



# COOS COUNTY CONDITIONAL USE LAND USE APPLCIATION

*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](mailto: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: 10/05/22 Receipt #: 235524 Amount: 1876.00 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)

Mailing address:

Phone:

Email:

Township:      Range:      Section:    ¼ Section:    1/16 Section:    Tax lots:

Tax Account Number(s):  
Tax Account Number(s)

Zone: Select Zone

### B. Special Districts and Services

Water

Sewage Disposal

School

Fire District

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

Administrative Conditional Use for

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).


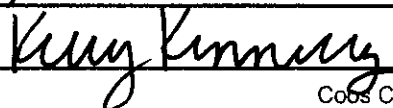
II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- 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**

  
\_\_\_\_\_  
  
\_\_\_\_\_

**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: \_\_\_\_\_

Type of Access: \_\_\_\_\_ Name of Access: \_\_\_\_\_

Is this property in the Urban Growth Boundary? \_\_\_\_\_

Is a new road created as part of this request? \_\_\_\_\_

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.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. 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.

City of Bandon Municipal Water

Water Service Type:

Sewage Disposal Type: Choose a Type.

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? 2 Bedrooms = 4 person occupancy and no employees
- 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, the proposal is for a short term rental with overnight stays
- What will be the hours of operation of the business? N/A

Please check  if the request is for a land division.

**Coos County Environmental Health Use Only:**

Staff Reviewing Application: \_\_\_\_\_

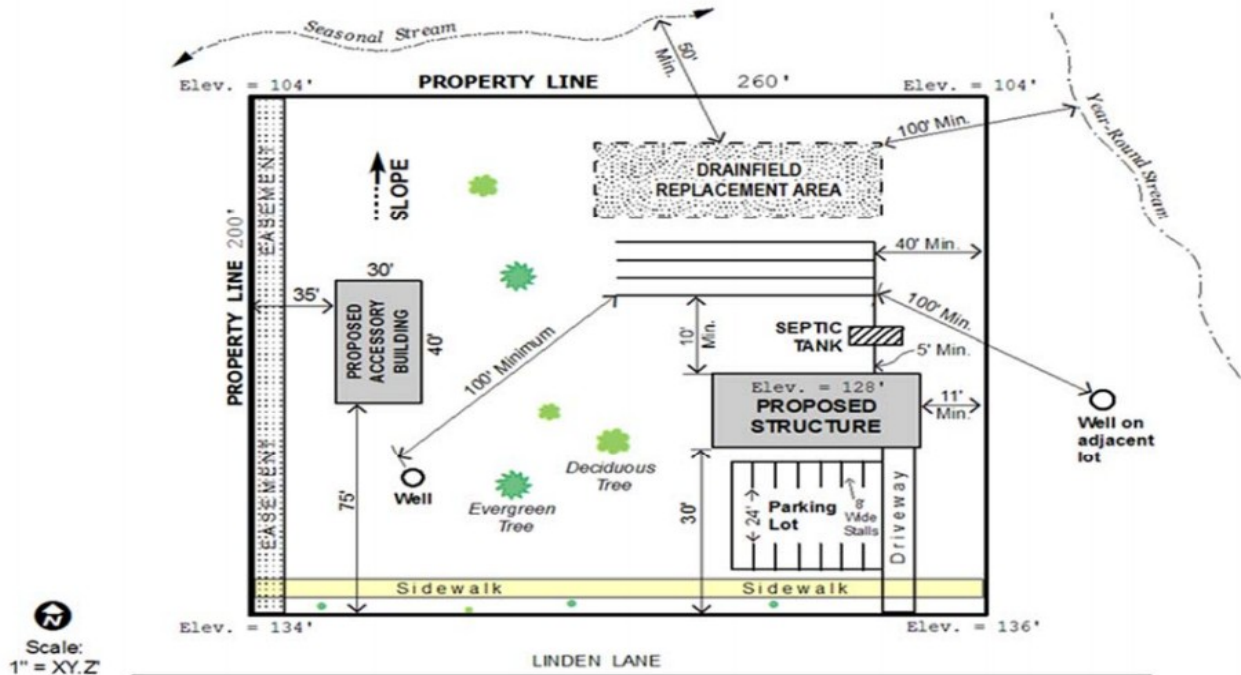
Staff Signature: \_\_\_\_\_

- 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 Health Division to make an appointment.

