs associated with the same, excepting those damages and

- repairs necessitated by the clear and identifiable conduct of one party, who shall bear the sole repair cost.
3. Any activities beyond ordinary pedestrian ingress and egress shall require notice to the other party and shall be carried out with reasonable precaution and care.
 4. The parties shall reasonably accommodate entry onto their respective properties, outside of the easement area, for the purpose of maintenance, repair, and/or improvement of the stairway, landing pad, and related fixtures and features.

III. EXCLUSIVE USE EASEMENT

Grantors, subject to the conditions hereafter set forth, do grant, sell and convey unto Grantees, a perpetual and exclusive easement in the following area of land for the purposes herein described:

See Exhibit C.

1. This easement represents and describes an area which has historically been exclusively used and improved by the owners of the Dominant Estate.
2. Grantees shall be permitted to use the exclusive use easement area for all reasonable and lawful residential uses, including the maintenance, repair, and improvement of existing structures and improvements currently located within the exclusive use easement area. However, Grantees shall not be allowed to expand any existing structure currently located within the exclusive use area into the open space portion of the existing use easement area.
3. Grantees shall assume all liability, costs, and expenses associated with the exclusive use of the exclusive use easement.

IV. ENCROACHING STAIRWAY EASEMENT

Grantees, subject to the conditions hereafter set forth, do grant, sell and convey unto Grantors, perpetual, a non-exclusive easement right in the following area of land for the purposes herein described:

See Exhibit D.

1. This easement area represents and describes a slight encroachment of the existing stairway (described generally in *Exhibit B* herein) from Grantors' property onto Grantees' property.
2. The parties hereby incorporate by reference all terms and provisions of the "Stairway & Landing Easement" as set forth herein.

V. PEDESTRIAN BEACH ACCESS EASEMENT

1. The above-described "Stairway & Landing Access" area terminates at a location within the Servient Estate whereupon an existing pathway lined with concrete block commences, establishing an accessway from the Stairway & Landing Access easement to a Concrete Staircase situated outside of the Servient Estate and ultimately onto the Sand Beach.
2. To ensure full and open pedestrian access to the Sand Beach, Grantors, subject to the conditions hereafter set forth, do grant, sell and convey unto Grantees, a perpetual, a non-exclusive easement from the ending of the Stairway & Landing Access easement area, more specifically described in **Exhibit E**.
3. Grantees are further granted perpetual, non-exclusive use of the personal property identified and described herein as the Concrete Stairway, situated entirely outside of Grantors' Parcel. This grant and conveyance is solely intended to express a grant of the mutual use of personal property and is not intended to convey, and does not convey, any interest in the real property upon which the Concrete Stairway is situated., insofar as title to said real property is held by any party other than Grantors.
5. The parties shall share equally in the use of the Pedestrian Beach Access Easement, including the personal property identified herein as the Concrete Staircase. The parties shall similarly share equally in all reasonable maintenance and repair costs associated with the same, excepting those damages and repairs necessitated by the clear and identifiable conduct of one party, whom shall bear the sole repair cost.

VI. GENERAL PROVISIONS

The following provisions shall be applicable to all easements described herein and created by this Document.

1. Any work contracted repair, maintenance, and/or improvement of any personal property situated on any described easement area shall be done in a good and workmanlike manner to cause minimum interference with the non-exclusive use of the easement, where applicable.
2. No party shall permit or suffer any lien to be placed by a third party against the above-described real property of the other party as a result of the use, occupancy, repair, maintenance or improvement of fixtures and improvements located within any of the easement areas.
3. None of the Parties shall conduct any activity or permit any activity or condition to take place on their respective properties which would cause a substantial likelihood that any portion of any of the easement areas created and/or described herein would become damaged.

4. The covenants contained herein touch and concern the above-described parcels of real property and are intended to benefit the real property of the Grantees and Grantors and constitute a servitude upon the Grantees' and Grantors' real property as above described. The Parties intend the effect of such covenants to run into the future and the same shall inure to the benefit of and shall also constitute obligations for the Parties, their heirs, successors, personal representatives and assigns in perpetuity.
5. Failure by any party at any time to require performance by the other party of any provisions hereof shall in no way affect any of the Parties' rights hereunder to enforce the same, nor shall any waiver by that party of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.
6. Should any suit or action be filed to enforce the terms of this Agreement, or for the breach thereof, or for the rescission of the same, the losing party agrees to pay the prevailing party's reasonable attorney fees, costs and disbursements in any such suit, including any such attorney fees, costs or disbursements associated with any appeal therefrom.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 18th day of May, 2022.