Additional Comments:

Plot Plan  
The grid for the plot plan is found on the next page

**SAMPLE PLOT PLAN**



**ITEMS THAT MUST BE ON THE PLOT PLAN:**

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

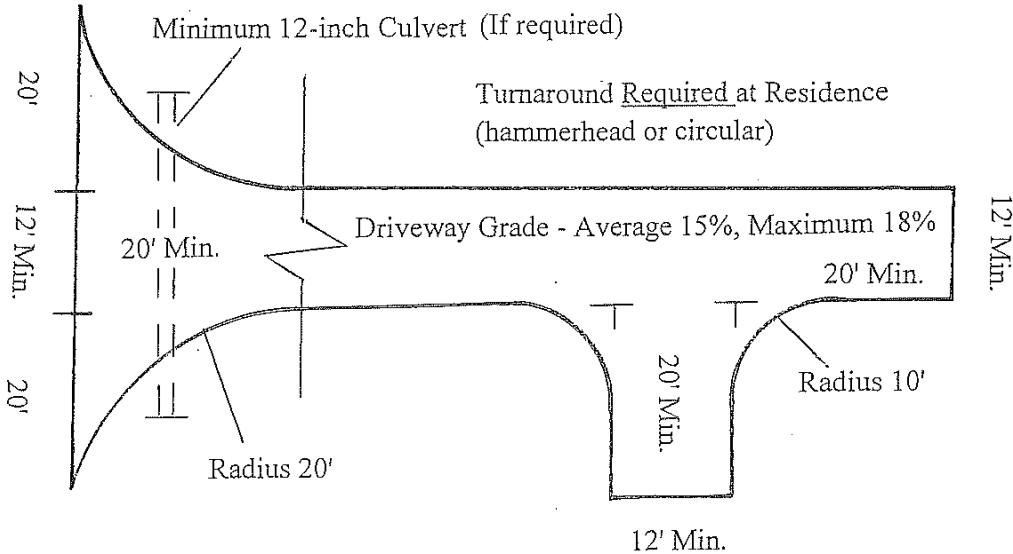
**ADDITIONAL DRIVEWAY, ROAD, PARKING STANDARDS**  
**DRIVEWAY STANDARDS DRAWING – SINGLE RESIDENCE**

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100' both directions
- Speed greater than 35mph – 150' both directions

All Weather Surface – minimum 4 – inches aggregate base or as required by Roadmaster.

Figure 7.1.425



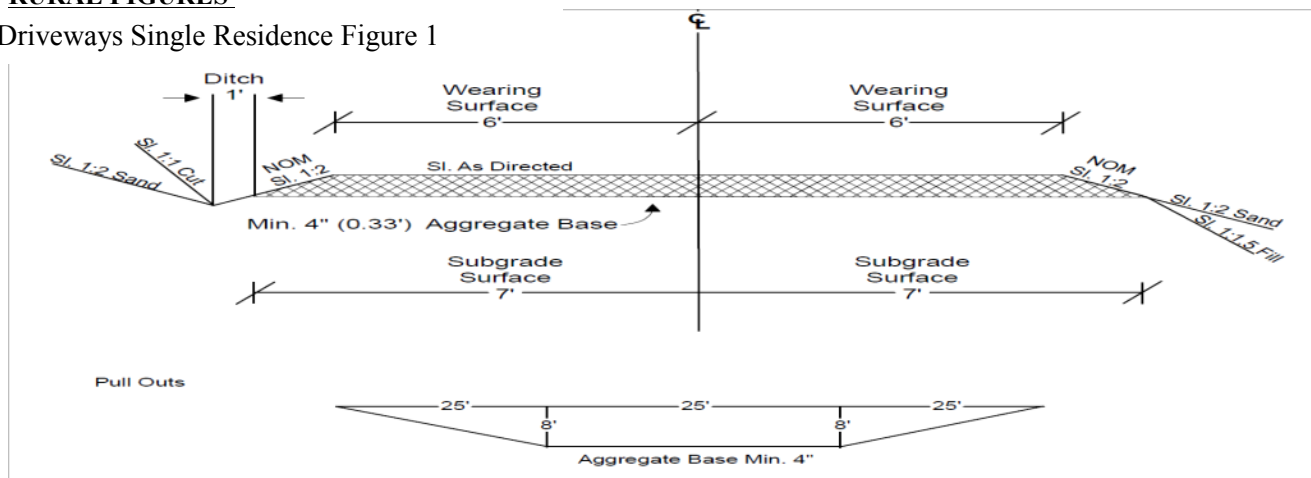
Construct appropriate ditches to prevent water runoff from discharging from the land onto a public road under county jurisdiction. Pursuant to ORS 368.256 the creation of a road hazard prohibited.

If driveway is over 1,000 ft., a pullout is required every 600 ft.

If a driveway cannot meet the maximum 18% grade then a legal agreement may be signed and recorded at the County Clerk's office releasing the County from any liability from such driveway development. This document must be referenced on the property deed to allow future purchasers know that the driveway does meet standard. A sign shall be placed at the bottom of the driveway to warn any users of the driveway that it is not built to standard. Proof must be filed with the Planning and Road Department that the documents have been filed and a sign has been placed. The form located on the following page must be completed, signed and recorded prior to any land use authorizations.

**RURAL FIGURES**

Driveways Single Residence Figure 1



FORESTRY, MINING OR AGRICULTURAL ACCESS:

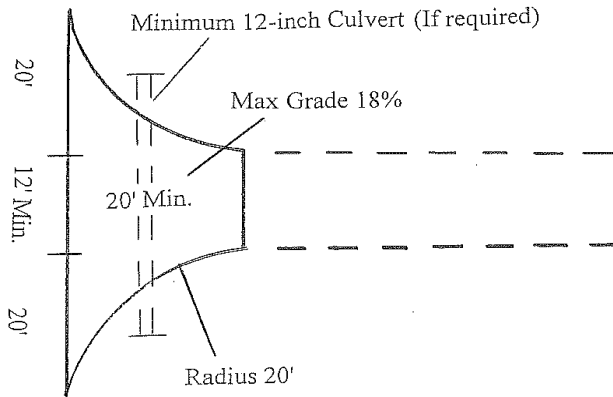
A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

**Forestry, Mining or Agricultural Access Standard drawing**  
Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100’ both directions
- Speed greater than 35 mph – 150’ both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster  
The access will be developed from the edge of the developed road.

Figure 7.1.450

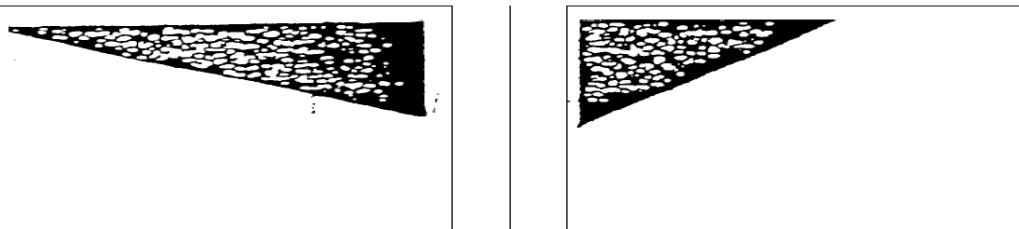
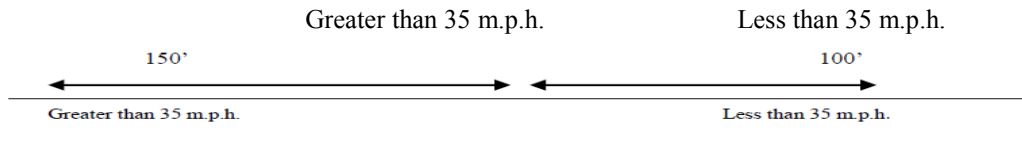