GRANTOR

Renee Marineau
Renee Marineau

STATE OF Oregon, County of COOS ss.

On this 18 day of May, 2022, personally appeared before me the above-named Renee Marineau and acknowledged the foregoing instrument to be his/her voluntary act and deed.



Rachel Faye James
Notary Public for Oregon
My commission expires: March 14, 2023

Richard Marineau

Richard Marineau

STATE OF OREGON, County of Multnomah) ss.

On the 16th day of May, 2022, personally appeared before me the above-named Richard Marineau and acknowledged the foregoing instrument to be his/her voluntary act and deed.

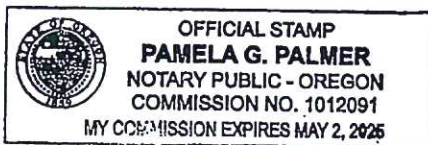


[Signature]
Notary Public for Oregon
My commission expires: January 19th, 2026

Jeffrey Marineau
Jeffrey Marineau

STATE OF OREGON, County of COOS) ss.

On this 24th day of May, 2022, personally appeared before me the above-named Jeffrey Marineau and acknowledged the foregoing instrument to be his/her voluntary act and deed.

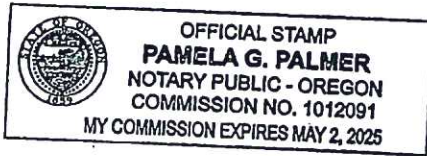


Pamela Palmer
Notary Public for Oregon
My commission expires: 5/2/25

Thomas C. Marineau
Thomas C. Marineau

STATE OF Oregon, County of Coos) ss.

On this 24 day of May, 2022, personally appeared before me the above-named Thomas Marineau and acknowledged the foregoing instrument to be his/her voluntary act and deed.



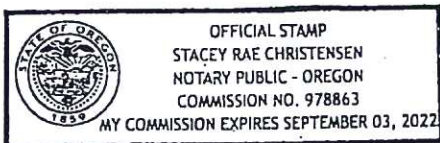
Pamela Palmer
Notary Public for Oregon
My commission expires: 5/2/25

GRANTEES:

Mary E. Barton
Mary E. Barton

STATE OF Oregon, County of Coos) ss.

On this 24 day of May, 2022, personally appeared before me the above-named Mary E. Barton and acknowledged the foregoing instrument to be his/her voluntary act and deed.



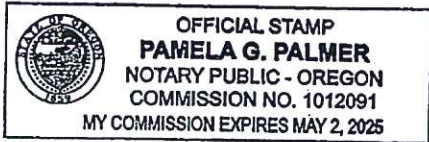
Stacey Rae Christensen
Notary Public for Oregon
My commission expires: 09/03/2022

Kathrine Barton

Kathrine Barton

STATE OF OREGON, County of COOS) ss.

On this 24 day of May, 2022, personally appeared before me the above-named Kathrine Barton and acknowledged the foregoing instrument to be his/her voluntary act and deed.

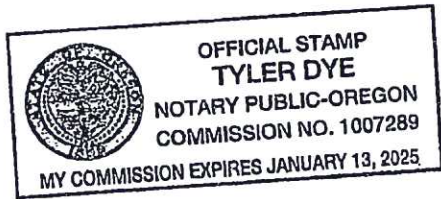


Pamela Palmer
Notary Public for Oregon
My commission expires: 5/2/2025

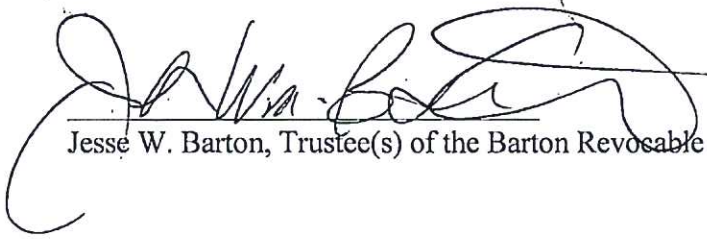
John T. Barton
John T. Barton

STATE OF Oregon, County of Multnomah ss.

On this 13 day of MAY, 2022, personally appeared before me the above-named John T. Barton and acknowledged the foregoing instrument to be his/her voluntary act and deed.



Tyler Dye
Notary Public for Oregon
My commission expires: 01/13/2025




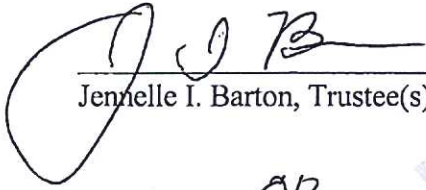
Jesse W. Barton, Trustee(s) of the Barton Revocable Living Trust Dated June 8, 2015

STATE OF OR, County of Polk) ss.