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

**VISION CLEARANCE TRIANGLE:**

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



PARKING STANDARDS

| USE   | STANDARD  |
|---|---|
| Retail store and general commercial except as provided in subsection b. of this section.      | 1 space per 200 square feet of floor area, plus<br>1 space per employee.<br>1 Bicycle space   |
| Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.) | 1 space per 600 square feet of floor area, plus<br>1 space per employee.<br>1 Bicycle space   |
| Bank, general office, (except medical and dental).  | 1 space per 600 square feet of floor area, plus<br>1 space per employee.<br>1 Bicycle space   |
| Medical or dental clinic or office.   | 1 ½ space per examination room plus<br>1 space per employee.<br>1 Bicycle space   |
| Eating or drinking establishment.   | 1 space per 200 square feet of floor area, plus 1 space for every 4 seats.<br>1 Bicycle space   |
| Bowling Alley   | 5 spaces per alley plus<br>1 space per 2 employees.<br>1 Bicycle space  |
| Dance hall, skating rink, lodge hall.   | 1 space per 100 square feet of floor area plus 1 space per 2 employees.<br>1 Bicycle space  |
| Stadium, arena, theater, race track   | 1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided.<br>1 Bicycle space  |
| Storage warehouse, manufacturing establishment, or trucking freight terminal                  | 1 space per employee.<br>1 Bicycle space  |
| Wholesale establishment.  | 1 space per employee plus<br>1 space per 700 square feet of patron serving area.<br>1 Bicycle space   |
| Welfare or correctional institution   | 1 space per 5 beds for patients or inmates, plus 1 space per employee.<br>1 Bicycle space   |
| Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.                | 1 space per 5 beds for patients or residents, plus 1 space per employee.<br>1 Bicycle space   |
| Church, mortuary, sports arena, theater.  | 1 space for 4 seats or every 8 feet of bench length in the main auditorium.<br>1 Bicycle space  |
| Library, reading room.  | 1 space per 400 square feet of floor area plus<br>1 space per employee.<br>1 Bicycle space  |
| Preschool nursery, kindergarten.  | 2 spaces per teacher; plus off-street loading and unloading facility.<br>1 Bicycle space per 20 students  |
| Elementary or junior high school.   | 1 space per classroom plus<br>1 space per administrative employee or<br>1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater.<br>1 Bicycle space per 10 students                 |
| High school   | 1 space per classroom plus<br>1 space per administrative employee plus<br>1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater.<br>1 Bicycle space per 20 students |



|  |   |
|--|---|
| Other auditorium, meeting room.          | 1 space per 4 seats or every 8 feet of bench length.<br>1 Bicycle space                       |
| Single-family dwelling.                  | 2 spaces per dwelling unit.   |
| Two-family or multi- family dwellings.   | 1 ½ spaces per dwelling unit.<br>1 bicycle space per unit for buildings with 4 or more units. |
| Motel, hotel, rooming or boarding house. | 1 space per guest accommodation plus<br>1 space per employee.                                 |
| Mobile home or RV park.                  | 1 ½ spaces per mobile home or RV site.  |

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

| Minimum Horizontal Parking Widths for Standard Automobiles |                  |        |        |        |        |
|--|------------------|--------|--------|--------|--------|
|  | One-way Parallel | 30 deg | 45 deg | 60 deg | 90 deg |
| <b>Figures</b>   | A                | B      | C      | D      | E      |
| <b>Single row of Parking</b>                               |                  |        |        |        |        |
| Parking Aisle  | 9'               | 20'    | 22'    | 23'    | 20'    |
| Driving Aisle  | 12'              | 16'    | 17'    | 20'    | 24'    |
| Minimum width of module (row and aisle)                    | 21'              | 36'    | 39'    | 43'    | 44'    |
| <b>Figures #'s</b>   |                  |        |        |        |        |
|  | F                | G      | H      | I      | J      |
| <b>Two Rows of Parking</b>                                 |                  |        |        |        |        |
| Parking Aisle  | 18'              | 40'    | 44'    | 46'    | 40'    |
| Driving Aisle  | 12'              | 16'    | 17'    | 20'    | 24'    |
| Minimum width of module (row and aisle)                    | 30'              | 56'    | 61'    | 66'    | 64'    |

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

**Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.**

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

CONSENT FOR REPRESENTATION

I, Scott and/or Kelly Kennelly of 9761 Lott Road, Durham, CA 95938 give permission to Coos Curry Consulting Group to represent me on all design, permit and consulting matters concerning the property located on Coos County Tax Assessor's Map 29-15-01CC TL 4400. The tax account for this property is 2948000.

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: October 1, 2022

COOS CURRY CONSULTING

  
By: SHERI MCGRATH

CLIENT

  
By: SCOTT AND/OR KELLY KENNELLY

October 5, 2022  
VACATION RENTAL DWELLING  
87158 Jupiter Lane  
Bandon, OR 97411  
29-15-01CC TL 4400  
Tax Account 2948000

PROPERTY OWNER  
Scott and Kelly Kennelly  
9761 Lott Road  
Durham, CA 95938

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

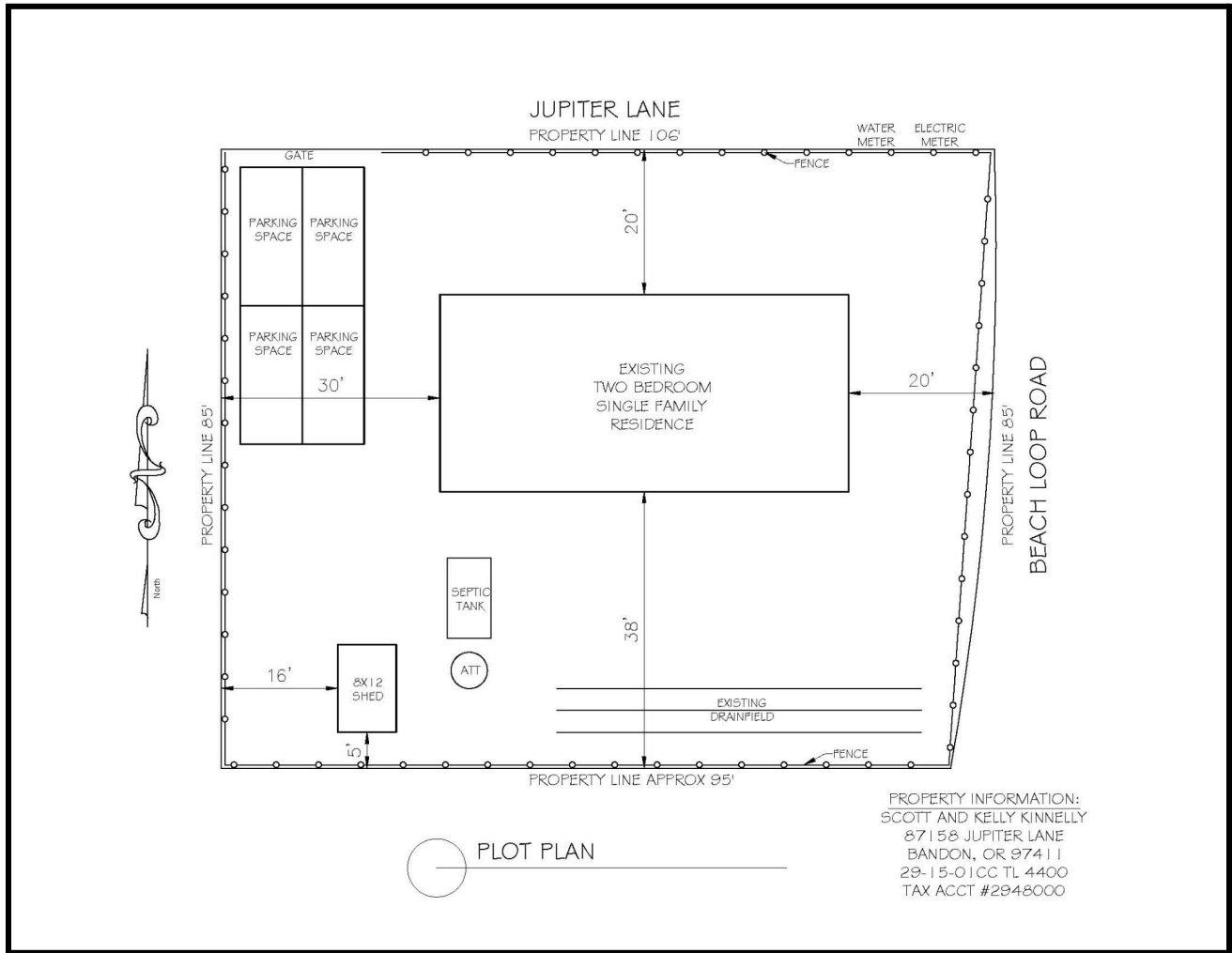
#### PROJECT NARRATIVE

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 4400 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 .21 acres in size, and the situs address is 87158 Jupiter Lane.

Existing development includes a septic system, small accessory structure and a two bedroom manufactured home. 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 a variety of Cypress Trees, low lying grasses and planted native herbs such as Sage and Lavender. 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 and recreational location.

The property owner is requesting clearance to operate their two bedroom home as a furnished vacation rental dwelling. The maximum number of vehicles that can park on site is 4, and we anticipate no more than 2 on average.

The property manager will be located in Bandon and is operating as Exclusive Property Management, LLC. They have 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 be provided when the house is vacant, so a dedicated parking space is not needed although provided.



**EXISTING PLOT PLAN**

**GENERAL SCOPE OF PROPOSAL**

Number of Occupants at One Time: 4-6

Number of Parking Spaces: 4 total are provided; 2 for rental, 1 for employee and 1 for overflow parking.

Large Gatherings: Gatherings will not be allowed.

Property Manager Details: The property manager is Exclusive Property Management, LLC.

Security: There is a gate at the driveway.

Landscaping/Screening: There is a fence around the perimeter of the property and the south side has a cluster of large Cypress Trees. These provide screening and privacy both to the rental property and the surrounding property owners.