On this 11th day of May, 2022, personally appeared before me the above-named Jesse W. Barton, Trustee and acknowledged the foregoing instrument to be his/her voluntary act and deed.




Notary Public for Oregon
My commission expires: 05-16-2023



Jennelle I. Barton, Trustee(s) of the Barton Revocable Living Trust Dated June 8, 2015

STATE OF OR, County of Polk) ss.

On this 11th day of May, 2022, personally appeared before me the above-named Jennelle I. Barton, Trustee and acknowledged the foregoing instrument to be his/her voluntary act and deed.





Notary Public for Oregon
My commission expires: 05-16-2023

EXHIBIT "A"

BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY SIX (36), TOWNSHIP TWENTY EIGHT (28) SOUTH, RANGE FIFTEEN (15) WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; SAID PARCEL BEING A TWO (2.00) FOOT WIDE UTILITY EASEMENT LOCATED ONE (1.00) FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT BEING LOCATED 13.83 FEET NORTH AND 9.09 FEET WEST OF THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN THAT CERTAIN BARGAIN & SALE DEED RECORDED JULY 01, 2002, BEARING INSTRUMENT # 2002-8663, RECORDS OF COOS COUNTY, OREGON. SAID SOUTHEAST CORNER BEING A ¾" IRON PIPE SET PER CS# 32 B 17, DATED DECEMBER 04, 1986. RECORDS OF COOS COUNTY, OREGON; THENCE, NORTH 90°00'00" WEST A DISTANCE OF 56.41 FEET; THENCE, SOUTH 09°17'51" WEST A DISTANCE OF 11.23 FEET; THENCE, NORTH 87°53'57" WEST A DISTANCE OF 12.36 FEET; THENCE, SOUTH 01°53'52" WEST A DISTANCE OF 3.20 FEET TO A POINT LOCATED ON THE SOUTHERLY BOUNDARY LINE OF THE GRANTOR'S PROPERTY, AND THE **TERMINUS POINT** OF THE DESCRIBED EASEMENT. SAID TERMINUS POINT BEING LOCATED WEST A DISTANCE OF 79.77 FEET FROM THE AFOREMENTIONED SOUTHEAST CORNER.

EXHIBIT "B"

BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY SIX (36), TOWNSHIP TWENTY EIGHT (28) SOUTH, RANGE FIFTEEN (15) WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

BEGINNING AT A POINT BEING LOCATED NORTH 90°00'00" WEST A DISTANCE OF 12.22 FEET FROM THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN THAT CERTAIN BARGAIN & SALE DEED RECORDED JULY 01, 2002, BEARING INSTRUMENT # 2002-8663, RECORDS OF COOS COUNTY, OREGON. SAID SOUTHEAST CORNER BEING A ¾" IRON PIPE SET PER CS# 32 B 17, DATED DECEMBER 04, 1986. RECORDS OF COOS COUNTY, OREGON; THENCE, NORTH 05°13'42" EAST A DISTANCE OF 5.67 FEET; THENCE, NORTH 84°46'16" WEST A DISTANCE OF 4.15 FEET; THENCE, SOUTH 05°13'40" WEST A DISTANCE OF 3.78 FEET; THENCE, NORTH 82°00'40" WEST A DISTANCE OF 58.32 FEET; THENCE, NORTH 08°35'18" EAST A DISTANCE OF 0.59 FEET; THENCE, NORTH 83°06'31" WEST A DISTANCE OF 5.93 FEET; THENCE, SOUTH 06°53'30" WEST A DISTANCE OF 8.69 FEET; THENCE, SOUTH 87°54'23" EAST A DISTANCE OF 5.71 FEET; THENCE, NORTH 08°35'38" EAST A DISTANCE OF 3.76 FEET; THENCE, SOUTH 82°00'41" EAST A DISTANCE OF 47.10 FEET TO A POINT LOCATED ON THE SOUTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE, NORTH 90°00'00" EAST A DISTANCE OF 15.65 FEET TO THE **POINT OF BEGINNING**. CONTAINING 290 SQUARE FEET

EXHIBIT "C"

BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY SIX (36), TOWNSHIP TWENTY EIGHT (28) SOUTH, RANGE FIFTEEN (15) WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

BEGINNING AT A POINT BEING LOCATED NORTH 90°00'00" WEST A DISTANCE OF 27.87 FEET FROM THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN THAT CERTAIN BARGAIN & SALE DEED RECORDED JULY 01, 2002, BEARING INSTRUMENT # 2002-8663, RECORDS OF COOS COUNTY, OREGON. SAID SOUTHEAST CORNER BEING A ¾" IRON PIPE SET PER CS# 32 B 17, DATED DECEMBER 04, 1986. RECORDS OF COOS COUNTY, OREGON; THENCE, ALONG THE GRANTOR'S SOUTHERLY PROPERTY LINE, NORTH 90°00'00" WEST A DISTANCE OF 84.67 FEET; THENCE, NORTH 10°27'00" EAST A DISTANCE OF 9.26 FEET; THENCE, SOUTH 87°54'26" EAST A DISTANCE OF 30.70 FEET; THENCE, SOUTH 06°53'29" WEST A DISTANCE OF 4.99 FEET; THENCE, SOUTH 87°54'23" EAST A DISTANCE OF 5.71 FEET; THENCE, NORTH 08°35'38" EAST A DISTANCE OF 3.76 FEET; THENCE, SOUTH 82°00'41" EAST A DISTANCE OF 47.10 FEET TO A POINT LOCATED ON THE GRANTOR'S SOUTHERLY PROPERTY LINE AND THE **POINT OF BEGINNING**.

CONTAINING 439 SQUARE FEET

EXHIBIT "D"

BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY SIX (36), TOWNSHIP TWENTY EIGHT (28) SOUTH, RANGE FIFTEEN (15) WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

BEGINNING AT A POINT BEING LOCATED NORTH 90°00'00" WEST A DISTANCE OF 12.22 FEET FROM THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN THAT CERTAIN BARGAIN & SALE DEED RECORDED JULY 01, 2002, BEARING INSTRUMENT # 2002-8663, RECORDS OF COOS COUNTY, OREGON. SAID SOUTHEAST CORNER BEING A ¾" IRON PIPE SET PER CS# 32 B 17, DATED DECEMBER 04, 1986. RECORDS OF COOS COUNTY, OREGON; THENCE, SOUTH 05°13'40" WEST A DISTANCE OF 2.18 FEET; THENCE, NORTH 82°00'40" WEST A DISTANCE OF 15.60 FEET; THENCE, NORTH 90°00'00" EAST A DISTANCE OF 15.65 FEET TO THE **POINT OF BEGINNING**.
CONTAINING 17 SQUARE FEET

EXHIBIT "E"

BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY SIX (36), TOWNSHIP TWENTY EIGHT (28) SOUTH, RANGE FIFTEEN (15) WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON. SAID PARCEL BEING A FOUR (4.00) FOOT WIDE PEDESTRIAN EASEMENT LOCATED TWO (2.00) FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT BEING LOCATED NORTH 90°00'00" WEST A DISTANCE OF 79.90 FEET AND NORTH A DISTANCE OF 10.36 FEET FROM THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN THAT CERTAIN BARGAIN & SALE DEED RECORDED JULY 01, 2002, BEARING INSTRUMENT # 2002-8663, RECORDS OF COOS COUNTY, OREGON. SAID SOUTHEAST CORNER BEING A ¾" IRON PIPE SET PER CS# 32 B 17, DATED DECEMBER 04, 1986. RECORDS OF COOS COUNTY, OREGON; THENCE, NORTH 77°17'18" WEST A DISTANCE OF 18.09 FEET; THENCE, NORTH 85°08'27" WEST A DISTANCE OF 12.34 FEET; THENCE, SOUTH 87°23'01" WEST A DISTANCE OF 15.59 FEET; THENCE, NORTH 77°36'39" WEST A DISTANCE OF 0.87 FEET TO THE **TEMINUS POINT**.

Attachment D

From: Renee Marineau rreneenmm@hotmail.com
Subject: Sign your part and send back to me.
Date: April 7, 2023 at 2:33 PM
To: Rich Marineau nyyankees79@a.com, Jeffrey Marineau jeffrey@marineau.net, Craig Marineau cmzineau@charter.net

April 7, 2023

I, Renee Marineau, own 1650 Beach Loop Road along with my brothers, [names]. We have been informed that our neighbors, Curtis Bridgeman and Beth King, owners of 1660 Beach Loop Road, are applying for permission to make 1660 eligible for short-term vacation rentals. Such status potentially affects us more than other neighbors because our houses are close together, and because the two properties share stairway access from the street and from the houses to the beach. Nevertheless, we do not object to their using their property for vacation rentals, nor to their tenants using the shared stairway or beach access.