Cleaning Services: Cleaning and maintenance 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. There are several within the subdivision, and at least six known rentals within walking distance to the subject property.



**VACATION RENTALS WITHIN CLOSE PROXIMITY**

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 existing dwelling is a two bedroom manufactured 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.**

Evidence is defined as, "Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent 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 can be met and upheld. Evidence includes information about the Sunset City area of Bandon, a parking and plot plan, proof of an onsite septic system and other information deemed relevant for this review.**



**DEQ**  
State of Oregon  
Department of  
Environmental  
Quality

**Certificate of Satisfactory Completion**  
**Repair (Major) - Residential - New**  
246-21-000378-PRMT-01

DEQ Coos Bay Office  
381 North 2nd Street  
Coos Bay, OR 97420  
541-269-2721  
Fax: 541-269-7984  
OnsiteCoosBay@deq.state.or.us  
Website: oregon.gov/deq

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Date Certificate Issued: 10/11/2021  
Work Description: Septic Repair

**Applicant:** Ernie Coccia  
**Address:** 968 s Comstock  
Sutherlin OR 97479  
**Phone:** 5417845567  
**Email:** ercoccia@hotmail.com

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**Owner:** THEODORE & MISTEE KOCH  
**Address:** 2618 ANDERSON CREEK RD  
TALENT OR 97540-7727  
**Property Address:** 87158 Jupiter Ln, Bandon, OR 97411

**Parcel:** 29S15W01CC4400 - Primary      **Township:** 29S    **Range:** 15W      **Section:** 1

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**Lot Size:** N/A      **Water Supply:** N/A  
**Zoning:** N/A      **City/County/UGB:** N/A  
**Land Use Approval:** N/A

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**Category of Construction:** N/A

|                            | Existing | Proposed |
|----------------------------|----------|----------|
| <b>Number of Bedrooms:</b> | 2        | 2        |

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**System Specifications**

|  |   |
|--|---|
| <b>Type:</b> Alternative Treatment Technology (ATTs)                   | <b>ATT Description:</b> AS600+4NR+UV    |
| <b>Max Peak Design Flow:</b> 300 gpd.                                  | <b>Proposed Flow:</b> 300 gpd.          |
| <b>Min Septic Tank Volume:</b> 1000 gal.                               | <b>Min Dosing Tank Volume:</b> 500 gal. |
| <b>Special Tank Requirements:</b> Anti-Buoyancy Measures are Required. |   |

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**Drain Field Specifications**

|   |   |
|---|---|
| <b>Drain Field Type:</b> Gravelless     | <b>System Distribution Type:</b> Equal                  |
| <b>Drainfield Sizing:</b> 50 linear ft. | <b>Distribution Method:</b> Gravelless Half Pipe        |
| <b>Media Type:</b> EZ-Flow 1001P-Geo    | <b>Media Depth:</b> 10 in.                              |
| <b>Trench Length:</b> 150 linear ft.    | <b>Rock Above Pipe:</b> N/A                             |
| <b>Max Depth:</b> 12 in.                | <b>Undisturbed Soil Between Trenches:</b> 2 ft.         |
| <b>Min Depth:</b> 12 in.                | <b>Capping Fills-Min Depth of Fill Material:</b> 10 in. |

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**Special Requirements**

|   |  |
|---|--|
| <b>Groundwater Type:</b> Temporary  | <b>Groundwater Depth:</b> 9 in.                |
| <b>Pump to Drainfield Required:</b> Yes   | <b>Filter Fabric on Top of Drain Media:</b> No |
| <b>Other Special Requirements:</b> See Conditions of Approval and Approved Construction Plan! |  |

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10/11/21:12:42:51PM

ONS\_OnsiteCSC\_pr

**PROOF OF AN ON SITE SEPTIC SYSTEM**

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 existing dwelling contains two bedrooms and is fully furnished and self contained. The goal is to rent the space for 30 days or less once approval is granted.**

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: The existing dwelling has the potential to boost our local economy by renting to tourists and golfers. The location of the home is outstanding in regard to 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. Additionally, the demand for rentals in Bandon is high. The proposed use provides much needed accommodations without the intensive development that a motel/hotel provides.**

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 property is located on Beach Loop Road within the Bandon, Oregon zip code. This section of Bandon is a popular recreational destination for beach combers, picnickers, horse lovers and golfers. There are several vacation rentals listed or locally advertised in this area, and the proposed use is considered compatible with the surrounding uses.

**As part of a Nuisance Plan,** occupants will be informed that objectionable traffic, noise, smoke, and litter will not be permitted, and would subject them to immediate eviction. The local manager lives in Bandon, and their contact information will be on file with the planning department and police department as needed or required by the conditions of approval for this permit application. They manage the neighboring rentals and are in the area on a daily 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.

| 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:** The proposed use will be 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.



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

**Applicant's Response: The existing driveway is required to be inspected by the Coos County Road Department and will continue to conform with Chapter 7. Parking at the house consists of 4 parking spaces. The parking area is graveled and easily accessed from Jupiter Lane.**

- 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. Future owners will be notified of this condition by both the selling agent for the property and then 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.

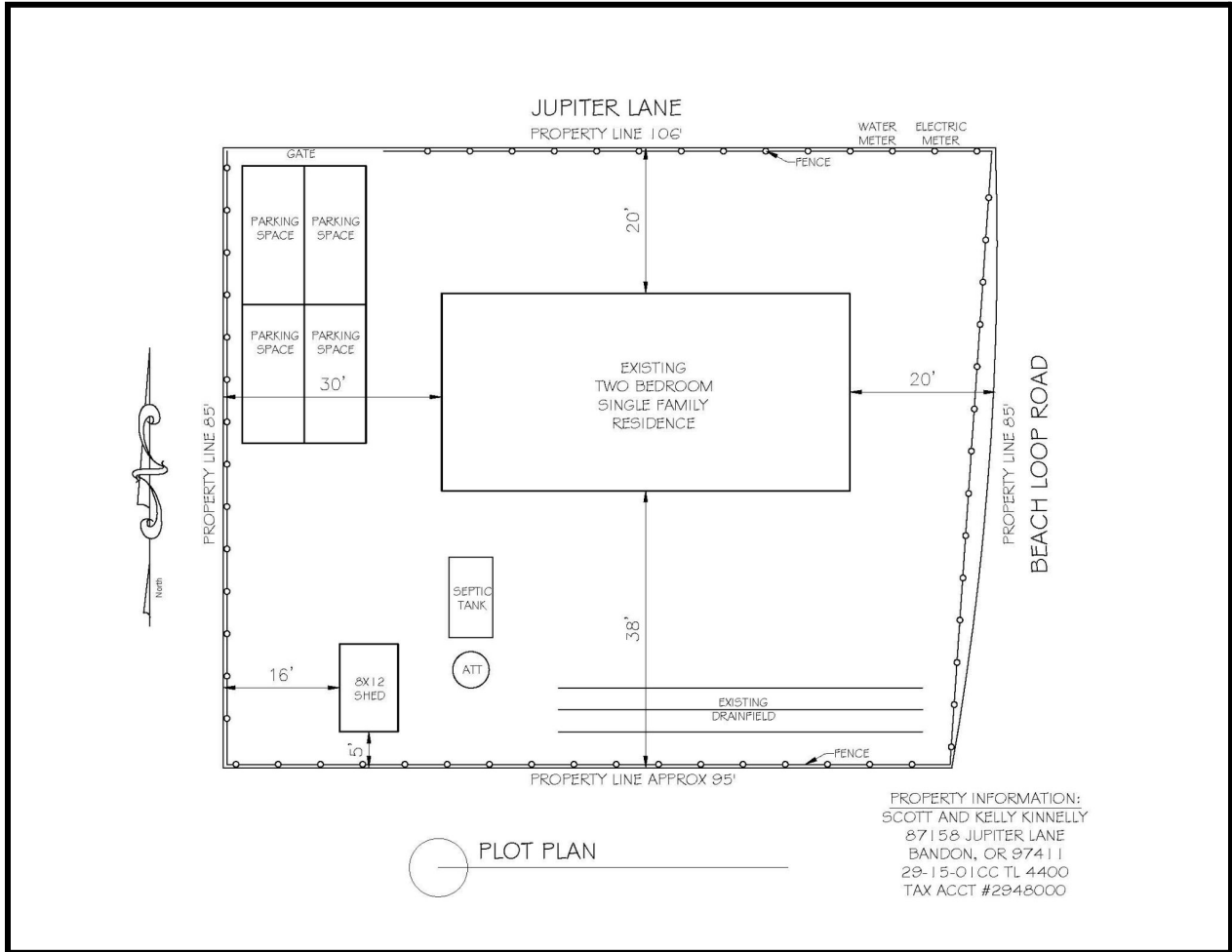
**Applicant's Response: A deed restriction will be filed with the county clerk's office to ensure that future owners are aware of the condition to submit a Compliance Determination application with the county to transfer ownership of the conditional use to their name and gain clearance to update their license with Coos Health and Wellness.**

- 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 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.**

- 7.5.175 Parking, driveway and access shall comply with Section 7.