Sincerely,

Renee Marineau



Richard Marineau



Jeffrey Marineau

T. Craig Marineau





Curtis Bridgeman <cbridgem@willamette.edu>

Signature of Jeff

2 messages

Renee Marineau <reeneenmnm@hotmail.com>
To: Curtis Bridgeman <cbridgem@willamette.edu>

Sat, Apr 8, 2023 at 8:33 PM

April 7, 2023

I, Renee Marineau, own 1650 Beach Loop Road along with my brothers, [names]. We have been informed that our neighbors, Curtis Bridgeman and Beth King, owners of 1660 Beach Loop Road, are applying for permission to make 1660 eligible for short-term vacation rentals. Such status potentially affects us more than other neighbors because our houses are close together, and because the two properties share stairway access from the street and from the houses to the beach. Nevertheless, we do not object to their using their property for vacation rentals, nor to their tenants using the shared stairway or beach access.

Sincerely,

Renee Marineau

Richard Marineau

A handwritten signature in cursive script, appearing to read 'Richard Marineau'.

Jeffrey Marineau

T. Craig Marineau



NOTICE OF PUBLIC HEARING CITY OF BANDON PLANNING COMMISSION

Notice is hereby given that a Public Hearing has been set before the Planning Commission of the City of Bandon, regarding application #22-109, for a request of a Conditional Use Permit to operate a vacation rental on a property zoned CD-1 in the City of Bandon, located at 1660 Beach Loop Dr. You have received this notice because your property is located within 250 feet of the subject property.

Property Owner:	Curtis Bridgeman
Applicant(s):	Curtis Bridgeman
Applicant's Representative:	
Application Number:	22-109
Property Location:	1660 Beach Loop Drive (28S-15W-36BB / TL 4500)
Meeting Date:	Thursday, May 25, 2023 at 7:00 PM
Proposal:	Approval of a conditional use permit to operate a Vacation Rental located in the CD-1 zone at 1660 Beach Loop Dr.
Applicable Criteria List: (Bandon Municipal Code)	16.04 Administration and Enforcement 16.12, Conditional Uses 17.20, Controlled Development 1 (CD-1)

The hearing has been set for **Thursday, May 25th, 2023 at 7:00 p.m.** and will be conducted in-person and through Zoom.

The meeting can be accessed by using the following credentials:

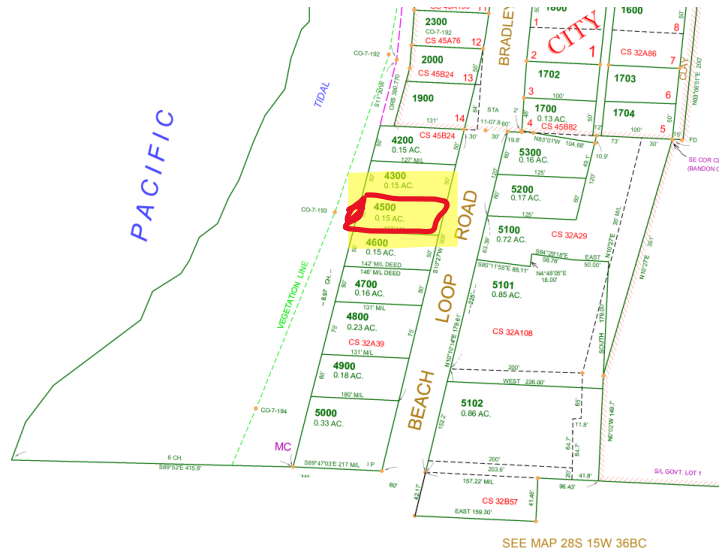
Meeting Link: <https://us02web.zoom.us/j/2157059460>

Meeting ID: 215 705 9460

The meeting link, as well as application materials and supporting documents, can be viewed on the Planning Department's webpage, through www.cityofbandon.org.

Time will be allowed for your verbal testimony at the hearing. It is recommended that testimony also be presented in written form. Testimony may be submitted in person, by mail, or may be electronically submitted to planning@cityofbandon.org. Please note the deadlines below for submitting testimony:

- **3:00 pm, May 17, 2023: Deadline for inclusion of testimony in meeting packet.**
- **3:00 pm, May 25, 2023: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 3:00 pm on May 25, 2023: Testimony must be presented verbally at the public hearing.**



The ordinance criteria applicable to this application is available to review in the Bandon Municipal Code, which can be found online in the Bandon Municipal Code at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria will be available for review on the City's website www.cityofbandon.org, and will be provided at cost, if requested. A copy of the Staff Report will be available for inspection ten days prior to the hearing and will be provided at cost, if requested. All materials are available online and at the Bandon Planning Department, 555 Hwy 101, and Bandon, Oregon 97411. During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria.

If you have questions concerning this request, please contact the Planning Department at Planning@cityofbandon.org or (541) 347-7922.