**Applicant's Response: The driveway and access are required to be inspected by the Coos County Road Department for the Vacation Rental Use. Currently, there are 4 parking spaces in the driveway. This exceeds the criteria for 1 parking space per one rental bedroom and 1 parking space per employee.**



PROPERTY INFORMATION:  
 SCOTT AND KELLY KINNELLY  
 87158 JUPITER LANE  
 BANDON, OR 97411  
 29-15-01CC TL 4400  
 TAX ACCT #2948000

PLOT PLAN

**PARKING PLAN**

**RECORDING REQUESTED BY:**



2365 NW Kline Street, Suite 201  
Roseburg, OR 97471

Coos County, Oregon **2022-08909**  
**\$101.00 Pgs=4 09/29/2022 01:54 PM**  
eRecorded by: TICOR TITLE COOS BAY  
Diris D. Murphy, Coos County Clerk

**AFTER RECORDING RETURN TO:**

**Order No.:** WT0243373-MB  
Marquita Brown  
Western Title & Escrow Company  
2365 NW Kline Street, Suite 201  
Roseburg, OR 97471

**SEND TAX STATEMENTS TO:**

Scott Kennelly and Kelly Kennelly  
9761 Lott Rd  
Durham, CA 95938

87158 Jupiter Ln, Bandon, OR 97411

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Theodore Koch and Mistee Koch, as tenants by the entirety, Grantor, conveys and warrants to Scott Kennelly and Kelly Kennelly, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (**\$485,000.00**). (See ORS 93.030).

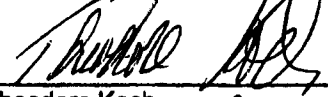
**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

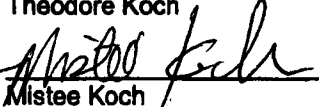
**STATUTORY WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.


Dated: 9-27-2022

  
Theodore Koch

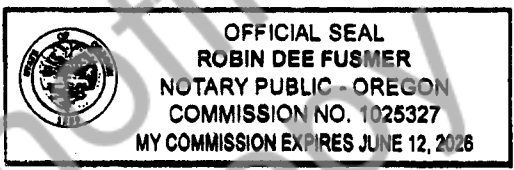
  
Mistee Koch

State of Oregon  
County of Jackson

This instrument was acknowledged before me on 9-27-2022 by Theodore Koch and Mistee Koch.

  
Notary Public - State of Oregon

My Commission Expires: 10-12-2022



**EXHIBIT "A"**  
Legal Description

Lots 1 through 3, inclusive, Block 30, Sunset City, Coos County, Oregon. Together with that portion of vacated Jupiter Street, which was vacated by Vacation recorded April 29, 1952 in Book 217, Page 551, Records of Coos County, Oregon, which would inure thereto by reason of the vacation thereof. Also together with that portion of vacated alley fronting and abutting thereon, which was vacated by Vacation recorded July 23, 2014 in instrument no. 2014-05735, Records of Coos County, Oregon, which would inure thereto by reason of the vacation thereof.

SAVE AND EXCEPT any portion lying or being within the public roadway.

Unofficial  
Copy

## EXHIBIT "B"

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2022-2023.
2. Any irregularities, reservations or other matters in the proceedings occasioning the abandonment or vacation of the streets, roads and/or alleys.
3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 23, 2011

Recording No: 2011-10195

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: January 23, 2019

Recording No: 2019-00587

4. Easement, Covenant and Servitude and rights incidental thereto as set forth in a document:

Entitled: Easement, Covenant and Servitude

In favor of: State of Oregon, by and through the Department of Environmental Quality

Recording Date: January 23, 2019

Recording No: 2019-00587

Said Easement replaces Easement recorded December 23, 2011 as instrument no. 2011-10195

5. Service and Annexation Agreement Waiver of Remonstrance, including the terms and provisions thereof,

Recording Date: February 26, 2021

Recording No.: 2021-02305

6. Order, including the terms and provisions thereof,

Recording Date: February 1, 2022

Recording No.: 2022-01004

7. A manufactured home situated on the subject land is classified as real property, as disclosed by document:

Recording Date: June 21, 2022

Recording No: 2022-05715